

VILLAGE OF SPRINGVILLE
2018 MINUTES

November 5, 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 Nils Wikman
Village Administrator	Liz C. Melock
Village Attorney	Paul Weiss
Superintendent of Public Works	Kenneth Kostowniak
Building Inspector/ Code Enforcement Officer	Michael Kaleta
Police Officer in Charge	Nicholas Budney
Deputy Clerk	Holly Murtiff
Absent	Elise Rose, Trustee David Klenk, Fire Chief
Also Attending	Colleen Mahoney, Springville Journal Kellen Quigley, Springville Times See attendance sheets 1 - 3(110518 A.1)

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

1. Minutes Minutes of the Regular Meeting of October 15, 2018 were approved as written by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman and Pazzuti voting yes, none opposed.

Minutes of the Executive Session of October 15, 2018 were approved as written by Trustee Chamberlin, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti and Wikman voting yes, none opposed.

PUBLIC HEARING

2. LL 2018-4 Mayor Krebs opened the advertised public hearing regarding the proposed LL 2018-4 amendments to Chapter 180 Vehicles & Traffic Article VII Schedules 180-39 Schedule X No Standing on W. Main St. near Gentner's Auction. The proposed Local Law is shown below;

Modify the current No Standing 30 Feet east from east driveway of Gentner's Auction to 134 feet east of the east driveway on the north side of W. Main St. The distance on the west side will remain at 36 feet west of the west driveway. This change was requested to increase the visibility and safe exit from the auction onto Main St.

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Motion was made by Trustee Pazzuti, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Pazzuti, Wikman and Chamberlin voting yes, none opposed to close the public hearing.

APPEALS HEARING

3. 17, 19 & 25 West Main St. HPC Appeal

At this time Mayor Krebs opened the advertised appeals hearing on the recent decision to grant a Certificate of Appropriateness to the Crossings Church for their future plans for 17, 19 & 25 West Main Street which include demolition of all buildings, parking lot, green space and a future building. Mayor Krebs gave a speech regarding the origin and purpose of the Historic Preservation Commission. Village Attorney Paul Weiss gave an explanation of the Chapter 200 zoning code, what an aggrieved person, appeal process and the Certificate of Appropriateness (9/26/18).

The following people spoke regarding the matter;

Murray Regan – 27 S. Buffalo St. – Appeals Applicant

Joyce Abbott and Jolene Hawkins other Appeals Applicants were called but did not attend.

Seth Wochensky – 30 S. Central Ave.

Dave Batterson – HPC Chairman

Keith Clark – Pastor of the Crossings Church

Tom Nyitrai – The Crossings Church Attorney

Judy Wright – 66 N. Central Ave.

Philip Krezmien – 25 W. Main St.

Tim Swedenhjelm – 12969 Van Slyke Rd.

Murray Regan, Keith Clark and Dave Batterson all spoke a second time.

Mayor Krebs discussed the deficiencies in the application (8/13/18) listed below.

Application Deficiencies

1. The HPC decision is not signed by the Chairperson as required by §200-153.
2. The application contains no information about the condition of the building at 17 and 19 West Main.
3. The application stated reason for demolition (Phase 1) construction of a parking lot (Phase 2) *Theater is a landmark with no parking. Parking would support theater success as well as other Village businesses* is not a reason for demolition of historic buildings as stated in §200-152.
4. The application contains no information about how the demolition (Phase 1) would meet the standards stated in §200-151, §200-152 and §200-153
5. The application stated reason for hardship *Without adequate parking the theater has little hope of continued success or growth* is not valid for hardship or demolition of buildings of adjacent properties according to §200-154.
6. The application contains insufficient information proving hardship according to §200-154, specifically information about the appraised value of the property and buildings, and cost of repairs to the buildings.

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7. The application proposes the construction of a Phase 2 parking lot on the entire lot which construction is prohibited in the Local Historic Preservation District by the *Village of Springville Historic Preservation Commission Building Design Standards* which only permits parking lots as an accessory use.
8. The application contains no specific plans or drawings for the building which is mentioned as Phase 3 as required by §200-153.

Trustee Chamberlin discussed the decision process for the Certificate of Appeals. Trustee Chamberlin also mentioned that the Historic Preservation Commission and the applicant all fell short in their requirements for this process.

Trustee Pazzuti commented that this decision is not one that can be rushed.

Trustee Wikman discussed feelings vs. the law vs. hopes in this matter.

Motion was made by Trustee Chamberlin, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti and Wikman voting yes, none opposed to closing the deliberations.

Motion was made by Mayor Krebs, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti and Wikman voting yes on the below decision regarding 17, 19 & 25 W. Main Street.

Decision:

1. The Board of Trustees reverses the Historic Preservation Commission Decision of September 26, 2018.
2. The Board advises the Historic Preservation Commission to seek advice from the Village Attorney if necessary to follow the Code, Procedures, and Design Standards of any applicant for building, alteration, or demolition in the Local Historic Preservation District in the Village of Springville.
3. The Board of Trustees advises that the Springville Crossing Church may revise its application for its project at 17, 19, and 25 West Main Street and reapply for a Certificate of Appropriateness from the Historic Preservation Commission.

RECESS

All attending took a recess from 9:00 – 9:12

PUBLIC COMMENT

Rich Place introduced himself to everyone as the new Executive Director of the Springville Area Chamber of Commerce.

**DEPARTMENT REPORTS
ADMINISTRATOR REPORT**

4. LL 2018-4 SEQR & Negative Declaration
Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman and Pazzuti voting yes, none opposed to approving the SEQR and Negative Declaration for LL 4 of 2018 (shown above in the Public Hearing section) – No standing modifications on W. Main Street from the east drive of Gentner’s Auction.
5. LL 2018-4 Adopt
Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman and Pazzuti voting yes, none opposed to adopting for amendment to Chapter 180 Vehicles & Traffic Article VII. Schedules 180-39 Schedule X: No Standing for the West Main Street near Gentner’s Auction (shown above).

6. Municipal Solutions & EMMA System Agreement
 After explanation by Administrator Melock, motion was made by Trustee Pazzuti, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Pazzuti, Wikman and Chamberlin voting yes, none opposed to approving Mayor Krebs to sign the Municipal Solutions agreement. This agreement covers the fees for short term and long term borrowing services.
 Motion was made by Trustee Chamberlin, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Chamberlin, Pazzuti and Wikman voting yes, none opposed to authorizing Mayor Krebs to sign the EMMA System Agreement. This agreement allows for Municipal Solutions to make reports to the EMMA system that tracks the municipal markets borrowings and financial statements.
7. DWI Fund Budget Modification
 After explanation, motion was made by Trustee Wikman, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Wikman, Chamberlin and Pazzuti voting yes, none opposed to modify the General Fund Budget DWI funds by \$270. Increase Fines & Forfeited Bail Revenue Account number 2610.001 by \$270 and increase Police – Contractual 3120.400 by \$270.
8. 2018/2019 Unpaid taxes
 Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman and Pazzuti voting yes, none opposed to accept as correct the following list of unpaid taxes, assessment and charges appearing on the tax roll and warrant for the taxable year 2018 for the Village of Springville, New York, and pursuant to Section 1436 of the Real Property Tax Law a certified copy will be turned over to Erie County for payment to the Village of Springville.

YEAR	NAME	PARCEL	TOTAL RELEVY
2018	COOK PAUL H COOK SUSAN M 79 SPAS DR SPRINGVILLE NY	335.10-2-29	\$1,661.54
2018	HAYDEN PAUL R 291 N CENTRAL SPRINGVILLE NY	335.11-1-10.2	\$29.61
2018	HAYDEN PAUL R 291 N CENTRAL AVE SPRINGVILLE NY	335.11-1-9	\$1,168.96
2018	SMOLINSKI MARY ELLEN 41 GREENWOOD PLACE SPRINGVILLE NY	335.12-1-5	\$1,131.46
2018	BADURA JOZEF 67 GREENWOOD PL SPRINGVILLE NY	335.12-1-8	\$2,420.42

2018	BAKER JAY T 97 EATON ST SPRINGVILLE NY	335.12-1-48	\$ 1,798.43
2018	EVERTS MAISIE 104 MAPLE AVE SPRINGVILLE NY	335.12-2-12	\$ 849.42
2018	MCPEEK MARK 173-175 N BUFFALO SPRINGVILLE NY	335.12-2-26	\$ 3,670.25
2018	S&N-EILEEN GREEN HOUSE FLOWER SHOP INC 29 N CASCADE DR SPRINGVILLE NY	335.14-1-4	\$ 709.88
2018	CHATTERTON ARTHUR R N CASCADE DR SPRINGVILLE NY	335.14-2-1	\$ 150.24
2018	NEW WAVE POINT INC 311 W MAIN ST SPRINGVILLE NY	335.14-2-6	\$ 1,146.48
2018	NEW WAVE POINT INC W MAIN ST SPRINGVILLE NY	335.14-2-8	\$ 26.16
2018	TACKENTIEN RONALD L ELMA TACKENTIEN PO BOX 194 SARDINIA NY	335.14-2-35	\$ 278.15
2018	FLYNN LORRAINE 62 SMITH ST SPRINGVILLE NY	335.15-2-16	\$ 1,263.52
2018	KOMOSINSKI ROBERT KOMOSINSKI STACEY 54 SMITH ST SPRINGVILLE NY	335.15-2-17	\$ 663.02

2018	EMERLING JASON T 51 SMITH ST SPRINGVILLE NY	335.15-3-20	\$ 588.81
2018	WOODRING DEBORAH 63 SMITH ST SPRINGVILLE NY	335.15-3-22	\$ 1,797.94
2018	COLIN C HART DEV CO 92 CHURCH ST SPRINGVILLE NY	335.15-4-3	\$ 1,960.54
2018	KNIGHT DONNA L 193 FRANKLIN ST SPRINGVILLE NY	335.15-4-24	\$ 1,357.15
2018	WINKEY THEODORE 12/14 N BUFFALO ST SPRINGVILLE NY	335.15-5-6.1	\$ 1,332.67
2018	19 MAIN STREET SPRINGVILLE LL C/O PETER FRANK 17 W MAIN ST SPRINGVILLE NY	335.15-5-11	\$ 398.96
2018	19 MAIN STREET SPRINGVILLE LLC C/O PETER FRANK 19 W MAIN ST SPRINGVILLE NY	C 335.15-5-12	\$ 1,258.46
2018	CRICKET HILL ENTERPRISES C/O PETER FRANK 25 W MAIN ST SPRINGVILLE NY	335.15-5-13	\$ 1,037.54
2018	OAKLEY THOMAS D 63 COCHRAN AVE SPRINGVILLE NY	335.15-6-22	\$ 1,120.16
2018	BORDEN LUKOWSKI BENITA 58 PARK ST SPRINGVILLE NY	335.15-7-2	\$ 1,609.68

2018	MIDDLE-DRAKE INC 189 W MAIN ST SPRINGVILLE NY	335.15-8-16.1	\$ 651.29
2018	ZEAFLO GEORGE V ZEAFLO GERALDINE 100 SPRING ST SPRINGVILLE NY	335.16-1-17	\$ 2,548.43
2018	WINTER KENNETH E 78 E MAIN SPRINGVILLE NY	335.16-2-8	\$ 1,636.38
2018	FISHER CHARLES 19 MECHANIC ST SPRINGVILLE NY	335.16-2-19	\$ 1,270.98
2018	WEBSTER JEFFREY L WEBSTER DIANE M 70 ELM ST SPRINGVILLE NY	335.16-3-15	\$ 1,788.09
2018	STOWELL LARRY STOWELL PATRICIA 68 ELM ST SPRINGVILLE NY	335.16-3-16	\$ 1,595.21
2018	HART ASSOC OF SPRINGVILLE INC WAVERLY ST SPRINGVILLE NY	335.18-2-33.1	\$ 2,227.04
2018	POPOVSKI KIRIL A 248 W MAIN ST SPRINGVILLE NY	335.19-1-11	\$ 4,343.82
2018	POPOVSKI TRACY M 224 W MAIN ST SPRINGVILLE NY	335.19-1-12	\$ 707.98
2018	PORTERFIELD JOHN 159 WAVERLY ST SPRINGVILLE NY	335.19-1-29	\$ 1,470.14

2018	COLIN C HART DEV CO INC 168 WEST MAIN ST SPRINGVILLE NY	335.19-2-4.1	\$ 3,522.17
2018	COLIN C HART DEV CO IN 227 MILL ST SPRINGVILLE NY	335.19-4-20	\$ 14.37
2018	LOUNSBURY BRIAN C LOUNSBURY MELINDA B 110 S CENTRAL AVE SPRINGVILLE NY	335.19-4-38	\$ 29,407.31
2018	AFFRONTI MICHAEL A AFFRONTI TERESA A 28 CHESTNUT ST SPRINGVILLE NY	335.19-5-27	\$ 1,783.26
2018	OTTO DENNIS OTTO W 48 ALBRO AVE SPRINGVILLE NY	335.19-6-4	\$ 2,031.21
2018	WULFF JUNE 65 CHESTNUT ST SPRINGVILLE NY	335.19-6-17	\$ 1,307.65
2018	MCKNIGHT MARJORIE 83 CHESTNUT ST SPRINGVILLE NY	335.19-6-19	\$ 1,303.23
2018	BERNHARD WILLIAM 81 CHESTNUT ST SPRINGVILLE NY	335.19-6-20	\$ 2,287.07
2018	RUNG ROBERT 20 GLEN ST SPRINGVILLE NY	335.19-6-30.1	\$ 527.82
2018	BACON RONALD 190 WAVERLY ST SPRINGVILLE NY	335.19-7-4	\$ 488.56

2018	RICOTTA EDWARD C RICOTTA JOSEPHINE F 128 WAVERLY ST SPRINGVILLE NY	335.19-7-13	\$ 2,245.85
2018	SHEA COLIN 31 ALBRO AVE SPRINGVILLE NY	335.19-7-18	\$ 565.36
2018	FULLER JOYCE 55 ALBRO AVE SPRINGVILLE NY	335.19-7-21	\$ 641.23
2018	WINKEY KATHLEEN A 14 NORTH BUFFALO ST SPRINGVILLE NY	335.20-1-1	\$ 1,370.64
2018	ROBINSON BRUCE 55 E MAIN ST SPRINGVILLE NY	335.20-1-16.1	\$ 2,051.98
2018	CHERRY GAIL L CHERRY BETTY J 123 PEARL ST SPRINGVILLE NY	335.20-2-7	\$ 879.47
2018	KUCZKA KRISTIN 29 ELK ST SPRINGVILLE NY	335.20-3-5	\$ 1,551.91
2018	BOUNDY SCOTT 129 ELK ST SPRINGVILLE NY	335.20-3-18	\$ 1,207.89
2018	KRAFT JUSTIN 118 PEARL ST SPRINGVILLE NY	335.20-3-31.1	\$ 169.41
2018	ELKINS PETER A 63 PROSPECT AVE SPRINGVILLE NY	335.20-5-8	\$ 322.74
2018	JOHNSON DEREK 135 EAST AVE SPRINGVILLE NY	335.20-7-7	\$ 7.83

2018	MUTTON JENNIFER L 26 S EDGEWOOD DR SPRINGVILLE NY	335.20-7-39	\$ 1,327.50
2018	STARR LOUIS STARR SUZANNE CHRISTINE 324 NEWMAN ST SPRINGVILLE NY	336.09-1-5	\$ 9,678.55
2018	FOLTS DAVID S 225 NEWMAN ST SPRINGVILLE NY	336.09-2-3	\$ 1,518.44
2018	JHD PROPERTIES LLC 38 ELK SPRINGVILLE NY	336.18-1-7	\$ 2,718.11
2018	HOCHMUTH JAMES J 488 WAVERLY ST SPRINGVILLE NY	347.06-1-12.2	\$ 353.66
2018	CONKLIN STEVEN CONKLIN ANNA R 30 SPAS AVE SPRINGVILLE NY	347.07-1-15.2	\$ 44.28
2018	MANFRE DARLENE 391 MILL ST SPRINGVILLE NY	347.07-1-20	\$ 1,109.10
2018	WILMINGTON TRUST 240 MILL ST SPRINGVILLE NY	347.07-1-33	\$ 649.22
GRAND TOTALS			\$ 118,754.64

Administrator Melock reported on the following;

- Parking ban, 11/10 – 4/1, 2 am – 7 am on any village street.

SUPERINTENDENT REPORT

Superintendent Kostowniak reported on the following

- Mill St. drainage project is on hold
- Lunger box additions
- Graduation of J. Krezmien from Linemen's school
- 77 Newman St. drainage issue
- Manhole rehab update

9. Electricfix Gloves After explanation by Superintendent Kostowniak, motion was made by Trustee Rose, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Rose, Chamberlin, Pazzuti and Wikman voting yes, none opposed to Electric Division personnel will follow a new policy to wear Class II electricfix gloves and sleeves. All Village Electric Division personnel will turn in to the department Leadman or Superintendent of Public Works all PPE that does not meet this classification. This is the Classification of PPE is determined by the Superintendent of Public Works, Electric Division Leadman and Safety Officer. Any individual that is non-compliant will be subject to discipline per the union Agreement.

POLICE DEPARTMENT

10. Officer Resignation After explanation from Officer in Charge Budney, motion was made by Trustee Wikman, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Wikman, Pazzuti, Rose and Chamberlin voting yes, none opposed to accepting the resignation of Officer Sean Gallagher effective 10/26/18 in order for NYS retirement to process his full-time pension benefits.
11. Officer Reappointment Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to reappointing Sean Gallagher to the position of part-time police officer effective November 2, 2018.

Officer in Charge Budney reported on the following;

- DOJ bullet proof grant award – max \$1,272
- Charms system, digitized arrest records/police reports, is now active.

FIRE REPORT

There was no fire report this evening.

BUILDING INSPECTOR/CEO

BI/CEO Kaleta had no report this evening.

CONTROL CENTER

September 2018 report has been received and filed.

Control Center Advisory Board meeting minutes of September 20, 2018 have been received and filed.

Control Center Liasion Trustee Alan Chamberlin reported that the part-time position is still open.

OLD BUSINESS

There was no Old Business to discuss this evening.

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 Abstract #69 through #89 total of \$617,135.39 of 2018-2019 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, Rose and Pazzuti voting yes, none opposed.

CONSENT AGENDA

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

PROJECT: 0000008619 - ROOFING
PROPERTY: 70 PEARL ST
ISSUED DATE: 9/26/2018
ISSUED TO: BATTERSON, DAVID
52 PEARL ST
SPRINGVILLE, NY 14141

TYPE: ROOF

PROJECT: 0000008620 - VIOLATION
PROPERTY: 204 MILL ST
ISSUED DATE: 9/28/2018
ISSUED TO: REIGHARD, ROBERT E
9817 ROCK SPRINGS RD
WEST VALLEY, NY 14171

TYPE: VIOLATION

PROJECT: 0000008621 - UTILITY CHANGES
PROPERTY: 235 MILL ST
ISSUED DATE: 9/28/2018
ISSUED TO: CHADDOCK, JONATHAN
235 MILL ST
SPRINGVILLE, NY 14141

TYPE: UTILITY
CHANGES

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PROJECT: 0000008622 - SIGNS
PROPERTY: 43 E MAIN ST LWR
ISSUED DATE: 10/01/2018
ISSUED TO: NAS SIGN CO
1628 ELMWOOD AVE
BUFFALO, NY 14207

TYPE: SIGNS

PROJECT: 0000008623 - UTILITY CHANGES-ELECTRIC
PROPERTY: 7355 ZOAR VALLEY ROAD
ISSUED DATE: 10/01/2018
ISSUED TO: BOUTON, SCOTT
20 GRAYSTONE LANE
ORCHARD PARK, NY 14127

TYPE: ELECTRIC

PROJECT: 0000008624 - ROOFING
PROPERTY: 51 NEWMAN ST
ISSUED DATE: 10/02/2018
ISSUED TO: STEINER, RAYMOND
51 NEWMAN ST
SPRINGVILLE, NY 14141

TYPE: ROOF

PROJECT: 0000008625 - SHEDS, UP TO 144 SQ.FT.

TYPE: SHEDS

PROPERTY: 136 E MAIN ST
ISSUED DATE: 10/02/2018
ISSUED TO: EHINGER, GARY R
136 E MAIN ST
SPRINGVILLE, NY 14141

PROJECT: 0000008626 - SHEDS, UP TO 144 SQ.FT. TYPE: SHEDS
PROPERTY: 38 RAUCH DR
ISSUED DATE: 10/03/2018
ISSUED TO: HUDZINSKI, LORI
38 RAUCH DR
SPRINGVILLE, NY 14141

PROJECT: 0000008627 - ROOFING TYPE: ROOF
PROPERTY: 240 MILL ST
ISSUED DATE: 10/05/2018
ISSUED TO: SMITH, GLEN
240 MILL ST
SPRINGVILLE, NY 14141

PROJECT: 0000008628 - LICENSES TYPE: LICENSES
PROPERTY: 182 E MAIN ST
ISSUED DATE: 10/10/2018
ISSUED TO: MOOCHEESY
182 E MAIN ST
SPRINGVILLE, NY 14141

TRUSTEE NOTES & PROJECT REPORTS

Trustee Rose has attended the recent Historic Preservation Commission meetings and reported on those.

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Trustee Wikman reported on the grand opening of the Emerling Chevrolet building on S. Cascade Drive and thanked the Emerling's for all the support and business they bring to the greater Springville area.

Trustee Chamberlin had nothing to report this evening

Trustee Pazzuti relayed the thanks from the owner and area neighbors of 77 Newman Street where there was need of drainage repair.

Mayor Krebs reported on the following;

- Meetings
- Correspondence
- Fall leaf pick up is underway
- Urging residents to abide the Halloween curfews

12. Executive Session Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to adjourn to Executive Session at 7:56pm to discuss three litigation matters;
- 37 S. Central Avenue
 - S. Cascade Drive
 - Tax Certiorari challenge for 252 S. Cascade Drive

13. Adjourn Motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Pazzuti and Rose voting yes, none opposed to adjourn the Regular Session at 8:52 pm.

Respectfully submitted,

Holly Murtiff
Deputy Clerk