

VILLAGE OF SHERMAN

MINUTES OF THE REGULAR MEETING OF THE BOARD, & MEETING OF THE MUNICIPAL ZONING BOARD

Wednesday, August 14, 2024, at 6:00pm

Mayor Meeder opened the meeting with the Pledge of Allegiance at 6:11pm. Board members Colleen Meeder, Gary Emory, Ryan Sanders, Dennis Watson, and Danielle Crane; Chief Operator Jay Irwin; Clerk-Treasurer Jeanette Ramm; Resident Carol Chase and her son, Lane Chase; and the press were in attendance.

RES 2024-08-14.1: MINUTES

Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held Wednesday, July 10, 2024, and the Special Meeting held on Tuesday, July 23rd, at 6:45am.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

Motion to suspend the regular meeting and enter into the meeting of the Municipal Zoning Board.

Moved by Trustee Watson Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING:

With regards to the Enforcement of Laws, we have had continuous complaints amongst the same few people that the Code Enforcement Officer is not doing his job because a neighboring property is not up to someone's individual standards. The laws are clear and very strict in protecting the rights of the property owner, therefore unless there is a violation of 'the law' that is explicitly defined, the Code Officer has no authority to randomly enforce, implore or pressure a property owner. At minimum, that would be harassment.

We do not live in a homeowner's association that dictates the color of paint, the type or condition of siding etc., or the number of registered vehicles on a property.

Regarding zoning updates, all committees, boards, and stakeholders have expressed they have no intention of writing the zoning code in a restrictive manner that would resemble a homeowner's association.

RES 2024-08-14.2: SPECIAL USE PERMIT – MILLER – ACCESSORY STRUCTURE

Motion to approve the special use permit requested by Andrew Miller of 109 Prospect Street, for the 10'x16' storage accessory structure, under LL 1-2009, Sec 640.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

A private property owner situated on the Chautauqua Rails-to-Trails, experiencing challenges with non-compliant use of the trail and trespassing, leading to damage in the rear of their property, has requested a special use permit to install signs.

RES 2024-08-14.3: SPECIAL USE PERMIT – KING – SIGNS ON TRAIL

Motion to approve the request from Jerald King, located at 168 East Main Street, to install no trespassing signs along the trail.

Moved by Trustee Crane Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

Temporary Special Use Permit requested for use not included in those allowed by Section 403 Highway Commercial District C2. Since storing millings it is not specifically stated in the law, there is nothing for this board to take action on, unless we enforce penalty for action taken without having a permit in place.

RES 2024-08-14.4: TEMPORARY SPECIAL USE PERMIT – MEREDITH – RTE 76

Motion to refer the request for the temporary special use permit to the Planning Board for review prior to scheduling the application to be heard before the Zoning Board of Appeals, for Micah Meredith to store millings (area of 130x220ft) at the corner lot on Rt 76, near I-86, SBL 328.15-1-3 (4,5,6, & 7.2) in commercial zone C2.

Moved by Trustee Crane Seconded by Trustee Emory

Ayes: 5 Nays: 0 Carried

Motion to close the Municipal Zoning Board Meeting and resume the regular meeting of the Board of Trustees.

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 5 Nays: 0 Carried

REGULAR BOARD MEETING:

DEPARTMENTAL REPORTS FROM CHIEF OPERATOR

SEWER

- Installation of the manhole inserts is underway.

WATER

- A few new water meters were installed.

STORMWATER

- There is a broken DI (drain inlet) on the corner of the school where the cafeteria is situated. The concrete broke during a delivery to the cafeteria, and both Jared Oehlbeck (Sherman Central School) and Doug Crane (Streets Superintendent) are aware.

ASSET MANAGEMENT

- The asset management is being handled through CHA Consulting Solutions Inc., which is being paid for through a DEC grant we received. They are scheduled to come on site and make an inventory list.

CAPITAL PROJECT UPDATES

STORMWATER

- Legend will be putting a fence around the pipe for safety tomorrow, since the scrimmage is being held at the Sherman Central School this weekend. Their actual work schedule should be finalized this coming Friday. This will include the design of the DI on the corner of Terry McCray's property. The design will decide where the water comes in from, and where it will cross the road, which isn't at a perfect 90-degree angle, which is causing the delay in approval from Barton & Loguidice and the USDA. The headwall has already been engineered and is ready to be transported here. Additional different sized pipe will also be delivered for second phase of the Main Street Stormwater Project.

SEWER

- BECC has completed everything on their list, including replacing the insulation.
- The bad curb stops have been identified and marked for Northrup to fix or replace.
- The sewer project will be completely wrapped up once we submit and receive payment for our final Form E. There was money for the asset management still available in the B&L contract, which surfaced when we did our final reconciliations, and the action at this meeting will be to reallocate those funds.

WATER

- Everything on the punch list for BECC in the water treatment building has been completed. We are waiting for BECC's final bill to close the water capital project out.

NYMS AWARD – All the projects must be wrapped up in September, so this project is almost complete. The Steering Committee is monitoring each project, and if any money is not used they will determine how these leftover funds will be reallocated to ensure the full sum of the awarded funds from NYMS are expended.

COMPLETE STREETS – We have the final concept plans, and the report from GOBike, which we need to adopt in order to apply for the Green Resiliency Grant. By adopting these two guidance documents we are agreeing with the language and concepts when it comes to the final implementation.

EV Charging Stations – We are waiting for the corrected agreement from EVConnect which is the final piece required by NYSDEC to release the rebate.

2024 CFA – CLIMATE SMART COMMUNITIES (CSC)-STORMWATER/UPPER BASINS

We submitted the application to the CFA for the stormwater upper basin which is broken into three separate phases. This ensures that even if it isn't all covered, at least some portions will be. This all falls under our current Bond Resolution and financing.

2024 CFA - SMART GROWTH – ZONING CODE UPDATE - Submitted

This \$84,000 project will provide the means for professional expertise in tackling the enormous task of updating the Zoning Code. The desired result is robust and clear language for the administration and enforcement of the law by the Village's officers and boards; with the expressed support of local stakeholders, including residents, businesses, and community organizations, along with the Steering Committee, Planning Board, and Zoning Board of Appeals.

The Zoning Code Update will provide direction for prioritized projects that benefit all residents, private businesses, and public entities. It will build upon the vision and goals established in the Village's Comprehensive Plan and incorporate Smart Growth principles that will strategically enhance the small Village neighborhood character and support new development in concert with the Pro-Housing Policy.

A summary of the much-needed updates to the Village's Zoning Code include:

- Revising outdated and unconstitutional language in the current 2009 Zoning Law
- Adapting to new challenges: short-term rentals, self-storage
- Regulating retail and onsite consumption cannabis businesses
- Establishing a commercial business district – distinct for the historic 'downtown'
- Establishing design guidelines in preservation of the 'downtown's' historic character
- Establishing stormwater management practices and regulations
- Preparing for the transition to green and alternative energy systems

Prior to its adoption by the Village Board of Trustees, the Steering Committee and Planning Board will be advised by the contracted firm as they oversee the process, ensuring the intent is in concert with the Village of Sherman Climate Smart Comprehensive Plan, while gathering input from all stakeholders.

COMMITTEE & AGENCY UPDATES

Planning Board – the board will be meeting in the next few weeks.

Steering Committee / Complete Streets Stakeholders Committee met on July 15th and reviewed the Complete Streets Concept Plans and did a walk-about Sherman to see how these plans would actually look.

Edmunds Park Committee – The Edmunds Park restrooms are open and the "Harold & Wanda Wake" sign informing patrons that the building was donated by the Wake family has been put up. Instead of installing bollards around the restrooms, to prevent any vehicles from accidentally riding into the restrooms, we have installed flower beds/planters which serve as protection and beautification. The committee is still very active, they have replaced some of the siding around pavilion and we have graded around the pavilion to neaten things. Their next steps will include adding electricity and refreshing the parking lot which needs designated parking for motorcycles, and clear lines for vehicles.

CHAMBER OF COMMERCE – Meet briefly this morning (Wednesday, August 14, at 9am) and rescheduled for Wednesday, August 21, at 9am in the Village Office to finalize the details of the upcoming Music Festival which will be held on Saturday September 14.

MAYOR

- **Minerva Free Library** has chosen to purchase two books written by Oliver Willcox Norton, with some of the donation made by Ron Moore from the Class of 1959.

- **Historical signs** – when driving through other communities you see historical signs marking sites and events which will be a welcome addition to Sherman. The mayor encouraged the trustees to begin thinking of where historical signs could be positioned in Sherman. She feels the library would be a worthwhile site.

PUBLIC PARTICIPATION

Carol Chase told the trustees that she has an agreement with the Village Board from 1987 which needs to be fulfilled. She gave the board a copy of the agreement, with a map, and asked them to repair the fence on the southern boarder of the Chase Antiques property, as per the original easement. She added that the Village has maintained the road and fjord, as per the agreement, but not the fence. She noted that it was a sheep fence with railroad ties for posts and a gate. When the animals were no longer there, the fence became neglected. The mayor thanked the Chase family for bringing this to the board’s attention, and said that it will get done.

FINANCIAL REPORTS FROM CLERK-TREASURER:

General Checking Account: Balance (08/14/2024) is \$100,019.24 & book balance \$83,092.42
 NYS Fund Bank Account: Balance (08/14/2024) is \$61,238.91 & book balance \$15,738.91
 Sewer Project Bank Account: Balance (08/14/2024) is \$9.18 & book balance (\$53,866.61)
 Water Project Bank Account: Balance (08/14/2024) is \$3.12
 Parks Fund Account: Balance (08/14/2024) is \$4,682.19 & book balance \$2,255.61
 Stormwater Fund Account: Balance (08/14/2024) is \$113,865.30 & book balance \$102,080.63
 Climate Smart Account: Balance (08/14/2024) is \$14,025.18
 Debt Service Account: \$47.53
 Reserve Account: \$32.83
 NYCLASS Account: Balance (08/14/2024) is \$416,684.05 & book balance \$418,219.41
 CD Transfer: N/A
 Account Adjustments: N/A
 Receipts: Total \$145,512.05

RES 2024-08-14.5: VOUCHER #3 2025

Motion to accept Voucher #3 for \$129,781.32 for July 2024, of which \$46,187.50 is from the NYS Special Fund, \$46,667.13 is from the Sewer Project Fund, \$0 is from the Water Project Fund, \$2,426.58 is from the Parks Fund, \$11,784.67 is from the Stormwater Project Fund, and \$0 is from the Climate Smart/Economic Development Fund.

Moved by Trustee Emory Seconded by Trustee Watson

Ayes: 5 Nays: 0 Carried

NEW BUSINESS:

RES 2024-08-14.6: WWTP REVISION OF FORM E #18

At a Meeting of the Village of Sherman, Chautauqua County, New York, held at the Village Hall, in Sherman, New York, on the 14th day of August, 2024, at 6:00 o'clock p.m., the following resolution was offered by Trustee Crane who moved its adoption, seconded by Trustee Emory to-wit:

RESOLUTION OF THE VILLAGE BOARD, VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, accepting Revisions to the “Village of Sherman Wastewater Treatment

Plant Improvements Project”, Capital Project as administered through USDA Rural Development. The Village Board hereby modifies the following Administrative, Technical, and Construction budget items to the upcoming Form E #18:

<u>B.1j</u> Additional Services to be decreased by \$28,231.00	(\$28,231.00)
And	
<u>A.7</u> Single Audits to be increased by \$4,123.20	
<u>C.2f</u> Bobcat – skid steer to be increased by \$24,107.80	\$28,231.00

The reason for these modifications is to update the allocation of costs associated with the project and account for the unspent budget line items, reallocating funds to the fiscal year end 5/31/2024 audit and to purchase implement attachment(s) for the equipment, closing out and reconciling project expenses.

THIS BUDGETARY MODIFICATION RESULTED IN NO CHANGE TO THE TOTAL BUDGET.

WHEREAS, the Village of Sherman, Village Board has reviewed the Form E Capital Outlay Budget category and,

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Village Board of the Village on August 14, 2024, the result of which vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

RES 2024-08-14.7-8: GOBIKE REPORT & COMPLETE STREETS INITIATIVE

RES 2024-08-14.7

RESOLUTION FOR THE ADOPTION OF THE BUILDING CONNECTIVITY AND INCREASING SAFETY THROUGH COMPLETE STREETS, PREPARED BY GO BIKE

WHEREAS, the Village of Sherman Board of Trustees began the Village’s Complete Streets Initiative with funding assistance from the Creating Healthy School and Communities (CHSC) and the Chautauqua Health Network (CHN) for GOBike Buffalo to prepare a guidance document “Building Connectivity and Increasing Safety through Complete Streets” on which the Complete Streets Concept Plans could be drafted in planning for the future investment and decision-making that may be the basis for capital project planning and policy changes; and

WHEREAS, a public open house was held for the review of such plans on October 10th, 2023, at the Stanley Hose Company Fire Hall, 122 Park Street, Sherman, New York at 1:30PM, and included a guided walk around the Village; at which time, GOBike Buffalo, Barton & Loguidice, and the Stakeholder’s Committee received comment from the public on the initial concept plans; and

WHEREAS, the Stakeholder’s Committee has reviewed and discussed the public comment received at the October public meeting, made suggestions for revisions, and so approved and adopted

the guidance document on April 18th, 2024, as prepared by GOBike for Building Connectivity and Increasing Safety through Complete Streets; and

WHEREAS, the guidance document was found to be in compliance with the Village of Sherman’s Comprehensive Plan; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Village to adopt the Building Connectivity and Increasing Safety through Complete Streets Plan, recognizing that it not only identifies a unified community vision and priority policy areas, but also provides a detailed, action-oriented framework for the achievement of such vision and policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Sherman hereby adopts the Building Connectivity and Increasing Safety through Complete Streets document for the Village of Sherman.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

WHEREFORE the foregoing resolution was put to a vote of the members of the Board of Trustees of the Village of Sherman by a motion from Trustee Watson and seconded by Trustee Crane on August 14th, 2024, the result of which vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

RES 2024-08-14.8

RESOLUTION FOR THE ADOPTION OF THE COMPLETE STREETS CONCEPT PLANS, PREPARED BY BARTON & LOGUIDICE

WHEREAS, the Village of Sherman Board of Trustees completed the Village’s Complete Streets Initiative with funding assistance from the Chautauqua County Partnership for Economic Growth (CCPEG), to create Complete Streets Concept Plans on which investment and decision-making may be based for future capital planning and policy changes; and

WHEREAS, the Village of Sherman has completed the 2023 Comprehensive Plan Update, 2020 Comprehensive Stormwater Management Plan under the Stormwater Infrastructure Engineering Study Report, Main Street Downtown Market Analysis, and New York Main Street Feasibility Study, in efforts to identify priorities for capital planning and investment; and

WHEREAS, a public open house was held for the review of such plans on October 10th, 2023, at the Stanley Hose Company Fire Hall, 122 Park Street, Sherman, New York at 1:30PM, and included a guided walk around the Village; at which time, GOBike Buffalo, Barton & Loguidice, and the Stakeholder’s Committee received comment from the public on the initial concept plans; and

WHEREAS, the Board of Trustees has reviewed and discussed the public comment received at the October public meeting and so approved and adopted the guidance document accordingly as prepared by GOBike Buffalo for Building Connectivity and Increasing Safety through Complete Streets; and

WHEREAS, the Stakeholder’s Committee met with Barton & Loguidice on additional days, April 18th, 2024 and May 2nd, 2024 as the concept plans were drafted; and

WHEREAS, the Board of Trustees held a public hearing of the Draft Complete Streets Concept Plans on May 16th, 2024 at the Stanley Hose Company Fire Hall at 6:00PM; hearing all public comment in favor and/or opposition to the proposed complete streets plan; and

WHEREAS, such public comments were overwhelmingly positive and supportive of the Complete Streets Initiative effort and its adoption by the Board of Trustees; and

WHEREAS, the Stakeholder’s Committee reviewed and approved the Final Complete Streets Concept Plans on July 15th, 2024, at 6:30; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Village to adopt the Complete Streets Concept Plans, recognizing that it not only identifies a unified community vision and priority policy areas, but also provides a detailed, action-oriented framework for the achievement of such vision and policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Sherman hereby adopts the 2024 Complete Streets Concept Plans.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

WHEREFORE the foregoing resolution was put to a vote of the members of the Board of Trustees of the Village of Sherman by a motion from Trustee Crane and seconded by Trustee Watson on August 14th, 2024, the result of which vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

RES 2024-08-14.9: NYSEFC GREEN RESILIENCY GRANT APPLICATION

Motion to approve and authorize the mayor to apply to the:

RESOLUTION AUTHORIZING APPLICATION FOR A NEW YORK STATE GREEN RESILIENCY GRANT

The Village of Sherman Board of Trustees made a motion to adopt the following Resolution:

WHEREAS, the Village of Sherman hereby requests financial assistance from the New York State Green Resiliency Grant Program through the NYS Environmental Facilities Corporation; and

WHEREAS, the Village of Sherman certifies that it has identified \$310,000 of matching funds from cash, in-kind services by way of administrative and technical work force accounts, materials and equipment, volunteer labor by qualified individuals, shared services, and long-term financing.

NOW THEREFORE BE IT RESOLVED, that the Village of Sherman hereby authorizes Colleen Meeder, Mayor of the Village of Sherman, to act on its behalf in submittal

of an application through the NY State Environmental Facilities Corporation for \$2,712,696, to be used for the \$3,022,696 Village of Sherman Resilient Green Street Project.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village of Sherman by a motion from Trustee Waston and seconded by Trustee Emory on August 14, 2024, the result of which vote was as follows:

Colleen Meeder, Mayor	<u>Aye</u>
Ryan Sanders, Deputy Mayor	<u>Aye</u>
Dennis Watson, Trustee	<u>Aye</u>
Gary Emory, Trustee	<u>Aye</u>
Danielle Crane, Trustee	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

RES 2024-08-14.10: PENALTY FEE FOR ZONING NON-COMPLIANCE

Motion to approve the penalty fee for zoning non-compliance to the Code and Zoning Fee Schedule for non-compliance penalty to be issued if a penalty fee is not otherwise specifically listed, for a minimum of \$50 per week with a maximum of \$100 per week; to be issued at the discretion of the enforcement officer of code and zoning; as authorized in LL 1-2009 Village of Sherman Zoning Law Section 704 Schedule of Fees.

Moved by Trustee Crane Seconded by Trustee Watson
Ayes: 5 Nays: 0 Carried

RES 2024-08-14.11: FIRE CONTRACTS

Motion to authorize the clerk-treasurer to draft and distribute the 2025 Fire Contracts with a 2% increase, as directed by Chief Matthew Oehlbeck; to authorize the mayor to sign acceptance of said contracts; and to authorize the June 2025 collection and July 2025 remittance of said funds.

Moved by Trustee Watson Seconded by Trustee Emory
Ayes: 5 Nays: 0 Carried

RES 2024-08-14.12: STANLEY HOSE–VILLAGE OF SHERMAN 2025 FIRE CONTRACT

Motion to approve the annual fire contract reflecting a 2% increase over the previous year, totaling \$25,864.95 for the 2025 contract; and authorize the mayor to enter into the 2025 agreement between the Village of Sherman and the Stanley Hose Company.

Moved by Trustee Crane Seconded by Trustee Emory
Ayes: 5 Nays: 0 Carried

RES 2024-08-14.13: SHERMAN AREA CHAMBER OF COMMERCE AGREEMENT

Motion to approve and authorize the mayor to enter into the agreement between the Village of Sherman and the Sherman Area Chamber of Commerce for the cooperation and collaboration on the two annual community events, Sherman Annual Music Festival and the Sherman Lighted Tractor Parade in the interest of economic and community development promoting the Village of Sherman and surrounding area.

Moved by Trustee Watson Seconded by Trustee Crane
Ayes: 5 Nays: 0 Carried

Motion to move into Executive Session at 7:50pm to discuss legal and contractual issues, with possible action to be taken following the executive session.

Moved by Trustee Watson Seconded by Trustee Emory
Ayes: 5 Nays: 0 Carried
Returned to the regular meeting at 8:26pm.

Motion to adjourn the meeting at 8:26pm.
Moved by Trustee Watson Seconded by Trustee Emory
Ayes: 5 Nays: 0 Carried

Respectfully submitted,
Jeanette Ramm
Clerk-Treasurer

Next Meeting: Regular Meeting September 11, 2024 at 6pm.