

At 7:00 PM, Mayor Stumpf called the meeting to order and led the Pledge to the Flag.

The following were present:

|                   |         |
|-------------------|---------|
| John Stumpf       | Mayor   |
| Richard Hunt      | Trustee |
| Patricia Sherwood | Trustee |
| Darwin Dominessy  | Trustee |
| Trista Reisdorf   | Trustee |
| <br>              |         |
| Marcia Spencer    | Clerk   |

**OTHERS PRESENT:** Superintendent of Public Works Daren Smith, Fire Chief Jeff Holmes, 1<sup>st</sup> Assistant Jeremy Lavery, Brandon Stearns and Marj from the Delevan Yorkshire Public Library, Jim Pfeffer, Betty Gangler, Attorney Peter Sorgi and Tyler VanOcker from the Arcade Herald.

### **MINUTES**

Trustee Reisdorf seconded by Trustee Sherwood moved suspension of the reading of the Minutes of the previous board meeting February 4, 2020 inasmuch as Board members had been supplied copies. Carried. Mayor Stumpf announced that corrections and alterations would then be heard, and concluding there were none, the minutes stand approved. Carried.

### **#232 PUBLIC HEARING**

At 7:00 pm, with the Clerk confirming that the Legal Notice for the Public Hearing was published in the Arcade Herald, Mayor Stumpf opened the Public Hearing on the Franchise agreement between the Village of Delevan and Spectrum Northeast, LLC an indirect subsidiary of Charter Communications.

At 7:05 pm with no one in attendance wishing to speak for or against on the Public Hearing for the Franchise Agreement, Trustee Sherwood made a motion to close the Public Hearing which was seconded by Trustee Dominessy.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. 5 ayes, 0 nays, 0 absent. Carried.

### **LIBRARY REPORT**

President Brandon Stearns and Marj from the Delevan Yorkshire Public Library were in attendance to thank the Village Board for their continued support.

The following resolution was moved by Trustee Reisdorf, seconded by Trustee Dominessy:

### **#233 AGREEMENT FOR SERVICES**

WHEREAS: The Village of Delevan has requested library services and

WHEREAS: The Delevan- Yorkshire Public will provide such services,

NOW THEREFORE: The Delevan-Yorkshire Public Library will provide services to all Village of Delevan residents in accordance with library policies and procedures during posted operating hours.

The Village of Delevan will provide operating funds in the amount of \$2000 to help with the cost of providing such services. Payment of such funds will be made in full by July 31, 2020.

The period of this agreement shall begin on July 1, 2020 and shall continue until June 30, 2021.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. 5 ayes, 0 nays, 0 absent. Carried.

### **PUBLIC**

Resident James Pfeffer attended the Board meeting to garner more information on the water meter reading card. Mr. Pfeffer stated that with his being in a crawl space he is unable to provide the reading himself. The Mayor explained the radio read problem that the Village is experiencing with the meters and Supt. Smith noted that the clerk and himself had prepared a meter reading list with notations. Clerk Spencer will add a notation to the list.

### **REPORT**

#### **Chief Jeff Holmes reported the following:**

For the month of February there were 35 calls:

|                            |    |                         |   |
|----------------------------|----|-------------------------|---|
| <u>EMS Calls</u>           |    | <u>Structure Fire</u>   |   |
| Village                    | 11 | Town of Yorkshire       | 1 |
| Town of Yorkshire          | 10 | Yorkshire               | 1 |
| Town of Freedom            | 1  | Arcade                  | 1 |
| Machias                    | 2  | <u>Vehicle Fire</u>     |   |
|                            |    | Town of Yorkshire       | 1 |
| <u>Hazardous Condition</u> |    | <u>Flooded Basement</u> |   |
| Town of Yorkshire          | 2  | Town of Yorkshire       | 1 |

Fire Chief Holmes provided the Board with a letter from Cattaraugus County Emergency Services in response to a recent inquiry regarding the dispatch of ALS. The letter outlined the protocol on dispatching Advanced Life Support and Basic Life Support. Also the Board was given a breakdown of 2019 calls – 300 total of which 203 were listed as ALS. In 2018, the total calls were 284 of which 172 were determined to be ALS.

### **#234 The Delevan Fire/Rescue 2020 Nominations of Officers Ballot**

|                                  |                 |
|----------------------------------|-----------------|
| <b>Chief</b>                     | Jeremy Lavery   |
| <b>1<sup>st</sup> Asst Chief</b> | Jeff Holmes     |
| <b>2<sup>nd</sup> Asst Chief</b> | Bill Clester    |
| Andy Eastman                     |                 |
| <b>President</b>                 | Daren Smith     |
| <b>Vice President</b>            | Haley Hazeltine |
| <b>Secretary</b>                 | Patty Tierney   |
| <b>Trustee (4)</b>               | Joe Kozak       |
| Joe Neamon                       |                 |

|                       |                 |
|-----------------------|-----------------|
| Caleb Washburn        |                 |
| <b>EMS Captain</b>    | Joe Neamon      |
| Chris Hazeltine       |                 |
| <b>EMS Lieutenant</b> | Haley Hazeltine |
| Donna Lavery          |                 |
| <b>EMS Secretary</b>  | Patty Tierney   |
| <b>EMS Treasurer</b>  | Joe Kozak       |

It was moved by Trustee Hunt, seconded by Trustee Dominessy to approve the 2020 officers ballot.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. 5 ayes, 0 nays, 0 absent. Carried.

**Supt. Daren Smith reported the following:**

- 1.) Between cold spells – used 4 ton of cold patch to patch potholes.
- 2.) Water situation with a resident experiencing low pressure – new service line – puzzling
- 3.) Spent time reading meters in pits.
- 4.) Skidster has 102.3 hours, tractor 11.8 hours for snow removal
- 5.) Slipped on Friday on the ice
- 6.) Had a little mishap on the big tractor – turned it into Insurance Company.
- 7.) Four feet of water in one basement up at water – 2 sump pumps running.

**Clerk Marcia Spencer reported the following:**

- 1.) All Board Members supplied with a copy of the cash receipts. Rec'd Shared Service amount of \$131.94.
- 2.) Booked meeting room – slow of late
- 3.) Issued handicapped parking permits
- 4.) Delivered trash stickers to Crosby's
- 5.) Prepared vouchers/abstract
- 6.) As of February 27, 2020 the trial balance for water shows an outstanding balance of \$14,460.77
- 7.) Typed and mailed letters for the constable
- 8.) Printed letters and water reading cards as well as labels to send out mailing for water bill readings. Had 3 complaints from people on having to read the meter- 2 did not like the "tone" of the letter though it was a canned letter from the Williamson Water Program.
- 9.) Placed legal in the newspaper for March 18, 2020 Village Election.
- 10.) Provided Joyce Koch with letters to solicit donations for the Easter Egg Hunt that will be held April 11, 2020 in the Village Park.
- 11.) Music in the Park will be on Wednesday from July 1 – August 5 of this year.
- 12.) Received \$1261.91 from the Delevan Rescue Squad which represents 5% share of grant on compressor.
- 13.) Spencer requested the Board authorize payment of C&G invoices when the prepay utilities are paid. There was some confusion when Spencer called to check the amount with C&G and the receptionist could not find the invoices. Chief Holmes presented the original invoices but is going to check to see if the President paid them out of other funding. If not, the Clerk would like to send payment since they are dated November 2019.

### **#235 Authorize Clerk to Pay Invoice**

It was moved by Trustee Reisdorf, seconded by Trustee Hunt to authorize the Clerk to include C&G invoices for a total of \$130.40 with the prepays if they are indeed outstanding. Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. 5 ayes, 0 nays, 0 absent. Carried.

### **UNFINISHED BUSINESS**

1.) Catt County Municipal Meeting – will be held at the John J Ash Community Building – Senior Center – the Senior Center Manager will give a presentation about the center and programs for the senior population as well as short presentation on your programs. Five from the Village will attend.

### **COMMITTEES**

The 2020 Delevan Yorkshire Recreation Program was discussed. Some of the activities include Nickel City Reptiles which will have to be paid a down payment and remaining payment must be made day of even. Busing was also discussed, with 1<sup>st</sup> Student being recommended – in the past the Town attempted to get prices from different busing companies, but 1<sup>st</sup> Student is the closest and most reliable and the Board was in agreement that the Recreation Program should just seek out an agreement with 1<sup>st</sup> Student. Recreation will run from July 6 – August 13 from 9:30 am until 2:00 pm Monday – Thursday. An ad will be placed seeking workers and interviews will take place April 8. There will be another recreation meeting on April 1 at 6 pm.

### **#236 APPOINT RECREATION DIRECTOR**

It was moved by Mayor Stumpf, seconded by Trustee Sherwood to appoint Trista Reisdorf to recreation director at \$18.00 per hour.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. 5 ayes, 0 nays, 0 absent. Carried.

### **#237 APPOINT EMT FOR RECREATION**

It was moved by Trustee Hunt, seconded by Trustee Reisdorf to appoint Donna Lavery as the EMT for recreation.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. 5 ayes, 0 nays, 0 absent. Carried.

### **UNFINISHED BUSINESS**

1.) Water meters – as per discussed by the Clerk and Superintendent – water bills were sent out after cards being mailed out and the Supt. reading those in pits, etc.

### **NEW BUSINESS**

1.) **#238 Establishing Standard Work Day for Retirement Reporting**

It was moved by Trustee Reisdorf, seconded by Trustee Sherwood that 6 hours per day would constitute full time for the Clerk position/clerical and 8 hours per day would constitute one day for Public Works Department/laborers.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. Ayes 5 Nays 0, Absent 0. Carried.

**2.) #239 Franchise Agreement between the Village of Delevan and Spectrum Northeast, LLC STATE OF NEW YORK  
Village of Delevan  
County of Cattaraugus**

---

In the Matter of the Granting of a Cable Television Franchise Held by **Spectrum Northeast, LLC** in the **Village of Delevan, County of Cattaraugus**, New York

**RESOLUTION**

---

An application has been duly made to the Board of the **Village of Delevan, County of Cattaraugus**, New York, by **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Spectrum's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission commencing with the date of approval by the Public Service Commission.

The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Village of Delevan, New York on March 3, 2020 at 7:00 P.M. and notice of the hearing was published in the Arcade Herald on February 27, 2020.

**NOW, THEREFORE**, the Board of the Village of Delevan finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and

2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Board of the **Village of Delevan** hereby grants the cable television franchise of Spectrum Northeast, LLC and the **Village of Delevan** for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

**BE IT FURTHER RESOLVED** that the Board of the **Village of Delevan** hereby confirms acceptance of this Franchise Renewal Agreement.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. Ayes 5 Nays 0, Absent 0. thereby declared adopted.

**3.) #240 Set date for work session work session.**

It was moved by Trustee Hunt, seconded by Trustee Reisdorf to hold a work session the budget on March 24, 2020 at 6:00 PM.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. Ayes 5 Nays 0, Absent 0. Carried.

**4.) #241 Executive Session**

It was moved by Trustee Sherwood, seconded by Trustee Reisdorf to move into an executive session with the clerk, supt of public works and attorney Peter Sorgi to stay to discuss ongoing litigation at 7:40 PM.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. Ayes 5 Nays 0, Absent 0. Carried

At 8:05 PM it was moved by Trustee Sherwood, seconded by Trustee Reisdorf to close the Executive Session.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. Ayes 5 Nays 0, Absent 0. Carried

**5.) #242 Rescind Resolution #226 Authorizing Attorney to Proceed with Action Against Master Meter**

It was moved by Trustee Reisdorf, seconded by Trustee Hunt to rescind #226.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. Ayes 5 Nays 0, Absent 0. Carried

6.) Authorize Attorney Peter Sorgi to represent the Village of Delevan with Master Meter litigation.

It was moved by Trustee Reisdorf seconded by Trustee Sherwood to have Attorney Peter Sorgi to prosecute and defend litigate matters and proceed with the summons and complaint against master meter.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. Ayes 5 Nays 0, Absent 0. Carried

**APPROVAL OF BILLS**

It was moved by Trustee Sherwood, seconded by Trustee Dominessy to make payment for the following claims for the previous month of February which were presented and audited: \$57,431.77, Abstract #10, \$43,136.16 in General Fund Claims and \$14,295.61 in payment of Water Fund Claims.

Trustee Dominessy aye, Trustee Hunt aye, Trustee Reisdorf aye, Trustee Sherwood aye, Mayor Stumpf aye. Ayes 5 Nays 0, Absent 0. Carried.

**ADJOURNMENT**

At 8:20 PM it was moved by Trustee Dominessy seconded by Trustee Sherwood to adjourn. Carried.

**Marcia J. Spencer, Village Clerk**