

VILLAGE OF SPRINGVILLE
2020 MINUTES

December 29, 2020

3:00 P. M.

The Special Meeting of the Trustees of the Village of Springville was held online via Gotowebinar in Springville, New York at the above date and time. Present were:

Mayor	William Krebs
Trustees	Reed Braman Kim Pazzuti Terry Skelton Nils Wikman
Village Administrator	Liz Melock
Village Attorney	Paul Weiss
BI/CEO	Michael Kaleta
Also attending	Max Borsuk, Springville Journal

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

1. Special Business

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Liz Melock
Village Administrator

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.

Part 1 – Project and Sponsor Information			
Demolition of house and garage at 37 South Central Avenue, Springville, New York 14141			
Name of Action or Project:			
Demolition of house and garage at 37 South Central Avenue, Springville, New York 14141			
Project Location (describe, and attach a location map):			
37 South Central, Springville, New York, 14141			
Brief Description of Proposed Action:			
DEMOLITION, ASBESTOS REMOVAL & DISPOSAL, REMOVAL OF CONTENTS, TOPSOIL & SEED RESTORATION for house and garage at 37 South Central Avenue, Springville NY 14141			
Name of Applicant or Sponsor:		Telephone: (716) 592-4936	
Village of Springville		E-Mail: lmelock@villageofspringvilleny.com	
Address:			
5 West Main Street, P.O. Box 17			
City/PO:		State:	Zip Code:
Springville		New York	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
			YES
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:			<input checked="" type="checkbox"/>
			<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			NO
b. Total acreage to be physically disturbed?			YES
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			<input checked="" type="checkbox"/>
See EAF Map _____ acres			<input type="checkbox"/>
_____ acres			
_____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" 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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" 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? 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?	NO	YES	
	<input checked="" 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

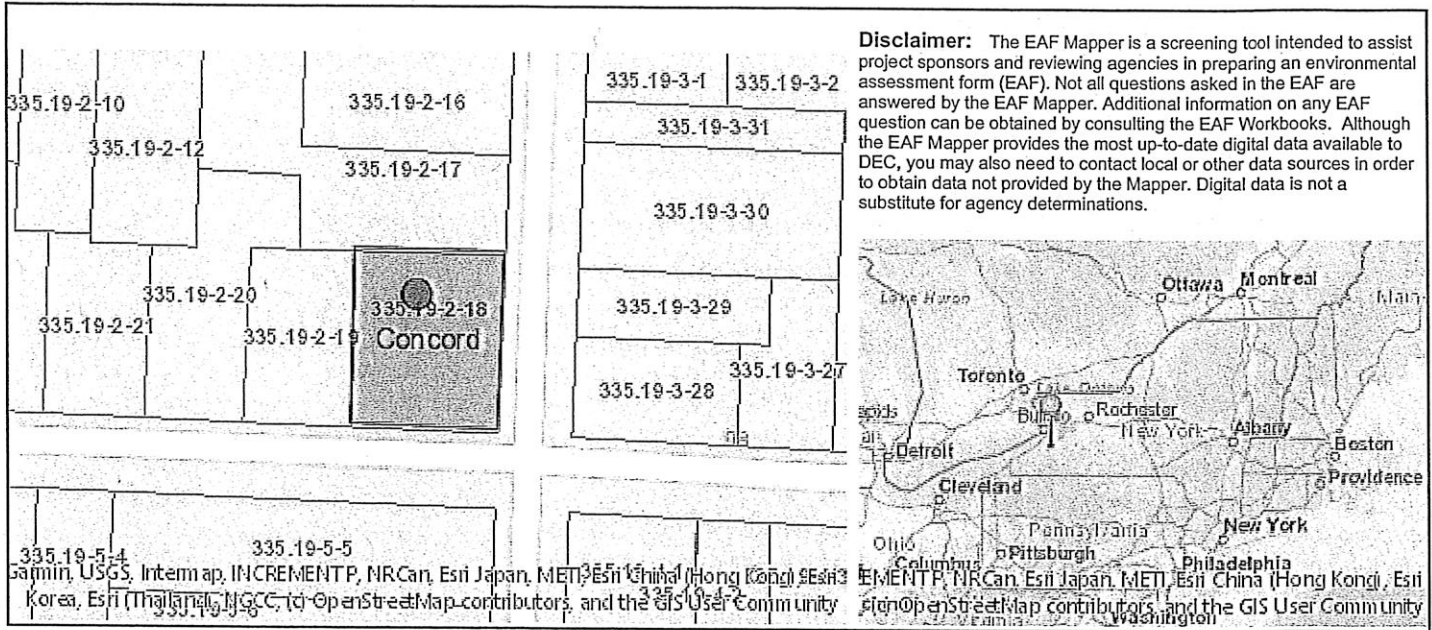
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		

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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<input checked="" type="checkbox"/>	<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?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<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?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Village of Springville Mayor William J. Krebs</u> Date: <u>12/30/2020</u>		
Signature: <u><i>William J. Krebs</i></u> Title: <u>Mayor</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number Demo 37 S.Centl

Date: 12/17/20

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Springville as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

DEMOLITION for house and garage at 37 South Central Avenue, Springville NY 14141

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

DEMOLITION, ASBESTOS REMOVAL & DISPOSAL, REMOVAL OF CONTENTS, TOPSOIL & SEED RESTORATION for house and garage at 37 South Central Avenue, Springville NY 14141

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Statewide.

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The Village of Springville has deemed no adverse effects to the environment through this demolition.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: William J. Krebs, Mayor

Address: 5 West Main Street, Springville, NY 14141

Telephone Number: 716-592-4936

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

Project:	37 S Central Demo
Date:	12-29-2020

**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"/>

Project: 37 S Central Demo

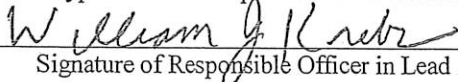
Date: 12/29/2020

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.

The Village Board as lead agency determined after reviewing the complete SEQR documents that there is no significant adverse impact to the environment with this demolition project at 37 S. Central Ave.

- 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.
- 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 Board	12/29/2020
Name of Lead Agency	Date
William J Krebs	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)

PRINT FORM