

VILLAGE OF SPRINGVILLE
2015 MINUTES

October 5, 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 Attorney	Paul D. Weiss
Superintendent of Public Works	Kenneth W. Kostowniak
Building Inspector/ Code Enforcement	Michael Kaleta
Clerk	Holly Murtiff
Also Attending	Mitch Martin (Senator Patrick Gallivan's Office)
Bob Muhlbauer (7:10 pm) (Planning Board Chairman)	Colleen Mahoney (Springville Journal)
Absent	Timothy L. Horner (Administrator) John Fox (Police Sergeant) Dennis Dains (Fire Chief)

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

1. Minutes Minutes of the Regular Meeting of September 14, 2015 were approved as written by motion of Trustee Skelton, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Skelton, Chamberlin, Wikman and Moriarty voting yes, none opposed.

PUBLIC COMMENT

Mitch Martin, a representative from Senator Gallivan's office, addressed the Mayor and Board extending his office's assistance with whatever questions the Village may have.

DEPARTMENT REPORTS

ADMINISTRATOR REPORT

Administrator Horner had nothing to report.

SUPERINTENDENT REPORT

2. Franklin St. Project Superintendent Kostowniak gave the Mayor and Board an update on the Franklin St. project. He will be meeting with William Schutt regarding Phase 2 of the project.

3. Feasibility Study After discussion, motion was made by Trustee Skelton, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Skelton, Chamberlin, Moriarty and Wikman voting yes, none opposed to approving William Shutt & Associates to proceed with the feasibility study, amended as requested at the September 14, 2015 meeting, for the proposed municipal parking lot behind the East Main and Mechanic Street business. The cost of this adapted feasibility study will be \$5,000.

POLICE DEPARTMENT

4. New Officer In Sergeant Fox's absence Mayor Krebs request the hiring of Andrew Avery as a part-time officer with the Springville Police Department. After discussion, motion was made by Trustee Skelton, seconded by Trustee Wikman; carried, Mayor Krebs, Trustee Skelton, Wikman, Chamberlin and Moriarty voting yes, none opposed to hiring Andrew Avery as a part-time officer in the Springville Police Department

FIRE REPORT

There was no fire report this evening.

BUILDING INSPECTOR/CEO

BI/CEO Kaleta informed everyone that he recently met with the Springville Griffith Institute District Administrator to review their upcoming Capital Improvement plans.

CONTROL CENTER

There was no Control Center report this evening.

OLD BUSINESS

5. Amended 15/16 Tax Warrant After discussion, motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Chamberlin and Moriarty voting yes, none opposed to approving the below amended 2015/2016 Tax Warrant.

*LEGAL NOTICE
SECOND AMENDED
TAX WARRANT
VILLAGE OF SPRINGVILLE*

You are hereby commanded to receive and collect from the several persons named in the Tax Roll hereunto annexed, the several sums stated in the last column hereof opposite their respective names, being a total \$1,801,543 for the following purpose:

*For the current Budget \$1,670,628
For the Relieved Water/Sewer Charges \$122,674
For the Relieved Taxes/Exempt \$2,571
For the Relieved Accounts Receivable/Permits \$5,670
Total Taxes Receivable \$ 1,801,543*

You are further commanded to receive and collect such sums without additional charge between the first day of June and the first day of July, 2015 both inclusive; and thereafter to collect with such of the sums as have not been therefore collected and additional charge of seven and one-half per centum for the first month or fraction thereof, and one and one-half per centum for each month or fraction thereof until paid.

You are further commanded to file the tax roll and warrant in your office on or before the second day of November, 2015 and to deliver to the Board of Trustees at the same time an account of the taxes remaining due and unpaid; describing each parcel of real property upon which taxes are unpaid, showing the person or persons to whom the parcel is assessed and showing as to each parcel the amount of tax unpaid.

6. Waverly Rezoning Request Motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs. Trustees Wikman, Skelton, Chamberlin and Moriarty voting yes, none opposed to introducing and setting October 19, 2015 at 7:00 pm as the date and time for the public hearing regarding the matter of a portion of Waverly Street rezoning request. Appropriate advertisements will be placed in the Springville Journal.

NEW BUSINESS

7. 2016 CDBG Application Motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Chamberlin and Moriarty voting yes, none opposed to setting October 19, 2015 at 7:00 pm as the date and time for the public hearing on the matter of the 2016 Community Development Block Grant (CDBG) projects and application . Appropriate advertisements will be placed in the Springville Journal.
8. BI/CEO Intermunicipal Agreement Resolution Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Moriarty and Skelton voting yes, none opposed to authorizing the below agreement resolution.

INTERMUNICIPAL AGREEMENT REGARDING PROVIDING MUTUAL AID CODE ENFORCEMENT AND BUILDING INSPECTOR SERVICES.

THIS AGREEMENT, made and entered into this September 10, 2015, by and between the Village of Springville (“the Village”), a municipal subdivision of the State of New York situate in Erie County, New York and the Town of Colden (“the Town”), a municipal subdivision of the State of New York situate in Erie County, New York.

WITNESSETH:

WHEREAS, the Village and the Town currently provide code enforcement and building inspection service within their respective municipalities and

WHEREAS, from time to time the Code Enforcement Office of each municipality is not available to immediately attend to the responsibilities of said position, and

WHEREAS, the Village and the Town are desirous of contracting with each other for the purpose of sharing such responsibility in a situation when their Code Enforcement Office is not available.

NOW, THEREFORE, IT IS HEREBY AGREED, by the Village and the Town as follows:

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1. The Village and the Town authorize their respective Code Enforcement Officers to lend assistance to the other municipality under such circumstances that their Code Enforcement Officer is not immediately available to respond to his duties (“the service”) subject to following conditions.
2. The exchange of services should not in any way hamper or delay the responsibilities of the Code Enforcement Officer within the provider municipality.
3. The municipality providing the service shall:
 - a. Be responsible for injury to any its employees if it is a workers’ compensation injury pursuant to Workers Compensation Law §2(7).
 - b. Be liable for negligence of its employees occurring in the performance of their duties in the same manner and to the same extent as if the negligence occurred in the performance of their duties for the provider municipality.
 - c. Provide materials and compensate fuel that is needed during the course of use of such duties.
 - d. Keep records of the day and hours that the service was provided and provide a copy to the municipality receiving the service on or before the first business day in January after the expiration of the calendar year which service was provided.
4. The municipality wanting to receive the service shall have its Code Enforcement Officer contact the Code Enforcement Officer of the providing municipality to arrange for service.
5. The Village and the Town agree to the following compensation for the service that its Code Enforcement can provide in one calendar year is 80 hours.
6. The Village and the Town agree to the following compensation for service:
 - a. The Village and the Town will pay \$25.16 per hour for the service.
 - b. The compensation owed for the service will be the difference between the amount of hours provided to the other per year multiplied by the aforementioned per hour rate.
 - i. Example – The Village provided 50 hours per calendar year of service and the Town provided 30 hours per calendar year of service. The difference between the services is 20 hours. The Town of Colden would owe the Village of Springville 20×25.316 or 503.20 for that calendar year for service.
 - c. The municipality owing compensation will make payment to the other municipality no later than January 15 of the year immediately following the calendar year in which service was provided.
7. The term of this agreement shall be from year to year and shall be automatically extended each year unless either party notifies the other on or before September 1 prior to that year that said municipality wishes to withdraw from this agreement in the ensuing calendar year.
8. The Village and the Town do hereby agree to obtain and thereafter continue to keep in full force and affect their general liability insurance, public liability insurance, and automotive insurance relative to the various services to be performed herein with limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate.
9. The Village agrees to indemnify and save the Town, its officer, agents and employees harmless from any liability imposed upon the Town, its officers, agents and or employees arising from the negligence active or passive, of the Village.
10. The Town agrees to indemnify and save the Village, its officer, agents and employees harmless from any liability imposed upon the Village, its officers, agents and or employees arising from the negligence active or passive, of the Town.
11. In accordance with the provision of section 109 of the General Municipal Law. Each municipality is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement, or its right, title or interest in this

- agreement, or its power to execute this agreement, to any other person or corporation without the previous written consent of the other municipality.
12. The Mayor and the Supervisor of each municipality have executed this agreement pursuant to a resolution adopted by the Village Board and the Town Board at a meeting thereof duly held.
 13. This agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
 14. No waiver of any breach of any condition of this agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this agreement or constitute a cause of excuse for repetition of such or any other breach unless the waiver shall include the same.
 15. This agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.
 16. This agreement is governed by the law of the State of New York.

IN WITNESS WHEREOF, the Village of Springville has caused its corporate seal to be affixed hereto and these presents to be signed by William Krebs, Mayor duly authorized to do so and to be attested to by Timothy Horner, Village Clerk and the Town of Colden has caused its corporate seal to be affixed hereto and these presents to be signed by James DePasquale, Supervisor, duly authorized to do so, and attested to by Christina Kerlin, Town Clerk, the day and year first above written.

9. Smartgrowth CDBG Agreement Resolution Motion was made by Trustee Skelton, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Skelton, Chamberlin, Moriarty and Wikman voting yes, none opposed to authorizing the attached agreement resolution (**10052015 A.1**) entitled;

**SUBRECIPIENT AGREEMENT BETWEEN
THE COUNTY OF ERIE
AND
THE VILLAGE OF SPRINGVILLE
FOR
VILLAGE SMART GROWTH PROJECT-FACTORY STREET PARK**

10. Standard Workday & Reporting Resolution Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Moriarty and Skelton voting yes, none opposed to approving the Standard Workday & Reporting Resolutions as completed and shown below.

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Village of Springville hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials							
Village Attorney	Paul D. Weiss	XXXX	XXXXXXXXXX	6	4/6/2015-4/3/2016	N	3.84

11. Deputy Prosecutor Appointment

After discussion, motion was made by Trustee Skelton, seconded by Trustees Wikman; carried, Mayor Krebs, Trustees Skelton, Wikman, Chamberlin and Moriarty voting yes, none opposed to appointing Paul Weiss as a Deputy Prosecutor for the Village of Springville at the established rate.

BILLS

Bills, as examined by members of the Board of Trustees were approved for payment in accordance with Abstracts #90 through #104, total of \$306,044.55 of 2015/2016 for the General, Water/Sewer, Electric, Trust and Agency Funds by motion of Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Moriarty and Chamberlin voting yes, none opposed.

CONSENT AGENDA

Motion was made by Trustee Skelton, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Skelton, Wikman, 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 of August 11, 2015.

Minutes of the Zoning Board of Appeals meeting of September 16, 2015.

PROJECT: 0000007553 - RESIDENTIAL ALTERATION TYPE: PLUMBING
PROPERTY: 414 MILL ST
ISSUED DATE: 9/04/2015
ISSUED TO: BOSCOE, GARY
79 EAST AVE
SPRINGVILLE, NY 14141

PROJECT: 0000007554 - ROOFING TYPE: ROOF
PROPERTY: 74 WAVERLY ST
ISSUED DATE: 9/09/2015
ISSUED TO: ODOM, MARTIN
74 WAVERLY ST.
SPRINGVILLE, NY 14141

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PROJECT: 0000007555 - GARAGE SALE TYPE: GARAGE SALES
PROPERTY: 110 N CENTRAL AVE UPR
ISSUED DATE: 9/10/2015
ISSUED TO: MILLER, MARLON
110 N CENTRAL AVE-UPPER
SPRINGVILLE, NY 14141

PROJECT: 0000007556 - DECKS TYPE: DECKS
PROPERTY: 316 E MAIN ST
ISSUED DATE: 9/14/2015
ISSUED TO: HOGENMILLER, JOHN P
9478 BOSTON STATE RD
BOSTON, NY 14025

PROJECT: 0000007557 - RESIDENTIAL ALTERATION TYPE: RESIDENTIAL
PROPERTY: 91 EATON ST ALTERATION
ISSUED DATE: 9/14/2015
ISSUED TO: BRAMER, WILLIAM E
91 EATON ST.
SPRINGVILLE, NY 14141

PROJECT: 0000007559 - VIOLATION-GARBAGE TYPE: VIOLATION
PROPERTY: 51 PROSPECT AVE
ISSUED DATE: 9/15/2015
ISSUED TO: LYNCH, DARYLE P SR
51 PROSPECT AVE
SPRINGVILLE, NY 14141

PROJECT: 0000007560 - VIOLATION-TIRES TYPE: VIOLATION
PROPERTY: 20 CHESTNUT ST
ISSUED DATE: 9/15/2015
ISSUED TO: FANNIE MAE
PO BOX 74900
DALLAS, TX 75374

PROJECT: 0000007561 - ACCESSORY BUILDING-GARAGE TYPE: ACCESSORY
PROPERTY: 319 E MAIN ST BUILDINGS
ISSUED DATE: 9/15/2015
ISSUED TO: STAFFORD, JOHN
13046 VAUGHN ST
SPRINGVILLE, NY 14141

PROJECT: 0000007562 - NONRES NONSTRUCTURAL TYPE: ELECTRIC
PROPERTY: 230 S CASCADE DR
ISSUED DATE: 9/16/2015
ISSUED TO: THE KROG CORP
4 CENTRE DRIVE
ORCHARD PARK, NY 14127

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PROJECT: 0000007563 - ROOFING PROPERTY: 50 MILL ST ISSUED DATE: 9/16/2015 ISSUED TO: PETERSON, KATIE 50 MILL ST SPRINGVILLE, NY 14141	TYPE: ROOF
PROJECT: 0000007564 - DRIVEWAY PROPERTY: 22 MECHANIC ST ISSUED DATE: 9/16/2015 ISSUED TO: M & T BANK 1 M & T PLAZA-10TH FLOOR CORPORATE SERVICES BUFFALO, NY 14203-0000	TYPE: DRIVEWAY
PROJECT: 0000007565 - RESIDENTIAL DEMO PROPERTY: 11 EATON ST ISSUED DATE: 9/16/2015 ISSUED TO: VOIT, PAULETTE 180 N BUFFALO ST SPRINGVILLE, NY 14141	TYPE: RESIDENTIAL DEMO
PROJECT: 0000007566 - NONRES NONSTRUCTURAL PROPERTY: 5 E MAIN ST ISSUED DATE: 9/16/2015 ISSUED TO: SPRINGVILLE CENTER FOR THE ART P.O. BOX 62 SPRINGVILLE, NY 14141	TYPE: ELECTRIC
PROJECT: 0000007567 - LICENSES PROPERTY: 405 W MAIN ST ISSUED DATE: 9/17/2015 ISSUED TO: WNY WEDDING & PARTY EXPO 9316 BOWEN ROAD EAST OTTO, NY 14729	TYPE: LICENSES
PROJECT: 0000007568 - ROOFING PROPERTY: 45 MAPLE AVE ISSUED DATE: 9/18/2015 ISSUED TO: GRAESSER, DOROTHY B 45 MAPLE AVE. SPRINGVILLE, NY 14141	TYPE: ROOF
PROJECT: 0000007570 - NONRES NONSTRUCTURAL PROPERTY: 230 S CASCADE DR ISSUED DATE: 9/23/2015 ISSUED TO: 230 SOUTH CASCADE DRIVE, LLC 4 CENTRE DR ORCHARD PARK, NY 14127	TYPE: PLUMBING

Trustee Wikman updated everyone on the following;

- ❖ His investigations into a “zombie” property at 56 Newman Street.
- ❖ This year’s Oktoberfest was the highest attended.
- ❖ SYI’s Night at the Derby was well attended.

Trustee Chamberlin had nothing to report

Trustee Moriarty commented on the variety of local events that were going on this past weekend as well as updating everyone on the small animal survey he has been working on.

Trustee Skelton also extended his compliments to all involved in the Franklin/Mechanic Streets project.

12. Executive Session Motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Chamberlin and Moriarty voting yes, none opposed to adjourn to Executive Session at 8:04 pm to discuss possible lawsuits.
13. 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 8:23pm.

Respectfully submitted,

Holly Murtiff
Deputy Clerk