

MEETINGS TO DATE 20
NO. OF REGULARS: 20

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
FEBRUARY 24, 2014**

Civil Air Patrol – posted the colors and Lt. Scmid led the group in the Pledge of Allegiance. Mayor Hoffman welcomed the members of the Civil Air Patrol, the US Air Force Auxiliary.

ROLL CALL: Trustee Hammer
Trustee Nolder
Trustee Pecora
Mayor Hoffman
Trustee Kucewicz - Absent

ON A MOTION BY, Trustee Pecora, and seconded by Trustee Hammer, the February 10, 2014 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dave Burkhardt – 5 Autumn Lea – Can the Board override the Zoning Board’s decision? Village Attorney explained that the Zoning Board can’t be overturned by the Village Board. The only recourse is through an Article 78 through the courts.

PUBLIC HEARING LOCAL LAW #1 OF 2014 – TAX CAP OVERRIDE

Public hearing was opened at 7:08 pm. Mayor Hoffman explained some of the increases – workers comp, health insurance, general insurance.

Ray Kocialski – 60 Cornell – told Board members that anyone that votes for the tax cap override he will vote against. Consolidate, get rid of subs.

Dave Burkhardt – 5 Autumn Lea – is the tax cap override a yearly thing. Is the preliminary budget in place? Village Attorney explained that yes each year the tax cap override has to be completed through a local law. Village Administrator explained the cap is 1.46% and in the budget about \$185,000 would have to be cut to be under the cap.

ON A MOTION BY, Trustee Hammer, seconded by Trustee Nolder the public hearing was closed at 7:10 pm.

ADOPT LOCAL LAW #1 OF 2014 – TAX CAP OVERRIDE

Trustee Nolder, 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 February 24, 2014 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.

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, 2014 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, 2014 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.

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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 Pecora, and duly put to a roll call vote which resulted in the following:

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz– Absent
Mayor Hoffman – Yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR THE YEAR 2014/2015

Trustee Pecora, 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 2014/2015, to be held on March 10, 2014 at 7:00 PM in the Village of Depew Council Chambers.

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

AUTHORIZE MAYOR TO SIGN INTERMUNICIPAL AGREEMENT

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

NOW, THEREFORE, BE IT RESOLVED, that Mayor Steven Hoffman is authorized to execute an inter-municipal agreement with the Village of Alden to have the Depew Police Department perform background checks for the Village of Alden for a fee of \$75 per background check.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Absent
Mayor Hoffman – Yes

AUTHORIZE MAYOR TO SIGN CREDIT CARD AGREEMENT

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

BE IT RESOLVED, that Mayor Steven Hoffman, is authorized to sign agreement with LINK2GOV Corporation, an FIS Company, 113 Seaboard Lane, Suite 200A, Franklin, TN 37067 for a three year term beginning February 28, 2014 for PayDirect Services (online credit and e-check services and counter credit services) for the Clerk/Treasurer's Office. The fee charged to the user is 2.6% for credit and debit cards and \$1.49 for eChecks.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Absent
Mayor Hoffman – Yes

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MODIFY 2013/2014 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2013/2014 Budget in the following manner:

Increase Budgeted Revenues – Minor Sales- 4-2655- \$7931.85 – copier returns
Increase Budgeted Expenses – Clerk/Treasurer’s Office – Contractual Services – 5-1410-435 - \$3984.15
Increase Budgeted Expenses – Police Dept – Contractual Services – 5-3120-435 - \$2274.70
Increase Budgeted Expenses – Justice Court Office – Contractual Services – 5-1130-435 - \$1673.00

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Absent
Mayor Hoffman – Yes

AUTHORIZE MAYOR TO SIGN PENFLEX AUTHORIZATION FORM FOR 2013 SERVICE AWARD PROGRAM

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

BE IT RESOLVED, that Mayor Steven Hoffman, is authorized to sign the 2013 Service Award Program Administration Form and forward to Penflex, Inc for the purpose of administering the 2013 Service Award Program for Depew Firefighters.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Absent
Mayor Hoffman – Yes

NYS RETIREMENT RESOLUTION FOR STANDARD WORKDAY

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

NOW, THEREFORE, BE IT RESOLVED, that the Village of Depew establishes the following standard work days for the following appointed officials and will report the days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk/Treasurer’s Office:

Appointed Officials

Zoning Board Member, George Bauer – Standard work day – 7 hours – term begins/ends 4/13-4/18 – does not participate in employer’s time keeping system - .67 days/month

Village Prosecutor, John Dudziak – Standard work day – 7 hours – term begins 4/13-4/14 – does not participate in employer’s time keeping system – 1 day/month.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Absent
Mayor Hoffman – Yes

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Hook and Ladder Co to use the Southside Fire Hall on April 12, 2014 for their Company Installation from 5 pm until 1 am.

AND

Permission is hereby granted to Central Hose Co #4 for the use of the Northside Fire Hall on April 26, 2014 for their Company Installation from 5pm until 1 am.

AND

Permission is granted to Engine 1, Engine 3 and Ladder 5 to attend the Village of Lancaster's St. Patrick Day parade on March 15, 2014.

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

PERMISSION – LANCASTER TOWN BAND

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

Permission is hereby granted to the Lancaster Town Band to use Veterans Park Gazebo on the following date for their 69th concert series on Thursday, July 17th.

Permission is also granted for use of electric power and use of restrooms at the Southside firehall.

The foregoing resolution was seconded by Trustee Pecora and **CARRIED.**

PERMISSION – SEMINAR

Trustee Nolder, offered the following resolution and moved for its adoption,

Permission is hereby granted to Tony Fischione to attend the Western New York Stormwater Coalition on March 19, 2014 from 8am until 4:30 pm at the Buffalo Convention Center, Buffalo, NY. The cost of the conference is \$90.00.

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

TREE/TRIMMING REMOVAL:

EMPLOYMENT APPLICATIONS: DPW Summer – Brandon Atlas, Jordan Partyka; DPW – Keith Wesolek

DEPARTMENT HEAD REPORTS: Building Dept Jan 2014 –

ON A MOTION BY, Trustee Hammer and seconded by Trustee Nolder the department head is accepted as presented.

COMMITTEE REPORTS: Trustee Hammer announced the free electronics recycling event on March 1st at 6340 Transit Rd diagonally across from Salvatores with all proceeds going to Camp Good Days.

UNFINISHED AND OTHER BUSINESS None

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PUBLIC CONCERNS AND COMMENTS –

None

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Pecora, seconded by Trustee Nolder, the following claims are to be paid:
General \$198202.97, Sewer \$4733.20, the motion was **CARRIED**.

ADJOURNMENT-

ON A MOTION BY Trustee Pecora, seconded by Trustee Hammer, the meeting was adjourned at
7:27 pm in honor of the Civil Air Patrol. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator