

July 5, 2016

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

Marcia Spencer	Clerk
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**OTHERS PRESENT:** Superintendent of Public Works Daren Smith, Treasurer Diane Finch, Fire Chief Jeff Holmes, Code Enforcement Officer Christopher Lexer, DCO and Constable Richard Swift, Arcade Herald reporter Leslie Lange and property owner Robert Mamon.

### **#44 SEALED BIDS**

The Village Board advertised for sealed bids on 107 S. Main Street; none were received.

### **MINUTES**

Trustee Hunt seconded by Trustee Sherwood moved suspension of the reading of the Minutes of the previous board meeting June 7, 2016 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.

### **REPORTS**

**Treasurer Diane Finch reported the following:**

- 1.) Reviewed year end transfers with the Board
- 2.) Reported the DVFD had successfully received \$36,558 in grant money
- 3.) CHIPS amount was up \$6,000
- 4.) Building Contractual account spending was up due to the demolition of 107 S. Main

### **#45 BUDGETARY AMENDMENTS**

It was moved by Trustee Sherwood, seconded by Trustee Dominessy to make the following transfers:

Motion for budget line item increases for FEMA grant received on 4/21/16:

Increase Revenue Federal Aid Firemen's Grant

A4089.010     \$1,115.00

Increase Contractual Fire Department Contractual

A3410.46     \$1,115.00

Motion to increase Highway Aid CHIPS Account

Increase Revenue Highway CHIPS

A4089.00     \$5,667.18

Increase Contractual Permanent Improvement

A5112.02 \$5,667.18

Motion to adjust General Fund account budgets for year end 2015-2016

**DECREASE:**

<u>Account</u>	<u>Amount</u>
A1420.4 Law-Contractual	\$1822.00
A1640.2 Central Garage-Equip	\$1250.00
A1640.4 Central Garage-Cont	\$550.00
A1910.4 Unallocated Ins	\$278.00
A5111.01 Street Maint-Laborers	\$1,301.00

**INCREASE:**

<u>Account</u>	<u>Amount</u>
A1620.1 Buildings-P.S.	\$128.00
A1620.4 Building-Cont.	\$3721.00
A3120.4 Police-Cont.	\$17.00
A3620.4 Safety Insp-Cont.	\$621.00
A7550.4 Celebrations-Cont.	\$485.00
A8160.4 Refuse & Garb-Cont.	\$56.00
A8160.6 Refuse & Garb-Stickers	\$170.00
A9060.8 Medical Insurance	\$3.00

Motion to adjust Water Fund account budgets for year end 2015-2016

**DECREASE:**

<u>Account</u>	<u>Amount</u>
F8330.2 Purification-Equip	\$111.00
F8340.2 Transportation-Equip	\$1,800.00
F9040.8 Workers Compensation	\$3.00

**INCREASE:**

<u>Account</u>	<u>Amount</u>
F8330.2 Purification-Cont,	\$111.00
F8340.4 Transportation-Cont.	\$1,800.00
F9060.8 Medical Insurance	\$3.00

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

**#46 FIRE DEPT RESERVE**

It was moved by Trustee Sherwood, seconded by Trustee Reisdorf to transfer \$13,400 from Unappropriated Fund Balance – General to Capital Reserve Fire Dept. \$13,400.

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

**Fire Chief Holmes reported the following 30 calls:**

**EMS:**

Village

13

**HAZARD CALL:**

Town of Yorkshire	04	Town	04
Yorkshire	01	<b>AUTO ACCIDENT:</b>	
		Town of Yorkshire	02
		Town of Freedom	02
<b>VEHICLE FIRE:</b>			
Freedom	01	<b>FALSE ALARM:</b>	
		Village	01
		Yorkshire	01
<b>STRUCTURE FIRE:</b>			
Town	01		

**Constable Richard Swift reported the following:**

There were 8 abandoned/unlicensed cars for the period of April – June; 4 were removed, 3 licensed and 1 remaining under 30 day notice. There were 3 garbage complaints – all were corrected.

**Dog Control Officer Richard Swift reported the following:**

For the period of April – June there were 9 situations involving dogs – 6 wandering, 1 loose, 1 barking and 1 court appearance resulting in a fine and requirement to build fence. Rabies Clinic will be held September 6, 2016.

**Code Enforcement Christopher Lexer reported the following:**

All Board members supplied with copy of building permits (3) issued for the month. Lexer stated with no bids having been received for 107 S. Main Street, he would like to request the Board consider placing ad for sale of it.

**#47 Property for Sale**

It was moved by Trustee Dominessy, seconded by Trustee Reisdorf to authorize the Clerk and Code Enforcement Officer to place an ad in the Arcade Herald advertising the property at 107 S. Main Street for sale.

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

**Superintendent Daren Smith reported the following:**

- 1.) Attended water school two days
- 2.) Homeowner had a leak at 1014 Main Street
- 3.) Hydrant parts for Grove are in
- 4.) Requests for graphing for leaks but software not working
- 5.) Grove Street has been swept and chipped
- 6.) Chipping brush
- 7.) New septic system installed on Dorita – pipe was hit but no records on it

**Clerk Spencer reported the following:**

- 1.) All Board members received copy of Cash Receipts
- 2.) Busy collecting Taxes –\$17,805.38 remaining to be collected
- 3.) Water bills remaining \$8863.42
- 4.) Issued handicapped parking permits
- 5.) Received donation of \$25 for use of meeting room from Tammy Owens
- 6.) Scheduled meeting room reservations
- 7.) Received Insurance policies and cards from Agent Geoff Gunner

## COMMITTEES

Trustee Reisdorf reported that recreation would be starting on Monday, July 11, 2016

## COMMUNICATIONS

1.) **#48 Restore NY Initiative** – Code Enforcement Lexer and Clerk Spencer spoke to the Board in regard to sending a letter of intent seeking grant money to demolish 27 Delevan Avenue – the Village would be responsible for 10% of the cost.

It was moved by Trustee Reisdorf, seconded by Trustee Sherwood to authorize Lexer and Spencer to provide a letter of intent and authorize Mayor Stumpf to sign it.

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

2.) Cattaraugus County Mortgage Tax received \$1494.90.

3.) National Fuel Gas gross utilities check received \$544.88, which was down due to credit from prior year overpayment.

## UNFINISHED BUSINESS

1.) **#49 Schedule Public Hearing** for removal of Zoning Board

It was moved by Trustee Hunt, seconded by Trustee Sherwood to hold a public hearing on August 2, 2016 at 7:00 PM to repeal Section 11.4 Zoning Board of the Village of Delevan Local Law No. 12-1992 entitled Regulating in the Village of Delevan.

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

2.) **#50 Contract**

It was moved by Trustee Sherwood, seconded by Trustee Reisdorf to have the attorney for the Village, Rob Steinhaus prepared a contract between the Village of Delevan and the Town of Yorkshire to provide Zoning Board at a fee to be paid to the Town of Yorkshire at \$500 per year for five years, with a clause to allow either party to terminate the contract with the recommended time frame provided by the attorney.

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

## NEW BUSINESS

1.) Springville 194 Adelpia Tax bill resolution to adjust taxes due to Franchise Fees paid

### **#51 NY RPT Law 626 Special Franchises**

The following resolution was moved by Trustee Sherwood, seconded by Trustee Hunt:

WHEREAS Time Warner Cable franchise fees paid to the Treasurer have exceeded the amount of taxes due under NYS Real Property Law Section 626(2), now therefore be it

RESOLVED that the Clerk will contact the county to have the base tax amount of \$140.21 – Springville 194 bill #000410 (and any penalties due and owing) overrode.

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

2.) Cattaraugus County Real Property Services – Senior Citizen Exemption Option#2 tabled to August Board meeting so that Board members can review.

### **#52 EXECUTIVE SESSION**

At 8:07 PM, it was moved by Trustee Sherwood, seconded by Trustee Dominessy to enter into Executive Session to discuss current litigation; clerk and code enforcement officer to stay.

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

At 8:17 PM it was moved by Trustee Sherwood, and seconded by Trustee Dominessy 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.

### **APPROVAL OF BILLS**

The bills for the previous month of June were presented and audited. It was moved by Trustee Sherwood, seconded by Trustee Dominessy to make payment \$46,480.23 Abstract 02, \$41,330.09 General Fund Claims and \$5,150.14 Water Fund Claims.

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

### **ADJOURNMENT**

At 8:30 PM it was moved by Trustee Residorf seconded by Trustee Dominessy to adjourn. Carried.

**Marcia J. Spencer, Village Clerk**