MEETINGS TO DATE: 12
NO. OF REGULARS: 11

AGENDA
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
August 26, 2019 7:00PM

PLEDGE OF ALLEGIANCE
INVOCATION – PASTOR DEBBIE TURLEY – LORD OF LIFE CHURCH
NOTIFICATION OF FIRE EXITS
ROLL CALL: Trustee Jakubowski -
           Trustee Stempniak -
           Trustee Hamernik -
           Trustee Voll -
           Mayor Peterson –

APPROVE VILLAGE BOARD MINUTES – August 12, 2019

PUBLIC COMMENT – AGENDA ITEMS ONLY
1. Appoint - Police Lieutenant
2. Approve – Amended Per Diem Resolution
3. Perm to Advertise – CDBG Public Hearing
4. Approve – SEQR 2
5. Approve – Bond Resolution
6. Adopt – Amended Policy
7. Perm to Sign – JCAP Grant
8. Perm to Sign – General Code – Ecode
9. Perm – Change Payroll Date
10. Perm - Change Meeting Date
11. Perm – Fire
12. Perm – Fire
13. Perm – Fire Membership
14. Perm – Out of Village Training
16. Department Head Reports
17. Unfinished and Other Business
18. Public Concerns and Comments
19. Claims and Accounts
20. Adjournment
RESOLUTION

APPOINT – POLICE LIEUTENANT

Pursuant to section 4-400 of Village Law, I, Mayor Kevin Peterson, hereby appoint:

Justin Refermat
24 Rogers Dr.
Depew, NY 14043

To the position of Police Lieutenant, Civil Service exam number 77-910, eligible list established July 26, 2019 and is effective immediately. Starting Salary will as be stipulated by the current PBA collective bargaining agreement. The terms of the employment and probation period will be accordance with the current PBA collective bargaining agreement and current Erie County rules for classified service as amended.

The forgoing nomination was acted upon in the following manner by the Board of Trustees:

Trustee Jakubowski -
Trustee Stempniak -
Trustee Harnenik -
Trustee Voll -
Mayor Peterson –

VILLAGE OF DEPEW
BOARD MEETING
August 26, 2019
Agenda Item # 1

___Approved ___Denied
RESOLUTION

AMEND PER DIEM COURT OFFICER POSITION

August 26, 2019

Trustee__________, offered the following resolution and moved for its adoption

A motion to amend the Court Officer appointment of

Christine (Wolcott) Rumkowski – 225 Hillpine Rd, Cheektowaga, NY 14227

from a per diem court officer to a regular PT Court Officer. This resolution does not change the hourly rate of pay. This position will not work any more or less hours than so stated or so needed as per the court schedule.

The following resolution was seconded by Trustee__________ and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski
Trustee Stempniak
Trustee Hamernik
Trustee Voll
Mayor Peterson –

VILLAGE OF DEPEW
BOARD MEETING
August 26, 2019
Agenda Item # 2

___Approved ___Denied
RESOLUTION

August 26, 2019

AUTHORIZE ADMINISTRATOR TO ADVERTISE PUBLIC HEARING - CDBG

Trustee__________, offered the following resolution and moved for its adoption:

The Administrator is authorized to advertise a public hearing to discuss the Community Development Block Grant at the September 23, 2019 board meeting.

The foregoing resolution was seconded by Trustee_________ and CARRIED.

VILLAGE OF DEPEW BOARD MEETING
August 26, 2019
Agenda Item # 3

_Approved ___Denied
RESOLUTION

August 26, 2019

VILLAGE OF DEPEW SSES PHASE IV TYPE 2 SEQR

Trustee___________ offered the following resolution and moved for its adoption:

WHEREAS, the Village of Depew (Village) is currently under an Order of Consent with the New York State Department of Environmental Conservation (NYSDEC) to address sanitary sewer overflows (SSOs) in the Village’s sanitary sewer collection system; and

WHEREAS, the Village completed a Sanitary Sewer Evaluation Survey (SSES) in Sewershed 8 and as more completely described in an Engineering Report dated May 30, 2019 to identify potential corrective actions; and

WHEREAS, the Village of Depew Board of Trustees is considering various improvements to correct sewers system defects and reduce inflow and infiltration; and

WHEREAS, the Board of Trustees is seeking funding assistance under the New York State Cleanwater State Revolving Fund, and is, therefore subject to environmental review obligations required to participate in the funding program; and

WHEREAS, pursuant to sections 617.5(c)(1) and 617.5(c)(2) under SEQR, this project is a Type 2 Action as it involves the maintenance, repair and replacement in kind of existing sewer infrastructure with no substantial change to existing manholes and sanitary sewer pipe.

NOW THEREFORE BE IT RESOLVED, that as a Type 2 action under SEQR, the project has been found categorically to not have significant adverse impacts on the environment and no further review under SEQR is required.

The foregoing resolution was seconded by Trustee___________, and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski -
Trustee Stempiak -
Trustee Hamernik -
Trustee Voll -
Mayor Peterson –

VILLAGE OF DEPEW
BOARD MEETING
August 26, 2019
Agenda Item #4
____Approved ______Denied
RESOLUTION

August 26, 2019

VILLAGE OF DEPEW

ERIE COUNTY, NEW YORK

EXTRACT OF MINUTES

A meeting of the Village Board of Trustees of the Village of Depew, Erie County, New York (the "Village") was convened in public session at the Village Hall in the Village of Depew, New York on August 26, 2019 at 7 o’clock p.m., local time.

The meeting was called to order by ________________ and, upon roll being called, the following members were:

PRESENT:

Mayor
Trustee
Trustee
Trustee
Trustee

ABSENT:

ALSO PRESENT:

The following resolution was offered by ________________ and seconded by ________________ to wit,
A BOND RESOLUTION, DATED AUGUST 26, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PHASE 4) IN RESPONSE TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ORDER ON CONSENT NO. R9-20140128-1, AT AN ESTIMATED MAXIMUM COST OF $1,930,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $1,930,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, the Village of Depew, Erie County, New York (the "Village") has entered into a Consent Agreement with the New York State Department of Environmental Conservation (DEC) to remediate issues related to the discharge of sewer system overflow; and

WHEREAS, such DEC agreement requires that the Village undertake sewer system monitoring, repair, remediation and reconstruction in order to avoid civil fines and penalties; and

WHEREAS, the Village Board of Trustees of the Village desires to undertake a capital improvements project (Phase 4) for the reconstruction of and construction of improvements to the Village Sewer System; and

WHEREAS, the Village intends to apply for grant funds from the New York State Environmental Facilities Corporation.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project being undertaken in response to a New York State Department of Environmental Conservation Order on Consent No. R9-20140128-1, such work to generally consist of (but not be limited to) the installation of a cured-in-place pipe ("CIPP") lining system for approximately 9,670 linear feet of sanitary sewer pipe, manhole rehabilitations, replacement of approximately 1,190 of sanitary sewer pipe, point repairs to sanitary and storm sewer pipes, and various restoration work, as well as other improvements as more fully identified in (or contemplated by) a report dated May 30, 2019 that was prepared by engineers at GHD in connection with the project, all of the foregoing to include all preliminary work and necessary
equipment, materials, apparatus and related site work and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is $1,930,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed $1,930,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, any grant funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the purpose is a class of objects or purposes described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized including, but not limited to, authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.
SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village’s “official intent” to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) is required.

SECTION 12. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:
(1) (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

SECTION 16. This Resolution is effective immediately pursuant to Section 36.00(a)(5) of the Local Finance Law.
The following resolution was seconded by Trustee ____________, and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski –
Trustee Stempniak -
Trustee Hamernik -
Trustee Voll -
Mayor Peterson –

VILLAGE OF DEPEW
BOARD MEETING
August 26, 2019

Agenda Item # 5

____Approved ___Denied
RESOLUTION

August 26, 2019

ADOPT AMENDED SEXUAL HARASSMENT POLICY

Trustee____________, offered the following resolution and moved for its adoption:

BE IT RESOLVED, The Village Board will adopt the amended sexual harassment policy for employees of the Village of Depew.

The following resolution was seconded by Trustee____________, and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski -
Trustee Stempniak -
Trustee Hamernik -
Trustee Voll -
Mayor Peterson –

VILLAGE OF DEPEW
BOARD MEETING
August 26, 2019
Agenda Item # 6

___Approved   ___Denied
RESOLUTION

August 26, 2019

AUTHORIZE MAYOR TO SIGN JUSTICE COURT GRANT APPLICATION

Trustee____________________, offered the following resolution and moved for its adoption:

WHEREAS, the State of New York Unified Court System is offering a Justice Court Assistance Program with grants available up to $30,000 and Judge Willis would like to apply for this program,

BE IT RESOLVED, Mayor Kevin Peterson and the Board of Trustees hereby approve this application and Mayor Kevin Peterson is authorized to sign the Justice Court Assistance Program Grant Application.

The following resolution was seconded by Trustee______________, and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski -
Trustee Stempniak -
Trustee Hamernik –
Trustee Voll -
Mayor Peterson –

VILLAGE OF DEPEW
BOARD MEETING
August 26, 2019
Agenda Item # 7

__Approved  ___Denied
RESOLUTION

AUTHORIZE MAYOR TO SIGN GENERAL CODE – ECODE PROVIDER

Trustee__________, offered the following resolution and moved for its adoption:

WHEREAS, the Village of Depew would like to utilize General Code, 781 Elmgrove Rd, Rochester, NY 14624 to update the village E Code at a cost not to exceed $3,865.00 which includes shipping and handling.

WHEREAS, the Village of Depew also authorizes General Code to preform annual updates to take place in January.

NOW THEREFORE BE IT RESOLVED, that Mayor Kevin Peterson is authorized to sign the Services Contract.

The foregoing resolution was seconded by Trustee__________ and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski -
Trustee Stempniak -
Trustee Hamernik -
Trustee Voll -
Mayor Peterson –

VILLAGE OF DEPEW BOARD MEETING
August 26, 2019
Agenda Item # 8

___Approved ___Denied
CHANGE OF PAYROLL DATES

Trustee___________, offered the following resolution and moved for its adoption:

BE IT RESOLVED, due to the Thanksgiving Holiday our payroll pay date will be Wednesday November 27, 2019 instead of Thursday November 28, 2019.

The foregoing resolution was seconded by Trustee___________, and CARRIED.
RESOLUTION

August 26, 2019

CHANGE OF VILLAGE BOARD MEETING DATE

Trustee ____________, offered the following resolution and moved for its adoption:

BE IT RESOLVED, the Village Board Meeting scheduled for Monday October 14, 2019 is hereby changed to Tuesday, October 15, 2019 due to the Columbus Day Holiday.

And

BE IT RESOLVED, the Village Board Meeting scheduled for Monday November 11, 2019 is hereby changed to Tuesday, November 12, 2019 due to the Veteran’s Day Holiday.

The foregoing resolution was seconded by Trustee __________, and CARRIED.

VILLAGE OF DEPEW
BOARD MEETING
August 26, 2019

Agenda Item # 10

Approved ___ Denied
RESOLUTION
August 26, 2019

PERMISSION – DEPEW FIRE DEPT

Trustee _____________, offered the following resolution and moved for its adoption:

Permission is hereby granted to Depew Fire Department, to use the South Side Fire Station for the Annual Fire Department Inspection on Saturday September 7, 2019 from 5:00 PM–11:00 PM.

The foregoing resolution was seconded by Trustee _____________, and CARRIED.

VILLAGE OF DEPEW
BOARD MEETING
August 26, 2019
Agenda Item # 11

__Approved  __Denied
RESOLUTION

August 26, 2019

PERMISSION – DEPEW FIRE DEPT

Trustee______________ offered the following resolution and moved for its adoption:

Permission is hereby granted to Depew Hook & Ladder Co. to use the North Side Fire Station for the Annual Tool Raffle Fundraiser on Saturday February 8, 2020 from 7:00 AM–7:00 PM.

The foregoing resolution was seconded by Trustee______________, and CARRIED.
RESOLUTION August 26, 2019

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee______________, offered the following resolution and moved for its adoption:

BE IT RESOLVED, membership is hereby granted to the following in the Depew Fire Department pending the passing of his physical:

**West End**

Michael Muscarella – 700 Lancer Ct, Apt B3, Depew, NY 14043

Jacob Smith – 5 Caroline Ln, Depew, NY 14043

The foregoing resolution was seconded by Trustee______________, and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski -
Trustee Stempniak -
Trustee Hamernik -
Trustee Voll -
Mayor Peterson –

VILLAGE OF DEPEW BOARD MEETING
August 26, 2019
Agenda Item # 13

Approved  Denied
PERMISSION – FIRE DEPARTMENT

Trustee__________, offered the following resolution and moved for its adoption:

WHEREAS, Depew Hook & Ladder Company is requesting permission to take at least two trucks to the following training dates at the fire academy:

September 3 – 9 AM (Cheektowaga)
September 17 – 6:30 PM (Amherst)
October 8 – 9 AM – (Cheektowaga)
October 15 – 6:30 PM – (Cheektowaga)

THEREFORE, BE IT RESOLVED: The above foregoing resolution was seconded by Trustee__________ and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski -
Trustee Stempniak -
Trustee Hamernik -
Trustee Voll -
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
August 26, 2019

Agenda Item # 14

_____Approved _____Denied