

September 1, 2026

At 7:00 PM, Mayor Sherwood called the meeting to order, followed by the pledge to the flag.

The following were present:

Patricia Sherwood	Mayor
Steve Dominessy	Trustee
Anthony Giboo	Trustee
Mary Farrington	Trustee
Brandon Stearns	Trustee

Clerk Gina Maltby

OTHERS PRESENT: Superintendent of Public Works Daren Smith, Code Enforcement Officer Chris Lexer, Treasurer Chris Edmunds, Fire Department member Chris Hazeltine, Village residents Fred and Eric Wolfer, Ann Giboo and a resident from Sardinia.

At 7:00 PM, Mayor Sherwood opened the scheduled public hearing on Local Law 4 of 2026: Amending the Zoning Code to prohibit Data Centers and Cryptocurrency Data Mines in the Village of Delevan. A legal advertisement for the Public Hearing was published in the 8/20 edition of the Herald Courier.

Questions were asked by a member of the public on whether the local law applies to the Village of Delevan only.

At 7:06 PM, it was moved by Trustee Farrington, seconded by Trustee Giboo to close the Public Hearing. Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Giboo aye. 5 ayes, 0 nays, 0 absent. Carried.

Site Plan Application:

Code Enforcement officer Chris Lexer advised the board that he had met with residents Fred and Erica Wolfer and all paperwork has been filled out to operate a shed sales business at 1028 North Main Street. All members of the board were provided with a copy of the application, paperwork and a copy of the drawing. The shed lot/items for sale will only be to the right of the driveway and if ceases operations, the site plan approval becomes null and void. Discussion was had on signs and residents agreed to remove the multiple small signs they have up.

#707 LEAD AGENCY

Moved by Trustee Giboo, seconded by Trustee Farrington, to declare the Village of Delevan as lead agency, to review the short environmental assessment form and complete the impact assessment to determine whether the project/business at 1028 North Main Street would have an adverse environmental impact.

Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Giboo aye. 5 ayes, 0 nays, 0 absent. Carried.

#708 NEGATIVE DECLARATION

Moved by Trustee Stearns, seconded by Trustee Farrington, to issue a Negative Declaration after reviewing the short environmental assessment form and finding that Part 2 did not identify any adverse environmental impacts. Trustee Farrington read all questions of Part 2 and the board agreed that each question had an answer of NO (no impact).

Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Giboo aye. 5 ayes, 0 nays, 0 absent. Carried.

#709 SITE PLAN APPROVAL

Moved by Trustee Giboo, seconded by Trustee Stearns, to approve the site plan application for 1028 North Main Street *with the following conditions:*

Condition One: All sheds are to remain a minimum of 3 to 4 feet from the south property line.

MINUTES

Trustee Farrington, seconded by Trustee Dominessy, moved suspension of the reading of the Minutes of the previous board meeting August 4, 2026 as Board members had been supplied copies. Carried. Mayor Sherwood announced that corrections and alterations would then be heard, and concluding there were none, the minutes stand approved. Carried.

PUBLIC

No one in attendance wished to speak during the public period.

REPORTS

Treasurer Edmunds advised the board that there are a few transfers to do. Corrected attorney voucher to engineering for sewer project invoice. E-mailed insurance rep about cyber insurance; will be reaching out to Prizm to obtain quote. Has been working with Prizm on Village e-mail addresses. Advised the board that the Clerk was unable to purchase the printer that was previously approved by the board due to it not being available through the Village Staples account. Price had increased significantly when he pulled it up.

#712 TRANSFER OF FUNDS

Moved by Trustee Farrington, seconded by Trustee Giboo, to make the following transfers:

\$6,887.44 from A599 to Engineering A1440.400

\$3,380.00 from A9785.600 Installment Purchase Principal to A9785.700 Installment Purchase Interest

Increase A3410.200 Fire Dept Equipment and A2680 Insurance Recoveries by \$16,285.72

Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Giboo aye.
5 ayes, 0 nays, 0 absent. Carried.

#713 PRINTER PURCHASE

Moved by Trustee Farrington, seconded by Trustee Giboo, to approve the purchase of a new printer (up to \$500.00) out of buildings equipment.

Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Giboo aye.
5 ayes, 0 nays, 0 absent. Carried.

Chris Hazeltine advised there were 27 calls for the month of August:

EMS CALLS

Village	7
Town of Yorkshire	5
Machias	3
Yorkshire	1

AUTO ACCIDENT

Village	2
Town of Yorkshire	2
Town of Freedom	1

AUTOMATIC FIRE ALARM

Village	3
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VEHICLE FIRE

Village	1
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MERCY FLIGHT LANDING ZONE

Village	1
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HAZARDOUS CONDITION

Town of Yorkshire	1
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Clerk Maltby advised that a donation envelope for the rescue squad that was received in the Village drop box has been given to Hazeltine.

Superintendent of Public Works Daren Smith reported the following:

- 1.) Had chlorine delivered, was down to the last bottle.
- 2.) TOC samples were taken and sent; one week the individual showed up late to take them, so they had to come back the following week and take other samples that are done yearly in the month of August. Health department requires TOC samples to be taken quarterly.

- 3.) He and forester met with National Grid and walked the springs area. Pointed out where they can and can't go. They are going to be trimming high tension lines.
- 4.) Fire department did hose testing one week and pump testing the next. Included several other fire companies. Received several phone calls from residents concerned about their water.
- 5.) Chipped lots of brush, put two new tires on chipper.
- 6.) When Town was patching, found screw in the tire of Village truck. Most of the streets are patched except for the ones that will be paved.
- 7.) Received phone call from resident; bus garage advised her to call Superintendent to get permission for a bus to go down their street to pick their child up. Made phone calls, if board is okay with it he will call the resident back and let her know. Board agreed that buses can go down Dorita.
- 8.) National Grid has not shown up yet to do trimming up at the springs. Said will call him ahead of time.

Clerk Gina Maltby reported the following:

- 1.) Prepared Vouchers and Abstract
- 2.) Cash receipts provided to each board member.
- 3.) Outstanding taxes to be collected: \$17,670.27.
- 4.) One parking tag issued in the month of August.
- 5.) Water bills were mailed out on Friday, August 28th.
- 6.) Left early today for school event.
- 7.) Outstanding water to be collected: \$48,985.68.

COMMUNICATIONS

- 1.) Clerk Maltby advised the board that they have all been provided with a copy of the invitation to participate in the Cattaraugus County comprehensive emergency medical services plan district 2 meeting. The meeting is to be held on Thursday, September 17, 2026 at 6:30 PM at the Machias Fire Department. Clerk Maltby pointed out that the invitation requests that it be the same individuals who attended the first meeting and that the RSVP is due by September 14th. Trustee Farrington and Trustee Dominessy agreed to be signed up for the meeting.

UNFINISHED BUSINESS

- 1.) **Sewer Project:** No real updates; clerk Maltby advised that an informational packet from MDA has been e-mailed over for residents. Code Enforcement officer Lexer advised that another mailing will be sent out to residents and will include the packet of information.
- 2.) **Crossing Guard:** Clerk Maltby advised that the crossing guard ad was in the paper again and it was also on the Herald Courier's website for a week free. Has received one application and passed the application around for board members to review.

#714 HIRE CROSSING GUARD

Moved by Trustee Farrington, seconded by Trustee Giboo, to hire Dale Titus as crossing guard with a start date of Thursday, September 3, 2026 at \$12.38/45 minutes.

Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Giboo aye.
5 ayes, 0 nays, 0 absent. Carried.

- 3.) **Sexual harassment training:** Clerk Maltby gave a reminder that sexual harassment training e-mails have been sent.
- 4.) **Audit of the books:** Trustee Farrington advised that they have not done the audit of the books yet. Will be coordinating a new date and time within the next week or two. Trustee Giboo asked if okay for spouse to assist since familiar with bookkeeping; advised yes by Treasurer Edmunds. Trustee Farrington advised will reach out to coordinate a date and time.

NEW BUSINESS

- 1.) **Water shut offs:** Clerk Maltby advised that she is requesting approval for water shut offs. Board agreed to conduct shut offs with the same timeframe as last year.

#715 WATER SHUT OFFS

Moved by Trustee Giboo, seconded by Trustee Farrington, to approve Clerk Maltby issuing water shutoff notices due to nonpayment and for shutoffs to take place in October.
Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Giboo aye.
5 ayes, 0 nays, 0 absent. Carried.

- 2.) **September water billing** is as follows: past due water \$8,094.36, penalties of \$1,185.91 and other \$880.72, final \$0. New current \$37,757.77, new other \$2,864.00 and Grove Street \$560.80 for a total of \$51,343.56.
- 3.) **Fire contract proposals:** Department member Chris Hazeltine provided Clerk Maltby with the letter from the fire department containing the Town of Yorkshire and Town of Freedom fire contract proposals:

#716 FIRE CONTRACTS

Moved by Trustee Farrington, seconded by Trustee Stearns, to offer the Town of Yorkshire a contract for January 1, 2027 – December 31, 2027 for the sum of \$55,080.00 (a \$1,080.00 increase from last year) and to offer the Town of Freedom a contract from January 1, 2027 – December 31, 2027 for the sum of \$13,260.00 and from January 1, 2028 – December 31, 2028 for the sum of \$13,525.00. Clerk Maltby will send letters to the Town of Yorkshire and Town of Freedom.

Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Giboo aye.
5 ayes, 0 nays, 0 absent. Carried.

- 4.) **Ambulance/copay billing:** Department member Hazeltine provided board members with a copy of the Delevan 2026 Review snapshot:

Total billable calls: 29
Total charges billed: \$48,844.80
Total revenue collected: \$16,755.86
Insurance fee schedule adjustments: \$12,014.34
Resident adjustments: \$565.00
Write offs: \$3,088.00
Balance processing with insurance: \$16,421.60

The packet also includes a 2025/2026 comparison chart for call volume trends and revenue trends as well as a Delevan 2025 payer mix chart. When asked where the fire department gets the information from, Hazeltine advised PAB billing and that they are always behind on getting the information over to the department.

- 5.) **Library agreement for services:** Clerk Maltby advised that the library agreement for services was in the drop box and that they are requesting the same amount as last year.

#717 LIBRARY AGREEMENT FOR SERVICES

Moved by Trustee Farrington, seconded by Trustee Stearns, to approve and for Mayor Sherwood to sign the July 1, 2026 – June 30, 2027 agreement for services between the Village and the Delevan-Yorkshire Public Library in the amount of \$2,200.00.

Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Giboo aye.
5 ayes, 0 nays, 0 absent. Carried.

- 6.) Superintendent Smith advised that he would like to get thank-you cards for those who have helped with different tasks around the Village. The board agreed.

- 7.) **Local Law 4 of 2026:**

#718 NEGATIVE DECLARATION PURSUANT TO SEQR REGARDING LOCAL LAW 4 OF 2026: AMENDING THE ZONING CODE TO PROHIBIT DATA CENTERS AND CRYPTOCURRENCY DATA MINES IN THE VILLAGE OF DELEVAN

Whereas, the Village of Delevan Board of Trustees, has proposed enactment of Local Law 4 of 2026 Amending the Zoning Code to prohibit Data Centers and Cryptocurrency Data Mines in the Village of Delevan; and

Whereas, the enactment of Local Law 4 of 2026 Amending the Zoning Code to prohibit Data Centers and Cryptocurrency Data Mines in the Village of Delevan is an Unlisted Action pursuant to the SEQR Regulations; and

Whereas, the Village of Delevan Board of Trustees is the Lead Agency and sole Involved Agency pursuant to SEQR because the Village of Delevan Board of Trustees is the sole government entity with approval power of the enactment of local laws, therefore no Coordinated Review is required; and

Whereas, a Public Hearing was held on September 1, 2026.

Now, Therefore, Be It Resolved, by the Village of Delevan Board of Trustees that:

3. a Negative Declaration pursuant to SEQR is hereby issued upon the finding that Part 2 of SEAF did not identify any potentially adverse environmental impacts and no potentially adverse environmental impacts were identified through public comments; and
4. Village Attorney Peter J. Sorgi, Esq. is authorized to execute Part 3 of the SEAF.

Roll Call Vote:

Mayor Patricia Sherwood	VOTING	<u>aye</u>
Trustee Steven Dominessy	VOTING	<u>aye</u>
Trustee Mary Farrington	VOTING	<u>aye</u>
Trustee Brandon Stearns	VOTING	<u>aye</u>
Trustee Anthony Gibbo	VOTING	<u>aye</u>

#719 ENACTING LOCAL LAW 4 OF 2026: AMENDING THE ZONING CODE TO PROHIBIT DATA CENTERS AND CRYPTOCURRENCY DATA MINES IN THE VILLAGE OF DELEVAN

Whereas, the Delevan Board of Trustees has proposed the enactment of Local Law 4 of 2026 Amending the Zoning Code to prohibit Data Centers and Cryptocurrency Data Mines in the Village of Delevan; and

Whereas, a Public Hearing was held by the Village of Delevan Board of Trustees on September 1, 2026; and

Whereas, on September 1, 2026, the Village of Delevan Board of Trustees issued a Negative Declaration pursuant to New York State Environmental Quality Review Act; and

Whereas, on August 27, 2026, the Cattaraugus County Planning Board recommended Approval of Local Law 4 of 2026.

Now, Therefore, Be It Resolved, by the Village of Delevan Board of Trustees that Local Law 4 of 2026 Amending the Zoning Code to prohibit Data Centers and Cryptocurrency Data Mines in the Village of Delevan is hereby enacting upon the findings set forth in said proposed Local Law.

Roll Call Vote:

Mayor Patricia Sherwood	VOTING	<u>aye</u>
Trustee Steven Dominessy	VOTING	<u>aye</u>
Trustee Mary Farrington	VOTING	<u>aye</u>
Trustee Brandon Stearns	VOTING	<u>aye</u>
Trustee Anthony Gibbo	VOTING	<u>aye</u>

PAY CLAIMS

The bills for the previous month of August were presented and audited. It was moved by Trustee Farrington, seconded by Trustee Stearns, to make payment of \$36,043.05 Abstract #004, \$33,807.85 General Fund Claims and \$2,235.20 in payment of Water Fund.

Trustee Dominessy aye, Trustee Farrington aye, Mayor Sherwood aye, Trustee Stearns aye, Trustee Gibbo aye.
5 ayes, 0 nays, 0 absent, Carried.

ADJOURNMENT

At 8:34 PM it was moved by Trustee Farrington, seconded by Trustee Dominessy to adjourn. Carried.

Village Clerk Gina Maltby