

## **Approved BOARD MINUTES June 6, 2023**

The Village Board meeting was called to order at 4:30 pm by Mayor Prucnal, who led the pledge to the flag.

**PRESENT:** Mayor Prucnal, Trustees:, Refermat, Pruitt and Becker, Attorney Trapp, CEO Czechowski, Clerk Galbraith, Patrick Cavanaugh, Will Severyn and Shawn Eastland.

**Absent:** Trustee Casell

Code Enforcement Officer Czechowski reviewed the following agreement. Will Severyn has agreed to the following agreement and the deadline imposed.

### **AGREEMENT**

It is hereby agreed by and between the Village of Alden (hereinafter referred to as the Village) and Severyn Development, Inc., William T. Severyn, individually, and William Severyn, Sr. individually (individually and collectively referred to as the Developer) that in consideration of the issuance of one (1) building permit for a single-family dwelling at 106 Birch Creek Run by the Village, the following conditions shall apply:

1. All parties hereby acknowledge and reaffirm the existence of the agreement, dated August 13, 2019 between said parties, that is currently in effect.
2. The Developer acknowledges and confirms that absent this agreement, the Village is under no obligation to issue any permanent/temporary certificate of occupancy pursuant to the 106 Birch Creek Run building permit, until the resolution of outstanding site plan items S1, S2, S3 and D1, listed herein, are completed by the deadlines indicated, to the satisfaction of the Village of Alden.
3. The Village will not issue any further building permits for new single-family dwellings for the Birch Creek Run Development until such time that all of the aforementioned outstanding site plan items are completed by the deadlines indicated, to the satisfaction of the Village of Alden. Nothing herein shall prevent the Developer from requesting additional building permits or permanent/temporary certificates of occupancy at a later time, but the Village is under no obligation to do so.
4. To the extent permissible by law, the Developer shall not transfer control of the site and the property maintenance thereon to any homeowner's association or third party without the prior approval of the Village. Regardless of any transfer, the terms and conditions of this agreement shall survive such transfer and shall remain the sole and exclusive responsibility of the Developer and each individual in their respective capacities as Developers as set forth above.
5. This agreement shall also be considered a condition of the issuance of the building permit for 106 Birch Creek Run. As such, the Village retains the right to issue stop work orders with respect to any current or further development regardless of the stage of same in the event that there is a violation or anything other than full

and complete adherence to the terms and conditions of this agreement by the Developer, as solely determined by the Village.

6. The Developer shall ensure that all construction on the site conforms to the plans originally and/or subsequently approved by the Village.

**Outstanding Site Plan Items:**

- S1) Repair of fence at north end of roadway turnaround.

**NOT COMPLETED**

**Severyn - Some repairs have been completed, additional reinforcing is necessary. Will has assured the Board, they will shore up the fence by June 30.**

**Completion by June 30, 2023.**

- S2) Completion of outstanding landscaping and plantings as per approved plans. Any requested changes to previously approved plans must be reviewed and approved by the Village of Alden.

**NOT COMPLETED** – Street tree changes, waiting on final approval letter from HOA/Severyn.

**Severyn - HOA did not want birch trees – Severyn will provide a MOU to give the HOA \$5,000 and will have a signed agreement by June 30**

**Completion by June 30, 2023.**

- S3) Replace curbing that was removed on Homecourt for installation of the sewer main.

**NOT COMPLETED-**

**Severyn getting estimates, no problem with June 30 deadline.**

**Completion by June 30, 2023.**

- D1) Completion of approved swale and drainage work with inspections during construction as necessary, with final inspection by the Village engineer, and receipt and acceptance of record drawings by the Village of Alden.

**NOT COMPLETED**

**Severyn - have a signed agreement with Koelbl, staking up next week, walking with anyone who wants.**

**Completion by July 31, 2023.**

- S4) Water line connection between domestic & fire suppression water lines – Complete work, testing, submit necessary inspections/paperwork (from engineer). NOTE: It appears that the ECDOH approval letter expired as of 12/1/2020. This may require re-application and approval from the ECDOH before work can begin. All documentation required.

**NOT COMPLETED – BCR states there is an issue with supply chain in obtaining a saddle valve needed to perform the work. BCR has recently mentioned there maybe an alternative connection method that can be used in lieu of the saddle valve method.**

**Severyn - Will follow up with correspondence, August deadline ok.**

**Completion by August 31, 2023**

- D2) All vacant lots must be built-out, OR final graded, topsoiled and seeded as per the approved Grading & Storm Plan. Note that Stormwater Regulations/Maintenance will still apply until a Notice of Termination is issued.

**NOT COMPLETED**

**Severyn - no problem, final grading will be done by deadline.**

**Completion by August 31, 2023.**

- D3) Cleaning & maintenance of all drainage facilities (roadway surface, piping etc.) must be completed and documentation submitted as required.

**NOT COMPLETED-**

**Severyn - no problem with deadline.**

**Completion by August 31, 2023.**

- D4) The drainage pond at north end of project, including the emergency outflow area, must be repaired, cleaned and maintained. It appears that settling and washout, especially at the southeast corner of the pond and along the south edge of the pond, have degraded the approved slopes.

**NOT COMPLETED - Some rip-rap has been installed in pond, otherwise not completed.**

**Severyn - No problem meeting deadline.**

**Completion by August 31, 2023.**

- D5) SWPPP requirements/compliance, maintenance requirements for the Birch Creek Run Condominium Association (HOA) when it takes over responsibilities, including signed maintenance agreement from Severyn Development/Birch Creek Run (BCR) and the HOA.

**NOT COMPLETED**

**Severyn - HOA will take over maintenance agreement reserve account.**  
**Storm Water – separate agreement.**

**Completion prior to final transfer to HOA, by September 30, 2023.**

Will Severyn thanked the board for their time and assured them he will not need to return, as he will get everything done.

CEO Czechowski – need to improve communications moving forward and send updates on the projects.

Trustee Becker – if missed any deadline, CEO will issue a Stop Work order.

Trustee Refermat – will be voting no, as Severyn has not followed any of the rules up to now. Does not trust things will change.

Attorney Trapp – are you authorized to sign the agreement? Will Severyn – yes.

Attorney Trapp – no permit until fully executed.

Motion by Trustee Becker and seconded by Trustee Pruitt, to authorize Mayor Prucnal to sign the agreement between the Village of Alden and Severyn Development Inc., William Severyn Sr. and William T. Severyn pertaining to the Birch Creek Run Development.

Roll Call vote: Trustee Becker – aye

Trustee Pruitt – aye

Trustee Refermat – nay

Trustee Casell - absent

Motion by Trustee Becker, seconded by Trustee Pruitt, to adjourn the regular meeting at 3:45 p.m., On the question – no comment 4 ayes, carried.

I respectfully submit.

Sue Galbraith,  
Village Clerk