

REGULAR MEETING
TOWN OF SHERMAN
December 5, 2024

A regular meeting of the town of Sherman Board was held on at the Town Office Building, 111A Mill St., Sherman, NY, Chautauqua County, New York at 7:00PM.

Present:	Mark D. Persons	Supervisor
	James L. Higginbotham	Council Member/Deputy Supervisor
	Howard E. Crump	Council Member
	Brant Henning	Council Member
	Ben Nickerson	Council Member
	Annette Swan	Town Clerk
	Dennis Sweatman	Highway Superintendent

Absent:
Guests: Greg Rater

Supervisor Persons called the meeting to order at 7:00PM and led the Pledge to the flag.

Resolution #49

Councilman James Higginbotham made a motion, seconded by Councilman Ben Nickerson to open the public hearing concerning the Wind Turbines Moratorium.

Councilman James Higginbotham	AYE	Councilman Howard Crump	AYE
Councilman Ben Nickerson	AYE	Councilman Brant Henning	AYE

MOTION CARRIED

Supervisor Persons asked if there were any questions or comments. After discussion and no further comments/questions:

Resolution #50

Councilman Howard Crump made the motion, seconded by Councilman Ben Nickerson to close the public hearing and adopt the Wind Turbine Moratorium.

Councilman James Higginbotham	AYE	Councilman Howard Crump	AYE
Councilman Ben Nickerson	AYE	Councilman Brant Henning	AYE

MOTION CARRIED

TOWN OF SHERMAN
LOCAL LAW NO. 4 FOR THE YEAR 2024
A LOCAL LAW ENACTING A MORATORIUM ON WIND ENERGY CONVERSION SYSTEMS

Section 1. Enactment and Title.

The Town Board of the Town of Sherman does hereby enact the Town of Sherman Moratorium on Wind Energy Conversion Systems Law. This Local Law shall impose a moratorium on applications or proceedings for applications for, the review of applications for, or the issuance of approvals or permits for the construction of any Wind Energy Conversion System within the Town of Sherman for roughly six months. Since the Town Board amended the Town Code in 2008 to permit wind energy conversion systems the technology and the laws have evolved so that the Town may now be susceptible to the placement of large-scale wind energy conversion systems under Section 94-c of New York's Executive Law. The Town Board believes that review and modification of the Town Code are required.

The capitalized terms in the foregoing sentence, and as used throughout this local law, shall have the following meanings ascribed to them:

Wind Energy Conversion System - A system of components which converts the kinetic energy of the wind into electrical or mechanical power and which comprises all necessary components, including energy storage, power conditioning, control systems, transmission systems (where appropriate) and structural support systems, to provide electricity or mechanical power for agricultural, residential, commercial, industrial, utility or governmental use.

Section 2. Authorization, Purpose and Intent.

Pursuant to the authority and provisions of the New York State Constitution, and Section 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town of Sherman to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board (the "Board") of the Town of Sherman hereby declares a moratorium on applications or proceedings for applications for, the review of applications, or the issuance of approvals or permits for the construction of Wind Energy Conversion Systems within the Town of Sherman (the "Town"), lasting through June 30, 2025.

This moratorium will allow time for Town officials to review, clarify, amend, and update the Town regulations for wind energy conversion systems, particularly with regard to where such development

may be located in the Town. Additionally, this moratorium will allow the Town to adopt such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town and its citizens.

Section 3. Scope of Controls.

During the effective period of this Local Law:

- A. Neither the Town Board nor any Town Staff shall conduct any review or consider or grant any permit or other approval that will result in the approval, establishment or construction of any Wind Energy Conversion System within the Town.
- B. To the extent permitted by law, this moratorium shall supersede all relevant provisions of the New York State Town Law, the New York State Building Code, any relevant Town local law and any other applicable law, rule or regulation, that may be in conflict herewith. If any ambiguity or conflict exists, this local law shall govern and the presumption shall in each case be that the moratorium is in effect.

Section 4. No Consideration of New, Revised, or Renewal Applications.

No new, revised, or renewal applications shall be accepted for filing, review, or consideration, and no site plans, authorizations, special permits, permits, building permits, waivers or other approvals that purport to allow or advance the development, siting, or construction of any Wind Energy Conversion System shall be undertaken, reviewed, considered or issued by any board, officer, employee or agent of the Town. Nor shall any language or term in this moratorium effect, or be construed to result in, any default approval, and any matter now pending shall be stayed in place during the pendency of this moratorium, with all deadlines or other timelines suspended for the same number of days that this moratorium is in effect.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect until June 30, 2025 starting from the effective date of this Local Law. This moratorium may be extended, or rescinded or removed, by local law.

During the period of this moratorium the Town shall endeavor to adopt changes to its code with regard to the siting, establishment and construction of Wind Energy Conversion Systems; and

Section 6. Location.

The moratorium imposed by this Local Law shall apply to the territorial limits of the Town of Sherman.

Any dispute as to whether a property is encompassed within the geographic area detailed above shall be resolved by reference to the official tax maps of Chautauqua County and the official New York corporate boundary maps for the Town of Sherman.

Section 7. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 8. Effective Date.

This Local Law shall take effect immediately.

PUBLIC COMMENT

Greg Rater updated the board on his plans for a small trailer park on his property on Manison Road. After looking into what he would need for permits, water and septic system, he decided not to go ahead with his plans.

Supervisor Persons had one change to the minutes from November 7, 2024. Under resolution #43, instead of “accept” Local Law No. 3, change to “adopt” Local Law #3. No further changes needed:

Resolution # 51

APPROVAL OF MINUTES

Supervisor Mark Persons made the motion, seconded by Councilman Howard Crump to approve the minutes for November 7, 2024.

Councilman James Higginbotham AYE
Councilman Ben Nickerson AYE

Councilman Howard Crump AYE
Councilman Brant Henning AYE

MOTION CARRIED

RESOLUTION# 52

ABSTRACTS/CLAIMS

Councilman James Higginbotham made the motion, seconded by Councilman Ben Nickerson to approve payment of General Claims #155 thru #171 in the amount of \$7439.34 and Highway Claims #125 thru #133 in the amount of \$41,986.14.

JUDGE’S REPORT

No Report

CLERK/REGISTRAR’S REPORT

No Marriage license given for November
Dog Licenses for the month-21 Renewals, town share \$132.00
Hunting License sales for November totaled \$1247.00-town share \$68.65.

The occupants at 189 West Main were given a letter stating that they had unlicensed dogs on their property. They have until December 10th to comply.

Town Clerk Annette Swan sent out a link to complete this year’s sexual harassment training at home to all board members, the Supervisor, the Superintendent, Deputy Clerk, CEO and Highway employees. Anyone who is unable to complete the training at home, can make arrangements to do the training at the office, if they prefer. Certificates will be printed and kept on file at the office, once the course is completed.

ASSESSOR’S REPORT

No Report

CODE ENFORCEMENT REPORT

No Report

HIGHWAY SUPERINTENDENT REPORT

Superintendent Sweatman submitted prices for the roof extension that would be needed to meet the requirements for the NYS Dangerous Dog Shelter law. Materials for the project would cost between \$800.00 and \$1000.00. After a short discussion:

Resolution #53

Supervisor Mark Persons made the motion, seconded by Councilman James Higginbotham to approve a spending limit of \$1000.00 for materials to complete the roof extension.

Councilman James Higginbotham AYE
Councilman Ben Nickerson AYE
Councilman Howard Crump AYE
Councilman Brant Henning AYE

MOTION CARRIED

SUPERVISOR REPORT

Supervisor Persons asked the board to set a date and time for the year-end meeting. It was agreed upon by all board members that the meeting would take place on December 30, 2024 at 10:00 AM at the Town of Sherman office.

With nothing further to discuss, the meeting was adjourned at 7:29 PM.

Respectfully Submitted,

Annette Swan
Sherman Town Clerk