

VILLAGE OF SPRINGVILLE
2018 MINUTES

January 16, 2018

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 Wikman
Village Administrator	Liz C. Melock
Village Attorney	Paul Weiss
Superintendent of Public Works	Kenneth W. Kostowniak
Building Inspector/ Code Enforcement	Michael Kaleta
Deputy Clerk	Holly Murtiff
Police Officer in Charge	Nicholas Budney
Absent	David Klenk, Fire Chief
Also Attending	Max Borsuck, Springville Journal Jennifer Weber, Springville Times
John Nason	Gary Jennings
Charlotte Nason	Molly Stabell
Isobel Hooker	Seth Wochensky
Lacey Miller	Bob Muhlbauer
Sue Owen	Jim Owen
Hedyanne Richert	Carl Eisenhard
Janine Caimano	Bob Sorensen
Reed Braman	George Richert
Teresa Boettrich	George Klemens

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

1. Minutes Minutes of the Regular Meeting of January 2, 2018 were approved as written by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Skelton and Moriarty voting yes, none opposed.

PUBLIC HEARING

2. LL 2018-1 Chapter 60 Revisions Mayor Krebs opened the duly advertised public hearing regarding revisions to Chapter 60 - Animals of the Village Code. Mayor Krebs opened the floor for those present to address the Board regarding the matter.

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The following people spoke in favor of the proposed changes to Chapter 60-Animals, and in favor of amendments to the proposed changes regarding composting, coop and run setbacks, keeping the chickens in the coop and run, and restricting the licenses to property owners.

Isobel Hooker (read a statement from Alison Duwe who could not attend this evening)

Seth Wochensky

Teresa Boettrich

George Richert

Reed Braman

Robert Sorensen

George Klemens

Hedyanne Richert

At this point a discussion between the Mayor, Board and those attending ensued regarding the proposed changes to Chapter 60 – Animals and the reasons for these proposed changes. Each board member and the Mayor each addressed all present with their position on this matter. Trustee Wikman read a statement with his concerns and objections to the proposed changes to Chapter 60-Animals, particularly concerning enforcement. Trustees Moriarty and Skelton explained how the committee arrived at its recommendations and how it discussed various concerns mentioned by other Board members and the public in attendance.

There being no more discussion motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Moriarty and Skelton voting yes, none opposed to close the public hearing at 7:21pm.

Motion was made by Trustee Moriarty, seconded by Trustee Skelton; Mayor Krebs, Trustees Moriarty, Skelton and Chamberlin voting yes, Trustee Wikman voting no, motion carried to adopt LL 2018-1, changes to Chapter 60 as written, shown below.

Chapter 60. Animals

Article I. Dogs

§ 60-3. Prohibited Conduct

It shall be unlawful for any owner of a dog to:

- I. Own more than four (4) dogs. Household dogs and cats must not exceed a combined total of six (6) animals, with no more than four (4) dogs or four (4) cats.

Article II. Cats

§ 60-11. Definitions

- A. Except as specifically defined in this section, all words and terms used in this article shall carry their customary meaning and shall be interpreted and construed to carry out the purpose and intent of this article.

- B. As used in this article, the following terms shall have the meanings indicated:

Domestic cat:

A cat that is social to humans, lives within the residence or on the property of a human, and is cared for by a human.

Community cat:

A cat without an owner. A cat that is stray or feral. Stray cats are homeless but are usually socialized to humans. Feral cats are not socialized to humans.

Cat Owner:

A person who is an owner of a cat or a person who keeps, harbors, or feeds a cat. The owner does not need to be a resident of the Village of Springville, but the cat must be within the Village limits. This excludes TNVR volunteers.

Trap, Neuter, Vaccinate, and Return (TNVR) Program

A program in which community and feral cats are humanely trapped. This sometimes involves feeding the community cats to gain trust in order to trap them. The cats are then evaluated,

vaccinated, spayed or neutered, marked in some way to identify that the cat has been sterilized, and then returned to the location where they were trapped. TNVR volunteers shall not be deemed cat owners by performing these tasks.

§ 60-12. License

No license is required for a cat.

§ 60-13. Prohibited Conduct

It shall be unlawful for any resident in the Village of Springville to:

- A. Own more than four (4) cats. Household dogs and cats must not exceed a combined total of six (6) animals, with no more than four (4) dogs or four (4) cats.
- B. Own, harbor, keep, have custody of, or control a cat and permit or allow such cat to create noise problems or commit any nuisance by urinating or defecating on or otherwise damage property belonging to another person.

§ 60-14. Enforcement

- A. To effectuate the implementation of this article of the Village Code, the Village Code Enforcement Officer has the right to enforce any provision of this article within the Village of Springville.
- B. The Village Code Enforcement Officer shall have the right to issue a citation for any violation of this article.

§ 60-15. Presumption of Ownership

Any person owning, harboring, or feeding a cat shall be deemed to be the owner of such cat for the purpose of this article. This excludes TNVR volunteers.

§ 60-16. Penalties for Offenses

Fines as determined by the Village Court, as applicable, may be imposed for violations of this article, each such fine to be minimally in the amount of \$50.00 per violation.

Article III. Chickens

§ 60-21. Definitions

- A. Except as specifically defined in this section, all words and terms used in this article shall carry their customary meaning and shall be interpreted and construed to carry out the purpose and intent of this article.
- B. As used in this article, the following terms shall have the meanings indicated:
 - Village:**
Village of Springville, New York
 - Hen:**
Female chicken
 - Coop:**
An enclosed, raised structure designed to shelter hens from predators and the weather.
 - Run:**
An enclosed area connected to the coop for hens to roam and eat. Must be constructed so as to confine hens and protect them from predators. If an existing structure is utilized as the run, it must meet size requirement and provide adequate ventilation for the hen's well-being.
 - Outbuilding:**
A structure not connected to the primary residence on a parcel of property. An example would be a detached garage, shed, barn, gazebo, pool house, etc,

§ 60-22. License Required

- A. Hens allowed by license only.

- B. There shall be a limitation of one license per property.
- C. Licenses shall be issued only to the owner of owner-occupied single or double family residences.
- D. Licenses shall be effective for a period of 12 months from June 1st to May 31st, unless terminated prior thereto.
- E. Licenses must be renewed annually in accordance with all existing rules and regulations then in effect.
- F. Licenses are non-transferrable.
- G. License fee shall be set forth from time to time by resolution of the Village Board of Trustees.
- H. Applications shall be submitted to and licenses issued by the Village Code Enforcement Officer.
- I. A diagram of the property upon which a coop and run are to be located shall be submitted with the application. This diagram must clearly show all measurements pertaining to size of coop and run, setback to property lines, and distances to adjoining property and dwellings.
- J. Licenses may be revoked by the Village Code Enforcement Officer.

§ 60-23. Prohibited Conduct

It shall be unlawful for any resident in the Village of Springville to:

- A. Keep, permit, or allow any chicken, pigeon, turkey, duck, or any fowl on any property within the Village except for chicken hens as provided in this article.
- B. Have more than six (6) hens per property.
- C. Offer eggs for sale on the premises. Eggs shall be for personal use only.
- D. Slaughter hens outside.
- E. Allow hens outside the coop or run.

§ 60-24. Coop and Run Requirements

- A. **Only one (1) coop and run allowed per property.**
- B. Hens are required to have an enclosed coop that is securely latched every night.
- C. The minimum enclosed coop size is four (4) square feet per hen.
- D. The coop must adhere to existing Village building codes at time of initial licensing and each subsequent renewal.
- E. Hens must have access to a run.
- F. Runs must be fenced and covered so hens cannot fly over or otherwise escape, and to prevent predation.
- G. The minimum enclosed run size area is six (6) square feet per hen.
- H. The run must adhere to current Village building code specifications at time of original licensing and each subsequent renewal.

- I. Coops and runs shall be located:
 - a. Only in a back or side yard of the property involved.
 - b. No closer than twenty (20) feet from any back or side property boundaries.
 - c. At least thirty-five (35) feet from any adjoining property's attached structures used for human activities. This includes structures directly attached to the occupied structure such as decks, patios, garages, and porches, but not free-standing structures such as swimming pools, outbuildings, detached garages, and non-attached decks or patios.

§ 60-25. Coop and Run Maintenance

- A. Coops and runs must be maintained regularly to prevent the attracting and harboring of rodents and pests, and so as to not be a nuisance to neighboring properties.
- B. Feed must be stored in secure, chew-proof containers that prevent access by rodents or pests.
- C. Waste must be cleared regularly to reduce odor and to prevent attracting rodents or pests.
- D. Waste shall not be composted or mulched onsite.
- E. Waste shall be stored in appropriate containers that limit offensive odors and are secure from rodents and pests.
- F. Noise and odors must be controlled so as not to be perceptible beyond the property where the hens are being housed.

§ 60-26. Violations and Enforcement

- A. To effectuate the implementation of this article of the Village Code, the Village Code Enforcement Officer has the right to enforce any provision of this article within the Village of Springville.
- B. Health or sanitation issues must be remedied immediately. The following are examples of violations that must be remedied immediately, but not limited to:
 - a. All dead, diseased or severely ill hens need to be properly treated or disposed of immediately.
 - b. Cruel treatment of hens is prohibited and must cease immediately. A violation can result in the revocation of a license and no licenses being issued in the future.
 - c. Coop, run and fencing deemed to be in poor condition by Village Code Enforcement Officer.
 - d. Waste not properly taken care of and considered a health hazard.
 - e. Objectionable odors in the area.
 - f. Hens able to run loose outside of the run and coop.
 - g. Abandonment of hens will cause a license to be revoked and no license to be issued in the future.
 - h. Rodents or pests become a problem.
- C. All other violations not deemed to be necessary for immediate remediation need to be resolved within seven (7) days.

Refusal to allow an inspection at a reasonable time by the Village Code Enforcement Officer shall result in an automatic revocation of the license.

§ 60-27. Penalties for Offences

- A. The Village Code Enforcement Officer can revoke a license at any time.
- B. The Village Code Enforcement Officer shall have the right to issue a citation for any violation of this article.
- C. Uncorrected violations can lead to revocation of the individual's hen license.
- D. In addition to the revocation of licenses and other remedies provided for herein, fines as determined by the Village Court, as applicable, may additionally be imposed, each such fine to be minimally in the amount of \$50.00 per violation.
- D. Three (3) or more violations by one license holder shall result in the imposition of any and all penalties provided for herein, and additionally a ban on future license applications.

ZONING

200 Attachment 1

Table of Use Regulations Residence Districts

[Amended 5-4-1987 by L.L. No. 3-1987; 12-1-1997 by L.L. No. 6-1997; 7-20-2009 by L.L. No. 2-2009, 1-16-18 by L.L. No. 1-2018]

P = Permitted use

SE = Special exception use
X = Prohibited use

All unlisted uses are prohibited in all districts

Use Classification	R-8.5 Residence	R-6 Residence	RM Residence
Residential uses			
One-family detached dwelling	P	P	P
Two-family detached dwelling	X	P	P
Multiple dwelling	X	X	P
Conversion of existing one-family detached dwellings	X	SE	SE
Planned residential development	SE	SE	SE
Seasonal cottage, cabin, camping ground	X	X	X
Residential community facilities			
Church or similar place of worship or religious instruction, parish house, rectory, seminary or convent	P	P	P
Nursery school	SE	SE	X
Park, playground or recreational area operated by the village or New York State	P	P	P
Private recreation area, nonprofit	SE	X	X
Public library, museum, community center, fire station, government office building	P	P	P
School, elementary or high, public, denominational or private, nonprofit, accredited by the New York Education Department	P	P	P

General community facilities			
Bus passenger shelter	SE	SE	SE
Cemetery	SE	X	X
College, university	X	X	X
Country club	SE	X	X
Hospital, including auxiliary service and function	SE	X	X
Membership club, nonprofit	SE	SE	SE
Nursing home, rest home	SE	SE	SE
Philanthropic, fraternal, social or educational organization office or meeting room	SE	SE	SE
Public medical research building or similar facility	SE	X	X
Public utility structure or right-of-way, including sewage treatment plant, sanitary landfill or water supply facility, necessary to serve the community, but excluding business, repair or storage of equipment	SE	SE	SE

SPRINGVILLE CODE

P = Permitted use

SE = Special exception use X =
Prohibited use

All unlisted uses are prohibited in all districts

Use Classification	R-8.5 Residence	R-6 Residence	RM Residence
Business uses			
Agriculture, excluding animal husbandry	P	X	X
Animal husbandry	X	X	X
Bed-and-Breakfast	SE	SE	X
Funeral home	X	SE	X
Greenhouse, plant nursery	X	X	X
Professional office, medical arts building	SE	X	X
Veterinarian, veterinary hospital or clinic	X	X	X
Industrial uses			
Quarries, clay, sand and gravel pits	X	X	X
Sawmill	X	X	X
Accessory uses			
Accessory apartments	SE	SE	SE
Customary accessory structure and/or use	P	P	P
Home occupation	SE	SE	SE
Home professional office	SE	SE	SE
Hot tubs	P	P	P
Private garage or private off-street parking area pursuant to Article VII	P	P	P
Private swimming pool (associated with an existing one- or two-family dwelling)	P	P	P
All other swimming pools	SE	SE	SE
Roadside stands for sale of farm or home occupation product, having a horizontal area of 24 square feet or more	SE	X	X
Signs pursuant to Article VIII	P	P	P
Keeping, maintaining, harboring or breeding of horses, livestock, farm animals, wild animals, poultry, pigeons or bees. Except as permitted in Chapter 60.	X	X	X
Household pets, including dogs and cats, as permitted in Ch 60	P	P	P
Composting	P	P	P

PUBLIC COMMENT

Reed Braman of 138 Rauch Drive invited everyone to attend the Green Springville meeting on 1/23/18, 6:30 pm, at the Springville Center for the Arts. Tracie Hall will be the speaker that evening.

Jennifer Weber, Springville Area Chamber of Commerce, reminded everyone that the Annual Chamber Awards dinner will be held on February 3, 2018.

DEPARTMENT REPORTS

ADMINISTRATOR REPORT

3. Inter-Municipal Agreement

After explanation by Administrator Melock, motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Moriarty and Skelton voting yes, none opposed to Authorize Mayor Krebs to sign the Intermunicipal Agreement with Town of Concord for the Hulbert Library parking lot light repairs as shown below.

INTERMUNICIPAL AGREEMENT

HULBERT LIBRARY TOWN OF CONCORD PARKING LOT LIGHT REPAIR

This Agreement, made pursuant to New York State General Municipal Law Section 109 and entered into this 16th Day of January, 2018 between the Village of Springville (the "Village"), a municipal subdivision of the State of New York, located at 5 West Main Street, Springville New York, 14141, and the Town of Concord (the "Town"), a municipal subdivision of the State of New York, located at 86 Franklin Street, Springville, New York 14141. The Town is acting for on behalf of Hulbert Library, located at 18 Chapel Street, Springville, NY 14141 (the "Library").

WITNESSETH

WHEREAS, the Town is responsible for the cost of any required repairs and maintenance of the parking lot street lights for the Library at 18 Chapel St. Springville.

WHEREAS, the Town has asked the Village to repair or replace the lights per the Town's specifications and the Village is agreeable to this request with the following stipulations:

1. The Village will repair or replace the lamps, ballast and other parts as requested by the Town.
2. The Village will provide an estimate for each repair or replacement based on time, which includes labor and equipment and materials.
3. The Supervisor or his representative will approve the estimate in writing to the Village Administrator or Superintendent of Public Works before any work will be performed.
4. The Town will pay the Village the total cost of such repairs within 30 days of receiving an invoice from the Village.
5. Work will be completed by the Village Electric Division.

WHEREAS, this Agreement is subject to both Village Board and Town Board approvals, a certified copy of the resolution of both the Village and the Town shall be annexed to this agreement.

WHEREAS, this Agreement shall be for a term of one (1) year and shall automatically be renewed annually, unless terminated by either party with a 60 day written notice of termination to the other party.

WHEREAS, the Town shall indemnify and hold harmless the Village, its agents, officers, and employees for any damages, claims and/or losses, including attorneys' fees and expenses, to the Village resulting from damage to the Town's property – the Library.

WHEREAS, the Village shall be responsible for worker's compensation on their employees and shall hold harmless the Town for any worker's compensation claims arising from work the Village Electric Department performs at the Library parking lot.

NOW, THEREFORE in consideration of the mutual Agreement each to the other herein contained, and in accordance with New York State Law, the Village agrees to repair and replace parking lot lights at the Library upon terms and conditions set forth herein. This Agreement constitutes the complete understanding of the parties. No modifications of any provision thereof shall be valid unless in writing and signed by both parties.

4. Standard Workday 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 below Standard Workday Resolution.

Title	Name	Standard Work Day	Record of Activities Result	Term Begins/Ends
APPOINTED OFFICIALS				
Zoning Board Chairman	Joseph Wolniewicz	6	.75	4/3/17 – 4/4/22
Zoning Board Member	Jeremy Raynor	6	.33	8/14/17 – 4/5/20

SUPERINTENDENT REPORT

5. Annual Bid Ads Annual bids for services are currently being prepared for advertisement and distribution to returning bidders. All bids will be opened on Monday, April 9, 2018 at 5 W. Main Street. 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 advertisement for annual bids and services.
6. Oil Control Breaker Scrap/surplus Motion was made by Trustee Skelton, seconded by Trustee Moriarty; carried, Mayor Krebs, Trustees Skelton, Moriarty, Chamberlin and Wikman voting yes, none opposed to declare two (2) 34.5 kva oil control breakers, serial number 0141A3913-102 and 0141A3913-101 be declared surplus and disposed of as scrap.

POLICE DEPARTMENT

Officer in Charge Budney updated the Mayor and Board on the following;

- Rob Rosenswie, part time Springville Officer, has just been named Inspector with the Buffalo Police Department.
- The students from SGI are still looking for input regarding the seal project.

FIRE REPORT

There was no fire report this evening.

BUILDING INSPECTOR/CEO

BI/CEO Mike Kaleta had nothing to report this evening.

CONTROL CENTER

The December 2017 Control Center report has been received and filed.

OLD BUSINESS

7. ZBA Appointments Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Moriarty and Skelton voting yes, none opposed to approve the appointment of the following people, effective August 14, 2017.

Marc Gentner Zoning Board of Appeals Member
Jeremy Raynor Zoning Board of Appeals Member

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 #191 through #204 total of \$517,081.34 of 2017/2018 for the General, Water/Sewer, Electric, Trust and Agency Funds by motion of Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Skelton and Moriarty 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 below.

Minutes of the Planning Board meeting on January 9, 2018.

PROJECT: 0000008368 - UTILITY CHANGES-SEWER TYPE: PLUMBING
PROPERTY: 3 E MAIN ST
ISSUED DATE: 12/28/2017
ISSUED TO: WINKEY, KATHLEEN A
LEGACY
14 N BUFFALO ST
SPRINGVILLE, NY 14141

PROJECT: 0000008369 - UTILITY CHANGES-PLUMBING TYPE: PLUMBING
PROPERTY: 49 E MAIN ST
ISSUED DATE: 12/28/2017
ISSUED TO: BUNCY, KEVIN
89 S CENTRAL AVE
SPRINGVILLE, NY 14141

PROJECT: 0000008370 - UTILITY CHANGES-PLUMBING TYPE: PLUMBING
PROPERTY: 20 PEARL ST
ISSUED DATE: 12/29/2017
ISSUED TO: VACINEK HEATING AND ROOFING
8038 BOSTON STATE ROAD
HAMBURG, NY 14075

PROJECT: 0000008371 - UTILITY CHANGES-WATER TYPE: PLUMBING
PROPERTY: 117 EAST AVE
ISSUED DATE: 1/04/2018
ISSUED TO: HANSEN, ROBBIN H
NINA M L HANSEN
117 EAST AVE
SPRINGVILLE, NY 14141

PROJECT: 0000008372 - FIRE INSPECTION TYPE: FIRE
PROPERTY: 72 S CASCADE DR INSPECTION
ISSUED DATE: 1/08/2018
ISSUED TO: CANAM SPRINGVILLE LLC
72 S CASCADE DR
SPRINGVILLE, NY 14141

PROJECT: 0000008373 - VIOLATION-DEAD TREE TYPE: VIOLATION
PROPERTY: 104 EAST HILL RUN
ISSUED DATE: 1/08/2018
ISSUED TO: SCHMAUSS, RALPH A
104 EAST HILL RUN
SPRINGVILLE, NY 14141

PROJECT: 0000008374 - UTILITY CHANGES-ELECTRIC TYPE: ELECTRIC
PROPERTY: 177 FRANKLIN ST
ISSUED DATE: 1/09/2018
ISSUED TO: DYNAMIC ELECTRICAL SOLUTIONS
50 GLEN ST
SPRINGVILLE, NY 14141

PROJECT: 0000008375 - NONRES NONSTRUCTURAL TYPE: NONRES
PROPERTY: 49 E MAIN ST NONSTRUCTURAL
ISSUED DATE: 1/10/2018
ISSUED TO: BEATTY, GREGORY
PO BOX 421
SPRINGVILLE, NY 14141

PROJECT: 0000008376 - NONRES NONSTRUCTURAL TYPE: NONRES
PROPERTY: 49 E MAIN ST NONSTRUCTURAL
ISSUED DATE: 1/10/2018
ISSUED TO: BEATTY, GREGORY
PO BOX 421
SPRINGVILLE, NY 14141

PROJECT: 0000008377 - PLANNING BOARD REVIEW
PROPERTY: 500 S CASCADE DR 1
ISSUED DATE: 1/10/2018
ISSUED TO: ROOT 39 SALON & SPA, INC
500 S CASCADE DR SALON #2
SPRINGVILLE, NY 14141

TYPE: PLANNING
BOARD
REVIEW

TRUSTEE NOTES & PROJECT REPORTS

Trustee Chamberlin reminded everyone that there will be a Master Plan meeting for the Town of Concord on Thursday, January 18th at 6:30 pm at the Senior Center.

Trustee Wikman commented on all the good work done by the Village Board during his 6 years tenure.

Trustee Moriarty thanked everyone involved for all the work regarding LL 2018-1.

Trustee Skelton echoed Trustee Moriarty's sentiment.

Mayor Krebs thanked everyone for their work on LL 2018-1. Mayor Krebs also commented on the B & P release of Rails-to-Trails.

8. Executive Session
Motion was made by Trustee Chamberlin, Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Moriarty and Skelton voting yes, none opposed to adjourn to Executive Session to discuss a contract matter at 8:29 pm.
9. Adjourn
Motion was made by Trustee Skelton, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Skelton, Wikman, Moriarty and Chamberlin voting yes, none opposed to adjourn the Regular Session at 9:16 pm.

Respectfully submitted,

Holly Murtiff
Deputy Clerk