

VILLAGE OF SPRINGVILLE
2017 MINUTES

April 17, 2017

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
Officer in Charge	Nicholas Budney
Fire Chief	David Klenk
Building Inspector/ Code Enforcement	Michael Kaleta
Deputy Clerk	Holly Murtiff
Also Attending	Colleen Mahoney, Springville Journal Derek Otto, Springville Times
Bill O'Brien	Reed Braman

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

1. Minutes Minutes of the Regular Meeting of April 3, 2017 were approved as written by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Skelton and Moriarty voting yes, none opposed.

Minutes of the Executive Session of April 3, 2017 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 2017-4 After discussion, 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 LL 2017-4, §180-42 Vehicles and Traffic on Private Property as shown below.

§180-42 Vehicles and Traffic on Private Property

- A. The purpose of this section is to allow for police enforcement of vehicle and traffic regulations on private property when pertaining to parking and traffic control devices.

- B. No person shall park, stand, store or leave a motor vehicle upon any privately owned premises or property, parking areas or parking lots, without the consent and permission of the owner or lessee of such premises.
- C. All traffic control devices shall be observed
- D. Restricted parking.
 - a. Owners, lessees, or those entities otherwise in possession of private parking lots may post signs limiting parking in their lots to certain times or categories of users such as customers, tenants, guests, employees, visitors and other similar user groups. When the controlling entity posts a notice of such a restriction, it is a violation of this chapter to park there in violation of such restriction. Violators will be subject to fines and/or towing at their expense at the direction of the police. The following is a sample notice of parking restrictions:

<p>PARKING RESTRICTED EXCEPT FOR _____ of _____ ALL OTHERS KEEP OUT Under penalty of law, Section 180-42 of the Code of the Village of Springville. Police enforcement including ticketing and/or towing at owner's expense.</p>
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- b. Such sign or signs shall be at least three feet high by four feet wide, with red lettering upon a white background.
 - c. Lettering shall be at least 6 inches high for "PARKING RESTRICTED" and "ALL OTHERS KEEP OUT". All other lettering shall be no smaller than 2 inches high.
 - d. Signs shall be located at the entrances to the areas that are restricted or placed at the spaces affected.
 - e. The words "Police Enforcement" and "under penalty of law" on such signs shall be construed, among other things, to mean a request by the owner or lessee that the police or special patrolmen shall enforce the provisions of this section against persons parking, standing, storing or leaving vehicles on such premises without the consent of the owner or lessee and that the police are authorized to enter upon such premises to enforce the provisions of this chapter. Such sign or signs shall state the conditions of parking or the provisions authorized by the owner or lessee to use said premises for parking, or both; and persons not included within such authorization or violating the regulations and conditions set out on said signs shall be deemed to be using said premises unlawfully without the authority and consent of the owner or lessee.
- E. Signs restricting the parking, stopping or standing shall be properly posted in the specific areas.
- F. A written request shall be submitted to the Village of Springville and the authorities charged with enforcement of this chapter shall be consulted as to the arrangement of such signage prior to enforcing these regulations.
- G. All vehicle and traffic requirements approved in a site plan by the Planning Board shall be construed as being requested by the owner or lessee and thus enforceable.
- H. Maintaining all required or approved signage and traffic control devices shall be the responsibility of the property owner/lessee.

Add Definition to §180-1 B.

TRAFFIC CONTROL DEVICES - All signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PRIVATE PARKING LOT - Any area or areas of private property near or contiguous to and provided in connection with premises having one or more stores or business establishments, and used by the

public as a means of access to and egress from such stores and business establishments and for the parking of motor vehicles of customers and patrons of such stores and business establishments.

POLICE OFFICER - Is a sworn member of the division of State Police of New York State, Sheriffs, under-sheriffs and deputy sheriffs of Erie County or an officer of an authorized police department or force of the Village of Springville.

PUBLIC COMMENT

3. WW II
Veterans
Monument

Bill O'Brien of West Valley addressed the Board regarding the possibility of recognizing six World War II veterans. Mr. O'Brien explained that these veterans were at some point from Springville and is working to have them recognized by having their names engraved on the monument in Shuttleworth Park. The engraving will be done by local monument engraver at the cost of \$500 which will be paid for by local Veterans' organizations. The veterans are the following;

- 1.) Cecil Pendleton - A member of the Canadian Royal Hamilton Light Infantry died in an allied raid on the German-occupied port of Dieppe, France.
- 2.) Stanley Dietz - A member of the Warrant Officers, USA was struck and killed by a car.
- 3.) Harold Drake - A member of the US Navy was killed in an explosion on the USS Mount Hood.
- 4.) Robert Yaw - A member of the US Navy was listed missing in action during a routine convoy flight in the British West Indies.
- 5.) Richard Abreu - A member of the US Army was killed in action in Germany.
- 6.) Carlton Brauch - A member USA Air Force was killed in an aircraft crash in Detmold, Germany.

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 approving the engraving of the above six names on the WWII monument in Shuttleworth Park.

DEPARTMENT REPORTS

ADMINISTRATOR REPORT

4. Budget Adjustments 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 budget adjustments.

Budget Transfers

04/17/2017

General Fund

Amount	From Account	To Account
\$ 4,600.00	001-5-1990-0400-001	001-5-1325-0400-001
\$ 260.00	001-5-3410-0460-001	001-5-3410-0450-001
\$ 35.00	001-5-8010-0400-001	001-5-3620-0400-001
\$ 30,000.00	001-5-5142-0100-001	001-5-5110-0100-001
\$ 5,000.00	001-5-5142-0120-001	001-5-5110-0120-001
\$ 600.00	001-5-5410-0410-001	001-5-5410-0440-001
\$ 3,100.00	001-5-5142-0120-001	001-5-7110-0110-001
\$ 500.00	001-5-7110-0410-003	001-5-7110-0430-002
\$ 1,200.00	001-5-7110-0440-001	001-5-7110-0420-001

\$	10.00	001-5-8010-0400-001	001-5-8020-0400-001
\$	403.00	001-5-8160-0110-001	001-5-8160-0120-001
\$	300.00	001-5-8510-0410-001	001-5-8510-0100-001
\$	3,800.00	001-5-8540-0440-001	001-5-8540-0100-001
\$	3,000.00	001-5-1990-0400-001	001-5-9025-0800-001
\$	1,580.00	001-5-9040-0800-002	001-5-9040-0800-001
\$	4,733.00	001-5-1990-0400-001	001-5-9010-0800-001

Water

\$	125.00	002-5-8310-0441-001	002-5-8310-0441-012
\$	4,000.00	002-5-8330-0101-001	002-5-8320-0101-001
\$	28.00	002-5-8330-0101-001	002-5-8330-0111-001
\$	201.00	002-5-8330-0101-001	002-5-8330-0121-001

Sewer

\$	812.00	003-5-8120-0411-001	003-5-8120-0421-001
\$	1,000.00	003-5-8130-0111-001	003-5-8130-0121-001
\$	14,000.00	003-5-8130-0421-001	003-5-8130-0411-001
\$	1,021.00	003-5-1910-0400-003	003-5-9040-0800-003
\$	5,000.00	003-5-1990-0400-003	003-5-9010-0800-003
\$	4,266.00	003-5-8130-0461-001	003-5-9010-0800-003

\$ 89,574.00 To Balance Accounts

At this time Administrator Melock reminded everyone that all unpaid water and sewer bills as of April 21, 2017 will be relieved onto the upcoming 17/18 Village Tax Bills that will be out on June 1, 2017.

SUPERINTENDENT REPORT

5. 65 Franklin Reduction Resolutions After explanation by Superintendent Kostowniak, 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 the amending the reduction to Northern Dreams in the amount of five hundred dollars no cents (\$500.00) to credit the Village for April rent charges for Springville fire truck storage.

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 amending the reduction to MKS Plumbing Corporation in the amount of five hundred dollars no cents (\$500.00) to credit the Village for April rent charges for Springville fire truck storage.
6. NYMPA Voting Delegate 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 approving the below resolution.

RESOLUTION (with proxy)

At a regular meeting of the Board of Trustees of the Village of Springville, New York, held on April 17, 2017, the following resolution was adopted:

Moved by Trustee Skelton, seconded by Trustee Chamberlin

WHEREAS, in accordance with the bylaws of the New York Municipal Power Agency, each municipal member may cast one vote on each transaction properly brought before this meeting.

NOW THEREFORE BE IT RESOLVED, that the NYMPA Board of Directors be and is hereby designated as the accredited delegate of the Village of Springville, New York.

6. Joni Wilson Retirement Motion was made by Trustee Moriarty, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Moriarty, Skelton, Chamberlin and Wikman voting yes, none opposed to accepting, with great regret, the resignation of Joni Wilson, due to retirement, whose last full time day will be April 28, 2017. Effective May 1, 2017 Joni will work part time, as needed, until her replacement is trained.

At this time Superintendent Kostowniak informed everyone that milling will begin on 4/19/17 on North Buffalo Street between Main and Chapel Streets.

POLICE DEPARTMENT

Officer in Charge Nick Budney updated everyone on the status of the new officer uniforms

At this time Officer in Charge Nick Budney commended Officer Grube and his swift action in a building fire at an apartment on Barnstead Drive.

FIRE REPORT

Chief Klenk updated the Mayor and Board on the following;

- ❖ Calls
- ❖ Equipment maintenance
- ❖ Department training

BUILDING INSPECTOR/CEO

BI/CEO Kaleta informed the Board that the Planning Board will review the additional terminology from Paul Weiss, Village Attorney, regarding Bar and Restaurant parking.

CONTROL CENTER

March 2017 report received and filed.

OLD BUSINESS

7. Benchmarking 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 approving the below Energy Benchmarking Resolution.

**IN THE MATTER OF THE VILLAGE OF SPRINGVILLE
ESTABLISHING ENERGY BENCHMARKING
REQUIREMENTS FOR CERTAIN MUNICIPAL
BUILDINGS**

RESOLUTION

WHEREAS, buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village of Springville is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Village of Springville Board of Trustees desires to use Building Energy Benchmarking, a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Springville; and

WHEREAS, as such the Village Board desires to establish procedure or guideline for Village staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the Village of Springville;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Village of Springville that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Village of Springville Clerk's Office.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1 every year, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1 each year for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Village of Springville including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

FURTHER RESOLVED, the Village Board, in regular session duly convened, does hereby authorize and direct the Mayor or Administrator/Clerk-Treasurer of the Village of Springville to execute such other and additional documents as may be required for to perfect the resolutions herein.

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 #286 through #298 total of \$276,145.27 of 2016/2017 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 Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Chamberlin and Moriarty voting yes, none opposed to accept the consent agenda below.

PROJECT: 000008047 - SHEDS, UP TO 144 SQ.FT.
PROPERTY: 184 N CENTRAL AVE
ISSUED DATE: 3/30/2017
ISSUED TO: SLIPPY, ROBERT H
184 N CENTRAL AVE
SPRINGVILLE, NY 14141

TYPE: SHEDS

PROJECT: 000008048 - SOLICITOR-CHEF'S FOOD TRUCK
PROPERTY: 168 W MAIN ST
ISSUED DATE: 3/31/2017
ISSUED TO: CHEF'S ON THE GO
291 SENECA ST
BUFFALO, NY 14204

TYPE: SOLICITOR

PROJECT: 000008049 - NONRES NONSTRUCTURAL
PROPERTY: 5 E MAIN ST
ISSUED DATE: 4/06/2017
ISSUED TO: SPRINGVILLE CENTER FOR THE ART
37 N BUFFALO ST
PO BOX 62
SPRINGVILLE, NY 14141

TYPE: NONRES
NONSTRUCTURAL

PROJECT: 0000008050 - LICENSES-BANNER FOR ART CRAWL
PROPERTY: 5 E MAIN ST
ISSUED DATE: 4/06/2017
ISSUED TO: SPRINGVILLE CENTER FOR THE ART
P.O. BOX 62
SPRINGVILLE, NY 14141

TYPE: LICENSES

PROJECT: 0000008051 - FENCES
PROPERTY: 119 WOODWARD AVE
ISSUED DATE: 4/07/2017
ISSUED TO: WITTMAN, CHRISTINA
119 WOODWARD AVE
SPRINGVILLE, NY 14141

TYPE: FENCES

TRUSTEE NOTES & PROJECT REPORTS

Trustee Chamberlin had nothing to report this evening.

Trustee Wikman asked everyone for their thoughts on a memorial to recognize those who have lost their lives to drug abuse and to those who have won the fight against addiction. Trustee Wikman also thanked the reporters present this evening for attending and for their efforts in accurate reporting.

Trustee Moriarty had nothing to report this evening.

Trustee Skelton had nothing to report this evening.

Mayor Krebs thanked Mr. O'Brien for his work regarding the fallen veterans and recognizing them on the Veteran's Memorial.

8. Executive Session 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 to Executive Session to discuss a pending litigation matter at 7:46 pm.
9. Adjourn Motion was made by Trustee Skelton, seconded by Trustee Moriarty; carried, Mayor Krebs, Trustees Skelton, Moriarty, Chamberlin and Wikman voting yes, none opposed to adjourn the Regular Session at 8:10 pm.

Respectfully submitted,

Holly Murtiff
Deputy Clerk