

VILLAGE OF SPRINGVILLE  
2020 MINUTES - DRAFT

December 29, 2020

3:00 P. M.

The Special Meeting of the Trustees of the Village of Springville was held online via Gotowebinar in 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 Melock
Village Attorney	Paul Weiss
BI/CEO	Michael Kaleta
Also attending	Max Borsuk, Springville Journal

Mayor Krebs called the meeting to order at 3:00 P.M.

1. Special Business

Mayor Krebs explained the reasons for calling this special meeting regarding 37 S. Central and the impending demolition scheduled for January 4, 2021. There is the need to pass several resolutions, naming the Village of Springville the Lead Agency, approve the SEQR, declare a negative declaration on the action as well as reiterate the bid award information.
2. Lead Agency

Motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Braman, Wikman, Pazzuti and Skelton voting yes, none opposed to approving the following resolution:

WHEREAS, the Village Board of the Village of Springville desires to enter into a contract with Metro Contracting and Environmental Inc. for the demolition, asbestos removal & disposal, removal of contents, topsoil & seed restoration for the house and garage at 37 South Central Avenue, Springville NY 14141;

WHEREAS, the Village Board of the Village of Springville deems it in the public interest to authorize the Village of Springville as the LEAD AGENCY for said demolition, and

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Springville hereby Designates the Village Board of the Village of Springville as the LEAD AGENCY for the Demolition, Asbestos Removal & Disposal, Removal Of Contents, Topsoil & Seed Restoration for house and garage at 37 South Central Avenue, Springville NY 14141.
3. SEQR Resolution  
Neg Dec

After review of the completed SEQR Part 1 provided by the Village Attorney, attached, and Village Board discussion and completion of Part 2 of the SEQR short form by the Village Board. Motion was made by Trustee Wikman, seconded by Trustee Pazzuti; carried, Mayor Krebs, Trustees Braman, Wikman, Pazzuti and Skelton voting yes, none opposed to approving the following resolution:

WHEREAS, the Village Board of the Village of Springville having been designated the LEAD AGENCY for SEQR for the demolition of the house and garage at 37 South Central Avenue, Springville, New York, 14141;

WHEREAS, the Village Board of the Village of Springville having reviewed the anticipated demolition, determines that the action has a SEQR status as an UNLISTED action; and

WHEREAS, the Village Board of the Village of Springville having reviewed the anticipated demolition, determines that the said action is subject to utilization of a SEQR Short Environmental Assessment Form; and

WHEREAS, the Village Board of the Village of Springville deems it in the public interest to authorize the Village of Springville to adopt the attached SEQR Short Environmental Assessment Form and issue a NEGATIVE DECLARATION for said demolition, and

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Springville hereby adopts the attached SEQR Short Environmental Assessment Form and issues a NEGATIVE DECLARATION for the demolition of the house and garage at 37 South Central Avenue, Springville, New York, 14141

4. Reiterate Bid Award Motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Braman, Wikman, Pazzuti and Skelton voting yes, none opposed to approving the following resolution:

To reaffirm the bid award to Metro Contracting & Environmental Inc in the amount of \$22,175.00. The bid opening was on November 5, 2020 and the bid was awarded on November 16, 2020. All costs incurred by this demolition will be relieved onto the tax bill on 37 S. Central.

Mayor Krebs turned the meeting over to Village Attorney Paul Weiss at this point to explain what happened to the supporting documents the board was also supposed to review at this special meeting involving the sale of 37 S Central involving Mr. Weber, Sturm Roofing, Metro Contracting, the Town of Alden, and the Village of Springville. Mayor Krebs did state the deal fell through since Mr. Weber wanted the cars back that Metro had removed from the garage some point after they were awarded the demolition contract on Nov 16, 2020.

Village Attorney Weiss explained that a number of the items listed on the powerpoint had to be completed. Some of the items were initially agreed upon verbally. No written agreements were provided to the Village Board. The Town of Alden's liens on the property in excess of \$300,000 for demolitions of Weber owned properties in the Town of Alden made it so Mr. Sturm could not get clean title of 37 S. Central as a potential new owner. The initial offer of Mr. Sturm giving the village \$30,000 to hold in escrow until he renovated the property at 37 S. Central was now going to the Town of Alden if they agreed to release their lien on 37 S. Central. Weber would not be able to hold the mortgage. Paul stated that the Town of Alden had a board meeting last week and approved accepting the \$30,000. He would contact Alden's Town Attorney. Mr. Weber originally agreed to pay Metro's costs but won't agree to release the Village of Springville or Metro because of the vehicles. The deed with restrictive language did not happen. Mr. Weber has not agreed to walk away from the property. Metro is not releasing the village from the contract. Metro is moving forward with demo on or about Jan 4<sup>th</sup>. Without a release from Metro or Mr. Weber there is a possibility of litigation. Matter is mainly between Metro and Mr. Weber regarding the vehicles but the village would be named in a lawsuit. Paul states the resolutions were proper and Metro had the right to remove the property left after the deadline date of Oct 29, 2020 that was given to Mr. Weber and his attorney for Mr. Weber to remove all personal property via certified mail, regular mail and emails to Mr. Sorgi. Mr. Sorgi, per Paul, said that Mr. Weber might have rights to the vehicles.

Mayor Krebs stated that since the village board passed the resolutions demo should proceed immediately. Paul stated that if there is an agreement between Mr. Weber & Metro that holds the Village harmless then the board will find out the morning of Jan 4<sup>th</sup>. Returning the cars is a piece of the puzzle and it is not likely to happen per Paul. Paul asked Mike Kaleta, CEO, if equipment was on site. Mike was not aware of it being on site.

Mayor Krebs reiterated that this meeting was for the board to review all these agreements. SEQR could have been done weeks ago. Without the agreements, demolition should go forward.

Deputy Mayor Wikman stated we have been dealing with this issue for many years. Would rather see the building in someone else's hands. Referenced the time spent on 5 E. Main. Would agree to another special meeting.

Trustee Braman questioned if the board does nothing can the property be demolished. He is looking for a legitimate offer with a business plan. Paul confirmed the board has done everything necessary to demolish the property. Metro can let the board know Monday that they have a deal and the board would review the documents then. Paul gave timeline of June 2018 demo of property was ordered, then the injunction and in Sept 2019 Judge removed restraining order and said the village could demo the property. Mr. Weber had from June 2018 to remediate and remove property. Two cars are the issue.

Trustee Skelton asked if Metro removing the cars was correct. Paul stated the drop dead date was Oct 29. Over three letters sent to Mr. Weber to remove his property. Metro had the legal authority to take possession of items in the buildings. Paul stated the deal fell through since Mr. Weber wanted both cars returned and Metro offered one car to be returned. Mr. Weber declined. Trustee Wikman wanted to know if anyone spoke to Mr. Sturm? Mayor Krebs stated that all we know about Mr. Sturm is he is a friend of Mr. Sorgi and the reference call Paul made to the Town of Holland CEO. Questions about the \$30,000 Mr. Sturm would have to pay the Town of Alden instead of an escrow account with the Village of Springville came up. Paul's understanding was Mr. Sturm is still interested in a deal. Paul discussed promissory note that Mr. Weber would have, Alden's lien has to be resolved. Mr. Weber would get no money from Mr. Sturm. Village would have a deed in lieu of a mortgage that the village would have title to the property and could execute against the property if Mr. Sturm did not get the certificate of occupancy by Dec 31, 2021. There are risks with going with Mr. Sturm. Mayor Krebs brought up the village would then have to get insurance on the property. Mr. Weber's attorney, Mr. Sorgi, notified Paul that the deal fell through and on Monday Paul asked the parties to work diligently on this matter. Tuesday morning (today) Paul was informed the deal fell through.

5. Appoint Atty Motion was made by Trustee Braman, seconded by Trustee Wikman to retain Paul Weiss for any litigation for this matter. After discussion from the Mayor addressing that litigations first goes to the village's insurance carrier and the village does not have a lawsuit, Trustee Braman withdrew his resolution. Paul agreed we could wait on this.
6. Adjourn Motion was made by Trustee Pazzuti, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Braman, Wikman, Pazzuti and Skelton voting yes, none opposed to adjourn the Special Meeting at 4:00 pm.

Respectfully submitted,

Liz Melock  
Village Administrator