

VILLAGE OF SPRINGVILLE
2020 MINUTES

October 19, 2020

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 Krebs
Trustees	Reed Braman Kim Pazzuti Terry Skelton Nils Wikman
Village Administrator	Liz C. Melock
Village Attorney	Paul Weiss
Building Inspector/ Code Enforcement Officer	Michael Kaleta
Superintendent of Public Works	Duane Boberg
Police Officer in Charge	Nicholas Budney
Deputy Clerk	Holly Murtiff
Also Attending	Max Borsuk, Springville Journal John Mills, Erie County Legislator Nancy Heath, Office of Legislator Mills
Absent	Marc Gentner, Fire Chief

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

1. Minutes Minutes of the Regular Meeting of September 28, 2020 were approved as written by Trustee Skelton, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Skelton, Wikman, Braman and Pazzuti voting yes, none opposed.

Minutes of the Executive Session of September 28, 2020 were approved as written by Trustee Wikman, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Wikman, Pazzuti, Braman and Skelton voting yes, none opposed.

PUBLIC HEARING

2. CDBG Projects Mayor Krebs opened the duly advertised public hearing to discuss the 21/22 CDBG projects as outlined below;

1. N Central Ave Water Main Replacement Project – Total Cost is \$485,275 – CDBG funds requested \$150,000
2. Demolition of Skate Park Project – Total Cost is \$25,000 – CDBG funds requested \$25,000
3. Support for Rural Transit
4. Eaton Park Outdoor Recreation Improvements – Total Cost is \$344,000 – CDBG funds requested \$200,000

There being no questions or comments motion was made by Trustee Skelton, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Skelton, Wikman, Braman and Pazzuti voting yes, none opposed to close the Public Hearing.

PUBLIC COMMENT

Erie County Legislator John Mills addressed the Mayor and Board. Legislator Mills updated everyone on things in Erie County and offered to be of whatever assistance he can be to the Village of Springville.

**DEPARTMENT REPORTS
ADMINISTRATOR REPORT**

3. 21/22 CDBG Project Resolution Motion was made by Trustee Braman, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Braman, Wikman, Pazzuti and Skelton voting yes, none opposed to approve Mayor Krebs to sign and to approve the below resolution as it pertains to the 2021/2022 Community Development Block Grant projects.

**AUTHORIZE MAYOR TO SIGN CONTRACT WITH ERIE COUNTY COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM 2021-2022 YEAR**

WHEREAS, the Village Board of the Village of Springville desires to enter into a contract with Erie County Community Block Grant Program (ECCDBG) for the following projects listed in order of their ranking of priority by the Springville Village Board:

1. N Central Ave Water Main Replacement Project – Total Cost is \$485,275 – CDBG funds requested \$150,000
2. Demolition of Skate Park Project – Total Cost is \$25,000 – CDBG funds requested \$25,000
3. Support for Rural Transit
4. Eaton Park Outdoor Recreation Improvements – Total Cost is \$344,000 – CDBG funds requested \$200,000

WHEREAS, the Village Board of the Village of Springville deems it in the public interest to authorize the Mayor of the Village of Springville to sign, submit and execute contracts with Erie County for CDBG funded projects upon approval of the CDBG for the aforementioned projects.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Springville hereby authorizes the Mayor of the Village of Springville to sign, submit and execute contracts with Erie County for CDBG funded projects upon approval of CDBG for the following projects, listed in order of their ranking priority:

1. N Central Ave Water Main Replacement Project – Total Cost is \$485,275 – CDBG funds requested \$150,000
2. Demolition of Skate Park Project – Total Cost is \$25,000 – CDBG funds requested \$25,000
3. Support for Rural Transit
4. Eaton Park Outdoor Recreation Improvements – Total Cost is \$344,000 – CDBG funds requested \$200,000

BE IT FURTHER RESOLVED, that the Village Administrator forward a certified copy of this resolution to ECCDBG, Erie County Consortium.

4. CARES Act Contract Motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Braman and Pazzuti voting yes, none opposed to authorizing Mayor Krebs to sign the CARES Act contract for reimbursement of \$39,497.40 as per the attached agreement. **101920 A.1**
5. Financial Statements Administrator Melock announced that the financial statements have been audited. They have been emailed to the Mayor and all Board members and are available on the Village

website www.villageofspringvilleny.com or at village hall.

6. Budget Modifications Motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Braman and Pazzuti voting yes, none opposed to approving the 20/21 budget modifications outlined on the attached. **101920 A.2**
7. NYS Retirement Reporting Motion was made by Mayor Krebs, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Skelton, Braman, Pazzuti and Wikman voting yes, none oppose to approve the NYS retirement reporting resolution for Village Attorney Paul Weiss. **101920 A.3**
8. PT Custodian Position Motion was made to accept the resignation of Adam Tillinghast effective October 30, 2020 from the position of Caretaker PT at 65 Franklin St.
- Motion was made to appoint Miranda Richert to the position of Caretaker PT at 65 Franklin St. Effective November 2, 2020 at the salary of \$15.71 per hour.
9. Halloween Motion was made by Mayor Krebs, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Wikman, Braman, Pazzuti and Skelton to announce that Halloween festivities are at the discretion of individual residents in light of the current Covid-19 situation. The established curfews of 7 pm in the business district and 9 pm in all other residential district will be expected to be followed.

At this time Administrator Melock updated the Mayor and Board on the following;

- Electric payment arrangements are being offered to those having difficulties paying their bills due to COVID circumstances.
- Village financial/Treasurer's report has been emailed to the Board members.
- The winter parking ban will begin between the hours of 2:00 a.m. and 7:00 a.m. from November 10 to April 1.
- The bid date for 37 S. Central demolition is set for 11/5/20 at 11:00am.

SUPERINTENDENT REPORT

10. Lineman B Hiring Motion was made by Trustee Braman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Braman, Skelton, Pazzuti and Wikman voting yes, none opposed to hiring Brandon Smith, 10909 Rte. 240 West Valley NY for the vacant Lineman B position. Starting pay will be \$21.00 for the six-month probationary period. Ray after the probation will be \$27.43 as per Union contract. He is aware of residency requirements.
11. Scrap/Surplus Motion was made by Trustee Wikman, seconded by Trustee Braman; carried, Mayor Krebs, Trustee Wikman, Braman, Pazzuti and Skelton voting yes, none opposed to declare the below items as scrap/surplus. The surplus items will be put on and sold through Auctions International.
- Electric Dept. Scrap**
- 3 transformer lifting slings, All show signs of wear and are unsafe. We already have new ones
 - 1 pair of class 1 rubber gloves size 10.5 (failed test)
 - 1 large left rubber class 2 sleeve (failed test)
 - 2 large right rubber class 2 sleeve (failed test)
 - 1 extra large left class 2 sleeve (failed test)
 - 1 extra large right class 2 sleeve (failed test)
 - 1 DEK 5650 watt gas generator
 - 1 30' pole BCH parking lot light pole 1
 - 1 40' pole 9-1 east main st moved to temp SVC pole for new medical arts building. No longer needed.
 - 1 Salisbury orange split rubber blanket.

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Electric Dept. Surplus

1HP desk jet 6540 printer

1 Dell top computer product key PGQMY-VMXPV-6H9TG-9CGWQ-3KB2Q

1 Dell monitor sn#CN-DM39MD-74445-258-745U

All part are from an obsolete meter test bench.

Streets Dept. Surplus

1 Lay-Mor walk behind sidewalk sweeper. Age unknown.

Superintendent Boberg reminded everyone that leaf pick up has begun and will continue until weather no longer permits.

POLICE DEPARTMENT

Officer in Charge Budney reported on the following;

- SPD September 2020 report
- ECSO September 2020 report
- Police Reform Committee meeting on 10/21 at 5:30 pm at 65 Franklin
- Shop with a Cop 2020 plans are being made

FIRE DEPARTMENT

In the absence of Chief Gentner Administrator Melock read the fire report and updated the Board on the following;

- Calls
- Training
- General information
 - All trucks have been pump tested and certified
 - We continue to follow all COVID 19 protocols
 - New fire truck if on schedule and should be received right before Thanksgiving
 -

BUILDING INSPECTOR/CEO

BI/CEO Kaleta had no report but did inform everyone that he will be participating in a Zoom meeting regarding vacant properties.

CONTROL CENTER

September 2020 report received and filed.

NEW BUSINESS

12. Tree Committee After explanation by Mayor Krebs, motion was made by Mayor Krebs, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Wikman, Braman, Pazzuti and Skelton voting yes, none opposed to Mayor Krebs' appointments to the newly formed tree committee as listed below.

Mayor Krebs
Administrator Melock
Superintendent Boberg
BI/CEO Mike Kaleta
Devin Kowalske

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13. Limit Cost Motion was made by Mayor Krebs, seconded by Trustee Skelton; carried, Mayor Krebs,
Prevailing Wage Trustees Skelton, Braman, Pazzuti and Wikman voting yes, none opposed to approving and
Resolution authorizing Mayor Krebs to sign the below resolution to limit cost and application of prevailing
wage mandate.

Resolution to Limit Cost and Application of Prevailing Wage Mandate

Whereas, the New York State Constitution requires laborers, workers, and mechanics “in the performance of any public work” to be paid no less than “the rate of wages prevailing in the same trade or occupation in the locality within the State where such public work is to be situated, erected, or used,” and

Whereas, the State’s legal methodology for implementing this constitutional mandate distorts the “prevailing wage” and adds unnecessary costs to municipal public works projects, and

Whereas, the present prevailing wage mandate is especially burdensome to village municipalities in effecting necessary construction projects and repair needed to sustain services to residents, and

Whereas, the current Prevailing Wage application increases the costs of municipal projects 20% to 30% more than private costs which increase is ultimately passed onto the residents in the form higher property taxes and fees, and

Whereas, the dollar threshold that determines when prevailing wages must be paid was enacted in 1971 and has not changed since time, and

Whereas, the consumer price index has quadrupled since 1971, and

Whereas, the current statute exempts only those building service contracts that are below \$1,500, and

Whereas, the current statute as it related to public works contracts contains no threshold, and

Whereas, the current method for calculating the “prevailing rate of wages” for public works projects results in local governments having to pay highly inflated wages, and

Whereas, the Unemployment Insurance Prevailing Wage Tables are updated annually based on the semi-annual Occupational Employment Statistics survey of employers and reflects local economies’ actual prevailing wages, and

Therefore, Let It Be Resolved that the Prevailing Wage Statute be amended to exempt building service contracts less than \$50,000 from prevailing wage laws, and

And Further, Let It Be Resolved that the Prevailing Wage Statute be amended to exempt public works contracts less than \$75,000 from prevailing wage obligations, and

And Further, Let It Be Resolved that the method used to calculate the prevailing wages should be changed to use the State’s Unemployment Insurance Prevailing Wage Tables.

13. Residential After explanation by Mayor Krebs, motion was made by Mayor Krebs, seconded by Trustee
Utility Payment Wikman; carried, Mayor Krebs, Trustees Wikman, Braman, Pazzuti and Skelton voting yes,
Relief none opposed to approving and authorizing Mayor Krebs to sign the below resolution for
residential utility payment relief to municipal utilities.

Resolution for Residential Utility Payment Relief to Municipal Utilities

Whereas, S8113A was signed into law by Governor Cuomo on June 17, 2020 as Chapter 108 of Laws of 2020 in New York State, and

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Whereas, Chapter 108 of Laws of 2020 amended the Public Service Law to prevent public utilities or municipalities from terminating electric, gas, steam, telephone, or water service to residential customers for failing to pay service charges or overdue fees during the COVID 19 state of emergency, and additionally prohibiting service termination for 180 days after the COVID 19 state of emergency expires, and

Whereas, the state of emergency in New York State has currently been extended to November 3, 2020 and as such extending the service termination date to April 3, 2021, and

Whereas, Chapter 108 of Laws of 2020 mandates that utilities or municipalities must provide customers the right to enter into or restructure a deferred payment agreement if the customers self-certify a change in financial circumstance due to the COVID 19 state of emergency, and

Whereas, Chapter 108 of Laws of 2020 mandates that utilities or municipalities must provide written mailed notice to ensure that residential customers are aware of the new law, and

Whereas, Chapter 108 of laws of 2020 permits utilities and municipalities to recover lost or deferred revenues 180 days after the state of emergency expires provided no late fees or penalties are charged, and

Whereas, despite the mailed written notification requirements, many residents are not paying utility bills or requesting a deferred payment plan after self-certifying a change in financial circumstances due to the state of emergency, and

Whereas, revenues have significantly decreased in municipal enterprise funds for public utilities such as water, sewer, and electric, threatening the solvency of the funds , and

Whereas, the total indebtedness of residential utility customers are increasing at an alarming rate making recovery of fees and deferred payments plans unaffordable and improbable in some cases, and

Whereas, municipalities will be forced to borrow to make their utility enterprise funds solvent, thus increasing the costs of the utility services to residents, and

Therefore, Let It Be Resolved that Chapter 108 Laws of 2020 should be amended to permit utility termination during the state of emergency for residential customers in arrears not negatively financially affected by the state of emergency, and

And Further, Let It Be Resolved that Federal and State governments should provide direct financial assistance to municipal utility enterprise funds to prevent interruptions in residential service, and

OLD BUSINESS

There was no old business to discuss this evening.

BILLS

Bills, as examined by members of the Board of Trustees were approved for payment in accordance with Abstracts #110 through #127 total of \$416,449.51 of 2020/2021 for the General, Water/Sewer, Electric, Trust and Agency Funds by motion of Trustee Pazzuti, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Pazzuti, Wikman, Braman and Skelton voting yes, none opposed.

PERMITS AND APPLICATIONS

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

PROJECT: 0000009296 - ROOFING
PROPERTY: 415 E MAIN ST
ISSUED DATE: 9/25/2020
ISSUED TO: WOZNAK, FRANK JR
415 E MAIN ST
SPRINGVILLE, NY 14141

TYPE: ROOF

PROJECT: 0000009297 - UTILITY CHANGES-PLUMBING
PROPERTY: 207 WAVERLY ST
ISSUED DATE: 9/25/2020
ISSUED TO: VACINEK HEATING & ROOFING, INC
8038 BOSTON STATE ROAD
HAMBURG, NY 14075

TYPE: PLUMBING

PROJECT: 0000009298 - GARAGE SALE
PROPERTY: 431 WAVERLY ST
ISSUED DATE: 9/28/2020
ISSUED TO: OUR SAVIOR LUTHERAN CHURCH
PARSONAGE
431 WAVERLY ST.
SPRINGVILLE, NY 14141

TYPE: GARAGE SALES

PROJECT: 0000009299 - ROOFING
PROPERTY: 25 EATON ST
ISSUED DATE: 9/28/2020
ISSUED TO: MESCH, BYRON
25 EATON ST
SPRINGVILLE, NY 14141

TYPE: ROOF

PROJECT: 0000009300 - UTILITY CHANGES-SEWER
PROPERTY: 342 E MAIN ST
ISSUED DATE: 9/28/2020
ISSUED TO: APPOLO SEPTIC LLC
4153 HARDT ROAD
EDEN, NY 14057

TYPE: PLUMBING

PROJECT: 0000009301 - DRIVEWAY
PROPERTY: 241 MAPLE AVE
ISSUED DATE: 9/29/2020
ISSUED TO: JOHNSON, VICTOR
241 MAPLE AVE
SPRINGVILLE, NY 14141

TYPE: DRIVEWAY

PROJECT: 0000009302 - VIOLATION-TRASH
PROPERTY: 164 N BUFFALO ST
ISSUED DATE: 9/29/2020
ISSUED TO: LAMPHIER, WILLIAM
164 N BUFFALO ST
SPRINGVILLE, NY 14141

TYPE: VIOLATION

PROJECT: 000009303 - RESIDENTIAL HOME/STRUCTURAL TYPE: RESIDENTIAL
PROPERTY: 185 NEWMAN ST HOME/STRUCT
ISSUED DATE: 10/02/2020
ISSUED TO: HEIM, LARRY
13795 RANDALL DR.
SPRINGVILLE, NY 14141

PROJECT: 000009304 - ACCESSORY BUILDING TYPE: ACCESSORY
PROPERTY: 185 NEWMAN ST BUILDINGS
ISSUED DATE: 10/02/2020
ISSUED TO: HEIM, LARRY
13795 RANDALL DR.
SPRINGVILLE, NY 14141

PROJECT: 000009305 - UTILITY CHANGES-ELECTRIC TYPE: ELECTRIC
PROPERTY: 185 NEWMAN ST
ISSUED DATE: 10/02/2020
ISSUED TO: HEIM, LARRY
13795 RANDALL DR.
SPRINGVILLE, NY 14141

PROJECT: 000009306 - UTILITY CHANGES-SEWER TYPE: PLUMBING
PROPERTY: 185 NEWMAN ST
ISSUED DATE: 10/02/2020
ISSUED TO: HEIM, LARRY
13795 RANDALL DR.
SPRINGVILLE, NY 14141

PROJECT: 000009307 - UTILITY CHANGES-WATER TYPE: PLUMBING
PROPERTY: 185 NEWMAN ST
ISSUED DATE: 10/02/2020
ISSUED TO: HEIM, LARRY
13795 RANDALL DR.
SPRINGVILLE, NY 14141

PROJECT: 000009308 - VARIANCE TYPE: ZONING
PROPERTY: 224 E MAIN ST REVIEW
ISSUED DATE: 10/08/2020
ISSUED TO: BERTRAND CHAFFEE HOSPITAL
224 E. MAIN ST.
SPRINGVILLE, NY 14141

PROJECT: 000009309 - ACCESSORY BUILDING TYPE: ACCESSORY
PROPERTY: 73 CHESTNUT ST BUILDINGS
ISSUED DATE: 10/09/2020
ISSUED TO: REITZ, LEATTA
73 CHESTNUT ST.
SPRINGVILLE, NY 14141

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PROJECT: 0000009310 - FIRE INSPECTION
PROPERTY: 231 S CASCADE DR S 107
ISSUED DATE: 10/09/2020
ISSUED TO: STG INTERNATIONAL INC
2900 S. QUINCY ST. SUITE 888
ARLINGTON, VA 22206

TYPE: FIRE
INSPECTION

VILLAGE ATTORNEY REPORT

Village Attorney Paul Weiss had nothing to report this evening.

TRUSTEE NOTES & PROJECT REPORTS

Trustee Wikman had no report this evening.

Trustee Pazzuti had no report this evening.

Trustee Skelton commended the Department of Public Works on the good job they are doing with the fall streets pickups.

Trustee Braman commented on the HPC mural painting process.

Mayor Krebs reminded everyone of the early voting opportunity.

14. Adjourn Motion was made by Trustee Wikman, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Wikman, Pazzuti, Braman and Skelton voting yes, none opposed to adjourn the Regular Session at 7:47 pm.

Respectfully submitted,

Holly Murtiff
Deputy Clerk