

VILLAGE OF MAYVILLE
PUBLIC HEARING CABLE FRANCHISE AGREEMENT
REGULAR BOARD MEETING
11-10-2020

Board Present - Mayor Shearer; Trustees: Jacobson, Moore, Webb.

Trustees Harrington absent.

Others Present - John Crandall, Village Clerk; Jennifer Obert, Village Treasurer; John Buxton, Superintendent; Ed Cannon, Code Officer; Matthew Schumaker, Electric Line Supervisor; Joe Calimeri, Village Attorney, Rick Syper, Mark & Debbie Perry, James Warner, Julie Smith, Mike Barnes, Mark Smith, Sharon Smead, Cindy McDonald, Devon & Nancy Taylor, Jeff Wagner, Betty Steinbach, Janette Strickland, Sam Ambrose, Doug Wappat, Greg Bacon.

Public Hearing was called to order at 6:50 p.m.

Mayor Shearer announced that anyone having questions or comments on the Franchise Agreement were welcome to comment at this time.

Regular Meeting was called to order at 7:00 p.m.

Pledge to the flag.

RESOLUTION: Resolved to approve the minutes of the Regular Meeting of the Board of Trustees of the Village of Mayville held on October 13, 2020 and Special Meeting held October 19, 2020 with no additions or corrections.

Introduced by Trustee Jacobson.

Seconded by Trustee Moore.

Ayes - Trustees Jacobson, Moore, Webb, Mayor Shearer.

Nays - None, Trustee Harrington absent.

Privilege of floor was offered with no one speaking.

Department of Public Works Report presented and attached.

Electric Department Report presented and attached.

Water Department Report presented and attached.

Building Inspector's Report presented and attached.

Mayor Shearer stated that he hopes to have some county involvement in the future regarding derelict structures within the Village.

Clerk's Office Report presented and attached.

Fire Department Report presented and attached.

RESOLUTION: Resolved to approve the Mayor to sign and forward a copy of Amendment No. 1 to the Agreement between the Village of Mayville and Barton & Loguidice for a total contract reduction of \$258,000.00 copy is attached.

Introduced by Trustee Webb.

Seconded by Trustee Moore.

Ayes - Trustees Webb, Moore, Jacobson, Mayor Shearer.

Nays - None, Trustee Harrington absent.

Mayor Shearer appoints Mark Perry to the Planning Board with term ending 5/31/2023, this appointment is due to the passing of Board Member James K. Webb.

RESOLUTION: Resolved to confirm the appointment of Mark Perry Pratt Street Mayville NY to the Planning Board with a term ending 5/31/2023 and that the other members are shown below for informational purposes only.

John D. Buxton Chairman	Expires 5/31/2021
Sharon Smead	Expires 5/31/2022
James Warner	Expires 5/31/2024
D. Mark Smith	Expires 3/31/2025

Introduced by Trustee Webb.

Seconded by Trustee Moore.

Ayes - Trustees Webb, Moore, Jacobson, Mayor Shearer.

Nays - None, Trustee Harrington absent.

RESOLUTION: Resolved to approve the purchase of one ALTEC Model AT40-G telescoping articulating Aerial devise with ISO-Boom at a cost of one hundred thirteen thousand, two hundred eighty-six dollars (\$113,286.00) New York State OGS Contract #PC68526 from Altec Industries 210 Inverness Center Drive Birmingham, Al 35242 and

Be it finally resolved that the truck shall be paid for from the Electric Depreciation Fund copy of contract is attached.

Introduced by Trustee Jacobson.

Seconded by Trustee Webb.

Ayes - Trustees Jacobson, Webb, Moore, Mayor Shearer.

Nays - None, Trustee Harrington absent.

RESOLUTION: Resolved to approve the disposal of 19 transformers at an estimated cost of \$4,261.80 by TCI of NY, LLC., 99 Coeymans Industrial Park Lane, Coeymans, NY 12045 copy of proposal is attached.

Introduced by Trustee Jacobson.

Seconded by Trustee Moore.

Ayes - Trustees Jacobson, Moore, Webb, Mayor Shearer.

Nays - None, Trustee Harrington absent.

There was a brief discussion regarding the cost associated with the disposal of the transformers. Mr. Schumaker explained the current process with the board, and reasons for the fees.

RESOLUTION: Resolved to increase the hourly wage for Douglas Wappat to \$30.00 per hour beginning on November 1, 2020 this is due to Mr. Wappat successfully completing the 4 year MEUA Lineman Training Program as an Electric Lineman.

Introduced by Trustee Webb.

Seconded by Trustee Moore.

Ayes - Trustees Webb, Moore, Jacobson, Mayor Shearer.

Nays - None, Trustee Harrington absent.

RESOLUTION: Resolved to surplus 2 electric meters #49-038-503 and #81-238-681 and dispose of in the best interest of the Village.

Introduced by Trustee Jacobson.

Seconded by Trustee Webb.

Ayes - Trustees Jacobson, Webb, Moore, Mayor Shearer.

Nays - None, Trustee Harrington absent.

RESOLUTION: Resolved to increase the Water Fund Revenue Account F0-3999.000 Cash Balance by \$9,965.00 and increase Water Fund Appropriative Account F0-8340.200 Transportation & Distribution, Equipment by \$9,965.00. This is because the bid for the Water Van came in over the amount that was budgeted.

Introduced by Trustee Webb.

Seconded by Trustee Jacobson.

Ayes - Trustees Webb, Jacobson, Moore, Mayor Shearer.

Nays - None, Trustee Harrington absent.

RESOLUTION: Resolved to approve the following General Fund Budget Transfers.

Increase

A0-3650.400 Demolition of Unsafe Buildings, Other Expenses \$ 525.00

Decrease

A0-1990.400 Contingent Account \$ 525.00

Introduced by Trustee Jacobson.

Seconded by Trustee Moore.

Ayes - Trustees Jacobson, Moore, Webb, Mayor Shearer.

Nays - None, Trustee Harrington absent.

RESOLUTION: Resolved to approve the purchase of one (1) 2021 Freightliner MT45, 2021 custom chassis with Morgan Olson Route Star Walk in work box at a cost of \$69,965.00 from Fleet Maintenance, Inc. 67 Ransier Drive West Seneca NY, 14224 the lowest and only qualified bidder copy is attached.

Introduced by Trustee Jacobson.

Seconded by Trustee Webb.

Ayes - Trustees Jacobson, Webb, Moore, Mayor Shearer.

Nays - None, Trustee Harrington absent.

Public Hearing on the Cable Franchise Agreement was closed at 7:24 PM

RESOLUTION: An application has been duly made to the Board of Trustees in the Village of Mayville, County of Chautauqua, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. ("Charter"), 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 Charter's cable television franchise for ten (10) years 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 Mayville, New York on November, 10th at 6:50 P.M. and notice of the hearing was published in the Jamestown Post Journal on October 16, 2020.

NOW, THEREFORE, the Village of Mayville Board of Trustees 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 Village of Mayville Board of Trustees hereby grants the cable television franchise of Spectrum Northeast, LLC and the Village of Mayville 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 Village of Mayville Board of Trustees hereby confirms acceptance of this franchise renewal agreement.

Introduced by Trustee Webb.

Seconded by Trustee Jacobson

Roll Call Vote as follows:

Trustee Jacobson Aye.
Trustee Webb Aye.
Trustee Harrington Absent.
Trustee Moore Aye.
Mayor Shearer Aye.

RESOLUTION: Resolved to approve payment of bills for Abstract #6 as follows:

General Fund	\$ 173,787.62
Water Fund	\$ 569,660.09
Electric Fund	\$ 117,609.97
Capital Water Project	\$ 199,417.58

and that included in the above are the following transfers to savings:

Water Fund	\$ 350,000.00
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and that included in the above are the following transfers to checking:

General Fund	\$ 60,000.00
Water Fund	\$ 200,000.00

Introduced by Trustee Moore.
Seconded by Trustee Jacobson.
Ayes - Trustees Moore, Jacobson, Webb, Mayor Shearer.
Nays - None, Trustee Harrington absent.

Privilege of the floor was offered.

Trustee Moore thanked the Post Journal for the article regarding the Mayville Diner cleanup. Trustee Moore asked the Village Attorney when the lien would be filed against the property owner to hopefully recoup the expense. It was stated that all the bills had been received and the lien would be filed in the next few days.

Village of Mayville employee Samuel Ambrose spoke the board regarding a request for a pay increase to \$16.00 per hour. He explained that he had a job offer at \$18.00 per hour but would remain here at the Village DPW if he were given a raise. DPW Superintendent John Buxton stated that he Mr. Ambrose had given his 2-week notice.

Mayor Shearer stated that he had spoken to Mr. Ambrose prior to the meeting and that he had just completed a training in the Water Department.

There was discussion by the board and other attendees regarding any policies for pay increases in the Village. None were cited.

Jeff Wagner asked if the Village had been contacted about any possible solar power sites within the village as he had received a flyer in the mail. Mayor Shearer stated that he was not aware of any program but would check into it if Mr. Wagner could get him the flyer.

Sharon Smead asked if Mayor Shearer had received her email requesting some information regarding village issues.

Mayor Shearer stated he had received the email but would not be able to comment on it as it as he had just received it that morning.

Devon Taylor thanked the DPW and the board for the decorations in the Village and stated that he had heard lots of great comments on them from visitors to our Village.

RESOLUTION: Resolved to adjourn the regular meeting of the Board of Trustees of the Village of Mayville on Tuesday, November 10, 2020 at 7:43 p.m.

Introduced by Trustee Jacobson.

Seconded by Trustee Webb.

Ayes - Trustees Jacobson, Webb, Moore, Mayor Shearer.

Nays - None, Trustee Harrington absent.