

VILLAGE OF SPRINGVILLE  
2018 MINUTES

May 21, 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 Chamberlin Kim Pazzuti Elise Rose Nils Wikman
Village Administrator	Liz C. Melock
Village Attorney	Paul Weiss
Building Inspector/ Code Enforcement Officer	Michael Kaleta
Police Officer in Charge	Nicholas Budney
Fire Chief	David Klenk
Deputy Clerk	Holly Murtiff
Also Attending	Colleen Mahoney, Springville Journal Rick Johnson, Control Center Senior Dispatcher Sydney Wittmer, SGI Christy Komenda, SGI Mackenzie Engel, SGI Deb Engel Jason Engel Ron Kenyon John Schiener
Absent	Kenneth Kostowniak Superintendent of Public Works

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

1. Minutes Minutes of the Regular Meeting of May 7, 2018 were approved as written by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman and Pazzuti voting yes, Trustee Rose abstaining, none opposed.

Executive Session Minutes of May 7, 2018 were approved as written by Trustee Chamberlin, seconded by Trustee Wikman; carried Mayor Krebs, Trustees Chamberlin, Wikman and Pazzuti, voting yes, Trustee Rose abstaining, none opposed.

**PUBLIC COMMENT**

Fire Chief Dave Klenk wanted express his thanks to all Erie County and those who responded with their people and equipment in today's emergency at the high level bridge.

**DEPARTMENT REPORTS  
ADMINISTRATOR REPORT**

2. DPW Superintendent Permanent Appointment Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to the permanent appointment of Superintendent of Public Works Kenneth Kostowniak for Civil Service list #60-666 effective May 21, 2018
3. Budget Modifications Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to approving the Budget modifications for the General, Water & Sewer funds to balance accounts as they appear in 052118 A.1
4. Amend Fee Schedule Motion was made by Trustee Pazzuti, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Pazzuti, Chamberlin, Rose and Wikman voting yes, none opposed to amending the fee schedule to add a fee for owner request for total or partial release or a modification of an easement Right of way previously granted to the Village. The fee will be \$250.
5. Temporary Caretaker Appointment Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to appointing Matthew Montanari of 83 Chestnut St. as caretaker, part-time, temporary effective May 22, 2018 at a salary of \$15.00 per hour with 15 hours per week to maintain the 65 Franklin St. complex and Heritage Park restrooms.

**SUPERINTENDENT REPORT**

Administrator Melock gave Superintendent Kostowniak's report regarding Franklin Streetscape Phase III Smart Growth Grant update. The Proposing Phase III of Franklin project will be milling and paving of Franklin Street, bike lane markings, pedestrian crosswalk improvements, shade features in Eaton Park, resurfacing of tennis courts and hockey area, benches and fencing. See attachment 052118 A.2.

6. Franklin Streetscape Phase III Conceptual Drawings Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to recommend Didonato and Associates to develop conceptual plans and elevations for Smart Growth grant application. Didonato will be compensated for time and materials not to exceed one thousand eight hundred dollars no cents (\$1,800.00) to start on June 1, 2018.
7. Franklin Streetscape Phase III Support Letter Motion was made by Trustee Chamberlin, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti, Rose and Wikman voting yes, none opposed to authorizing Mayor Krebs to write and sign a letter of support for the Franklin Streetscape Phase III project.
8. Franklin Streetscape Phase III/ Eaton Park Smart Growth Motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin, Pazzuti and Rose voting yes, none opposed to approving the below resolution.

**Concurring Resolution**

The purpose of the resolution is to have on record a statement confirming that the applicant has formally requested a grant, has designated an official to perform the required duties between the applicant and the Erie County Department of Environment and Planning and has assured, where applicable, the provision of local matching funds. In addition, the applicant will comply with all

other provisions of the CDBG application.

Resolution of the Village of Springville Board of Trustees authorizing the filing of an application for funds with the Erie County Department of Environment and Planning.

WHEREAS, the Village of Springville is desirous of obtaining funds from the Department of Environment and Planning in the amount of \$325,000 under the Federal Housing and Community Development Act as amended.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Springville does hereby formally request funding from the Department of Environment and Planning; and

BE IT FURTHER RESOLVED, that the Village of Springville does hereby authorize Mayor William Krebs as the official to sign, submit and execute all applications, form, and contracts between Village of Springville and Erie County.

#### **POLICE DEPARTMENT**

Officer in Charge Budney presented to SGI students Mackenzie Engel, Sydney Wittmer and SGI teacher Christy Komenda proclamations and tokens of appreciation commemorating all the work that Mackenzie and Sydney put in and Christy overseeing this work on the Village Seal and Police Car logo.

#### **FIRE REPORT**

Chief Klenk had nothing to report this evening.

#### **BUILDING INSPECTOR/CEO**

BI/CEO Kaleta informed everyone that 37 S. Central Ave. is now going to be mowed every two weeks and the matter regarding that property is due in court on June 18, 2018.

#### **CONTROL CENTER**

Control Center report of April 2018 was received and filed.

#### **OLD BUSINESS**

There was no Old Business to discuss this evening.

#### **NEW BUSINESS**

9. Sardinia/  
Control Center  
Matter

After discussion regarding the Control Center and recent issues with the Town of Sardinia the below resolutions were passed.

Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to approving the below resolution.

**RESOLUTION NUMBER ONE**

**RESOLUTION OF THE VILLAGE OF SPRINGVILLE**  
Springville Control Center Joint Services Agreement

**WHEREAS**, the Towns of Concord (“Concord”) and Sardinia (“Sardinia”) and the Village of Springville (“Springville”) are municipal corporations existing under and by virtue of the State of New York and located in the County of Erie, New York (collectively referred to as the “Participating Municipalities”), and

**WHEREAS**, the volunteer fire companies and fire departments within the Participating Municipalities provide for fire protection and emergency related services, and

**WHEREAS**, pursuant to the authority conferred upon the Participating Municipalities by General Municipal Law Section 119-o and Town Law Section 64 (11) (c), said Participating Municipalities entered into the Springville Control Center Joint Services Agreement (“Agreement”) on January 1, 2011, and

**WHEREAS**, the Agreement Paragraph 5 requires Concord and Sardinia to make annual payments to Springville for the services rendered pursuant to the Agreement, and,

**WHEREAS**, the Agreement Paragraph 11 requires any of the Participating Municipalities to give timely notice of its intent to terminate the Agreement, and

**WHEREAS**, by correspondence dated April 13, 2018, Sardinia, through Supervisor Beverly Gambino, gave notice that Sardinia was terminating its participation in the Agreement effective December 31, 2018, and

**WHEREAS**, in response, Springville conveyed to Sardinia that continued use of the Springville Control Center pursuant to the Agreement required that Sardinia pay its pro rata share of the cost for the provision of services under the Agreement, totaling twenty two thousand, three hundred and ninety-nine dollars and forty-four cents (\$22,399.44), for services to be rendered for June 1, 2018 through and including December 31, 2018, and

**WHEREAS**, Sardinia both in writing and verbally through its representatives has indicated that it unilaterally determined that it has already paid for services for June 1, 2018 through and including December 31, 2018, all which are contrary to and without support in the Agreement and/or the actual payments made by Sardinia, and

**WHEREAS**, by correspondence dated May 8, 2018 Springville, through its Village Attorney, advised Sardinia that the annual payments on or about January 15 each year indicated in the Agreement Paragraph 5 were for services provided from June 1 the preceding year and up to and including May 31 of the year of payment, or in other words, the annual payment followed Springville’s fiscal year, not Sardinia’s fiscal year, and

**WHEREAS**, having said dispute unresolved, Springville referred this matter to the Springville Control Center Advisory Board pursuant to the Agreement Paragraph 17, and

**WHEREAS**, the Springville Control Center Advisory Board heard the dispute and disagreement over the correct interpretation of the Agreement Paragraph 5 for annual payment of funds to Springville, and

**WHEREAS**, the Springville Control Center Advisory Board met on May 17, 2018 and passed a resolution with the recommendation expressing dissatisfaction with the Sardinia Town Board's action of terminating service with Springville under the Agreement, and

**WHEREAS**, having the instant dispute unresolved, Springville Village Board of Trustees having reviewed and considered all the relevant facts, documentation, positions of Sardinia and Springville as well as the resolution and recommendation of the Springville Control Center Advisory Board of May 17, 2018,

**NOW THEREFORE, BE IT RESOLVED**, that the Village Board of Trustees of the Village of Springville as the governing body of the Village and pursuant to the Agreement Paragraph 17, does hereby determine and declare that "annual payment" on January 15 of a given year indicated in the Agreement Paragraph 5 refers payment for services provided from June 1 the preceding year and up to and including May 31 of the year of payment, or in other words, the annual payment follows Springville's fiscal year, not Sardinia's fiscal year.

Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to approving the below resolution.

#### **RESOLUTION NUMBER TWO**

##### **RESOLUTION OF THE VILLAGE OF SPRINGVILLE** Springville Control Center Joint Services Agreement (Services)

**WHEREAS**, the Towns of Concord ("Concord") and Sardinia ("Sardinia") and the Village of Springville ("Springville") are municipal corporations existing under and by virtue of the State of New York and located in the County of Erie, New York (collectively referred to as the "Participating Municipalities"), and

**WHEREAS**, the volunteer fire companies and fire departments within the Participating Municipalities provide for fire protection and emergency related services, and

**WHEREAS**, pursuant to the authority conferred upon the Participating Municipalities by General Municipal Law Section 119-o and Town Law Section 64 (11) (c), said Participating Municipalities entered into the Springville Control Center Joint Services Agreement ("Agreement") on January 1, 2011, and

**WHEREAS**, by resolution of May 21, 2018 the Village Board of Trustees of the Village of Springville determined and declared that "annual payment" on January 15 of a given year indicated in the Agreement Paragraph 5 refers payment for services provided from June 1 the preceding year and up to and including May 31 of the year of payment, or in other words, the annual payment follows Springville's fiscal year, not Sardinia's fiscal year, and

**WHEREAS**, Sardinia gave notice that it was terminating its participation in the Agreement effective December 31, 2018 and would not pay its pro rata share of the cost for the provision of services under the Agreement, totaling twenty two thousand, three hundred and ninety-nine dollars and forty-four cents (\$22,399.44), for services to be rendered for June 1, 2018 through and including December 31, 2018, and

**WHEREAS**, in response, Springville conveyed to Sardinia that continued use of the Springville Control Center pursuant to the Agreement required that Sardinia pay its pro rata share of the cost for the provision of services under the Agreement, totaling twenty two thousand, three hundred



PROJECT: 0000008451 - SIGNS TYPE: SIGNS  
PROPERTY: 65 E MAIN ST 1STFL  
ISSUED DATE: 5/08/2018  
ISSUED TO: EG TAX SERVICE  
PO BOX 6  
CLARENCE, NY 14031

PROJECT: 0000008452 - UTILITY CHANGES-ELECTRIC TYPE:  
PROPERTY: 32 WOODLAND DR ELECTRIC  
ISSUED DATE: 5/09/2018  
ISSUED TO: RUZYCKI, TAMMIE M  
32 WOODLAND HGTS  
SPRINGVILLE, NY 14141

PROJECT: 0000008453 - DRIVEWAY TYPE:  
PROPERTY: 370 MILL ST DRIVEWAY  
ISSUED DATE: 5/09/2018  
ISSUED TO: RZEPECKI, THOMAS  
370 MILL ST  
SPRINGVILLE, NY 14141

#### **TRUSTEE NOTES & PROJECT REPORTS**

#### 10. SWAP

After updating everyone on the recent NYCOM conference that she attended Trustee Rose asked for the Village of Springville to provide a letter of support for SWAP (Safe Water Infrastructure Action Program) in an effort to secure annual grant money toward water infrastructure. Motion was made by Trustee Rose, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Rose, Chamberlin, Pazzuti and Rose voting yes, none opposed to Mayor Krebs writing and signing letters of support for Bill S3292/S3907.

Trustee Rose updated everyone on the following;

- Recent NYCOM conference
- Recent Southern Tier West training
- Erie County household hazardous waste collection day on June 2, 2018.

Trustee Chamberlin thanked the Control Center Advisory Board for their feedback and support.

Trustee Pazzuti had nothing to report.

Trustee Wikman commented on the recent Pageant of the Bands parade and the opening of SYI baseball.

Mayor Krebs commented on the following;

- Thanks to Deputy Mayor Wikman for representing the Village of Springville at the Pageant of Bands parade and the opener of SYI baseball.
- NYCOM conference
- Tree replacement policy/article

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11. Adjourn      Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Rose and Pazzuti voting yes, none opposed to adjourn the Regular Session at 8:02 pm.

Respectfully submitted,

Holly Murtiff  
Deputy Clerk