

MEETINGS: 13
NO. OF REGULAR: 12

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
September 9, 2019 7:00PM

ROLL CALL: Trustee Jakubowski – Pr
Trustee Stempniak - Pr
Trustee Hamernik - Pr
Trustee Voll - Pr
Mayor Peterson– Pr

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Hamernik the August 26, 2019 Village Board Minutes were approved.

PUBLIC COMMENT

N/A

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING -
TREE LAW – LOCAL LAW 4 OF 2019**

Trustee Stempniak, 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 September 23, 2019 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 4 of 2019 authorizing a tree law in the General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

§ 225-1. Title.

This chapter shall be known and may be cited as the "Tree Law of the Village of Depew, County of Erie."

§ 225-2. Purpose.

The proper planting of new trees and the health and maintenance of existing trees within the public right-of-way aid in maintaining property values in the Village of Depew, implement the design and environmental goals of the comprehensive plan, and promote the general welfare of the Village of Depew residents. This chapter will:

- A. Create a Tree Committee to establish regulations governing the planting, maintenance, and removal of trees and shrubs in the public streets, rights-of-way, parks and other municipally owned property in the Village of Depew;
- B. Preserve green foliage on village streets and public property; and
- C. Replace or remove permanently trees that must be removed from public property because of disease or lack of development.

§ 225-3. Definitions.

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

ADJACENT PROPERTY OWNER - The person, firm, entity, or corporation owning property bordering a village street. The adjacent property owner to a public tree shall be the owner of property located on a perpendicular with the street line through the center of the tree four feet above the edge of pavement of a roadway.

DIAMETER BREAST HEIGHT (DBH) - Tree trunk diameter measured in inches with a calipers at six inches from grade in the case of trees measuring four inches or less in diameter; and at a height 4 1/2 feet above grade when the tree trunk is larger than four inches.

DRIPLINE - A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

NUISANCE - Any thing or act that annoys or disturbs unreasonably, hurts a person's use of his or her property, or violates the public health, safety and welfare.

PARK - Includes land designated as a park pursuant to New York State statutes as well as areas such as playgrounds, pools or other recreational facilities within the village under the jurisdiction of the Village Board of Trustees.

PUBLIC PLACES - Includes all grounds owned, leased or controlled by the Village of Depew, County of Erie, for public use.

PUBLIC TREE - Any woody plant, located on municipal property or within the municipal right-of-way, having at least one well-defined trunk and at least 2 1/2 inches in diameter measured at a height of six inches above the natural grade and having a clearly defined crown.

ORNAMENTAL TREES -- Small to medium trees that grow 15 feet to 40 feet in height at maturity, and that are planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

SHADE TREES -- A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

SEVERE ROOT PRUNING - Cutting back the underground tree roots inside 1.5 times the dripline of the tree that will be detrimental to the life of the tree.

STREET - A highway, road, avenue, lane, alley, culvert, embankment, or sidewalk which the public has a right to use.

STREET TREE - Any tree, shrub, bush, or other woody vegetation on land lying between property lines on either side of all streets, avenues or roads, such as the municipal right-of-way.

TOPPING - Severe cutting back of limbs to stubs larger than three inches in diameter within the tree crown to such degree so as to remove the normal canopy and disfigure the tree.

TREELAWN - The green space adjacent to a street or highway, not covered by sidewalks or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

TREE MEASUREMENT - Also known as "diameter breast height."

TREE WORK - Includes, but is not limited to, pruning, shaping, thinning, cabling, stump removal, root pruning, topping, fertilizing, removing, planting, and spraying for insect and disease control, of a tree.

UTILITIES - Those entities that provide electricity, gas, sewer, water, telephone and cable television to properties within the village.

§ 225-4. Tree Committee established.

A. Establishment; membership; terms.

(1) The Village Board of Trustees shall create an advisory committee known as the "Village of Depew Tree Committee." The Committee shall consist

of five members, all of whom shall be residents of the village. In addition, the Village Code Enforcement Officer, the Village Engineer, and a Village Trustee shall serve as ex officio members of the Committee. Each member shall be appointed by the Mayor, subject to approval by the Board of Trustees.

- (2) The members shall be appointed initially as follows: two members shall be appointed for a term of one year; two members shall be appointed for a term of two years; and one member shall be appointed for a term of three years. Thereafter, all appointments shall be for three years.
- (3) If a Committee member does not serve the full term for reasons other than the expiration of the term, the Mayor shall appoint a successor, to serve for the unexpired term.

B. Tree Committee duties. The Tree Committee shall have the following duties that include, but are not limited to:

- (1) Studying, investigating, developing and/or updating the Village's written plan for caring, preserving, pruning, topping, replanting, removing or disposing of trees and shrubs in parks, along Village streets, and in other public areas.
- (2) Maintaining reference materials relating to trees and shrubs.
- (3) Providing an inventory of the location of street trees and determining areas where such trees could exist but are absent.
- (4) Establishing a suggested species list for the village and recommending to the village the type and kind of trees to be planted upon village property.
- (5) Identifying trees for immediate removal.
- (6) Providing a long-range plan every five years for the Village relating to street trees and shrubs.
- (7) Providing the Village Board of Trustees with a yearly estimate of personnel costs and the cost of nursery stock to be used. Such plan shall be presented annually to the Board.

C. Meetings.

- (1) The Committee shall meet a minimum of six times each year. The Committee may call additional meetings as needed.
- (2) If a Committee member misses four consecutive meetings, the position will be deemed vacant.

§ 225-5. Municipal responsibility.

- A. The municipality or its agent shall perform all necessary maintenance to preserve and protect street trees in a safe and healthy condition, including trimming, spraying, fertilizing, watering, staking, topping, root pruning, mulching, treating for disease or injury, and removal if necessary.
- B. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of village streets and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- C. The Village Tree Committee may recommend a tree or part of a tree be removed if the tree or tree part:
 - (1) Poses a potential public safety risk or hazard; or
 - (2) Causes an unsafe condition; or

- (3) By its nature, is injurious to sewers, electric power lines, gas lines, waterlines or other public improvements; or
 - (4) Is affected with any injurious fungus, insect or pest.
- D. No property owner shall be permitted to allow a tree, shrub, or other plant growing on his or her property to obstruct or interfere with the view of drivers of vehicles or pedestrians on the sidewalk to create a traffic hazard. If such tree, shrub or other plant does overhang or does otherwise adversely affect any street, sidewalk, or right-of-way within the village, the property owner shall, at the owner's expense, prune the tree, shrub or plant so that it shall not obstruct the view of any street intersection or obstruct or hinder passage on any street or sidewalk. If an owner must trim a tree, shrub, or other plant, the owner must provide for a clear space of eight feet above the surface of the sidewalk and up to 14 feet above the surface of the street after consultation with a certified arborist.
- E. If an obstruction persists, the Code Enforcement Officer shall mail a notice, in writing, to the property owner to prune or remove the tree, shrub or plant within 10 days. If the owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost for such work to the property owner. If such charge remains unpaid for 60 days, the expense shall be added to the next real estate tax bill of the property owner.

§ 225-6. Prohibited actions.

- A. No person or utility shall plant, spray, fertilize, treat, prune, remove, cut above ground, disturb the root system or otherwise disturb any public tree or shrub on any village street, park or public place without a permit.
- B. Further, no person shall fasten or attach to any tree any sign, poster, bill, notice or advertisement of any kind.
- C. No person or utility shall cause or permit any brine, oil, gasoline, liquid dye or other substance deleterious to tree life to lie, leak, pour, flow or drip on or into the soil about the base of a tree which could injure such tree.
- D. No person shall fasten or cause to be fastened any animal to a tree in any street or public place or permit any animal owned by him or in his charge to stand so near any such tree that the tree may be gnawed or otherwise injured by the animal.
- E. No trees shall be planted or allowed to grow on private or public lands within the limits of, or which will interfere with, any drainage, sewer, water, or utility easement.

§ 225-7. Planting and maintenance.

- A. Application to plant. No one, except the Village of Depew or its agents acting in the Village's behalf, shall plant a tree or shrub upon Village property or upon a Village treelawn without first submitting an application to the Tree Committee on forms provided by the Committee.
- B. Information required. Anyone submitting an application shall state the number of trees to be set out; the location, species or variety of each tree to be planted; the method of planting; and any other information as the Tree Committee shall find reasonably necessary for its recommendation to the Code Enforcement Officer to issue the appropriate permit.
- C. Removal, replanting and replacement. No one except the Village of Depew or its agents acting on the Village's behalf, shall remove, replant or replace a

tree from Village property or the treelawn for any reason without first applying to the Tree Committee on forms provided by it and receiving a permit from the Code Enforcement Officer. Such replacement shall meet the standards of size, species and placement as set by the Tree Committee according to specifications set forth by this chapter in § 225-12.

D. Notice of completion. Notice of completion shall be given to the Code Enforcement Officer so a final inspection may be made

E. Costs.

(1) The costs initiated by the adjacent property owner for tree planting, tree removals, or tree replacements shall be borne by such adjacent property owner. The Tree Committee may suggest to the Village that the Village share in the expense of this work or may perform this work wholly at the Village's expense as long as such expenses are within budget limitations established annually by the Board of Trustees.

(2) The costs for work performed by or for utilities shall be borne by the respective utility.

§ 225-8. Removal of dead and diseased trees from private property.

Private property owners have the duty, at their own expense, to cut down and remove any trees upon their property which are dead, harbor insects or disease, or which are so damaged as to be a public nuisance and in danger of falling, thereby causing damage to person or property of others. The Village Tree Committee shall recommend to the Code Enforcement Officer to provide the property owner with written notification that a tree or shrub should be removed for the reasons stated above. Owners shall, at their own expense, remove such trees. Owners shall have 15 days after the date of service of the notice to inform the Code Officer as to when the tree shall be removed. Owners shall have no more than 30 days after informing the Code Officer to remove such trees unless the Code Officer indicates otherwise in writing. If owners fail to comply with such provisions, the Village shall remove such trees and charge the cost of removal to the property owner upon notice and hearing. If the cost of such removal remains unpaid for 60 days, the cost of removal shall be added to the next real estate tax bill of the property owner.

§ 225-9. Topping and root pruning trees.

It shall be unlawful for any person, firm, entity, corporation, or utility to top any street tree or shrub, or to engage in severe root pruning. Trees severely damaged by storms or certain trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this chapter upon the recommendation of the Tree Committee.

§ 225-10. Trees near excavation or construction.

- A. No person or utility shall excavate any ditches, tunnels or trenches, or lay any drive within the dripline of a public tree without first obtaining a permit from the Code Enforcement Officer.
- B. No person or utility shall remove a tree or shrub from the treelawn for the purpose of construction or for any other reason without first filing an application and receiving a permit from the Code Enforcement Officer.
- C. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work shall be guarded with a substantial fence, frame, or box not less than four feet high. Whenever

possible, the diameter of such fence, frame or box should be at least one and one-half times the dripline. At no time shall the fence, frame, or box extend beyond the sidewalk into the street, nor shall such fence, frame, or box cause a hardship for those using the sidewalk.

- D. When construction, excavation, and/or material deposits result in the destruction and/or removal of a street tree, the person or utility responsible for that damage shall replace the street tree with either a tree or trees of equivalent dollar value in the vicinity of the removed street tree.

§ 225-11. Interference with tree work.

No one shall hinder, prevent, delay, or interfere with the Village of Depew or its agents, including the Tree Committee, or any of its assistants, or any contractors while engaged in carrying out the enforcement of this chapter or duly adopted regulations.

§ 225-12. Specifications and standards of practice.

- A. The Village of Depew hereby adopts the Arboricultural Specifications and Standards of Practice of the International Society of Arboricultural as published under American National Standard for Tree Care Operations (ANSI A300-1995) or the most recent edition (a copy of which is available for review).
- B. All tree work done by or in the Village of Depew shall conform to these specifications and standards.

§ 225-13. Penalties for offenses.

Any person, firm, entity, or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a violation, and upon conviction thereof shall be fined no more than \$250 or may be imprisoned for a term not exceeding 15 days, or both.

§ 225-14. Severability.

If any section, paragraph, sentence, clause, or phrase of this chapter is found to be invalid by a Court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining portions of this chapter.

§ 225-15. When effective.

This chapter shall become effective immediately upon filing with the New York State Secretary of State.

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

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

SEQR Type II Determination

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

WHEREAS, the Village of Depew intends to complete building renovations at the Municipal Building and Fire Department, and purchase Department of Public Works equipment; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the state Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conversation Law;

NOW, THEREFORE BE IT RESOLVED, that the Village of Depew hereby determines that the building renovations is a Type II action in accordance with 6 NYCRR Section 617.5(c)(1) which constitutes that maintenance or repair involving no substantial changes to the existing structure, and the purchase of capital equipment is a Type II action in accordance with 6 NYCRR Section 617.5(c)(31) which constitutes that the purchase or sale of equipment, is therefore not subject to further review under SEQR.

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

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

AUTHORIZE MAYOR TO SIGN ENGINEERING AGREEMENT - GHD

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

WHEREAS, the Village of Depew would like to use GHD Engineering to provide professional engineering services in connection with the Main and Manitou Sanitary Sewer Improvement Project (Phase 4 CAP) for a total fee not to exceed amount of \$ 220,000 as described in GHD letter proposal dated September 3, 2019.

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

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

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

PERMISSION TO ACCEPT FINAL CAPITAL PROJECT SCOPE AND AUTHORIZE VARIOUS EQUIPMENT PURCHASES

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

BE IT RESOLVED, permission is hereby granted for the Village Board to approve the Project Scope and cost of borrowing in the amount of \$1,520,000 in 2019 to complete building renovations and for the purchase of Department of Public Works equipment as follows:

Municipal Building and Fire Department Building Improvements as detailed in GHD preliminary cost estimates in the amount of \$903,750.

DPW Various Equipment Replacements: Street Sweeper, (2) Plow Trucks, Replacement Plow for Truck, (5) Dump Bodies.

Total Estimated Cost of \$616,250

The foregoing resolution was seconded by Trustee Jakubowski and **CARRIED**

Trustee Jakubowski - Y

Trustee Stempniak - Y

Trustee Hamernik - Y

Trustee Voll - Y

Mayor Peterson - Y

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

**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, located at 85 Manitou Street, in the Village of Depew, New York on September 9, 2019 at 7 o'clock p.m., local time.

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

PRESENT:

Mayor
Trustee
Trustee
Trustee
Trustee

ABSENT:

ALSO

PRESENT:

Teresa Wachowiak

Village Administrator/Clerk-Treasurer

The following resolution was offered by Trustee Voll and seconded by Trustee Stempniak, to-wit;

A BOND RESOLUTION, DATED SEPTEMBER 9, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF DEPARTMENT OF PUBLIC WORKS EQUIPMENT (PLOW FOR TRUCK AND FIVE DUMP TRUCK BODIES) FOR USE BY THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$34,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$34,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID 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 Board of Trustees has identified a need for the acquisition of Department of Public Works ("DPW") equipment (plow for truck and five dump truck bodies) for use by the Village.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Depew, in the County of Erie, New York (the "Village") (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 the acquisition of DPW equipment (plow for truck (approximately \$8,200) and five dump truck bodies (approximately \$5,160 each)) for use by the Village, including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto and in connection with the financing thereof (the "Purpose"). The estimated maximum cost of the Purpose is \$34,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of such objects or purposes by the issuance of serial bonds in an aggregate principal amount not to exceed \$34,000 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. Unless paid from other sources or charges, the cost of such acquisition 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 such 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 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such acquisitions is five 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 not 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, and 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 said bonds, and the renewals of said 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 hereby determines 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") are required.

SECTION 12. 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 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such 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 at 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 14. 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 the Local Finance Law, in the official newspaper(s) of the Village, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Village, which newspaper shall be designated by the Village Board of Trustees in a separate resolution.

SECTION 15. This Resolution is effective immediately.

* * * * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

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

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

**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, 85 Manitou Street in the Village of Depew, New York on September 9, 2019 at 7 o’clock p.m., local time.

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

PRESENT:

Mayor
Trustee
Trustee
Trustee
Trustee

ABSENT:

ALSO

PRESENT:

Teresa Wachowiak

Village Administrator/Clerk-Treasurer

The following resolution was offered by Trustee Stempniak and seconded by Trustee Jakubowski to-wit:

A BOND RESOLUTION, DATED SEPTEMBER 9, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE ACQUISITION OF DEPARTMENT OF PUBLIC WORKS EQUIPMENT (STREET SWEEPER AND TWO PLOW TRUCKS) FOR USE BY THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$582,250 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$582,250 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID 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 Board of Trustees has identified a need for the acquisition of Department of Public Works (“DPW”) equipment (street sweeper and two plow trucks) for use by the Village.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Depew, in the County of Erie, New York (the “Village”) (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 the acquisition of DPW equipment (street sweeper (approximately \$220,250) and two plow trucks (approximately \$181,000 each)) for use by the Village, including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto and in connection with the financing thereof (the “Purpose”). The estimated maximum cost of the Purpose is \$582,250.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of such objects or purposes by the issuance of serial bonds in an aggregate principal amount not to exceed \$582,250 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. Unless paid from other sources or charges, the cost of such acquisition 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 such 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 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such acquisitions is 15 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, and 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 said bonds, and the renewals of said 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 hereby determines 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") are required.

SECTION 12. 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 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such 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 at 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 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, 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 such 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.

* * * * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

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

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

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, 85 Manitou Street in the Village of Depew, New York on September 9, 2019 at 7 o’clock p.m., local time.

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

PRESENT:

Mayor
Trustee
Trustee
Trustee
Trustee

ABSENT:

ALSO PRESENT:

Teresa Wachowiak

Village Administrator/Clerk-Treasurer

The following resolution was offered by Trustee Voll and seconded by Trustee Stempniak to wit:

A BOND RESOLUTION, DATED SEPTEMBER 9, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE MUNICIPAL BUILDING, AT AN ESTIMATED MAXIMUM COST OF \$855,750 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$855,750 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 Board of Trustees of the Village of Depew, in the County of Erie, New York (the "Village") desires to undertake the reconstruction of and construction of improvements to the Village Municipal Building; and

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 of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake the reconstruction of and construction of improvements to the Village Municipal Building including, but not limited to, roof replacement, installation of new windows and HVAC improvements, as well as other improvements as more fully identified in (or contemplated by) a report prepared by GHD in connection with such project, and including all preliminary work and necessary equipment, materials and related site work, and any preliminary costs 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 \$855,750.

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 \$855,750 hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local 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 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 25 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, and 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 said bonds, and the renewals of said 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 has 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") are required.

SECTION 12. 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 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such 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 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, 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.

* * * * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

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

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

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, 85 Manitou Street in the Village of Depew, New York on September 9, 2019 at 7 o’clock p.m., local time.

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

PRESENT:

Mayor
Trustee
Trustee
Trustee
Trustee

ABSENT:

ALSO PRESENT:

Teresa Wachowiak

Village Administrator/Clerk-Treasurer

The following resolution was offered by Trustee Voll and seconded by Trustee Stempniak to wit:

A BOND RESOLUTION, DATED SEPTEMBER 9, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE FIRE DEPARTMENT BUILDING (544 GOULD AVENUE), AT AN ESTIMATED MAXIMUM COST OF \$48,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$48,000 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 Board of Trustees of the Village of Depew, in the County of Erie, New York (the "Village") desires to undertake the reconstruction of and construction of improvements to the Village Fire Department Building (544 Gould Avenue); and

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 of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake the reconstruction of and construction of improvements to the Village Fire Department Building (544 Gould Avenue) including, but not limited to, roof replacement, as well as other improvements as more fully identified in (or contemplated by) a report prepared by GHD in connection with such project, and including all preliminary work and necessary equipment, materials and related site work, and any preliminary costs 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 \$48,000.

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 \$48,000 hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local 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 12(a)(2) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 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, and 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 said bonds, and the renewals of said 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 has 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") are required.

SECTION 12. 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 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such 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 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, 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

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

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

AUTHORIZE MAYOR TO SIGN TRAINING AGREEMENT

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

WHEREAS, the Village of Depew would like to use HRTrain to take online training courses for the yearly trainings that the employees of the Village of Depew have to take. The cost of the online training is \$12 per person.

NOW THEREFORE BE IT RESOLVED, that Mayor Kevin Peterson is authorized to sign the online training agreement.

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

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

PERMISSION – SRO ATTENDANCE

Trustee Stempniak offered the following resolution and moved for its adoption:

BE IT RESOLVED, permission is hereby granted to Student Resource Officer Scott Hossfeld to attend the Lancaster Depew Area Addiction Prevention Coalition's

community conversation town hall event held at the Lancaster Opera House on Wednesday October 23, 2019 from 6:00pm – 8:00pm.

The forgoing resolution was seconded by Trustee Voll and **CARRIED**.

PERMISSION – USE OF VILLAGE HALL

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

Permission is hereby granted to the Community Development Block Grant Group to use the Council Chambers for a citizen’s forum September 19, 2019 starting at 7:00 PM.

The foregoing resolution was seconded by Trustee Stempniak and **CARRIED**

PERMISSION – DEPEW HIGH SCHOOL MOTORCADE

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

WHEREAS, the Depew High School Student Senate has made application for a Motorcade escort for Friday, October 18, 2019 at approximately 12 PM, and

WHEREAS, said motorcade route and traffic enforcement has been authorized by the Police Department and the Depew Fire Department will participate in the Motorcade.

NOW, THEREFORE BE IT RESOLVED, that permission is granted to the Depew High School Senate to hold the above-mentioned Motorcade on Friday, October 18, 2019.

The forgoing resolution was seconded by Trustee Voll, and **CARRIED**

PERMISSION – DEPEW HIGH SCHOOL BONFIRE

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

BE IT RESOLVED, permission is hereby granted to the Depew High School Varsity D Club to hold their annual bonfire on Tuesday October 15, 2019 at 7:30 PM on the football practice field behind the Depew Schools bus garage. The Depew Fire Department will be present to provide fire protection with the following stipulations:

1. The Fire Marshall must meet with an adult advisor prior to 6:30 pm on the day of the event to inspect the site and review emergency procedures.
2. No flammable liquids are to be used in lighting the bonfire.
3. The Depew Fire Department will supervise the lighting of the bonfire and will remain on standby for the duration of the event.
4. The Depew Fire Department reserves the right to cancel the bonfire in the event of adverse weather conditions (high winds) or any other condition that may adversely affect public safety.

Depew Police personnel will be present to maintain order and supply necessary traffic enforcement.

The forgoing resolution was seconded by Trustee Hamernik, and **CARRIED**

PERMISSION – FIRE DEPARTMENT

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

WHEREAS, Depew Fire Department Engine 4 and Engine 2 is requesting permission to take their trucks to Southline Fire Department, 1049 French Rd,

Cheektowaga, NY 14227 to use their training facility on Tuesday September 17, 2019 from 6:30pm – 10:30pm.

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

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

PERMISSION – DEPEW HIGH SCHOOL MOTORCADE

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

BE IT RESOLVED, permission is hereby granted to use each piece of apparatus including the Chiefs Vehicle 9 to participate in the Depew High School Motorcade Parade on Friday October 18, 2019 starting at 11:30 am, line up will be at the Depew bus garage.

BE IT RESOLVED, permission is hereby granted to the Depew Fire Department for use in parade in non-emergency mode. The trucks will be out of service at that time.

The forgoing resolution was seconded by Trustee Voll, and **CARRIED**

PERMISSION – EAGLE SCOUT PROJECT

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

Permission is hereby granted to Ryan Coons to build four Little Free Libraries, two of which will be placed on Village of Depew owned properties for his Eagle Scout Project.

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

EMPLOYMENT APPLICATIONS – Village Hall – Scott Meidenbauer, Police – Lilia Busko

DEPARTMENT HEAD REPORTS

CEO- attending conference tomorrow regarding zombie houses

Chief Miller – gave his monthly report and also stated that he is working with the DOT and plaza owners regarding signs alerting truck drivers of the bridge limitations on George Urban Blvd.

Chief Nusall – gave report and number of active members, reviewed having the SRO attend a drug prevention program on behalf of the Village.

OEM – Update on Storm Alert training, D-Lan training for her department.

Trustee Voll for Rec Director Ferguson that the pool is now closed and being winterized and that the revenue for this season is over last. The rink will be open on the 15th and already the first week of ice is sold and paid for. Looking forward to the season change, they are thinking of new ways to celebrate the tree lighting ceremony held at Fireman’s Park. The softball tournament is set for the end of the month as well.

Attorney Alba stated that the Tree law is now ready to move on with a public hearing set for the 23rd of this monty

UNFINISHED AND OTHER BUSINESS

Mayor Peterson told the audience that the board was holding another meeting with Modern at 8am tomorrow and will follow up at the next board meeting.

Signs that came in for street safety at the schools was a group project with Lancaster, Senator Gallivan’s office and us. These will be going up shortly.

PUBLIC CONCERNS AND COMMENTS

Carl Janice, 28 Rehm Road came before the board with complaints about 273 Rehm Rd where his next door neighbor is storing cars and working and banging on them at all hours of the night. He parks them in the street also, which is illegal. CEO Fischione is well aware of the situation and stated that the homeowner has been cited numerous times and has ignored each. The next step is the legal process which he is ready to begin. Josette MacGuire at 12 Karen Lane also stood to say the Zombie house issue has gotten worse and needs to be addressed, rats and garbage are all over yards, etc. Tony is attending a conference tomorrow which is downtown to review the steps to alleviate these problems.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Voll and seconded by Trustee Stempniak, the following claims are to be paid: \$126,504.11 General, \$2,484.38 Community Development, \$5,148.95 Sewer, \$69,162.49 Capital Projects, \$203,299.90 Capital was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski, seconded by Trustee Voll, the meeting was adjourned with a moment of silence for the 18th Anniversary of 9/11, Tom Weismore, Tax Relief Tax Force's Son Tim, Dorothy Rahumba West End Fire Hall at **7:52 PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak
Village Administrator