

VILLAGE OF SPRINGVILLE
2016 MINUTES

January 19, 2016

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	Alan L. Chamberlin Robert J. Moriarty Jr. Terry W. Skelton Nils A. Wikman
Village Administrator	Liz C. Melock
Village Attorney	Paul D. Weiss
Superintendent of Public Works	Kenneth W. Kostowniak
Building Inspector/ Code Enforcement	Michael Kaleta
Police Sergeant	John Fox
Clerk	Holly Murtiff
Absent	Dennis Dains, Fire Chief
Also Attending	Colleen Mahoney (Springville Journal) Gordon Crone, GHD Consulting & Engineering Colleen King
Dawnmarie Dains Michael King	

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

1. Minutes Minutes of the Regular Meeting of January 4, 2016 were approved as written by motion of Trustee Skelton, seconded by Trustee Chamberlin; carried, Trustees Skelton, Chamberlin, Wikman and Moriarty voting yes, none opposed.

PUBLIC COMMENT

There was no public comment this evening.

PUBLIC HEARING

2. LL 2016-1 Tax Cap Override After discussing the proposed 0.12% tax cap 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 and passing Local Law 2016-1 as it appears below.

Local Law Law # 2016-1 of the year 2016
Village of Springville, County of Erie, State of New York

A local law to override the tax limit established in General Municipal Law 3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Springville to adopt a budget for fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty (60%) of said body.

Section 3. Tax Levy Limit Override

The Village of Springville Board of Trustees of the Village of Springville, County of Erie, is hereby authorized to adopt a budget for fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law 3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation nor circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

DEPARTMENT REPORTS

ADMINISTRATOR REPORT

3. RAVO
Streetsweeper
Financing
Resolution
2016-1

After explanation by Administrator Melock, motion was made by Trustee Chamberlin, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Chamberlin, Skelton, Moriarty and Wikman voting yes, none opposed to approving Mayor Krebs to sign and execute the below financing resolution.

**RESOLUTION AND
DECLARATION OF OFFICIAL INTENT**

Lessee: Village of Springville, NY

Principal Amount Expected To Be Financed: \$191,870.00

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property:

2015 Ravo 5 Series Street Sweeper VIN: XL95FCHB4FA020306 including all accessories and attachments.

WHEREAS, First Niagara Leasing, Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either one of the Village Administrator **OR** the Superintendent of Public Works (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in

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substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 10 years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of 5 years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. **BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.**

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Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this January 19, 2016

The undersigned **Secretary/Clerk** of the above-named Lessee hereby certifies and attests that (i) the undersigned has access to the official records of the Governing Body of the Lessee, (ii) the foregoing resolutions were duly adopted by the favorable vote of not less than [two-thirds/three-fifths] of all the members of said Governing Body of the Lessee at a [regular/special] meeting of said Governing Body duly called, regularly convened and attended throughout by the requisite quorum of the members thereof , (iii) such resolutions have not been amended or altered and are in full force and effect on the date stated below and (iv) such meeting of the Governing Body relating to the authorization and delivery of the Equipment Lease has been (a) held within the geographic boundaries of the Lessee; (b) open to the public, allowing all people to attend (c) conducted in accordance with internal procedures of the Governing Body and (d) conducted in accordance with the charter of the Lessee, if any, and laws of the State.

4. 2016 NY Main Grant Administration Upon the request of Administrator Melock, motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Moriarty and Skelton voting yes, none opposed to hiring Alma Brown of the Clinton Brown Company as the Grant Administrator for the NY Main Street Grant project for 2016. The fees for these administration services is not to exceed \$18,000 and these fees will be paid for out of the grant money.

5. Intro LL 2016-2 Code Changes After discussion, motion was made by Trustee Skelton, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Skelton, Wikman, Chamberlin and Moriarty voting yes, none opposed to introducing Local Law 2016-2 as it appears below as well as setting a Public Hearing for February 1, 2016 at 7:00 pm. Advertisements will be place in the appropriate publication.

Intro Local Law 2016-2

The changes will be as follows:

Removal of Chapter 135 – Sewers

Removal of Chapter 190 – Water

Removal of Chapter 193 – Water, Sewer & Storm Drain Systems

Replace old Chapter 193 with a new Chapter 193 – Village Utilities – changes in the new chapter include new drawings, removal of mentions of fees and billing procedures, changes to sewer portion where homeowner is responsible for sewer connection from building to sewer main, addition of electric section and supplements made to the water code. Fees and rates will be set by Board resolution. Billing procedures will be set by Administrator.

Amended Chapter 70 – Brush, Grass, Trees & Weeds – add section 70-4 A (3) – Properties that are known by the Village Administrator or designee to be abandoned and vacant at the beginning of April will have their lawns mowed by a contractor selected by the Village Board, through their annual bid process. The lawns will be mowed every two weeks through the growing season. The cost will be relieved onto the parcel’s Village tax bill.

This local law shall take effect immediately upon filing with the Secretary of State.

SUPERINTENDENT REPORT

- 6. Streets Division Leadman Position
Upon the recommendation of Superintendent Kostowniak, motion was made by Trustee Skelton, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Skelton, Wikman, Chamberlin and Moriarty voting yes, none opposed to promoting Greg Reynolds to the position of Leadman/Heavy Equipment Operator for the Streets Division effective January 30, 2016. There will be a 6 month probationary period for this promotion.

- 7. Electric Purchase Resolution 2016-2
At the request of Superintendent Kostowniak, motion was made by Trustee Moriarty, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Moriarty, Wikman, Chamberlin and Skelton voting yes, none opposed to approving the below Electric Equipment Standardized Purchase Resolution.

ELECTRIC EQUIPMENT STANDARDIZED PURCHASE RESOLUTION

WHEREAS, Section 103 of the General Municipal Law of the State of New York allows that, for reasons of efficiency and economy, a government agency can standardize the purchase of a specific model or type of equipment, and

WHEREAS, the Village of Springville has determined that there is a need for standardization in the purchase of electric equipment for the Springville Electric Division, in accordance with the attached table, and

<u>Vendor</u>	<u>Catalog Number</u>
<i>Load Tap Changer/Voltage Regulator Controls</i>	
Beckwith Electric Co	M-2001D
<i>Electronic Relays</i>	
Schweitzer Engineering Laboratories, INC	SEL-787 Multi-Function Relay (Differential) SEL-751 Multi-Function Relay (Overcurrent, MCBs) SEL-751A Multi-Function Relay (Overcurrent, Feeders) SEL-501 Multi-Function Relay (Overcurrent, Feeders)
<i>Battery Charger</i>	
HindlePower	AT10.1
<i>SCADA</i>	
QEI	SCADA System

WHEREAS, the Village of Springville provides that the following reasons for standardization of equipment:

Load Tap Changer/Voltage Regulator Controls – This feature is a key component of Plant system operation. This model has been in place the longest and is regarded as the highest industry quality. Also, Beckwith Electric Co. load tap changers are National Grid approved. Finally, it is important to have spare parts available as stock items and standardize training of Village personnel on the equipment.

Electronic Relays – The Schweitzer relays are regarded as one of the most reliable relays on the market and are also National Grid approved equipment. The Village Electric Division staff is already trained on relay programming and has existing Schweitzer relays currently in place.

Battery Charger – The HindlePower battery charger is standard equipment throughout the Village. Also, there is the need for spare parts in stock, one call for service, and training of Village personnel on the operation and maintenance of this equipment.

SCADA System – QEI is one of the industry leaders in municipal electric distribution systems. There is economic benefit in the services offered as they include design, programming, commissioning and start-up support, and complete training. The SCADA system is critical to proper monitoring and operation of the Village Electric transmission and distribution system; and

NOW, THEREFORE BE IT RESOLVED THAT the Village of Springville, Springville Electric system equipment is hereby standardized in accordance with the attached table.

8. Electric
Division
Interviews

Superintendent Kostowniak informed the Mayor and Board that he is currently interviewing for the open positions within the Electric Division.

POLICE DEPARTMENT

Sergeant Fox gave his report outlining the following;

- ❖ Annual and December 2015 call log for ECSD and SPD.
- ❖ SPD will be assisting the NYSDOT with two commercial vehicle safety checks during January and February.
- ❖ On January 13 there was a minor property damage accident in the Walmart parking lot involving one of the SPD cars. A report was filed by the Sheriff's Department and the vehicle is scheduled for repairs on February 1, 2016. There were no injuries and the vehicle is back in service while awaiting repairs.

FIRE REPORT

There was no fire report this evening.

BUILDING INSPECTOR/CEO

BI/CEO Kaleta had nothing to report this evening.

CONTROL CENTER

There was no Control Center report this evening.

OLD BUSINESS

9. Small Animal Survey Results At this time Mayor Krebs informed everyone attending of the results of the recent small animal that was sent to residents with their November 2015 utility bills.

Surveys mailed with the November 2015 utility bills		1534
YES		
Without comments		174
Comments for all animals		97
Comments chickens only		<u>41</u>
Total		312
NO		
Without comments		240
Comments		<u>98</u>
Total		338
Comments might allow change		12
Numbers removed	1 yes 1 no	2
Yes was checked comments were no?		2
Total surveys received by 1/5/16		666
Total surveys NOT submitted		868

Mayor Krebs discussed the history of the Village of Springville in regards to its agricultural roots as well as the history of the code and the past requests regarding the keeping of small animals, including chickens.

Motion was made by Trustee Skelton, seconded by Trustee Moriarty; carried, Mayor Krebs, Trustees Skelton, Moriarty, Chamberlin and Wikman voting yes, none opposed to the formation of a committee to investigate the changing of the Village Code regarding the matter the keeping of small animals. The committee should be comprised of at least the following members;

- BI/CEO Mike Kaleta
- 2 Trustees
- 1 or more residents that are pro-small animal
- 1 or more residents that are anti-small animal
- 1 or 2 Planning Board members

Trustee Skelton volunteered to service on this committee.

Trustee Moriarty agreed that the results warrant the formation of a committee and he will serve on the committee.

Trustee Chamberlin expressed his surprise at the number of responses.

Trustee Wikman cautioned that it must be remembered that this about more than just chickens, it is about a variety of small animals.

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Mayor Krebs asked for preliminary finding from this committee in two months. This committee should investigate amending the language in code that refers to the keeping of small animals, definitions and moving this to the Accessory Use section of the code book.

NEW BUSINESS

There was no new business to discuss this evening.

BILLS

Bills, as examined by members of the Board of Trustees were approved for payment in accordance with Abstracts #197 through #211, total of \$306,898.45 of 2015/2016 for the General, Water/Sewer, Electric, Trust and Agency Funds by motion of Trustee Chamberlin, seconded by Trustee Moriarty; carried Mayor Krebs, Trustees Chamberlin, Moriarty, Wikman and Skelton voting yes, none opposed.

CONSENT AGENDA

Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Skelton 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 January 12, 2016.

PROJECT: 0000007635 - ROOFING

TYPE: ROOF

PROPERTY: 53 E MAIN ST

ISSUED DATE: 1/04/2016

ISSUED TO: BUNCY, KEVIN

53 E MAIN ST

SPRINGVILLE, NY 14141

PROJECT: 0000007636 - NONRES NONSTRUCTURAL-ELECTRICAL TYPE:

PROPERTY: 14078 MILL ST

NONRES NONSTRUCTURAL

ISSUED DATE: 1/04/2016

ISSUED TO: MORIN, HEATHER

14078 MILL ST.

SPRINGVILLE, NY 14141

PROJECT: 0000007637 - FIRE INSPECTION

TYPE: FIRE

PROPERTY: 27 FRANKLIN ST 4

INSPECTION

ISSUED DATE: 1/05/2016

ISSUED TO: WESTERN NEW YORK EYE CENTER

301 STERLING DRIVE

ORCHARD PARK, NY 14127

PROJECT: 0000007638 - FIRE INSPECTION

TYPE: FIRE

PROPERTY: 27 FRANKLIN ST 6

INSPECTION

ISSUED DATE: 1/05/2016

ISSUED TO: CATHOLIC HEALTH BLOOD LAB

144 GENESEE ST

ACCOUNTS PAYABLE 4TH FLOOR

BUFFALO, NY 14203-0000

PROJECT: 0000007646 - VIOLATION-VEHICLES TYPE: VIOLATION
PROPERTY: 177 MILL ST
ISSUED DATE: 1/08/2016
ISSUED TO: NASON, MICHAEL D
P.O. BOX 230
SPRINGVILLE, NY 14141

PROJECT: 0000007647 - VIOLATION-VEHICLE TYPE: VIOLATION
PROPERTY: 45 MILL ST
ISSUED DATE: 1/08/2016
ISSUED TO: FORNES, PAUL W
10264 SPRINGVILLE BOSTON RD
SPRINGVILLE, NY 14141

PROJECT: 0000007648 - VIOLATION-VEHICLES TYPE: VIOLATION
PROPERTY: 129 ELK ST
ISSUED DATE: 1/08/2016
ISSUED TO: BOUNDY, SCOTT
TAMMY BOUNDY
129 ELK ST
SPRINGVILLE, NY 14141

PROJECT: 0000007649 - VIOLATION-VEHICLE TYPE: VIOLATION
PROPERTY: 92 CHILDS ST
ISSUED DATE: 1/08/2016
ISSUED TO: SHERET, BRIAN G
11641 WHITE TAIL DRIVE
MARILLA, NY 14102

PROJECT: 0000007650 - VIOLATION-VEHICLE TYPE:
VIOLATION
PROPERTY: 51 SPRING ST
ISSUED DATE: 1/08/2016
ISSUED TO: BUFFUM, SAMUEL
51 SPRING ST
SPRINGVILLE, NY 14141

PROJECT: 0000007651 - NONRES NONSTRUCTURAL TYPE: NONRES
NONSTRUCTURAL
PROPERTY: 231 S CASCADE DR 145
ISSUED DATE: 1/11/2016
ISSUED TO: LANE VALENTE INDUSTRIES
20 KEYLAND CT
BOHEMIA, NY 11716

TRUSTEE NOTES & PROJECT REPORTS

Trustee Moriarty had nothing to report this evening.

Trustee Skelton had nothing to report this evening.

Trustee Chamberlin had nothing to report this evening.

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Trustee Wikman reminded everyone that the Springville Volunteer Fire Department Installation Dinner is scheduled for January 23rd and the Springville Area Chamber of Commerce Dinner on February 5th.

Mayor Krebs informed everyone that the Erie County CDBG action plan is now online.

10. Executive Session
Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Moriarty and Skelton voting yes, none opposed to adjourn to Executive Session at 8:10 pm to discuss personnel matters.
11. Adjourn
Motion was made by Trustee Moriarty, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Moriarty, Skelton, Chamberlin and Wikman voting yes, none opposed to adjourn the Regular Session at 8:45 pm.

Respectfully submitted,

Holly Murtiff
Deputy Clerk