

VILLAGE OF SPRINGVILLE
2015 MINUTES

August 10, 2015

7:00 P. M.

The Regular Meeting of the Trustees of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time. Present were:

Mayor	William J. Krebs
Trustees	Nils A. Wikman Alan L. Chamberlin Robert J. Moriarty Jr. Terry W. Skelton
Village Administrator	Timothy Horner
Village Attorney	Paul D. Weiss (arrived at 7:11 pm)
Superintendent of Public Works	Kenneth W. Kostowniak
Building Inspector/ Code Enforcement	Michael Kaleta
Police Sargent	John Fox
Fire Chief	Dennis Dains
Clerk	Holly Murtiff
Also Attending	Joseph Emerling Mitch Jackson William Skura Carol Lermineaux David Dahl, Buffalo News
John Shaw	
Cindy Bramer	
William Bramer	

Mayor Krebs called the meeting to order at 7:00 PM.

1. Minutes

Minutes of the Regular Meeting of May 18, 2015 were approved as written by motion of Trustee Skelton, seconded by Trustee Moriarty; carried, Mayor Krebs, Trustees Skelton and Moriarty voting yes, none opposed, Trustees Chamberlin and Wikman abstaining.

Minutes of the Regular Meeting of July 13, 2015 were approved as written by motion of Trustee Skelton, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Skelton, Chamberlin and Wikman voting yes, none opposed, Trustee Moriarty abstaining.

Minutes of the Executive Session of July 13, 2015 were approved as written by motion of Trustee Chamberlin, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Chamberlin, Skelton and Wikman voting yes, none opposed, Trustee Moriarty abstaining.

PUBLIC COMMENT

Mitch Jackson, 64 Newman Street, addressed the Mayor and Board regarding his continued concern over the property next door to him at 56 Newman. Mr. Jackson is concerned with the conditions at this abandoned property.

DEPARTMENT REPORTS

ADMINISTRATOR REPORT

2. Amended 15/16 Tax Warrant
Motion was made by Trustee Skelton, seconded by Trustee Wikman; carried, Mayor Krebs, to discuss the 2015/2016 Second Amended Tax Warrant that reflects the approval of agricultural exemptions granted to three (3) Mill Ridge LLC properties. Village Attorney Paul Weiss was directed to investigate the legalities of this change and report back to the Mayor and Board at the next meeting on September 14, 2015. Carried, Mayor Krebs, Trustees Skelton, Wikman, Chamberlin and Moriarty voting to table the matter until September 14, 2015, none opposed.

3. Right of Reverter Resolution 2015-12
After discussion and upon the recommendation of Village Attorney Paul Weiss, motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Moriarty and Skelton voting yes, none opposed to authorizing Village Administrator Timothy Horner to sign and Village Attorney Paul Weiss to file with the Erie County Clerk's office the below resolution regarding the termination of the development contract relative to 5 East Main Street.

**Resolution to File Release of Right of Reverter
Relative to the 5 East Main Street,
the Springville Center for the Arts**

WHEREAS, Erie County with the approval of the Erie County Legislature in 2012 waived the real property tax liens, at the request of the Village with the understanding that once such liens were waived by the County, the Village would acquire title to the Property from owner Robert Mundt and then immediately following the acquisition, convey title to the Property to the Springville Center of the Arts in accordance with the terms and conditions set forth in the Development Agreement dated June 29, 2012, and

WHEREAS, the Springville Center for the Arts and the Village of Springville entered into a Development Contract for 5 East Main Street in Springville on June 29, 2012, and took possession of the property at 5 East Main Street, and

WHEREAS, in 2012, the Springville Center for the Arts was listed a priority project by the Western New York Regional Economic Council and received a total of \$444,810 in grants to rehabilitate the building, construct retail space on the first floor, residential space on the second floor, and a public access green roof, and

WHEREAS, in 2013 the Village of Springville New York Main program awarded the Springville Center for the Arts \$50,000 to rehabilitate the façade of the building at 5 East Main, and

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WHEREAS, substantial structural improvements have been made to the building including the demolition of deteriorated walls, floors and roof, construction of structurally sound walls floors and roof, and rehabilitation of the façade and rear walls, and

WHEREAS, the Village of Springville Building Inspector Michael Kaleta has approved with certificates of compliance, the structural work completed by the Springville Center for the Arts assuring the structural integrity of the building, and

WHEREAS, New York State Home and Community Renewal Community Development Administrator Patricia O'Reilly, has approved the work completed by the Springville Center for the Arts and closed Rural Area Rehabilitation Project grant for this project, and

WHEREAS, Code Enforcement Officer Michael Kaleta has determined that the Springville Center for the Arts has rehabilitated said structure to the extent of stabilizing the structure at 5 East Main Street; and

WHEREAS, the Village of Springville Board of Trustees adopted the determination of Code Enforcement Officer Michael Kaleta, and

WHEREAS, the Village of Springville terminated the 5 East Main Street Development Agreement pursuant to Paragraph 8 of said Agreement by Resolution on July 13, 2015.

NOW THEREFORE BE IT RESOLVED, that the Village of Springville Board of Trustees hereby authorizes Village Administrator Timothy Horner to execute a Release of Right of Reverter relative to the subject property and to cause such document to be recorded in the Erie County Clerk's Office.

SUPERINTENDENT REPORT

Superintendent Kostowniak gave the Mayor and Board an update on the Franklin and Mechanic Streets project and thank everyone who was involved with the move of the gazebo that was donated by Waterman's nursery.

POLICE DEPARTMENT

Sargent Fox updated everyone on the following;

- ❖ Semi-Annual call summary and traffic ticket summary from January 1 – June 30, 2015 has been distributed to all Board members.
- ❖ Two Commercial Vehicle Safety Checks are scheduled during August which the SPD will assist NYS DOT with.
- ❖ New hire Ron Kenyon has started patrolling.
- ❖ NYS Traffic Ticket report for July will be completed and forwarded to the NYS DOT.

FIRE REPORT

Chief Dains updated everyone on the following;

- ❖ Department training, calls, correspondence and legislation update.
- ❖ A recent hazardous materials call at the SYI swimming pool.

BUILDING INSPECTOR/CEO

BI/CEO Kaleta had nothing to report this evening.

CONTROL CENTER

Trustee Chamberlin had nothing to report this evening.

OLD BUSINESS

There was no Old Business to discuss this evening but Trustee Wikman distributed copies of a proposed legislation regarding abandoned properties.

NEW BUSINESS

- 4. Rezoning Request After discussion regarding the request for a zoning change for property at 36, 56 & 74 Waverly Street motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Chamberlin and Moriarty voting yes, none opposed to referring the matter to the Planning Board for review and consideration at their August 11, 2015 meeting.

- 5. Municipal Lot Request Joe Emerling, of Main Street Pizzeria & Café addressed the Board regarding the request of the business owners at 38, 40, 44, 46, 52, 56 East Main St. and 15, 19, 23, 29, 70 Mechanic St. and 54 Franklin St. for the Village of Springville to create a municipal parking lot behind these businesses. All attending discussed this matter and at this time Superintendent of Public Works Ken Kostowniak was asked to obtain quotes for an engineering study and scope of services proposal.

BILLS

Bills, as examined by members of the Board of Trustees were approved for payment in accordance with Abstracts #46 through #67, total of \$848,789.52 of 2015/2016 for the General, Water/Sewer, Electric, Trust and Agency Funds by motion of Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Moriarty and Skelton voting yes, none opposed.

CONSENT AGENDA

Motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Chamberlin and Moriarty voting yes, none opposed to accept the consent agenda as follows:

Building applications received by the Building Inspector/CEO Kaleta, Planning Board, Zoning Board of Appeal and Historic Preservation Commission as follows:

Minutes of the Planning Board meeting on July 14, 2015.

PROJECT: 0000007493 - ACCESSORY BUILDING TYPE: ACCESSORY BUILDINGS
PROPERTY: 30 NEWMAN ST
ISSUED DATE: 7/09/2015
ISSUED TO: MARVIN, EUGENE
30 NEWMAN ST
SPRINGVILLE, NY 14141

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PROJECT: 0000007494 - NONRES NONSTRUCTURAL TYPE: NONRES
PROPERTY: 231 S CASCADE DR S 125 NONSTRUCTURAL
ISSUED DATE: 7/10/2015
ISSUED TO: SALLY BEAUTY LLC
C/O ELOVA MS 2207
PO BOX 2440
SPOKANE, WA 99210-0000

PROJECT: 0000007495 - NONRES NONSTRUCTURAL TYPE: NONRES
PROPERTY: 231 S CASCADE DR S 125 NONSTRUCTURAL
ISSUED DATE: 7/10/2015
ISSUED TO: SCOLMAN, RYAN
PO BOX 6479
BEND, OR 97708

PROJECT: 0000007496 - VIOLATION-OPEN BURNING TYPE: VIOLATION
PROPERTY: 55 WAVERLY ST
ISSUED DATE: 7/13/2015
ISSUED TO: SALEM, CARTER
10138 RTE 240
WEST VALLEY, NY 14171

PROJECT: 0000007497 - VIOLATION-GARBAGE TYPE: VIOLATION
PROPERTY: 167 N BUFFALO ST
ISSUED DATE: 7/14/2015
ISSUED TO: EKES, PEGGY JO
167 N BUFFALO
SPRINGVILLE, NY 14141

PROJECT: 0000007498 - ROOFING TYPE: ROOF
PROPERTY: 58 PARK ST
ISSUED DATE: 7/14/2015
ISSUED TO: RUNG, JEREMY
58 PARK ST
SPRINGVILLE, NY 14141

PROJECT: 0000007499 - RESIDENTIAL ALTERATION-ELECTRIC TYPE:
PROPERTY: 14 PEARL ST ELECTRIC
ISSUED DATE: 7/14/2015
ISSUED TO: FELDMAN, DONNA
8925 CHAISE ROAD
SPRINGVILLE, NY 14141

PROJECT: 0000007500 - PLANNING BOARD REVIEW TYPE: PLANNING
PROPERTY: 56 WAVERLY ST BOARD REVIEW
ISSUED DATE: 7/14/2015
ISSUED TO: BATTERSON, DAVID C
SPRINGVILLE DOOR & WINDOW
56 WAVERLY ST
SPRINGVILLE, NY 14141

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PROJECT: 0000007502 - RESIDENTIAL ALTERATION PROPERTY: 158 MILL ST ISSUED DATE: 7/16/2015 ISSUED TO: CHMIELOWIEC HOME IMPROVEMENT 13087 BELSCHER ROAD SPRINGVILLE, NY 14141	TYPE: RESIDENTIAL ALTERATION
PROJECT: 0000007503 - VIOLATION-VEHICLE PROPERTY: 21 PARK ST ISSUED DATE: 7/16/2015 ISSUED TO: KOWALSKE, JOHN E 6158 BOSTON RIDGE RD ORCHARD PARK, NY 14127	TYPE: VIOLATION
PROJECT: 0000007504 - VIOLATION-VEHICLE PROPERTY: 36 WAVERLY ST ISSUED DATE: 7/16/2015 ISSUED TO: BATTERSON, DAVID C 52 PEARL ST SPRINGVILLE, NY 14141	TYPE: VIOLATION
PROJECT: 0000007505 - GARAGE SALE PROPERTY: 31 S BUFFALO ST LWR ISSUED DATE: 7/16/2015 ISSUED TO: GANG, WAYNE SR 31 S BUFFALO ST-LOWER SPRINGVILLE, NY 14141	TYPE: GARAGE SALES
PROJECT: 0000007506 - GARAGE SALE PROPERTY: 26 PARK ST UPR ISSUED DATE: 7/16/2015 ISSUED TO: BEEMAN, ASHLEY 26 PARK ST SPRINGVILLE, NY 14141	TYPE: GARAGE SALES
PROJECT: 0000007507 - GARAGE SALE PROPERTY: 414 MILL ST ISSUED DATE: 7/22/2015 ISSUED TO: BLAKELY, GREGORY 250 GOODNIGHT FARM RD SALISBURY, NC 28147	TYPE: GARAGE SALES
PROJECT: 0000007508 - GARAGE SALE PROPERTY: 20 W EDGEWOOD DR ISSUED DATE: 7/22/2015 ISSUED TO: CISZAK, LARRY 20 W EDGEWOOD DR SPRINGVILLE, NY 14141	TYPE: GARAGE SALES

PROJECT: 0000007509 - ROOFING PROPERTY: 156 N BUFFALO ST ISSUED DATE: 7/23/2015 ISSUED TO: MCCARTHY, ANN 156 N BUFFALO ST SPRINGVILLE, NY 14141	TYPE: ROOF
PROJECT: 0000007510 - GARAGE SALE PROPERTY: 136 E MAIN ST ISSUED DATE: 7/27/2015 ISSUED TO: EHINGER, GARY R DONNA M EHINGER 136 E MAIN ST SPRINGVILLE, NY 14141	TYPE: GARAGE SALES
PROJECT: 0000007511 - GARAGE SALE PROPERTY: 25 CHILDS ST ISSUED DATE: 7/27/2015 ISSUED TO: WILLMOTT, JENNIFER 25 CHILDS ST. SPRINGVILLE, NY 14141	TYPE: GARAGE SALES
PROJECT: 0000007512 - FENCES PROPERTY: 135 ELK ST ISSUED DATE: 7/28/2015 ISSUED TO: PLOETZ, KEVIN 13953 DUPONT RD COLLINS, NY 14034-9763	TYPE: FENCES
PROJECT: 0000007513 - NONRES NONSTRUCTURAL PROPERTY: 230 S CASCADE DR ISSUED DATE: 7/28/2015 ISSUED TO: THE KROG CORP 4 CENTRE DRIVE ORCHARD PARK, NY 14127	TYPE: NONRES NONSTRUCTURAL
PROJECT: 0000007514 - GARAGE SALE PROPERTY: 262 NEWMAN ST ISSUED DATE: 7/28/2015 ISSUED TO: KLENK, LAUREN 42 MILL ST SPRINGVILLE, NY 14141	TYPE: GARAGE SALES
PROJECT: 0000007515 - NONRES NONSTRUCTURAL-ELECTRIC PROPERTY: 339 W MAIN ST ISSUED DATE: 7/29/2015 ISSUED TO: TREDWAY PIT STOP 902 W. STATE ST OLEAN, NY 14760	TYPE: ELECTRIC

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❖ The NYCOM Fall Training schedule is out.

6. Executive Session Motion was made by Trustee Skelton, seconded by Trustee Moriarty; carried, Mayor Krebs, Trustees Skelton, Moriarty, Chamberlin and Wikman voting yes, none opposed to go into Executive Session at 8:19 pm to discuss personnel matters and real estate discussions.
7. Sick Policy Exception Upon return from Executive Session motion was made by Trustee Skelton, seconded by Trustee Moriarty; carried, Mayor Krebs, Trustees Skelton, Moriarty, Chamberlin and Wikman voting yes, none opposed to approving the one time conversion of three (3) regular sick days to three (3) family sick days for Administrator Timothy Horner due to extenuating personal circumstances.
8. Adjourn Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Skelton and Moriarty voting yes, none opposed to adjourn the Regular Session at 9:24pm.

Respectfully submitted,

Holly Murtiff
Deputy Clerk