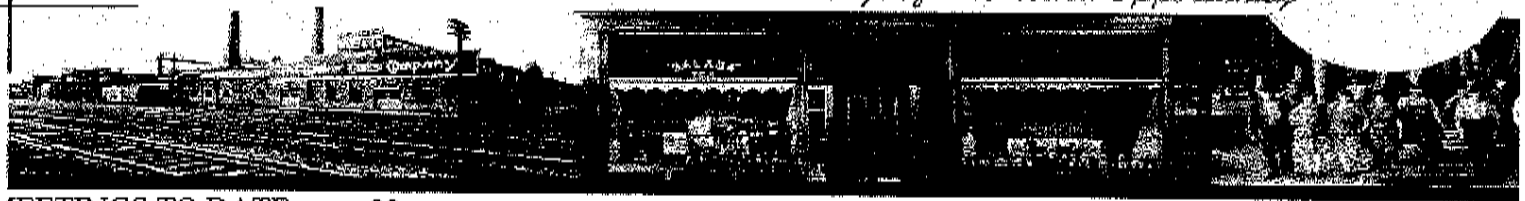


# Village of Depew, NEW YORK

*"The Village of Unexcelled Opportunity"*



MEETINGS TO DATE: 23  
NO. OF REGULARS: 21

## AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
MARCH 25, 2013 7:00PM

ROLL CALL: Trustee Hammer  
Trustee Nolder  
Trustee Pecora  
Trustee Nikonowicz  
Mayor Hoffman

PLEDGE OF ALLEGIANCE

INVOCATION

NOTIFICATION OF FIRE EXITS

APPROVE VILLAGE BOARD MINUTES MARCH 11, 2013

APPROVE VILLAGE BOARD SPECIAL MEETING MARCH 20, 2013

ACCEPT ZONING MINUTES MARCH 4, 2013

ACCEPT ZONING MINUTES MARCH 18, 2013

CIVIL AIR PATROL PRESENTATION

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Public Hearing for Local Law 2 of 2013 – Tax Cap Override
2. Adopt/Table Local Law 2 of 2013 – Tax Cap Override
3. Authorize Administrator to Advertise Public Hearing – Tentative Budget
4. Authorize Mayor to Sign Maintenance Agreement – Mazza Mechanical
5. Authorize Administrator to Advertise for Sewer Jet
6. Modify Budget – Misc. Accounts
7. Special Use Permit To Keep Chickens
8. Change Board Meeting Date
9. Permission St Martha Lawn Fete
10. Permission Seminar – Accounting School
11. Tree Trimming/Removal: 47 Autumn Lea
12. Employment Applications: DPW – Justin Sergi, Brian Esford, Brandon Atlas, Peter Kranz, Recreation – Kayla Nicometi, Zachary Miller, Casey Kinson, Eben Borkowski
13. Department Head Reports: Police Dept – February 2013
14. Committee Reports
15. Unfinished and Other Business
16. Public Concerns and Comments
17. Claims and Accounts
18. Adjournment

**ADOPT/TABLE LOCAL LAW #2 OF 2013 – TAX CAP OVERRIDE**

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

**WHEREAS**, the Board of Trustees of the Village of Depew, New York held a public hearing on March 8, 2013 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

**WHEREAS**, all persons were given an opportunity to speak for or against this local law;

**NOW THEREFORE, BE IT RESOLVED**, this local law is hereby adopted/tabled. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

Trustee Hammer –  
Trustee Nolder –  
Trustee Pecora –  
Trustee Nikonowicz –  
Mayor Hoffman –

VILLAGE OF DEPEW  
BOARD MEETING  
MARCH 25, 2013

Agenda Item #2

   Approved    Denied

RESOLUTION

MARCH 25, 2013

**AUTHORIZE ADMINISTRATOR TO ADVERTISE PUBLIC HEARING FOR  
THE TENTATIVE BUDGET FOR THE YEAR 2013/2014**

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

**BE IT RESOLVED**, that the Village Administrator is authorized to advertise for a public hearing on the Tentative Budget for the Year 2013/2014, to be held on April 8, 2013 at 7:00 PM in the Village of Depew Council Chambers.

The following resolution was seconded by Trustee \_\_\_\_\_, and **CARRIED.**

VILLAGE OF DEPEW  
BOARD MEETING  
MARCH 25, 2013

**Agenda Item #3**

\_\_\_Approved \_\_\_Denied

**AUTHORIZE MAYOR TO SIGN MAINTENANCE AGREEMENT – MAZZA MECHANICAL**

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

**WHEREAS**, the Village of Depew is currently utilizing Mazza Mechanical Services, Inc, 2360 Sweet Home Rd. Amherst NY 14228 for the maintenance of the heating and air conditioning units in the Village of Depew facilities;

**WHEREAS**, the Village of Depew would like to continue the Guaranteed Professional Maintenance Program for \$34,500 per year with a two year agreement starting April 1, 2013 and ending March 31, 2015.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Steven Hoffman is authorized to sign the Guaranteed Professional Maintenance Program Contract.

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

- Trustee Hammer –
- Trustee Nolder –
- Trustee Pecora –
- Trustee Nikonowicz –
- Mayor Hoffman –

VILLAGE OF DEPEW  
BOARD MEETING  
MARCH 25, 2013

**Agenda**  
**Item #4**

\_\_\_Approved    Denied

RESOLUTION

MARCH 25, 2013

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR SEWER JET**

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

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for a 2013 or newer sewer jet to be mounted on our existing chassis. The bid date will be announced once a complete bid spec is available.

The forgoing resolution was seconded by Trustee \_\_\_\_\_, and **CARRIED**.

VILLAGE OF DEPEW  
BOARD MEETING  
MARCH 25, 2013

Agenda Item #5

Approved  Denied

RESOLUTION

MARCH 25, 2013

**MODIFY 2012/2013 BUDGET**

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2012/2013 Budget in the following manner:

See attached spreadsheet with budget transfers.

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

Trustee Hammer –  
Trustee Nolder -  
Trustee Pecora –  
Trustee Nikonowicz –  
Mayor Hoffman –

VILLAGE OF DEPEW BOARD MEETING MARCH 23, 2013  <b>Agenda Item #6</b>  __Approved __ Denied
--

Budget Adjustments 3/25/13:

Amount	From Acct:	To: Account	Reason
\$ 5,000.00		5142.415	5142.414 Balance Accounts
\$ 29,828.00		1490.101	5110.101 Longevity
\$ 3,001.00		1490.101	1640.101 Longevity
\$ 12,500.00		8140.435	1490.435 Balance Accounts
\$ 2,000.00		8140.452	1640.417 Balance Accounts
\$ 5,000.00		8140.414	1640.419 Balance Accounts
\$ 1,400.00		50.8120.414	50.8120.402 Balance Accounts
\$ 15,000.00		5142.100	1490.104 Balance Accounts
\$ 600.00		1490.471	1490.211 Balance Accounts
<b>\$ 74,329.00</b>			

Amount	Revenue Acct Increased	Expenditure Acct Increased	Reason
\$ 500.00	10-4-2680	10-5-3120.451	Travelers Ins. Deductible Recovery
\$ 70.35	10-4-2770	10-5-1130.435	Refund overpayment - Copier
\$ 2,189.62	10-4-2770	10-5-3120.104	Police Overtime Refunded CH
\$ 5,500.00	10-4-3830	10-5-1130.435	JCAP Grant \$ (3/7/13)
\$ 1,801.00	10-4-2655	10-5-1490.435	NYSERDA Rebate - DPW copier
\$ 10,738.99	10-4-2655	10-5-1490.200	Scrap proceeds DPW
\$ 70,898.90	10-4-2655	10-5-1490.200	DPW equipment Auction Proceeds
\$ 91,698.86			
<b>\$ 156,027.86</b>	<b>Total modified</b>		



RESOLUTION

MARCH 25, 2013

**SPECIAL USE PERMIT TO KEEP CHICKENS**

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

**WHEREAS**, Jeffrey Beenau, 78 Irving Terrace, Depew has applied for a permit to keep 3-4 chickens in his backyard. If approved there would be stipulations of no roosters, coup must be maintained as to not create an odor for the neighbors and village code must be followed regarding noise and property maintenance.

**BE IT RESOLVED**, a special use permit is hereby APPROVED / TABLED / DENIED to Jeffrey Beenau 78 Irving Terrace, to keep up to four chickens on premises for the period of one (1)year with a fee of \$150.00.

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

Trustee Hammer –  
Trustee Nolder -  
Trustee Pecora –  
Trustee Nikonowicz –  
Mayor Hoffman –

VILLAGE OF DEPEW  
BOARD MEETING  
MARCH 25, 2013

**Agenda Item #7**

Approved  Denied

RESOLUTION

MARCH 25, 2013

**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, May 27, 2013 is hereby changed to Tuesday, May 28, 2013 due to the Memorial Day Holiday.

The foregoing resolution was seconded by Trustee \_\_\_\_\_ and **CARRIED.**

VILLAGE OF DEPEW  
BOARD MEETING  
MARCH 25, 2013

**Agenda Item #8**

\_\_\_ Approved \_\_\_ Denied

**AUTHORIZE LAWN FETE ST. MARTHA PARISH**

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

**BE IT RESOLVED**, permission is hereby granted to St. Martha Parish 10 French Road, Depew, NY for a Lawn Fete to be held on the Parish Grounds on July 26, 2013 (5:00 PM – 1:00 AM), July 27, 2013 (1:00 PM – 1:00 AM), and July 28, 2013 (1:00 PM – 12:00 AM)

MUSIC – will only be allowed until 11:00 PM. There will be no amplification other than what is required by the individual instruments. There will be no extension speakers. The volume of music shall be kept at a low setting so as not to annoy the peace and tranquility of the residential neighborhood.

SECURITY – on site private security will be provided by the applicant who will supply specification sheet detailing expected crowds. Past attendance records and other factors that would determine the amount of security required. A minimum of four (4) uniformed, armed officers will be posted in the enclosed beer tent area to check identification for under age patrons and to provide law and order.

A minimum of six (6) uniformed, armed officers with a maximum to be determined by the Chief of Police will be required to provide money escorts and maintain law and order on the grounds. Applicant will provide to the Chief of Police the name of the security company, the name of the supervisor in charge of the entire detail, the individual name of each guard and a schedule of the hours each supervisor and guard on duty. Said list to be supplied seven (7) days prior to said Lawn Fete.

PERMITS - the applicant shall obtain an amusement license pursuant to Chapter 64, Article I of the Depew Municipal Code.

The following resolution was seconded by Trustee \_\_\_\_\_, duly put to a roll call vote which resulted in the following:

- Trustee Hammer –
- Trustee Nolder –
- Trustee Pecora –
- Trustee Nikonowicz –
- Mayor Hoffman –

<p>VILLAGE OF DEPEW          BOARD MEETING          MARCH 25, 2013</p> <p><b>Agenda Item # 9</b></p> <p>___Approved ___Denied</p>
---

RESOLUTION

MARCH 25, 2013

**PERMISSION SEMINAR – ACCOUNTING SCHOOL**

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

Permission is hereby granted to Shannon Korba and Lisa Shanley to attend the Basic Accounting School in the Village of Arcade on April 23-25, 2013 from 9am until 4pm the first two days and 9 am till noon on the third day. The course will be held at the Village Hall in Arcade NY. The fee is \$85 each for the seminar.

The foregoing resolution was seconded by Trustee \_\_\_\_\_, and **CARRIED.**

VILLAGE OF DEPEW  
BOARD MEETING  
MARCH 25, 2013

**Agenda Item #10**

\_\_\_Approved \_\_\_Denied