

Village of Springville  
5 West Main Street  
Springville, N.Y. 14141-0017

APRIL 17, 2023

7:00 P.M.

BY MOTION OF:

NOTES

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1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. MINUTES FROM MEETINGS  
Regular Meeting Minutes of April 3, 2023 **A.1**
4. PUBLIC HEARINGS  
LL 2023-4 – Chapter 126 Procurement Best Value Bid Awards **A.2**
5. PUBLIC COMMENT
6. DEPARTMENT REPORTS
  - A. ADMINISTRATOR **A.3**
  - B. SUPERINTENDENT'S REPORT **A.4**
  - C. POLICE
  - D. FIRE DEPARTMENT
  - E. BUILDING INSPECTOR/CEO
  - F. CONTROL CENTER
7. NEW BUSINESS
8. OLD BUSINESS
9. BILLS
10. PERMITS AND APPLICATIONS
11. VILLAGE ATTORNEY REPORT
12. TRUSTEE NOTES & PROJECT REPORT
13. TREE COMMITTEE REPORT
14. EXECUTIVE SESSION
15. ADJOURN

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ATTACHMENT NO. A1

VILLAGE OF SPRINGVILLE  
2023 MINUTES

AGENDA DATE 4/17/23

**REORGANIZATIONAL MEETING**

April 3, 2023

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	Timothy Michaels
Trustees	Reed Braman Lindsay Buncy Mary Padasak Terry Skelton
Village Administrator	Liz Melock
Police Officer in Charge	Nicholas Budney
Building Inspector/ Code Enforcement Officer	Michael Kaleta
Village Attorney	Paul Weiss
Deputy Clerk	Holly Murtiff
Also Attending Jeffrey Souder, Assemblymen DiPietro's Office	Max Borsuk, Springville Journal Justice Edward J. Young Andy Avery
Absent Duane Boberg, DPW Superintendent	Marc Gentner, Fire Chief

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

1. Minutes Minutes of the Regular Meeting of March 20, 2023, were as written, by motion of Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Padasak and Buncy voting yes, none opposed.

2. Annual Organization

**MAYORS APPOINTMENTS 2023-2024**

Motion was made by Trustee Skelton, seconded by Trustee Buncy, carried; Mayor Michaels, Trustees Skelton, Buncy, Padasak and Braman voting yes, none opposed confirming the appointment by Mayor Michaels of the following duties for one year appointments effective for the term April 3, 2023 to April 1, 2024;

Deputy Mayor	Terry Skelton
Natural Disaster Coordinator	Todd Catalano
Village Attorney	Paul Weiss
Associate Justice	Jeffrey Markello
Village Prosecutor	Paul Weiss
Deputy Village Prosecutor	Yvonne Tripi
Village Historian	Jolene Hawkins

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Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Braman and Buncy voting yes, none opposed confirming the appointment by Mayor Michaels of the following Liaison Duties for one year appointments effective for the term April 3, 2023 to April 1, 2024;

Employee Matters	Reed Braman
Fire Department	Timothy Michaels
NEST	Lindsay Buncy
Youth Incorporated	Terry Skelton
Safety Committee	Lindsay Buncy
Southtowns Planning and Dev. Group	Mary Padasak
Southtowns Scenic Byway	Lindsay Buncy
Health Insurance Committee	Timothy Michaels
Erie County Water Quality Committee	Mary Padasak
Erie County Sheriff's Department	Timothy Michaels
Zoning Board	Terry Skelton
Planning Boards	Terry Skelton
Historic Preservation Commission	Reed Braman
Friends of Erie/Catt Rail Trail	Mary Padasak

Motion of Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Buncy and Braman and voting yes, none opposed, naming the *Springville Journal* as the official newspaper of the Village of Springville.

Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Padasak and Buncy voting yes, none opposed, confirming the appointment by Mayor Michaels of Holly Murtiff as Deputy Clerk for the Village of Springville, for the term April 3, 2023 to April 1, 2024.

Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Braman and Buncy voting yes, none opposed, confirming the appointment by Mayor Michaels of Maura West as Deputy Treasurer for the Village of Springville for the term April 3, 2023 to April 1, 2024.

Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Padasak and Buncy voting yes, none opposed, authorizing membership in and attendance at the following meetings, and payment of actual and necessary expenses thereof for the following:

- Annual Conference of Mayors (NYCOM)
- Annual Municipal Electric Utilities Associates (MEUA) of New York State
- Annual New York Municipal Power Agency (NYMPA)

Scheduled Meetings of:

- American Public Power Association
- American Public Works Association
- American Water Works Association
- Association of Erie County Governments
- Association of Erie County Highway Superintendents
- Erie County Village Officials Association
- Erie County Village Superintendents
- Erie County Water Quality Committee
- Erie/Cattaraugus Rails to Trails
- Friends of Erie/Cattaraugus Rail Trail

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Governmental Finance Officers Association of New York State  
IEEP (Independent Energy Efficiency Program)  
LEWPA (Lake Erie Watershed Protection Alliance)  
Municipal Administrative Officers Association of Erie County  
Municipal Finance Officers Association  
National Trust Main Street  
NY Rural Water  
NYS City/County Management Association  
New York State Association of City and Village Clerks  
Niagara Frontier Building Officials Association  
Northeast-Southtowns Solid Waste Management Board (NEST)  
Organization of Public Employer Negotiators (OPEN)  
Southern Tier Trail  
Preservation League of NYS  
Southtowns Planning and Development Group  
Southern Tier West Local Government Annual Conference  
Southtowns Rural Preservation Co., Inc. (NYS Rural Preservation Program)  
Springville Area Chamber of Commerce  
Western New York Southtowns Scenic Byway Committee

Other reasonable meetings of the Water Works Association, MEUA, NYMPA or Mayor's Conference.

Motion was made by Trustee Braman, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Braman, Padasak, Buncy and Skelton voting yes, none opposed, adopting the **VILLAGE BOARD OF TRUSTEES MEETING SCHEDULE** for the June **SCHEDULE** for the remainder of the year through May 31, 2024, fiscal year, as follows:

June 5, 2023	June 20, 2023 *(Tuesday, Juneteenth Day)
July 17, 2023	August 14, 2023
September 11, 2023	October 2, 2023
October 16, 2023	November 6, 2023
November 20, 2023	December 4, 2023
December 18, 2023	January 2, 2024
January 16, 2024 * *(Tuesday, MLK holiday)	February 5, 2024
February 20, 2024 *(Tuesday, President's Day holiday)	March 4, 2024
March 18, 2024	April 1, 2024
April 15, 2024	May 6, 2024
May 20, 2024	

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In addition to the above regularly scheduled meetings, Special Meetings will be scheduled as needed, along with Joint Village Board/Town Council Meetings, Budget Work Meetings, Union Negotiations and Committee Assignment Meetings.

Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed, scheduling Village Board Meetings for the June 1, 2023 to May 31, 2024 fiscal year at 7:00 PM. at 65 Franklin Street, Springville, New York.

Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Braman and Buncy voting yes, none opposed, confirming the appointment by the Board of Trustees of Robert Laskowski to the Zoning Board of Appeals as a member for five (5) year term (2028).

Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Braman and Buncy voting yes, none opposed, confirming the appointment by the Board of Trustees of John Baronich to the Historic Preservation Commission as Vice Chairman for a one (1) year term (2024).

Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Padasak and Buncy voting yes, none opposed, confirming the appointment by the Board of Trustees of Don Orton to the Historic Preservation Commission as a member for a four (4) year term (2027).

Motion was made by Trustee Padasak, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Padasak, Braman, Buncy and Skelton voting yes, none opposed, confirming the appointment by the Board of Trustees of Bill Skura to the Historic Preservation Commission as Chairman for a one (1) year term (2024).

Resolution was adopted by motion of Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Padasak and Buncy voting yes, none opposed, to use Town of Concord Tax Assessment Roll so far as practicable for Village of Springville tax purposes.

Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Padasak and Buncy voting yes, none opposed confirming the appointment of Mayor Michaels as Affirmative Action Officer for the Village of Springville.

Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Padasak and Buncy voting yes, none opposed confirming the appointment of Mayor Michaels as ADA Compliance Officer for the Village of Springville.

Motion was made by Trustee Padasak, seconded by Trustee Buncy; carried, Mayor Michaels, Trustees Padasak, Buncy, Braman and Skelton voting, yes, none opposed appointing Mayor Timothy Michaels and Trustee Terry Skelton, as the discrimination/harassment committee for the Village of Springville.

Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to reimbursing mileage at 57.5 cents a mile.

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Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to the continued use of the Village of Springville Investment Policy.

Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Braman and Buncy voting yes, none opposed to the following appointments to the Village of Springville Tree Committee.

Mayor Timothy Michaels  
Devin Kowalske (Planning Board Member)  
Administrator Liz Melock  
Superintendent Duane Boberg  
BI/CEO Mike Kaleta

## **PUBLIC COMMENT**

There was no public comment this evening.

## **DEPARTMENT REPORTS**

### **ADMINISTRATOR REPORT**

3. LL 2023-4 Changes to Procurement Policy  
Motion was made by Trustee Skelton, seconded by Mayor Michaels; carried, Mayor Michaels, Trustees Skelton, Braman, Padasak and Buncy voting yes, authorizing Administrator Melock to advertise for a public hearing on April 17, 2023 at 7:01 pm regarding Local Law 4 of 2023 – Changes to the Procurement Policy adding Best Value. **040323 A.1**
4. Franklin St. Waterline Project Bid Ad  
Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, non opposed to Authorize Administrator to Advertise for Franklin St. waterline project bid. Project is partially funded by CDBG grant \$148K and remainder from Water Fund Balance. Barton & Loguidice are preparing the bid package.
5. PT Clerk to Justice  
Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to appoint Courtney Arbeiter to Clerk to the Village Justice PT effective April 5, 2023 at a salary of \$18 per hour for 19.5 hours per week.
6. 22/23 Budget Modifications  
Motion was made by Trustee Braman, seconded by Trustee Skelton; carried, Mayor Michaels, Trustees Braman, Skelton, Buncy and Padasak voting yes, none opposed to modify the 2022-2023 Budget. Insurance check for the damage to fire vehicle in the amount of \$3438.36 was received. Increase Insurance Recovery account 2680 by \$3438.36 and increase Fire Dept Contractual account 3410.440 by \$3438.36.
7. New Fire Member  
Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Braman and Buncy voting yes, none opposed to approve Jeff Hines as a fire dept. member in the Springville Volunteer Fire Dept. effective immediately.

Administrator Melock updated the Board on the following;

1. Alex Pefley moved to the Electric Division from Streets effective April 3<sup>rd</sup>.

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2. Any unpaid water and sewer balances after April 20<sup>th</sup> will be relieved onto the Village taxes for the June 1, 2023 bill. Payments must be in the village office by 4pm on April 20<sup>th</sup>. Any payments after that will be applied to the May water/sewer invoices.
3. Free Summer Concerts start June 29<sup>th</sup> and a flyer is on the Village Web page and Facebook and was sent out in the utility bills.
4. 96-gal garbage Tote delivery is scheduled for May 30-June 2, 2023. Property owner on record will be charged \$64 per tote on the Village Tax bill. Garbage totes will be set up for delivery to same properties that have recycling totes now except tax exemption properties. List is on the village web site. Flyer was sent out in April invoices.

## **SUPERINTENDENT REPORT**

There was no Superintendent report this evening.

## **POLICE DEPARTMENT**

Officer in Charge Budney updated the Board on the following;

- SPD March 2023 report
- ECSO March 2023 report
- The SPD was awarded \$3,250 from the Walmart Foundation to be used toward this year's 6<sup>th</sup> annual Shop with a Cop event to be held in early December. We would like to thank both the Walmart Foundation and Springville Walmart Store Manager Sarah Burdick for their help with this program and for the funding.

## **FIRE DEPARTMENT**

Administrator Melock read the Fire report outlining the following;

- Calls
- Training
- Activity

## **BUILDING INSPECTOR/CODE ENFORCEMENT**

BI/CEO Kaleta had no report this evening.

## **CONTROL CENTER**

The Control Center report for March 2023 was read by Trustee Braman;

- Personnel
- Equipment
- Calls

8. Dispatcher  
New Hire Motion was made by Trustee Skelton, seconded by Mayor Michaels; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to appoint Dillon Fulsom to the position of Public Safety Dispatcher PT effective April 4, 2023 at a starting salary of \$15.00 per hour with a rate change June 1, 2023 to \$16.50 per hour.

## **NEW BUSINESS**

9. Attorney  
Labor Rate Motion was made by Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman, Buncy and Padasak voting yes, none opposed to approve the labor rate from \$200 to \$250 for attorney Paul Weiss for labor matters.

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## OLD BUSINESS

10. Swearing in of Newly Appointed Justice At this time Mayor Timothy Michaels swore in Edward J. Young to his position of Village Justice.

## BILLS

Bills, as examined by members of the Board of Trustees were approved for payment in accordance with Abstracts #288 through #302, total of \$368,525.60 for the General, Water/Sewer, Electric, Trust and Agency Funds by motion of Trustee Skelton, seconded by Trustee Braman; carried, Mayor Michaels, Trustees Skelton, Braman and Padasak voting yes, Trustee Buncy abstaining, none opposed.

## PERMITS AND APPLICATIONS

Motion was made by Trustee Skelton, seconded by Trustee Padasak; carried, Mayor Michaels, Trustees Skelton, Padasak, Buncy and Braman voting yes, none opposed to accepting the permits and applications attached.

PROJECT: 0000010140 - ROOFING TYPE: ROOF  
PROPERTY: 132 MILL ST  
ISSUED DATE: 3/17/2023  
ISSUED TO: DALEX ROOFING  
1974 EGGERT ROAD  
AMHERST, NY 14226

PROJECT: 0000010141 - PLANNING BOARD REVIEW TYPE: PLANNING BOARD REVIEW  
PROPERTY: 227 W MAIN ST  
ISSUED DATE: 3/17/2023  
ISSUED TO: RETZLAFF, MATTHEW  
227 W MAIN ST  
SPRINGVILLE, NY 14141

PROJECT: 0000010142 - WOODSTOVES, FIREPLACES TYPE: WOODSTOVES, FIREPLACES  
PROPERTY: 24 PINEWOOD DR  
ISSUED DATE: 3/21/2023  
ISSUED TO: WHALEN, TIMOTHY  
24 PINEWOOD DR  
SPRINGVILLE, NY 14141

PROJECT: 0000010143 - LICENSES TYPE: LICENSES  
PROPERTY: 184 S CASCADE DR  
ISSUED DATE: 3/23/2023  
ISSUED TO: PHANTOM FIREWORKS STORE  
2445 BELMONT AVE  
YOUNGSTOWN, OH 44505

PROJECT: 0000010144 - ROOFING TYPE: ROOF  
PROPERTY: 14 HILLTOP DR  
ISSUED DATE: 3/27/2023  
ISSUED TO: VACINEK HEATING AND ROOFING  
8038 BOSTON STATE ROAD  
HAMBURG, NY 14075



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PROJECT: 0000010145 - FENCES  
PROPERTY: 63 PROSPECT AVE  
ISSUED DATE: 3/27/2023  
ISSUED TO: SKINNER, RALPH  
63 PROSPECT AVE  
SPRINGVILLE, NY 14141

TYPE: FENCES

PROJECT: 0000010146 - UTILITY CHANGES-ELECTRIC  
ELECTRIC  
PROPERTY: 30 PEARL ST  
ISSUED DATE: 3/27/2023  
ISSUED TO: SKURA, WILLIAM  
407 E MAIN ST  
SPRINGVILLE, NY 14141

TYPE:

PROJECT: 0000010147 - UTILITY CHANGES-ELECTRIC  
ELECTRIC  
PROPERTY: 407 E MAIN ST  
ISSUED DATE: 3/27/2023  
ISSUED TO: SKURA, WILLIAM  
52 E MAIN ST  
SPRINGVILLE, NY 14141

TYPE:

## **VILLAGE ATTORNEY NOTES**

There was no Attorney's report this evening

## **TRUSTEE NOTES**

Trustee Braman let everyone know that he was part of the interview with Dillon Fulsom and is glad he has been approved for hiring to the Control Center.

Trustee Padasak had no report this evening.

Trustee Buncy informed everyone that she attended a recent Tree City USA event and it was a good event.

Trustee Skelton had no report this evening.

Mayor Michaels updated everyone on a recent viewing of fire vehicles that will be for sale at several local municipalities.

## **TREE COMMITTEE REPORT**

There was no Tree Committee report this evening.

### 11. Adjourn

Motion was made by Trustee Braman, seconded by Trustee Skelton; carried, Mayor Michaels, Trustees Braman, Skelton, Padasak and Buncy voting yes, none opposed to adjourn the Regular Session at 7:24 pm.

Respectfully submitted,

Holly Murtiff  
Deputy Clerk

**PROPOSED LOCAL LAW NO. 4  
OF 2023**

A local law to amend the Village Code by enacting a new Chapter 126 entitled "Procurement: Best Value Bid Awards".

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by authorizing the Village Board to, in its discretion, award certain contracts that are subject to competitive bidding under General Municipal Law §103 of the on the basis of the "lowest responsible bidder" or of "best value" as defined in New York State Finance Law §163.

Section 2. Amendment of Code:

The Village Code of the Village of Springville is hereby amended to add a new Chapter 126 entitled "Procurement: Best Value Bid Awards " which shall read as follows:

"§ 100-1 Best Value Bid Awards.

- A. As provided in this Chapter, the Village may, in its discretion, award any purchase contract involving an expenditure of more than \$20,000, but excluding contracts in B below on the basis of "best value" as that term is defined in New York State Finance Law §163. Village Board approval shall be required for all awards of contracts on a best value basis.
- B. The provisions of this Chapter do not apply to purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under State law from the best value option. If the dollar thresholds of New York General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

§ 100-2 Standard for Best Value.

- A. Best value in regard to contracts for purchase or procurement of goods and services shall be based upon a determination by the Village Board that an award of the contract selected from among the responsive and responsible bidders optimizes the quality, cost and efficiency of the goods or services being purchased or procured by the Village in accordance with the terms of this Chapter.
- B. Although contract price is one consideration in determining best value, the lowest contract price offered will not necessarily constitute the best value among the proposed contracts tendered by the responsive and responsible bidders.

- C. Where possible, the determination of best value shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.
- D. The criteria may include, but shall not be limited to, any or all of the following:
  - (1) product performance;
  - (2) quality of craftsmanship;
  - (3) proximity of the contractors;
  - (4) product life;
  - (5) cost of maintenance; and
  - (6) warranties.

§ 100-3. "Piggybacking" of Purchases.

- A. The Village of Springville may, for purposes of public purchases, utilize the provisions of General Municipal Law §103 with regard to so-called "piggybacking" of purchases. The Village may piggyback whenever allowed by law, including but not limited to the following situations and criteria:
  - (1) Bids are solicited or bid lists generated by the United States Government or New York State (and its political subdivisions and School Districts) provided that such bids or bid lists are generated in such a manner as complies with General Municipal Law §103.
  - (2) A bid or bid list is generated by a governmental entity other than the United States Government or New York State when such bid or bid list was generated in a manner consistent with or materially equivalent to the requirements of General Municipal Law §103.
  - (3) A foreign bid or bid list is specifically approved for piggybacking through the New York State Office of General Services.

§ 100-4. Procurement Policy Superseded.

Any provision of this Chapter which is inconsistent with the provisions of the Village's Procurement Policy shall be deemed superseded by the provisions of this Chapter."

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Springville hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.

Resolutions:

1. Lead Agency LL 4 of 2023 – Procurement: Best Value Bid Awards
2. SEQR & Neg Dec LL 4 of 2023 Procurement: Best Value Bid Awards. See attached.
3. Adopt/Table LL 4 of 2023 Procurement: Best Value Bid Awards. See attached
4. Approve Procurement Policy. See attached.
5. Accept Resignation of Code Enforcement Officer Mike Kaleta effective August 4, 2023.
6. Appoint Jean Kwasnik as Clerk Pt assigned to the court at a rate of \$18.00 per hour effective April 18, 2023.
7. Approve Change Order number 2 for Goodwin Electric. There is no contract dollar change associated with this change order. See attached.
8. Authorize Mayor to Sign Letter of Intent for the purchase of two used Fire Engines. See attached.
9. Modify Budget 2022-2023 Adjustments. See attached.
10. Approve LOSAP points for Phil Drozd for the years 1997 & 1998 per recommendation from Springville Volunteer Fire Company Inc. See attached.

Discussion Items:

1. Financial reports (Treasurer's Report) – Balance Sheets, Rev & Exp Summaries have been submitted to the village board for March 2023.
2. Any unpaid water and sewer balances after April 20<sup>th</sup> will be relieved onto the Village taxes for the June 1, 2023 bill. Payments must be in the village office by 4pm on April 20<sup>th</sup>. Any payments after that will be applied to the May water/sewer invoices.
3. Free Summer Concerts start June 29<sup>th</sup> and a flyer is on the Village Web page and Facebook and was sent out in the utility bills.
4. 96-gal garbage Tote delivery is scheduled for May 30-June 2, 2023. Property owner on record will be charged \$64 per tote on the Village Tax bill. Garbage totes will be set up for delivery to same properties that have recycling totes now except tax exemption properties. List is on the village web site. Call Village office with any questions 716-592-4936 X1467. Flyer was sent out in April invoices.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Village of Springville Local Law 4 of 2023 - Chapter 126 Procurement: Best Value Bid Awards			
Project Location (describe, and attach a location map): Entire Village			
Brief Description of Proposed Action: Procurement Policy adding Best Value. See attached sheets 1-3			
Name of Applicant or Sponsor: Village of Springville		Telephone: 716-592-4936 x1467	
		E-Mail: lmelock@villageofspringvilleny.com	
Address: 5 W. Main St PO Box 17			
City/PO: Springville		State: NY	Zip Code: 14141
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	
_____			
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input type="checkbox"/>	
_____			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input type="checkbox"/>	
_____			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
_____			
_____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Village of Springville - Timothy P. Michaels</u> Date: <u>04/17/2023</u>  Signature: _____      Title: <u>Mayor</u>		



Project:	LL4 of 2023 Chapter 126 Procurement
Date:	04-13-2023

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### *Short Environmental Assessment Form Part 3 Determination of Significance*

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

This Local Law is to allow for best value bid awards and will become part of the Village procurement policy. There is no adverse environmental impact due to this local law.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Village of Springville	April 17, 2023
Name of Lead Agency	Date
Timothy P. Michaels	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PROPOSED LOCAL LAW NO. 4  
OF 2023**

A local law to amend the Village Code by enacting a new Chapter 126 entitled "Procurement: Best Value Bid Awards".

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by authorizing the Village Board to, in its discretion, award certain contracts that are subject to competitive bidding under General Municipal Law §103 of the on the basis of the "lowest responsible bidder" or of "best value" as defined in New York State Finance Law §163.

Section 2. Amendment of Code:

The Village Code of the Village of Springville is hereby amended to add a new Chapter 126 entitled "Procurement: Best Value Bid Awards " which shall read as follows:

"§ 100-1        Best Value Bid Awards.

- A.     As provided in this Chapter, the Village may, in its discretion, award any purchase contract involving an expenditure of more than \$20,000, but excluding contracts in B below on the basis of "best value" as that term is defined in New York State Finance Law §163. Village Board approval shall be required for all awards of contracts on a best value basis.
  
- B.     The provisions of this Chapter do not apply to purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under State law from the best value option. If the dollar thresholds of New York General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

§ 100-2        Standard for Best Value.

- A.     Best value in regard to contracts for purchase or procurement of goods and services shall be based upon a determination by the Village Board that an award of the contract selected from among the responsive and responsible bidders optimizes the quality, cost and efficiency of the goods or services being purchased or procured by the Village in accordance with the terms of this Chapter.
  
- B.     Although contract price is one consideration in determining best value, the lowest contract price offered will not necessarily constitute the best value among the proposed contracts tendered by the responsive and responsible bidders.

- C. Where possible, the determination of best value shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.
- D. The criteria may include, but shall not be limited to, any or all of the following:
  - (1) product performance;
  - (2) quality of craftsmanship;
  - (3) proximity of the contractors;
  - (4) product life;
  - (5) cost of maintenance; and
  - (6) warranties.

§ 100-3. "Piggybacking" of Purchases.

- A. The Village of Springville may, for purposes of public purchases, utilize the provisions of General Municipal Law §103 with regard to so-called "piggybacking" of purchases. The Village may piggyback whenever allowed by law, including but not limited to the following situations and criteria:
  - (1) Bids are solicited or bid lists generated by the United States Government or New York State (and its political subdivisions and School Districts) provided that such bids or bid lists are generated in such a manner as complies with General Municipal Law §103.
  - (2) A bid or bid list is generated by a governmental entity other than the United States Government or New York State when such bid or bid list was generated in a manner consistent with or materially equivalent to the requirements of General Municipal Law §103.
  - (3) A foreign bid or bid list is specifically approved for piggybacking through the New York State Office of General Services.

§ 100-4. Procurement Policy Superseded.

Any provision of this Chapter which is inconsistent with the provisions of the Village's Procurement Policy shall be deemed superseded by the provisions of this Chapter."

Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Springville hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.

## VILLAGE OF SPRINGVILLE

### PROCUREMENT POLICY

Updated 04-17-2023

WHEREAS, Section 104-b of the New York State General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

NOW, THEREFORE, BE IT RESOLVED, that the VILLAGE OF SPRINGVILLE does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

#### PROCUREMENT POLICY FOR THE VILLAGE OF SPRINGVILLE

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 and 7 of this policy:

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

**Estimated Amount  
of Purchase Contract**

**Method**

\$2,000 - \$8,999	2 verbal quotations
\$9,000 - \$19,999	3 written quotations or 3 written requests for proposals
\$20,000 and above	Formally bid pursuant to Section 103 of NYS General Municipal Law

**Estimated Amount  
of Public Works Contract**

**Method**

\$2,000 - \$15,999	2 verbal quotations
\$16,000 – \$34,999	3 written quotations or 3 written requests for proposals
\$35,000 and above	Formally bid pursuant to Section 103 of NYS General Municipal Law

A good faith effort shall be made to obtain the required number of proposals or quotations. If the Village purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and a detailed explanation are required whenever a contract is awarded to other than the lowest responsible offer. This documentation will include an explanation of how the award will achieve savings or how the offer was not responsible. A determination that the offer is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the VILLAGE OF SPRINGVILLE to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the BOARD OF TRUSTEES shall take into consideration the following guidelines: (a) whether the services are subject to State licensing

or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software. RFP's or RFQ's will be required at the discretion of the department head seeking the professional service.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the VILLAGE is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$2000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best Interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. The Village, in accordance with subdivision 16 of General Municipal Law (GML) § 103, is authorized to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be let in a manner that constitutes competitive bidding "consistent with state law," and made available for use by other governmental entities.

8. Refer to Chapter 126 Procurement – Best Value Bid as part of this policy.

9. This policy shall go into effect immediately and will be reviewed annually.



**CONTRACT CHANGE ORDER**

	<b>CHANGE ORDER NO.</b> 2
<b>PROJECT</b> Wastewater Treatment Plant Upgrades	<b>DATE</b> 4/3/2023
<b>CONTRACT</b> Contract 2- ELECTRICAL	<b>MUNICIPALITY</b> Village of Springville
<b>OWNER</b> Village of Springville	<b>COUNTY/STATE</b> Erie County, NY

To: Goodwin Electric Corp.

You are hereby requested to comply with the following changes to the contract documents:

Description of Changes:	INCREASE in Price	DECREASE in Price
PCI 1 - Clarifier power distribution revisions	\$2,636.00	
PCI 2 - Clarifier drive motor limit switch	\$1,522.00	
PCI 3 - Actuator control panel power	\$2,353.00	
PCI 4 - Unit heater revisions	\$1,251.00	
PCI 5 - Grit building HVAC revisions	\$949.00	
PCI 6 - Grit building equipment local controls rev.1	\$12,927.00	
PCI 7 - Grit building roll up door	\$6,761.00	
PCI 8 - Misc. revisions (Credit)		- \$4,443.00
Subtotal	\$28,399.00	- \$4,443.00
Total	\$23,956.00	
Decrease from Pay Item No. 31: Allowance \$80,000.00 (\$80,000.00 - \$23,956.00 = \$56,044.00 remaining)	<u>-\$23,956.00</u>	
	- 0 -	

REASONS FOR CHANGE: See attachments.

Note: This change order consists of all additional items needed to complete Contract 2.

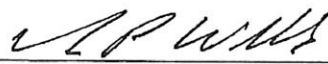
The amount of the Contract will be (Increased) By The Sum Of: \$ 0.00

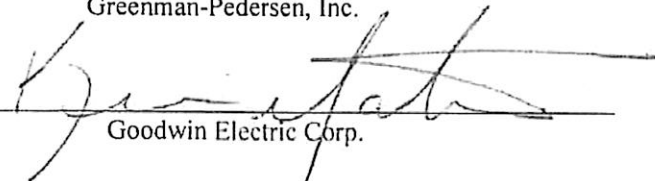
The Contract Total including this and previous Change Orders Will Be: \$ 352,000.00

The Contract Period Provided for Substantial Completion Will Be (Extended) By: N/A Calendar Days.

This document will become a supplement to the contract and all provisions will apply hereto.

Approved \_\_\_\_\_  
Village of Springville (Date)

Recommended   
Greenman-Pedersen, Inc. 4/12/2023  
(Date)

Accepted   
Goodwin Electric Corp. 4/12/23  
(Date)

ATTACHMENTS: 8 Attachments, 15 Sheets

# PURCHASE LETTER OF INTENT

Effective Date: April 17, 2023

HY-View Fire District  
8 Airport Drive  
Depew, New York 14043

Village of Springville  
5 West Main Street PO Box 17  
Springville, New York 14141

**RE:** Purchase of Used 2002 Pierce Rescue Pumper Vin # 4P1CT02S03A002789, and  
Purchase of Used 2006 Pierce Pumper Vin # 4P1CD01H86A006452

This purchase letter of intent (the "Letter of Intent") represents the basic terms agreed upon by the Buyer and Seller. After this Letter of Intent has been made, a formal agreement may be constructed to the benefit of the Parties involved.

**I. The Buyer:** Village of Springville (the "Buyer").

**II. The Seller:** HY-View Fire District (the "Seller").

**III. The Product or Service:** The Buyer intends to purchase the following:

**Product:** 2002 Pierce Rescue Pumper Vin # 4P1CT02S03A002789 and Amkus Jaws of Life Tools and applicable hoses (2002 Pierce Rescue Pumper), and 2006 Pierce Pumper Vin # 4P1CD01H86A006452 and the applicable hoses (2006 Pierce Pumper) (collectively the "Products").

The Buyer intends to purchase Products at the cost of ninety thousand dollars (\$90,000.00).

**IV. Purchase Price:** The total Purchase Price ninety thousand dollars (\$90,000.00).

**V. Payment:** The Purchase Price shall be paid in the following manner:

- Cash
- Check
- Credit Card
- Other

**VI. Financing:** The Buyer has made it known that this Letter of Intent is not conditional on their ability to obtain financing.

**VII. Binding Effect:** This Letter of Intent shall be considered: (Initial and Check)

\_\_\_\_\_ -  **Binding** – Therefore, the parties acknowledge that remedies at law will be inadequate for any breach of this Letter of Intent and consequently agree that this Letter of Intent shall be enforceable by specific performance. The remedy of specific performance shall be cumulative of all of the rights at law or in equity of the parties under this Letter of Intent.

\_\_\_\_\_ -  **Non-Binding** – Therefore, the parties acknowledge that this Letter of Intent is not enforceable by any Party. The terms outlined herein are solely for the purposes of reaching an agreement in the future, of which Buyer and Seller are not bound.

**VIII. Currency:** All mentions of money or the usage of the "\$" icon shall be known as referring to the US Dollar.

**IX. Governing Law:** This Letter of Intent shall be governed under the laws by the State of New York State.

**X. Acceptance:** If you are agreeable to the aforementioned terms, please sign and return a duplicate copy of this Letter of Intent by no later than May 31, 2023.

**SELLER**

Seller's Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

**BUYER**

Buyer's Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name Timothy P. Michaels, Mayor

Amount	From Account	To Account
<b>General Fund</b>		
\$ 800.00	1130-0100	1130-0400
\$ 1,800.00	1325-0200	1325-0400
\$ 93.00	1325-0200	1355-0400
\$ 1,115.00	1490-0410	1490-0420
\$ 240.00	1490-0450	1490-0460
\$ 15,360.00	1620-0200	1620-0400
\$ 7,500.00	1990-0400	1910-0400
\$ 12,000.00	9040-0800-002	3410-0430
\$ 408.00	1990-0400	3410-0430
\$ 200.00	9040-0800	3410-0430
\$ 392.00	1990-0400	3410-043
\$ 3,721.00	3410-0410	3410-0460
\$ 30,000.00	5142-0100	5110-0100
\$ 200.00	5142-0120	5110-0120
\$ 5,000.00	5410-0100	5110-0100
\$ 42,075.00	8560-0100	5110-0100
\$ 38.00	5110-0410	5110-0410-011
\$ 2,000.00	1990-0400	6989-0400
\$ 1,232.00	7110-0440	7110-0420
\$ 2,000.00	7110-0440	7110-0430-002
\$ 8,700.00	8510-0410	7110-0410
\$ 500.00	8560-0100	8170-0100
\$ 1,025.00	8540-0410	8540-0440
<b>\$ 136,399.00</b>	<b>Total GF</b>	

<b>Water Fund</b>		
\$ 5,800.00	8330-0101	8320-0101
\$ 1,221.00	8320-0441	8320-0411
\$ 4,517.00	8340-0411	8330-0411
\$ 1,900.00	9040-0800-002	8330-0421
\$ 7,000.00	9040-0800-002	8330-0441
\$ 3,332.00	9040-0800-002	8340-0441
<b>\$ 23,770.00</b>	<b>Total WF</b>	

<b>Sewer Fund</b>		
\$ 11,000.00	8130-0101	8120-0101
\$ 787.00	8120-0411	8120-0441
\$ 21,882.00	8130-0101	8130-0261
<b>\$ 33,669.00</b>	<b>Total SF</b>	

**AIM Related Payment - State Revenue Sharing Adjustment****General Fund**

Decrease 2750 AIM Related Payment by \$35,518

Increase 3001 State Revenue Sharing by \$35,518

Due to NYS Budget changing accounting for State Aid

**Sale of Scrap - Budget Adjustments****General Fund - Fire Dept**

Increase Minor Sales other 2655 by \$1100

Increase Fire Dept - Equipment Other 3410.0230 by \$1100

Sale of surplus gear, maks, camera thru Auction Intls

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000282							
001 5-1130-0100-001	4/17/2023	BOARD APPRD BUD TRA	800.00-	61,724.00	0.00	60,924.00	15,172.43
		JUDICIAL - WAGES					
001 5-1130-0400-001	4/17/2023	BOARD APPRD BUD TRA	800.00	12,425.00	0.00	13,225.00	201.00
		JUDICIAL - CONT. EXPENSE					
001 5-1325-0200-001	4/17/2023	BOARD APPRD BUD TRA	1,800.00-	5,000.00	0.00	3,107.00	3,107.00
		CLERK-TREAS EQUIPMENT					
001 5-1325-0400-001	4/17/2023	BOARD APPRD BUD TRA	1,800.00	36,800.00	0.00	38,600.00	1,215.33
		CLERK-TREAS. CONT. EXPENSE					
001 5-1325-0200-001	4/17/2023	BOARD APPRD BUD TRA	93.00-	5,000.00	0.00	3,107.00	3,107.00
		CLERK-TREAS EQUIPMENT					
001 5-1355-0400-001	4/17/2023	BOARD APPRD BUD TRA	93.00	5,500.00	0.00	5,593.00	0.21
		ASSESSMENT CONT. EXPENSE					
001 5-1490-0410-001	4/17/2023	BOARD APPRD BUD TRA	1,115.00-	3,500.00	0.00	2,385.00	1,336.81
		PUB. WORKS ADMIN SUPPLIES & MAT					
001 5-1490-0420-001	4/17/2023	BOARD APPRD BUD TRA	1,115.00	4,000.00	0.00	5,115.00	0.44
		PUB. WORKS ADMIN. UTILITIES					
001 5-1490-0450-001	4/17/2023	BOARD APPRD BUD TRA	240.00-	500.00	0.00	260.00	260.00
		PUB. WORKS ADMIN. FEES NON-EMP					
001 5-1490-0460-001	4/17/2023	BOARD APPRD BUD TRA	240.00	2,500.00	0.00	2,740.00	243.75
		PUB. WORKS ADMIN. MISCELLANEOUS					
001 5-1620-0200-001	4/17/2023	BOARD APPRD BUD TRA	15,360.00-	25,000.00	0.00	9,640.00	9,640.00
		BUILDINGS EQUIPMENT					
001 5-1620-0400-001	4/17/2023	BOARD APPRD BUD TRA	15,360.00	35,000.00	0.00	50,360.00	1,460.95
		BUILDINGS CONTRACTUAL EXPENSE					
001 5-1990-0400-001	4/17/2023	BOARD APPRD BUD TRA	7,500.00-	25,000.00	3,031.00-	11,669.00	11,669.00
		CONTINGENT ACCOUNT					
001 5-1910-0400-001	4/17/2023	BOARD APPRD BUD TRA	7,500.00	24,000.00	0.00	31,500.00	1,409.75
		UNALLOCATED INSURANCE					
001 5-9040-0800-002	4/17/2023	BOARD APPRD BUD TRA	12,000.00-	35,000.00	0.00	21,100.00	208.64
		WORKER'S COMPENSATION-FIRE					
001 5-1990-0400-001	4/17/2023	BOARD APPRD BUD TRA	408.00-	25,000.00	3,031.00-	11,669.00	11,669.00
		CONTINGENT ACCOUNT					
001 5-3410-0430-001	4/17/2023	BOARD APPRD BUD TRA	12,408.00	8,000.00	0.00	21,000.00	0.00
		FIRE DEPT INSURANCE					

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
001 5-9040-0800-001	4/17/2023	BOARD APPRD BUD TRA	200.00-	58,000.00	0.00	57,800.00	22,773.58
WORKER'S COMPENSATION							
001 5-1990-0400-001	4/17/2023	BOARD APPRD BUD TRA	392.00-	25,000.00	3,031.00-	11,669.00	11,669.00
CONTINGENT ACCOUNT							
001 5-3410-0430-001	4/17/2023	BOARD APPRD BUD TRA	592.00	8,000.00	0.00	21,000.00	0.00
FIRE DEPT INSURANCE							
001 5-3410-0410-001	4/17/2023	BOARD APPRD BUD TRA	3,721.00-	10,518.00	0.00	6,797.00	1,758.27
FIRE SUPPLIES & MATERIALS							
001 5-3410-0460-001	4/17/2023	BOARD APPRD BUD TRA	3,721.00	19,106.00	0.00	22,827.00	315.74
FIRE MISCELLANEOUS							
001 5-5142-0100-001	4/17/2023	BOARD APPRD BUD TRA	30,000.00-	57,261.00	0.00	27,261.00	2,114.46
SNOW REMOVAL PERSONAL SERV.							
001 5-5110-0100-001	4/17/2023	BOARD APPRD BUD TRA	30,000.00	174,000.00	14,003.00-	237,072.00	0.47
STREET MAINT. PERSONAL SERVICE							
001 5-5142-0120-001	4/17/2023	BOARD APPRD BUD TRA	200.00-	40,000.00	0.00	39,800.00	27,936.44
OVERTIME							
001 5-5110-0120-001	4/17/2023	BOARD APPRD BUD TRA	200.00	3,000.00	0.00	3,200.00	68.76
OVERTIME							
001 5-5410-0100-001	4/17/2023	BOARD APPRD BUD TRA	5,000.00-	5,000.00	0.00	0.00	0.00
SIDEWALKS PERSONAL SERVICE							
001 5-5110-0100-001	4/17/2023	BOARD APPRD BUD TRA	5,000.00	174,000.00	14,003.00-	237,072.00	0.47
STREET MAINT. PERSONAL SERVICE							
001 5-8560-0100-001	4/17/2023	BOARD APPRD BUD TRA	42,075.00-	83,500.00	1,690.00-	39,235.00	33,926.05
SHADE TREES PERSONAL SERVICE							
001 5-5110-0100-001	4/17/2023	BOARD APPRD BUD TRA	42,075.00	174,000.00	14,003.00-	237,072.00	0.47
STREET MAINT. PERSONAL SERVICE							
001 5-5110-0410-001	4/17/2023	BOARD APPRD BUD TRA	38.00-	84,500.00	1,539.00-	82,923.00	75,927.24
STREETS SUPPLIES & MATERIALS							
001 5-5110-0410-011	4/17/2023	BOARD APPRD BUD TRA	38.00	0.00	0.00	38.00	0.28
ST.RECON. CAP.RES. EXPENSES							
001 5-1990-0400-001	4/17/2023	BOARD APPRD BUD TRA	2,000.00-	25,000.00	3,031.00-	11,669.00	11,669.00
CONTINGENT ACCOUNT							
001 5-6989-0400-001	4/17/2023	BOARD APPRD BUD TRA	2,000.00	0.00	2,000.00	4,000.00	12,625.00
ECONOMIC DEVELOPMENT							

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000282							
001 5-7110-0440-001	4/17/2023	BOARD APPRD BUD TRA	1,232.00-	5,000.00	0.00	1,768.00	1,882.12
		PARKS CONTRACTED SERVICES					
001 5-7110-0420-001	4/17/2023	BOARD APPRD BUD TRA	1,232.00	9,000.00	0.00	10,232.00	2,295.02
		PARKS UTILITIES					
001 5-7110-0440-001	4/17/2023	BOARD APPRD BUD TRA	2,000.00-	5,000.00	0.00	1,768.00	1,882.12
		PARKS CONTRACTED SERVICES					
001 5-7110-0430-002	4/17/2023	BOARD APPRD BUD TRA	2,000.00	1,000.00	0.00	3,000.00	0.00
		INSURANCE-SKATE PARK					
001 5-8510-0410-001	4/17/2023	BOARD APPRD BUD TRA	8,700.00-	20,000.00	0.00	11,300.00	11,305.32
		COMM.BEAUTIFICATION SUPP & MAT					
001 5-7110-0410-001	4/17/2023	BOARD APPRD BUD TRA	8,700.00	25,000.00	0.00	33,700.00	4,813.63
		PARKS SUPPLIES & MATERIALS					
001 5-8560-0100-001	4/17/2023	BOARD APPRD BUD TRA	500.00-	83,500.00	1,690.00-	39,235.00	33,926.05
		SHADE TREES PERSONAL SERVICE					
001 5-8170-0100-001	4/17/2023	BOARD APPRD BUD TRA	500.00	4,400.00	900.00	5,800.00	24.58
		STREET CLEANING PERSONAL SERV					
001 5-8540-0410-001	4/17/2023	BOARD APPRD BUD TRA	1,025.00-	8,500.00	0.00	7,475.00	1,094.14
		DRAINAGE SUPPLIES & MATERIALS					
001 5-8540-0440-001	4/17/2023	BOARD APPRD BUD TRA	1,025.00	26,000.00	0.00	27,025.00	240.00
		CONTRACTED SERVICE					
002 5-8330-0101-001	4/17/2023	BOARD APPRD BUD TRA	5,800.00-	63,000.00	20.00-	57,180.00	22,647.43
		SALARIES REGULAR, COMMODITY					
002 5-8320-0101-001	4/17/2023	BOARD APPRD BUD TRA	5,800.00	15,830.00	870.00-	21,981.00	1,293.12
		SUPPLY SOURCE -REGULAR COMM.					
002 5-8320-0441-001	4/17/2023	BOARD APPRD BUD TRA	1,221.00-	30,000.00	0.00	28,779.00	19,114.21
		CONTRACTED SERVICES-COMMODITY					
002 5-8320-0101-001	4/17/2023	BOARD APPRD BUD TRA	1,221.00	15,830.00	870.00-	21,981.00	1,293.12
		SUPPLY SOURCE -REGULAR COMM.					
002 5-8340-0411-001	4/17/2023	BOARD APPRD BUD TRA	4,517.00-	40,000.00	0.00	35,483.00	16,413.26
		SUPPLIES & MATERIAL, COMMODITY					
002 5-8330-0411-001	4/17/2023	BOARD APPRD BUD TRA	4,517.00	20,000.00	3,071.00-	21,446.00	3,164.04
		SUPPLIES & MATERIAL, COMMODITY					
001 5-9040-0800-002	4/17/2023	BOARD APPRD BUD TRA	1,900.00-	35,000.00	0.00	21,100.00	208.64
		WORKER'S COMPENSATION-FIRE					

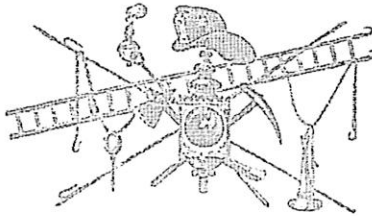
FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000282							
002 5-8330-0421-001	4/17/2023	BOARD APPRD BUD TRA	1,900.00	11,000.00	0.00	12,900.00	3.53
		UTILITIES-COMMODITY					
002 5-9040-0800-002	4/17/2023	BOARD APPRD BUD TRA	7,000.00-	20,500.00	0.00	10,168.00	1,960.67
		WORKMAN'S COMPENSATION					
002 5-8330-0441-001	4/17/2023	BOARD APPRD BUD TRA	7,000.00	20,000.00	3,071.00	30,071.00	91.59
		CONTRACTED SERVICES-COMMODITY					
002 5-9040-0800-002	4/17/2023	BOARD APPRD BUD TRA	3,332.00-	20,500.00	0.00	10,168.00	1,960.67
		WORKMAN'S COMPENSATION					
002 5-8340-0441-001	4/17/2023	BOARD APPRD BUD TRA	3,332.00	9,000.00	13,217.00	25,549.00	145.32
		CONTRACTED SERVICES-COMMODITY					
003 5-8130-0101-001	4/17/2023	BOARD APPRD BUD TRA	11,000.00-	191,935.00	0.00	159,053.00	28,883.28
		SALARIES REGULAR COMMODITY					
003 5-8120-0101-001	4/17/2023	BOARD APPRD BUD TRA	11,000.00	27,734.00	0.00	38,734.00	66.62
		SALARIES REGULAR, COMMODITY					
003 5-8120-0411-001	4/17/2023	BOARD APPRD BUD TRA	787.00-	28,000.00	0.00	27,213.00	24,421.96
		SUPPLIES & MATERIAL COMMODITY					
003 5-8120-0441-001	4/17/2023	BOARD APPRD BUD TRA	787.00	33,000.00	0.00	33,787.00	140.74
		CONTRACTED SERVICES-COMMODITY					
003 5-8130-0101-001	4/17/2023	BOARD APPRD BUD TRA	17,482.00-	191,935.00	0.00	159,053.00	28,883.28
		SALARIES REGULAR COMMODITY					
003 5-8130-0261-001	4/17/2023	BOARD APPRD BUD TRA	17,482.00	6,000.00	0.00	27,882.00	48.72
		SYSTEM EQUIPMENT-VILLAGE					
003 5-8130-0101-001	4/17/2023	BOARD APPRD BUD TRA	4,400.00-	191,935.00	0.00	159,053.00	28,883.28
		SALARIES REGULAR COMMODITY					
003 5-8130-0261-001	4/17/2023	BOARD APPRD BUD TRA	4,400.00	6,000.00	0.00	27,882.00	48.72
		SYSTEM EQUIPMENT-VILLAGE					
001 4-0001-2750-001	4/17/2023	BOARD APPRD BUD TRA	35,518.00-	35,518.00-	0.00	0.00	0.00
		AIM RELATED PAYMENTS					
001 4-0001-3001-001	4/17/2023	BOARD APPRD BUD TRA	35,518.00	0.00	0.00	35,518.00-	0.00
		STATE REVENUE SHARING					
001 4-0001-2655-001	4/17/2023	BOARD APPRD BUD TRA	1,100.00-	0.00	0.00	1,100.00	2,600.00
		MINOR SALES-OTHER					
001 5-3410-0230-001	4/17/2023	BOARD APPRD BUD TRA	1,100.00	66,070.00	5,615.62	72,785.62	16,544.67
		FIRE EQUIPMENT OTHER					





# Springville Volunteer Fire Company, Inc.

MEMBER OF  
ERIE COUNTY VOLUNTEER  
FIREMEN'S ASSOCIATION  
WESTERN NEW YORK VOLUNTEER  
FIREMEN'S ASSOCIATION  
SOUTHWESTERN ASSOCIATION  
VOLUNTEER FIREMEN  
FIREMEN'S ASSOCIATION  
STATE OF NEW YORK



**FIREHALLS**  
65 FRANKLIN STREET  
405 W. MAIN STREET

**MAILING ADDRESS**  
P.O. BOX 12  
SPRINGVILLE, NY 14141-0012

REGULAR MEETINGS  
FIRST MONDAY OF MONTH

To whom it may concern,

Let this letter serve as proof that Philp Drozd of 26 Cattaraugus St Springville NY 14141 was a an active member in good standing and made all required number of calls, attended meetings and drills for the calendar years 1997 and 1998 in the Springville Volunteer Fire Company.

Sincerely,

*Matthew Dygert*

Matthew Dygert  
President

VILLAGE OF SPRINGVILLE  
**DEPARTMENT OF PUBLIC WORKS**  
*Duane Boberg*  
*Superintendent of Public Works*  
**Superintendent Report for April 17, 2023**

ATTACHMENT NO. A4

AGENDA DATE 4/17/23

Resolution: to name Duane Boberg as voting member for the semi-annual MEUA meeting on May 31, 2023.

Resolution to hire (for summer employment)

Returning from last year: Rowen Potzler and Henry Domst

New employees: Chris Doty, Nate Guadagna, Cody Atwater, AJ Slippy and Annemarie Harrigan. The pay rate for all summer help will be \$15.50/hr.

The whole plant generator for the WWTP will go thru the startup process tomorrow. Then the plant will have full plant back up.

The Woodland Heights culvert project is nearly completed. This will alleviate the flooding when we get large rain storms.

The Pickle Ball, Tennis Court and hockey courts are now open with all the nets up.

Reminder, Village residence are not permitted to dump leaves or grass/flower clippings at the DPW 30 Nason Blvd. We are no longer accepting that type on collections.



***Municipal Electric Utilities  
Association of New York State***

*6652 Hammersmith Drive, East Syracuse, New York, 13057*

*Phone: 315/453-7851 Fax: 315/453-7849*

*Email: [info@meua.org](mailto:info@meua.org) web site: [www.meua.org](http://www.meua.org)*

**OFFICIAL NOTICE OF THE SEMI-ANNUAL MEETING**

Notice is hereby given that the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State will be held at the **Embassy Suites by Hilton Destiny USA**, 311 Hiawatha Blvd W, Syracuse, NY 13204, beginning at 1:00 p.m. on May 31, 2023 and continuing to June 1, 2023 for the transaction of such business as may be properly brought before the meeting.

## RESOLUTION

**Please use this form to designate a delegate from within your municipal to represent your municipal.**

At a regular meeting of the \_\_\_\_\_ of the City/Town/Village of \_\_\_\_\_, New York, held on \_\_\_\_\_, 2023, the following resolution was adopted:

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_.

WHEREAS, the \_\_\_\_\_ of the City/Town/Village of \_\_\_\_\_, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on May 31, and June 1, 2023 to be held at the Embassy Suites by Hilton Destiny USA, 311 Hiawatha Blvd W, Syracuse, NY 13204 and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that \_\_\_\_\_ be and is hereby designated as the accredited delegate of the City/Town/Village of \_\_\_\_\_, New York.

On roll call: Affirmative: \_\_\_\_\_ Negative: \_\_\_\_\_

I certify that this resolution was adopted by the \_\_\_\_\_ of the City/Town/Village of \_\_\_\_\_, New York on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

VILLAGE OF SPRINGVILLE  
April 17, 2023  
Page 1  
PERMITS AND APPLICATIONS

Building applications received by the Building Inspector/CEO Kaleta, Planning Board, Zoning Board of Appeal and Historic Preservation Commission as follows:

Minutes of the Historic Preservation Commission meetings on;  
January 9, 2023 **CA.1**  
March 13, 2023 **CA.2**

Minutes of the Planning Board meetings on;  
December 27, 2022 **CA.3**  
January 24, 2023 **CA.4**  
March 28, 2023 **CA.5**

Minutes of the Zoning Board meetings on;  
January 11, 2023 **CA.6**  
March 8, 2023 **CA.7**

PROJECT: 0000010148 - NONRES NONSTRUCTURAL  
PROPERTY: 126 W MAIN ST  
ISSUED DATE: 3/28/2023  
ISSUED TO: HEINEMAN, AMY  
126 W MAIN ST  
SPRINGVILLE, NY 14141

TYPE: NONRES NONSTRUCTURAL

PROJECT: 0000010149 - ROOFING  
PROPERTY: 243 W MAIN ST  
ISSUED DATE: 3/29/2023  
ISSUED TO: ROHR, LLC  
243 W MAIN ST SUITE 6  
SPRINGVILLE, NY 14141

TYPE: ROOF

PROJECT: 0000010150 - UTILITY CHANGES  
PROPERTY: 243 WAVERLY ST  
ISSUED DATE: 3/30/2023  
ISSUED TO: FRIER, SEAN M  
243 WAVERLY ST  
SPRINGVILLE, NY 14141

TYPE: UTILITY CHANGES

PROJECT: 0000010151 - ROOFING  
PROPERTY: 197 EAST AVE  
ISSUED DATE: 3/30/2023  
ISSUED TO: PADASAK, MARY  
197 EAST AVE  
SPRINGVILLE, NY 14141

TYPE: ROOF

PROJECT: 0000010152 - VIOLATION-GARBAGE  
PROPERTY: 108 E MAIN ST  
ISSUED DATE: 3/31/2023  
ISSUED TO: SPRAGUE PROPERTIES, INC  
PO BOX 659  
YORKSHIRE, NY 14173

TYPE: VIOLATION

VILLAGE OF SPRINGVILLE  
April 17, 2023  
Page 2  
PERMITS AND APPLICATIONS

PROJECT: 0000010153 - VIOLATION-TV AT ROAD TYPE: VIOLATION  
PROPERTY: 136 E MAIN ST  
ISSUED DATE: 3/31/2023  
ISSUED TO: EHINGER, GARY R  
136 E MAIN ST  
SPRINGVILLE, NY 14141

PROJECT: 0000010154 - LICENSES TYPE: LICENSES  
PROPERTY: 334 FRANKLIN ST  
ISSUED DATE:  
ISSUED TO: EJ PROPERTIES INC  
334 FRANKLIN STREET  
SPRINGVILLE, NY 14141

PROJECT: 0000010155 - UTILITY CHANGES TYPE: UTILITY CHANGES  
PROPERTY: 137 WOODWARD AVE  
ISSUED DATE: 4/04/2023  
ISSUED TO: EARL, JAMES  
334 FRANKLIN ST  
SPRINGVILLE, NY 14141

PROJECT: 0000010156 - ROOFING TYPE: ROOF  
PROPERTY: 499 FRANKLIN ST  
ISSUED DATE: 4/04/2023  
ISSUED TO: VACINEK HEATING AND ROOFING  
8038 BOSTON STATE ROAD  
HAMBURG, NY 14075

PROJECT: 0000010157 - SWIMMING POOLS TYPE: SWIMMING POOLS  
PROPERTY: 107 S CENTRAL AVE  
ISSUED DATE: 4/04/2023  
ISSUED TO: MIZELL, ALEXIS  
107 S CENTRAL AVE  
SPRINGVILLE, NY 14141

PROJECT: 0000010158 - RESIDENTIAL ALTERATION TYPE: RESIDENTIAL ALTERATION  
PROPERTY: 36 S BUFFALO ST  
ISSUED DATE: 4/04/2023  
ISSUED TO: AVERY, ANDREW E  
36 S. BUFFALO ST.  
SPRINGVILLE, NY 14141

PROJECT: 0000010159 - UTILITY CHANGES-ELECTRIC TYPE: UTILITY CHANGES  
PROPERTY: 36 S BUFFALO ST  
ISSUED DATE: 4/05/2023  
ISSUED TO: AVERY, ANDREW E  
36 S. BUFFALO ST.  
SPRINGVILLE, NY 14141

VILLAGE OF SPRINGVILLE  
April 17, 2023  
Page 3  
PERMITS AND APPLICATIONS

PROJECT: 0000010160 - UTILITY CHANGES-GENERATOR TYPE: ELECTRIC  
PROPERTY: 86 CHILDS ST  
ISSUED DATE: 4/05/2023  
ISSUED TO: SMITH, HELEN  
86 CHILDS ST  
SPRINGVILLE, NY 14141

PROJECT: 0000010161 - DRIVEWAY TYPE: DRIVEWAY  
PROPERTY: 83 ELK ST  
ISSUED DATE: 4/06/2023  
ISSUED TO: KOPP, GEARY  
83 ELK ST  
SPRINGVILLE, NY 14141

PROJECT: 0000010162 - ROOFING TYPE: ROOF  
PROPERTY: 17 SPAS DR  
ISSUED DATE: 4/10/2023  
ISSUED TO: SIXT, MARTIN  
17 SPAS DR.  
SPRINGVILLE, NY 14141

PROJECT: 0000010163 - HISTORIC PRESSERVATION-MURALS TYPE: HISTORIC PRESERV REVIEW  
PROPERTY: 37 N BUFFALO ST  
ISSUED DATE: 4/11/2023  
ISSUED TO: SPRINGVILLE CENTER FOR THE ART  
P.O. BOX 62  
SPRINGVILLE, NY 14141



ATTACHMENT NO.

CA.1

AGENDA DATE

4/17/23

*Village of Springville  
Historic Preservation Commission*

JANUARY 9, 2023

7:00 pm

A meeting of the Historic Preservation Commission of the Village of Springville was held at the Municipal Building, 65 Franklin Street, Springville, New York at the above date and time. Present were:

*Chairman:*

Bill Skura

*Vice Chairman:*

John Baronich-absent

*Members:*

Helen Brogan

Don Orton

Eric Tuburdyke-absent

*Also present:*

Reed Braman

Mary James Bond-Fresh

Casie Sweeney-Fresh

Mike Lukaszewski-Bammel Architect

*Clerk:*

Jennifer Blumenstein

After the Pledge of Allegiance, Chairman Skura called the meeting to order at 7:00p.m.

The only Certificate of Appropriateness came from Mary James Bond from 27 E. Main Street. This is the same Certificate which was presented on November 14, 2022, but was TABLED until new/alternative designs could be presented.

New designs were presented for the Façade, Paint, Entryway Door, Awning and Signage. The new designs provided kept the Parapets on the building, changed the color on the front of the building to black and changing the color on the side of the building to gray. The Entryway door will now be black and the new Awning will be black as well with only wording and address on apron of the awning. The new signage on the front and side of the building will be made of brushed aluminum and be backlit with LED lighting.

There was much discussion about the Design Standards and making changes to the Façade of the buildings. Mary James is very upset that she has to keep the Parapets and Pediments on the building. Mary James really wanted to square off the roof line of the building to make it look more modern. Keeping the structure the way it is now does not portray the look she is going for with her Modern Boutique. Mary James wanted to know where in the Design Standards it states that she cannot change to roof line by removing the Parapets.

Chairman Skura quoted her from the Design Standards:

**#Don't:**

- a. Alter window size, locations or style*
- b. Enclose porch*
- c. Remove or alter architectural details.*
- d. Remove porch, overhangs, balconies*
- e. Remove, alter or obscure original or historic features*

Chairman Skura, Helen Brogan and Don Orton all agree that removing the Parapets and the Pediments would ruin the historical integrity of the building and they are not willing to approve such a project.

After more conversations and review of the Certificate, Chairman Skura asked for a motion to vote.

*Don Orton made the motion to approve the Certificate of Appropriateness as presented along with the stipulation that the sign on the side of the building be boxed in. Seconded by Helen Brogan. All in favor, non opposed.*

Chairman Skura asked for a motion to approve the minutes from the December 12, 2022 meeting.

*Helen Brogan made the motion to approve the minutes after one correction, seconded by Don Orton. All in favor, none opposed.*

*Don Orton made the motion to adjourn at 7:45 pm, seconded by Helen Brogan. All in favor, none opposed.*

Respectfully Submitted,

Jennifer Blumenstein



doing the second story. Helen Brogan explained that the black metal roofing material was not approved by the HPC Board. That what is being built was not approved by the HPC Board. Jenica was told by Chairman Skura that her Certificate of Appropriateness is two years old and they need to update the COA. Being in the historic district it was recommended to Jenica to review the HPC design standards on the village web site and come back with new plans that show what they are intending to do. She was informed to have the completed COA application into Jen at the Village Office at least 10 days before the next meeting. Therefore if she wanted to make the April 10<sup>th</sup> meeting she needs to have all the documents in by March 31<sup>st</sup>.

Prior approved Certificate of Appropriateness were signed off by Chairman Skura since the work has been completed. They were Matthew Retzlaff – 227 W. Main for a fence & SCA - 67 E. Main for the Lab sign.

Under new business John Baronich discussed his discussion with Matt from the Lab about public art.

*John Baronich made the motion to adjourn at 7:38 pm, seconded by Helen Brogan. All in favor, none opposed.*

Respectfully Submitted,

Liz Melock

ATTACHMENT NO. CA 3  
AGENDA DATE 4/17/23

**VILLAGE OF SPRINGVILLE  
PLANNING BOARD MINUTES**

December 27, 2022

7:00 P.M.

A meeting of the Planning Board 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:

Chairman:	Bob Muhlbauer
Members:	Ed Young Ken Heidle Greg Keyser Devin Kowalske
Building Inspector/ CEO:	Mike Kaleta (absent)
Clerk:	Kellie Grube (absent)
Also Present:	Terry Skelton, Trustee (absent)

After the Pledge to Allegiance, Chairman Muhlbauer called the meeting to order at 7:01 pm.

*Tonight on the agenda the Planning Board is addressing changes to previously accepted **Application #9802**, for O'Reilly Auto Parts Site Plan approval and Special Exception located at 564 West Main Street, SBL 335.18-1-11.1:*

The Planning Board has been provided with a revised site plan from O'Reilly Auto Parts. NYSDOT would not allow the applicants to use the existing driveway and demanded that they use Barnstead Dr. or move the driveway closer to Barnstead Dr. The revised plan from the applicants shows the driveway moved. Burger King owns the driveway to the west (left) and O'Reilly would be the one on the east (right). The only major change is to storm water that the applicants have addressed. The NYSDOT felt that the Burger King driveway and O'Reilly's were too close in the plans that were previously approved.

It was thought that the driveway coming out onto Barnstead Dr. was a last resort option. The compromise was for the applicants to move the driveway so that it is across from an existing business driveway on W. Main St. (Route 39). The engineers for the applicants have revised the Site Plan to reflect the changes and the NYSDOT has approved it. Along with the driveway approval the NYSDOT has stated that they find the new Storm Drainage Plans and Calculations consistent with their current storm water drainage requirements.

Due to the only revisions to the Site Plan being the driveway and subsequent storm water, a new public hearing is not necessary. After some discussion though, the Planning Board felt that they

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would be more comfortable approving these changes once they spoke with the Engineer for the applicants and Building Inspector/ CEO Mike Kaleta, who could answer any questions the Planning Board may come up with.

At this time, Chairman Muhlbauer made a motion to table this discussion to a work session when both the applicant and Mr. Kaleta can be present. All in favor, none opposed.

At 7:39 pm, Chairman Muhlbauer asked for a motion to adjourn. Member Ken Heidle made the motion, seconded by Member Devin Kowalske. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube

ATTACHMENT NO. CA 4  
AGENDA DATE 4/17/23

**VILLAGE OF SPRINGVILLE  
PLANNING BOARD MINUTES**

January 24, 2023

7:00 P.M.

A meeting of the Planning Board 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:

Chairman:	Bob Muhlbauer
Members:	Ed Young Ken Heidle Greg Keyser Devin Kowalske
Building Inspector/ CEO:	Mike Kaleta (absent)
Clerk:	Kellie Grube
Also Present:	Randy Bebout Peter Sorgi Doug Feyes Glen Wetzl

After the Pledge to Allegiance, Chairman Muhlbauer called the meeting to order at 7:00 pm.

*Tonight on the agenda the Planning Board is addressing the following Public Hearings:*

***A continuation for Application #9802, for O'Reilly Auto Parts Site Plan approval and Special Exception located at 564 West Main Street, Springville, NY, SBL 335.18-1-11.1.***

***Application #10007 for Wetzl Development Site Plan approval located at 297 West Main Street, 0 Carolina Street, VL near West Main Street and Carolina Street, Springville, NY.***

The Planning Board will be reviewing the changes to the driveway on O'Reilly's site plan that the NYSDOT wanted to see done. The NYSDOT has been presented the revised site plan with the driveway moved and they have given it their blessing. Per the NYSDOT, the revised Stage 2 of the PERM 33-COM application for the subject development has been reviewed and found to be acceptable. At this time the Planning Board needs to decide if they approve of the new, amended site plan. Randy Bebout of Bohler Engineering was on hand to answer any questions that they may have. Mr. Bebout stated that the site plan stayed basically the same other than now the amended driveway location has been flipped to the other side of the site plan. He did state that because of this there was some additional blacktop that needed to be added and the storm water mitigation area had to be increased minimally to accommodate this blacktop. The new





have since secured that zoning change with the Village Board of Trustees and are able to proceed with this site plan application.

Mr. Sorgi stated that there is currently an easement for the Village of Springville water tower that will need to be moved slightly to accommodate this project and the applicant is fully prepared to secure that easement. Mr. Sorgi also stated that he is aware of the Developer's Agreement that the Village of Springville requires which will address utilities with the Village. It was also noted that on the proposed site plan there will be turnarounds that will be able to accommodate emergency vehicles for mobility. Ideally they are hoping to break ground in this upcoming spring.

After some discussion, it was felt that all was in order with the site plan and wasn't that far off of the previously approved site plan proposal that was presented by previous owner Andy Gernold. The Planning Board would like to have an engineer review this site plan as well on behalf of the Village of Springville, particularly for storm water review.

At this time, Planning Board, Chairman Muhlbauer declared the SEQR an unlisted action requiring the Short Environmental Assessment Form and declaring a negative declaration. Member Greg Keyser made the motion, seconded by Member Ed Young, all in favor, none opposed.

All public notifications were completed prior to the hearing and this Public Hearing announcement was published in the Springville Journal.

Chairman Muhlbauer then asked for a motion to approve application #10007 as presented for Site Plan approval. Member Devin Kowalske made the motion, seconded by Member Ken Heidle, all in favor, none opposed.

*The vote went as follows:*

- |                         |                               |
|-------------------------|-------------------------------|
| • <i>Bob Muhlbauer</i>  | <i>aye, with stipulations</i> |
| • <i>Greg Keyser</i>    | <i>aye, with stipulations</i> |
| • <i>Ed Young</i>       | <i>aye, with stipulations</i> |
| • <i>Ken Heidle</i>     | <i>aye, with stipulations</i> |
| • <i>Devin Kowalske</i> | <i>aye, with stipulations</i> |

*Application #10007 approved contingent of the following stipulations:*

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- *The completion of an Engineer's review and approval on behalf of the Village of Springville.*
- *That the site street lighting be downcast with environmentally friendly LED lights and dark sky compliant.*
- *Execution of a Developer's agreement for installation of utilities and for easements with the Village of Springville.*

Lastly, Chairman Muhlbauer asked for a motion to approve the minutes from the August 23, 2022 and December 27, 2022 Planning Board meetings. Member Devin Kowalske made the motion, seconded by Member Ed Young. All in favor, none opposed.

At 7:45 pm, Chairman Muhlbauer asked for a motion to adjourn. Motion was made, 11 in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube

**VILLAGE OF SPRINGVILLE  
PLANNING BOARD MINUTES**

March 28, 2023

7:00 P.M.

A meeting of the Planning Board 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:

Chairman:	Bob Muhlbauer
Members:	Ed Young Ken Heidle Greg Keyser Devin Kowalske
Building Inspector/ CEO:	Mike Kaleta
Clerk:	Kellie Grube
Also Present:	Terry Skelton, Trustee JP Nabozny Shannon Nabozny Matt Retzlaff Valerie Retzlaff Bob Schuler Kathy Schuler

After the Pledge to Allegiance, Chairman Muhlbauer called the meeting to order at 7:01pm.

*Tonight on the agenda the Planning Board is addressing the following Public Hearings:*

***Application #10128, for James Nabozny, for Special Exception approval located at 271 West Main Street, Springville, NY, SBL 335.15-8-19.2.***

Chairman Muhlbauer asked Mr. and Mrs. Nabozny to come up and explain what it was that they were asking the Planning Board for Special Exception use for. Mr. Nabozny stated that they had an Ice Cream Shop named The Ville at 500 S. Cascade Dr. last year. Both he and his wife felt that it made more sense to move the shop to a location on W. Main St. where there is both more walkability and it would be fiscally smarter for them seeing they own the building where they are proposing moving The Ville to. He went on to say that he and his wife love being business owners in the Village and really think moving the shop to the Barbershop makes sense. They said that they didn't have a schedule figured out yet but have no plans to be opened 7 days a week though. The business would be very small with the occasional small group gathering for parties or a craft get together. It was figured out that there are 15 parking spaces in the back and that with a few spaces taken for the Barbershop the ice cream shop would have limited

occupancy either way to fulfill Village Code obligations. Also, due to the nature of the approximately 20 feet wide shared driveway and set up of the building, there will be no drive up or window service for their shop.

Building Inspector/ CEO Mike Kaleta stated that this property is located within an R8.5 Residential District but is within a Retail Overlay. The Retail Overlay would allow a business such as this to go in with Special Exception approval from the Planning Board.

After a few more questions asked and answered by the applicant's and Mr. Kaleta, Chairman Muhlbauer asked if there was anyone in the audience who wished to expressed any opinions regarding this proposed Special Exception application.

Resident Bob Schuler came up to express his desire to not see the applicant's Special Exception get approved. He felt that the noise and added traffic would be disruptive to the neighborhood and that the driveway would prove to be an issue on Wednesday's when Gentner's Auction was open. It was felt that due to the limited size of the allowed occupancy per the permitted use the impact would be negligible.

At this time, Chairman asked for a motion to declare the SEQR for this application a Type II with no further action required. Member Devin Kowalske made the motion, seconded by Member Ed Young. All in favor, none opposed.

Next, Chairman Muhlbauer then asked for a motion to approve application #10128 for Special Exception approval. Motion was made by Member Ed Young, seconded by Member Devin Kowalske. All in favor, none opposed.

*The vote went as follows:*

- |                         |                               |
|-------------------------|-------------------------------|
| • <i>Bob Muhlbauer</i>  | <i>aye, with stipulations</i> |
| • <i>Greg Keyser</i>    | <i>aye, with stipulations</i> |
| • <i>Ed Young</i>       | <i>aye, with stipulations</i> |
| • <i>Ken Heidle</i>     | <i>aye, with stipulations</i> |
| • <i>Devin Kowalske</i> | <i>aye, with stipulations</i> |

*Application #10128 approved with the following stipulations.*

- *The driveway is restriped and appropriate signage is added for proper traffic flow and parking.*
- *There will be no outdoor gathering or seating.*

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In the audience this evening, are new residents Matt and Valerie Retzlaff of 227 W. Main St. aka the Depot located within a B-1 Zoning District. Mr. and Mrs. Retzlaff are scheduled to come before the Planning Board next month for a Public Hearing. They just wanted to address the Planning Board this evening as to what they are trying to accomplish at their address. Mr. and Mrs. Retzlaff recently purchased this property and would like to turn a portion of the building into a retail studio where Mr. Retzlaff, who is a reclaimed metal work artist, can display and sell some of his artwork. What they are coming before the Planning Board next month for is to seek Site Plan approval for a pole barn they would like to erect as a workshop for Mr. Retzlaff to work and allow the public to observe him create his sculptures. The Planning Board thanked Mr. and Mrs. Retzlaff for coming and that they look forward to hearing from them next month.

Under work session items, CEO Mike Kaleta briefly discussed Lot Line definitions and the need to revisit the Code. Mr. Kaleta has compiled some research regarding this subject and will send it to the Planning Board so that they may be able to discuss and make a recommendation. Mr. Kaleta also explained the steps that would have to be done if the Planning Board ever wanted to meet outside of a normally scheduled meeting to address some of the work session items.

Next, Chairman Muhlbauer asked for a motion to approve the minutes from the January 24, 2023 Planning Board meeting. Member Devin Kowalske made the motion, seconded by Member Ed Young. All in favor, none opposed.

Lastly, Mr. Kaleta and the Planning Board wanted to thank Member Ken Heidle for all of his years of service. Mr. Heidle is resigning from the Planning Board and is hoping to enjoy living the retirement life.

With there nothing else on the agenda this evening, Chairman asked for a motion at 8:23pm to adjourn the meeting. Member Greg Keyser made the motion, seconded by Member Ed Young. All in favor, none opposed.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kellie Grube". The signature is written in a cursive, flowing style.

Kellie Grube

VILLAGE OF SPRINGVILLE  
MINUTES OF THE MEETING OF ZONING BOARD OF APPEALS

January 11, 2023

7:00 P.M.

A meeting of the Zoning Board of Appeals of the Village of Springville was held virtually at the above date and time.

Present were:

Chairman:	Joe Wolniewicz
Members:	Kate Moody Jamie Raynor Kimberly Krzemien Bob Laskowski
Also Present:	Brittney Rehrauer Dave Call
Building Inspector/CEO:	Mike Kaleta (absent)
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:03 p.m. to hear the petition of Brittney Rehrauer, 178 East Hill Run, Springville, New York, SBL 336.18-2-15, **File #9727** for an Area Variance for fence height. In a R8.5 no fence or wall within a rear or side yard shall have a height greater than six feet.

Due to the applicant's property being located within a R8.5 District the applicable section for File #9727 of the Village Code is:

**§ 200-17 Permitted Fences and walls.**

**A. In a residence district:**

**(2) No fence or wall within a rear or side yard shall have a height greater than 6 feet.**

**C. The height of a fence or wall shall be measured from the ground level at the base of the fence or wall; except that where there is a retaining wall, the height shall be measured from the average of the ground levels at each side of the retaining wall, and except further that any fence or wall on the uphill side of such a retaining wall may be at least four feet high, not withstanding the provisions of Subsections A and B.**

At 7:00 pm, Chairman Wolniewicz opened the Public Hearing.

Chairman Wolniewicz asked the applicant to come up and explain why she was seeking an Area Variance.

Ms. Rehrauer explained that due to the contours in her property and with the intention to keep the fence even and esthetically pleasing it had to be extended. Unfortunately on that side of the property the fence was extended to 8 feet in height for approximately 30 feet. Ms. Rehrauer said that she is in talks with the

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next door neighbor on that side to purchase some of their property. If she is able to do this the fence could be moved and reconstructed to code at the 6 feet maximum.

After much discussion, the Zoning Board of Appeals felt that the application request was quite substantial. Ms. Rehrauer asked if she could have some time. She is hoping to come up with an alternative to either cutting the fence or spending a lot more money to grade the landscape. If she could enter into an agreement with the neighbor to purchase the property the Area Variance request wouldn't be needed.

The Zoning Board of Appeals agreed to table any decision to next month. They agreed to reconvene with the applicant at the February 8, 2023 meeting to see if she has found a reasonable alternative.

With there no other applications before them this evening, Chairman Wolniewicz asked if there were any changes or corrections to the September 14, 2022 minutes. With there being none, Chairman Wolniewicz asked for a motion to approve. Member Bob Laskowski made the motion, seconded by Member Moody, all in favor, none opposed.

At 7:43 p.m., Chairman Wolniewicz made a motion to adjourn the meeting, all in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube

VILLAGE OF SPRINGVILLE  
MINUTES OF THE MEETING OF ZONING BOARD OF APPEALS

March 8, 2023

7:00 P.M.

A meeting of the Zoning Board of Appeals of the Village of Springville was held virtually at the above date and time.

Present were:

Chairman:	Joe Wolniewicz
Members:	Kate Moody (absent) Jamie Raynor Kimberly Krzemien Bob Laskowski
Also Present:	Brittney Rehrauer Dave Call
Building Inspector/CEO:	Mike Kaleta
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:00 p.m. for a continuation of petition for Brittney Rehrauer, 178 East Hill Run, Springville, New York, SBL 336.18-2-15, **File #9727** for an Area Variance for fence height. In a R8.5 no fence or wall within a rear or side yard shall have a height greater than six feet. Ms. Rehrauer was before the Zoning Board on January 11, 2023 for her Public Hearing and at that time the Variance request was tabled at the applicant's request to come up with possible alternatives due to the request being so substantial.

Due to the applicant's property being located within a R8.5 District the applicable section for File #9727 of the Village Code is:

**§ 200-17 Permitted Fences and walls.**

**A. In a residence district:**

**(2) No fence or wall within a rear or side yard shall have a height greater than 6 feet.**

**C. The height of a fence or wall shall be measured from the ground level at the base of the fence or wall; except that where there is a retaining wall, the height shall be measured from the average of the ground levels at each side of the retaining wall, and except further that any fence or wall on the uphill side of such a retaining wall may be at least four feet high, notwithstanding the provisions of Subsections A and B.**

At 7:01 pm, Chairman Wolniewicz opened the Public Hearing.

Before calling the applicant up, Chairman Wolniewicz addressed the Zoning Board Members regarding similar past fence variance requests and indicated that per the Zoning Board of Appeals manual, that "a



board of appeals should follow its own precedent". With that being said, he went on to discuss the need for consistency and past practices.

Member Bob Laskowski didn't necessarily disagree with what Chairman Wolniewicz was saying but felt that the applicant's request is more than significant than what has been done in the past and was responsible for inquiring and knowing what was allowed per the Code before erecting the fence. The Zoning Board of Appeals needs to now figure out where to draw the line regarding precedent.

At this time, Chairman Wolniewicz asked Ms. Rehrauer to come up and address the Members with any changes that has occurred since the January meeting. Ms. Rehrauer presented the Members with a letter from a neighbor stating that she is fine with the fence. Other than the letter, the applicant has not come up with any solution or alternative.

Building Inspector/CEO Mike Kaleta stated that he had concerns in that there were no residential fences that were over 6 feet high and the only other fences over 6 feet were in Commercial Districts.

After some more discussion and with there being no further questions, Chairman Wolniewicz asked for a motion to go into the factors considered. Member Jeremy Raynor made the motion, all in favor, none opposed.

At this time, the Zoning Board of Appeals went over the factors considered in their decision:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_ No X(4)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes X(4) No \_\_\_
3. Whether the requested variance is substantial: Yes X(3) No (1)
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes \_\_\_ No X(4)
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance: Yes X(4) No \_\_\_

DETERMINATION OF THE ZONING BOARD of APPEALS *BASED ON* THE ABOVE FACTORS:

The Zoning Board of Appeals find that a variance of 2 feet additional height for a distance of no more than 40 feet from Section 200-17 of the Zoning Code is the minimum variance that should

be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

*The desire of the applicant is to maintain a consistent fence height on a graded property.*

STIPULATIONS: The Zoning Board of Appeals finds that the following stipulation is necessary in order to minimize the impact upon the neighborhood or community, for the reason following:

*The extent of the fence in variance is not to exceed 40 feet.*

The benefit to the applicant DOES outweigh the detriment to the neighborhood or community. With keeping in mind that the Variance is within the character of the neighborhood and doesn't impact the environment, the variance request is ***approved***.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	NO VOTE
JOE WOLNIEWICZ	<u>  x  </u>	<u>      </u>	<u>      </u>
BOB LASKOWSKI	<u>      </u>	<u>  x  </u>	<u>      </u>
KATE MOODY	<u>      </u>	<u>      </u>	<u>  x  </u>
JAMIE RAYNOR	<u>  x  </u>	<u>      </u>	<u>      </u>
KIM KRZEMIEN	<u>  x  </u>	<u>      </u>	<u>      </u>

With there being no other applications before them this evening, Chairman Wolniewicz asked if there were any changes or corrections to the January 8, 2023 minutes. With there being none, Chairman Wolniewicz asked for a motion to approve. Member Bob Laskowski made the motion, seconded by Member Kim Krzemien, all in favor, none opposed.

At 8:23 p.m., Chairman Wolniewicz made a motion to adjourn the meeting, all in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube