MEETINGS TO DATE: 21
NO. OF REGULARS: 20

AGENDA
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
MARCH 11, 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 FEBRUARY 25, 2013

PUBLIC COMMENT – AGENDA ITEMS ONLY
  1. Public Hearing for Local Law 1 of 2013 – Amendments to Chapter 59- Alarms
  2. Adopt/Table Local Law 1 of 2013 – Amendments to Chapter 59 - Alarms
  3. Support Erie County Application for 2012 PSAP Grant
  4. Authorize Administrator to Advertise Local Law 2 of 2013 – Tax Cap Override
  5. Authorize Administrator to Research Finance Options – Fire Dept
  6. Appoint Account Clerk
  7. Accept Resignation Code Enforcement Officer PT
  8. Appoint Code Enforcement Officer PT
  9. Award Bid – Broadway Parcel
 10. Permission Membership Fire Dept
 11. Permission Fire Dept
 12. Tree Trimming/Removal:
 15. Report of the Village Attorney
 16. Committee Reports
 17. Unfinished and Other Business
 18. Public Concerns and Comments
 19. Claims and Accounts
 20. Adjournment
RESOLUTION

MARCH 11, 2013

ADOPT/TABLE LOCAL LAW #1 OF 2013 – AMENDMENTS TO CHAPTER 59 - ALARMS

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 11, 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 which would amend Chapter 59 – Alarms.

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.

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 11, 2013

Agenda Item #2

Approved ___ Denied
LOCAL LAW
CHAPTER 59. ALARMS

§ 59-1. Purpose.
§ 59-3. Compliance required for existing systems.
§ 59-5. Avoidable alarms.
§ 59-6. Charges for avoidable alarms.


GENERAL REFERENCES
Firesafety — See Ch. 106.
Noise — Ch. 148.
Cry of false alarms — See Ch. 160.

§ 59-1. Purpose.
The purpose of this chapter is to protect and promote the health, safety and general welfare of the employees and the residents of the Village of Depew by reducing the number of avoidable security and or fire alarms requiring emergency responses which are susceptible to high accident rates, interfere with genuine emergencies (responses) and produce unnecessary alarm noise to the surrounding community.

As used in this chapter, the following terms shall have the meanings indicated:

ALARM SYSTEM
A device or an assembly of equipment which is designed to detect unauthorized entry, smoke, abnormal rise in temperature, fire from a building, a structure or facility, or which is designed to detect any emergency situation.

and by reason thereof emits a response to alert persons.

AUTOMATIC DIALER
A device that automatically dials and relays a prerecorded message to an emergency agency.

EMERGENCY AGENCY
The Police Department, Fire Department, Central Fire Dispatch or other emergency dispatch centers.

§ 59-3. Compliance required for existing systems.
The owners and lessee of premises that have fire alarm systems or any other system designed to detect emergency situations, shall comply with all of the provisions of this chapter on or before the first day of May 2013.

A. No alarm system shall have an automatic dialer feature or other type of alarm alert which connects automatically to enhanced 911 or 911 emergency telephone system.

B. There shall be no automatic security and or fire alarm system with direct communication of any type to an emergency agency without prior written authorization from the emergency agency where the alarms terminate.

§ 59-5. Avoidable alarms.
The activation of any alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner, user, custodian, or lessee of an alarm system, or of his or her employees, requiring an emergency response when in fact an emergency does not exist, constitutes an avoidable alarm. An avoidable alarm also includes intentional activation of an alarm system when the activator knows an emergency situation does not exist.

§ 59-6. Charges for avoidable alarms.
An owner or a lessee of real property to which an emergency agency responds as a result of an avoidable alarm, shall pay a fee for each such response in each calendar year as follows:
A. First avoidable alarm response: no charge.
B. Second and over avoidable alarm responses: $150 for each.

The owner or a lessee of real property which received an emergency response by reason of an avoidable alarm shall be notified in writing by means of first-class mail of each avoidable alarm in a calendar year. The notice shall inform the owner or lessee of the times and types of emergency responses provided to the address location and shall contain a copy of this chapter.

A. The Fire Chief, the Police Chief or their appointed representatives shall establish a Commission to establish a policy and procedure whereby an owner of real property or a lessee thereof on which a fire alarm system has been installed and who has been notified of an avoidable alarm may present evidence as to why any such alarm should not be classified as an avoidable alarm. The Commission shall designate members of their departments, not to exceed three in total, to conduct hearings and receive evidence and make recommendations and findings of facts concerning same. The designated members shall make a final determination, which determination shall be reviewable only pursuant to procedures under Article 70 of Civil Practice Law and Rules.
B. To challenge the classification of an alarm as an avoidable alarm, the real property owner or lessee thereof shall notify the Commission in writing within 20 calendar days after receipt of the notice of the avoidable alarm of a request for a hearing. The failure to give timely notice shall be deemed a waiver of the right to review the determination.

Any person violating any of the provisions of this chapter shall be punished as provided in § 1-10 of this Code.
SEQR & NEGATIVE DECLARATION
# State Environmental Quality Review
## SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

### PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

<table>
<thead>
<tr>
<th>1. APPLICANT/SPONSOR</th>
<th>2. PROJECT NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>VILLAGE OF DEPEW</td>
<td>LOCAL LAW 1 OF 2013 -CHAPTER 59 ALARMS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. PROJECT LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipality: VILLAGE OF DEPEW</td>
</tr>
<tr>
<td>County: ERIE</td>
</tr>
</tbody>
</table>

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

ENTIRE LOCATION

5. PROPOSED ACTION IS:
   - [ ] New
   - [ ] Expansion
   - [✓] Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
   AMEND CHAPTER 59 TO ADD ALL EMERGENCY ALARMS

7. AMOUNT OF LAND AFFECTED:
   Initially ALL ________ acres
   Ultimately ALL ________ acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
   - [✓] Yes
   - [ ] No
   If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
   - [✓] Residential
   - [✓] Industrial
   - [✓] Commercial
   - [ ] Agriculture
   - [ ] Park/Forest/Open Space
   - [ ] Other
   Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
    - [ ] Yes
    - [✓] No
    If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
    - [ ] Yes
    - [✓] No
    If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
    - [ ] Yes
    - [✓] No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: STEVEN HOFFMAN

Date: 3/11/13

Signature: __________________________

---

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment
### PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

<table>
<thead>
<tr>
<th>A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.4?</th>
<th>Yes □ No □</th>
<th>If yes, coordinate the review process and use the FULL EAF.</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8?</td>
<td>Yes □ No □</td>
<td>If No, a negative declaration may be superseded by another involved agency.</td>
</tr>
<tr>
<td>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answer may be handwritten, if legible)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>C4. A community’s existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>C7. Other Impacts (Including changes in use of either quantity or type of energy)? Explain briefly:</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

### D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

| Yes □ No □ | If Yes, explain briefly: |

### E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

| Yes □ No □ | If Yes, explain briefly: |

### PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- [ ] Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- [ ] 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 **AND** provide, on attachments as necessary, the reasons supporting this determination.

**VILLAGE OF DEPEW**

Name of Lead Agency

3/11/13

Date

STEVEN HOFFMAN

Print or Type Name of Responsible Officer in Lead Agency

MAYOR

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number  LL OF 1 OF 2013                       Date: 3/11/13

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 Depew 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:
Local Law 1 of 2013 - Chapter 59 - Alarms

SEQR Status: Type 1 [ ]
Unlisted [✓]

Conditioned Negative Declaration: [ ] Yes
[✓] No

Description of Action:
Amend code to include all emergency alarms.

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

Entire Village
Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

Need to update the code.

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:  Steve Hoffman

Address:  85 Manitou St Depew NY 14043

Telephone Number:  716-681-4396

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)
SUPPORT FOR ERIE COUNTY APPLICATION FOR 2012 PSAP GRANT

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

WHEREAS, the Erie County Department of Central Police Services (CPS) is responsible for the coordination and centralized support of services to all law enforcement and criminal justice agencies in Erie County, including Emergency 911 services; and

WHEREAS, during the previous County administration, CPS began an $8 million, multi-phase consolidation and improvement project to give County residents Enhanced 911 (E911) services; E911 is a service enhancement which immediately provides 911 dispatchers vital information about the caller and local first-responder agencies; and

WHEREAS, the E911 system upgrade was planned to be implemented in three phases based on call volume and was going to be largely funded through federal Homeland Security Funding and fewer said funds are now available than they were when this project was initially planned; and

WHEREAS, the first two phases of this project have been completed, but Erie County currently does not have the resources to fund the third phase; and

WHEREAS, as a result of not completing the third phase of the E911 project, many smaller municipalities in Erie County do not have access to the latest technology for this potentially life-saving service; and

WHEREAS, CPS has made completing this project a priority, and has applied for the “Public Safety Answering Points (PSAP) Consolidation, Improvements and Enhancement Grant” – a New York State (NYS) administered grant funding program available to Counties providing funds for costs leading to consolidation in PSAP operations, implementing new technologies that facilitate interoperability and create operating efficiencies, and to promote the development and implementation of cross-jurisdictional regional consolidation; and

WHEREAS, Erie County’s application to receive grant funding from the NYS Division of Homeland Security and Emergency Services for the third phase of the E911 Project was rejected for the 2011-2012 funding cycle; and

WHEREAS, Erie County has reapplied for the 2012 PSAP Consolidation, Improvements and Enhancements Grant, requesting $967,981 in funding from the State; and

WHEREAS, if awarded, the grant funding will allow the County to complete upgrades to E911 equipment in the Villages of Depew, East Aurora and Kenmore, as well as the Towns of Eden, Evans, Grand Island, Springville and Helmuth Fire Control.
NOW THEREFORE, BE IT RESOLVED, that the Erie County Legislature declared this a priority for the County to complete the E911 consolidation project, as an essential component to residents’ accessibility to emergency service providers in all regions of the County, and further they declared the completion of the E911 Project a necessary and appropriate public policy for the County; and be it further

RESOLVED, the Village of Depew Board of Trustees support the grant application and completion of the final phase of E911.

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 11, 2013

Agenda Item #3

Approved ___ Denied
RESOLUTION

MARCH 11, 2013

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING TAX CAP OVERRIDE – LOCAL LAW 2 OF 2013

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

Be It Resolved, the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday March 25, 2013 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 2 of 2013 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. 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 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 11, 2013
Agenda
Item # 4

Approved Denied
RESOLUTION

MARCH 11, 2013

AUTHORIZE ADMINISTRATOR TO RESEARCH FINANCE OPTIONS—FIRE DEPT

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

BE IT RESOLVED, that the Village Administrator is authorize to commence the process of determining projected costs and specifications and available financing options for the Village Board for the proposed purchase of various pieces of emergency equipment including up to two fire trucks for the Village Fire Department.

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 –
RESOLUTION

APPOINT ACCOUNT CLERK

Pursuant to Section 4-400 of Village Law, I Mayor Steven Hoffiman, do hereby appoint Shannon Korba 72 Barlow Ave Lackawanna NY 14218 to the position of Account Clerk, effective March 15, 2013, at a starting salary of $30,027. This appointment is from Exam No.041338, Civil Service List established January 25, 2013.

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

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

VILLAGE OF DEPEW
BOARD MEETING
MARCH 11, 2013

Agenda Item # 6

___Approved ___Denied
ACCEPT RESIGNATION – CODE ENFORCEMENT OFFICER PT

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

BE IT RESOLVED, the resignation of Gary Cummings as Code Enforcement Officer PT is accepted effective March 8, 2013.

The foregoing resolution was seconded by Trustee _______, and CARRIED.
RESOLUTION

MARCH 11, 2013

APPOINT CODE ENFORCEMENT OFFICER PT

Pursuant to Section 4-400 of Village Law, I, Mayor Steven Hoffman, do hereby appoint Matthew Fischione 100 Stony Rd, Lancaster NY 14086, to the position of Code Enforcement Officer Part-time for the term of one year, said term to expire at noon on the first Monday in April 2014, at a salary of $17.71 per hour, 18 hours per week.

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

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

Agenda Item #8

Approved ___ Denied ___
RESOLUTION    MARCH 11, 2013

AWARD BID – BROADWAY ST PARCEL

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

WHEREAS, the Village of Depew held a bid opening on February 28, 2013 for the sale of vacant land on Broadway St (SBL 103.15-1-23) and the only bidder was Serafin Properties, Robert Serafin, 4388 Broadway St Depew NY 14043 in the amount of $18,105.00.

WHEREAS, the bid amount is above the minimum bid and is thus awarded to Serafin Properties at the above address in the amount of $18,105.00.

NOW THEREFORE BE IT RESOLVED, that Mayor Hoffman is authorized to sign a quit claim deed for the parcel reference above once the Village Attorney has prepared the document and the payment of $18,105.00 has been made to the Village of Depew. The purchaser is responsible for a survey, title search and any other fees associated with the transfer.

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 11, 2013

Agenda Item # 9

___Approved ___Denied
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 their physicals:

AETNA HOSE

Rebekah Graue 336 Easton St Depew NY 14043

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 11, 2013

Agenda Item #10

Approved ___ Denied ___
PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department for:

The Aetna Hose Co to use the Southside Firehall on Saturday June 1, 2013 for their Annual Chicken Barbeque.

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