

MEETINGS TO DATE 11
NO. OF REGULARS: 11

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
SEPTEMBER 23, 2013**

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

Mayor Hoffman gave a brief synopsis on Teresa Fusani and the Saints Hockey. Internal audit of Village Recreation records for the year Ms. Fusani was Recreation Director shows no funds were missing.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Pecora, the September 9, 2013 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dan Beutler – 26 Tyler – wanted to know where is #7? CEO Fischione explained 5601 Transit Rd. Permit is for crushing concrete on site to be used for their site.

Terry Mescall – 36 Susan – for years we have refused crushing permits why grant them now? Mayor explained they were given one a year ago this is a renewal and they meet all the criteria for a permit.

APPOINT PUBLIC SAFETY DISPATCHER

Pursuant to Section 4-400 of Village Law, I Mayor Steven Hoffman, hereby appoint Sean Martin, 58 Jessica Lane, Depew, NY 14043 to the position of Public Safety Dispatcher, Civil Service Exam Number 069068, list established October 24, 2012, effective September 29, 2013 at a salary of \$18.70 per hour.

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

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

AUTHORIZE MAYOR TO SIGN JUSTICE COURT GRANT APPLICATION

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

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

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

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 – Yes
Mayor Hoffman – Yes

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING –
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a Public Hearing regarding Federal Community Development Block Grant Funding Projects in the Village of Depew to be held on Tuesday October 15, 2013 at 7:00 pm.

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

AUTHORIZE MAYOR TO SIGN PENFLEX SERVICE FEE AGREEMENT

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

BE IT RESOLVED, that Mayor Steven Hoffman, is authorized to sign a service fee agreement with Penflex, Inc. 50 Century Hill Drive, Latham, NY, for the purpose of administering the Service Award Program for Depew Firefighters for the period of November 1, 2013 to October 31, 2014 at a cost of \$6,700.00.

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 – Yes
Mayor Hoffman – Yes

AUTHORIZE MAYOR TO SIGN BUSINESS SERVICE AGREEMENT

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

BE IT RESOLVED, Mayor Steven Hoffman is authorized to sign the Business Associate Agreement with Brown and Brown of New York Inc. to facilitate compliance with the HIPAA Rules. The effective date of the agreement is September 17, 2013.

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 – Yes
Mayor Hoffman – Yes

AWARD BID & AUTHORIZE MAYOR TO SIGN CONCESSION AGREEMENT

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

WHEREAS, the current concession agreement has expired for the Recreation Dept and bids were solicited for Vendor services resulting in Pop Guys Vending & Food Service being the only bidder with a bid of 15% per month to the Village;

BE IT RESOLVED, the concessions contract for the Recreation and Village Hall buildings is now hereby awarded to:

Pop Guys Vending & Food Service LLC
3020 Clinton St.
West Seneca, NY 14224

AND FURTHER BE IT RESOLVED, Mayor Steven Hoffman is authorized to sign the concession agreement for the above locations for a period of one year commencing on Sept 24, 2013 and ending on September 23, 2015.

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 – Yes
Mayor Hoffman – Yes

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APPROVE CRUSHING PERMIT – NIAGARA REFINING

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

WHEREAS, Niagara Refining LLC, has applied for a Crushing Permit for 5661 Transit Rd (104.13-1-1.212 - 2 Main St.).

NOW THEREFORE BE IT RESOLVED, a Crushing Permit is hereby **APPROVED**. If approved the following conditions apply:

- 1) Documentation must be provided where the fill that is being crushed came from and that the fill material has been tested and does not contain any contaminants.
- 2) Crushing must occur only Monday –Friday, excluding holidays and between the hours of 9 a.m. and 5:00 p.m. only. No crushing will be done on holidays.
- 3) Crushing shall only occur September 24, 2013 through December 31, 2013.
- 4) Crushing operations must not allow dust to escape into the surrounding properties.
- 5) Storm water protection plan must be in place for any run off.
- 6) Crushing operations must comply with the Village Code regarding noise ordinances.
- 7) Crushing permit shall expire on December 31, 2013.
- 8) No new concrete will be brought in, only existing concrete will be crushed.
- 9) DEC to be contacted to monitor air quality during operations if the Code Enforcement Officer deems it necessary.
- 10) Comply with all sections of the Village Code especially 260.20 Section D Crushing and Stockpiling.

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 – Yes
Mayor Hoffman – Yes

PERMISSION – DEPEW HIGH SCHOOL MOTORCADE

Trustee Kucewicz, 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, 2013 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, 2013.

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

PERMISSION – DEPEW HIGH SCHOOL BONFIRE

Trustee Pecora, 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, 2013 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.

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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 Hammer, and **CARRIED**.

PERMISSION – LANCASTER HIGH SCHOOL MOTORCADE

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

WHEREAS, the Lancaster High School Motorcade Committee has made application for a Motorcade escort for Friday, October 18, 2013 at approximately 6 PM, and

WHEREAS, said motorcade route and traffic enforcement has been authorized by the Police Department.

NOW, THEREFORE BE IT RESOLVED, that permission is granted to the Lancaster High School Motorcade Committee to hold the above-mentioned Motorcade on Friday, October 18, 2013.

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

PERMISSION SEMINAR

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

Permission is hereby granted to Chief Carwile & Liz Melock to attend the Organization of Public Employer Negotiators seminar on Wednesday October 16, 2013 from 8 am until 5 pm at the Millennium Hotel, 2040 Walden Ave Buffalo NY. The cost of the seminar is \$160.00.

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

TREE/TRIMMING REMOVAL: 74 Sable Palm Dr, 108 Argus

EMPLOYMENT APPLICATIONS: Recreation – Melissa Green, Accounting Clerk – Dina Rosati, Maintenance – Daniel Orlikowski

DEPARTMENT HEAD REPORTS: Police Dept August 2013

On a motion by Trustee Kucewicz, seconded by Trustee Pecora, the department head report was accepted as presented.

COMMITTEE REPORTS: Grass Cutting approved at 2255 George Urban – rear yard.

UNFINISHED AND OTHER BUSINESS –

PUBLIC CONCERNS AND COMMENTS –

Anita Peterson -54 Babbette – residents are against the proposal for a driveway for Frosty's. There is congestion on Babbette and George Urban. Hyview uses the street to return to calls. There are a large number of children on Babbette. Fence will not go all the way to the street.

Tom Kriger – 39 Babbette – supports everything that was mentioned. In 2006 when this property was on the Planning Board it stated there would be no other entrance.

Peter Csaba – 50 Babbette – When is the next Planning Board meeting and when will the Village Board approve it. Wants the Board to follow the original stipulations.

CEO Fischione stated that there has not been an additional submittal for the Oct 3rd meeting so the earliest Planning Board meeting would be Nov 7th.

Dave Burkhardt – 5 Autumn Lea – inquired on a street light that was out. He was informed to fill out the form on our web page or in the Clerk's Office for street lighting outage form.

Tom Kriger – 39 Babbette – concerned about pole that is still near the old street light that was taken down in an accident.

Patty DiPalo – 47 Babbette – wants no entrance on Babbette.

Mayor – the owner of Frosty's does have rights too.

Deanna Webber – 41 George – submitted a photo of her driveway showing blacktop on the end. She wants the same curbs that were put on Lee St. Wants to know who put blacktop on driveway on July 2nd.

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Mayor explained to her that he has spoken to her in the past and the curbs on George were not part of the Lee St Sewer Project and she would not be getting new curbs at this time. Mayor stated if there is a capital project in the future the Board will look at the curbs then.

Bill Webber – 41 George – three other driveways were patched at that time.

Village Administrator explained that the curb of her neighbor was being fixed in the next few days and it appears to be undermined by the neighbor's bubbler. She also explained to Deanna and Bill that Sicar was asked if they put the blacktop there and they did not. DPW also did not put any blacktop there.

Dan Beutler – 26 Tyler – what is DOT doing on Walden. He was informed they were paving it from Transit towards Lancaster.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Pecora, seconded by Trustee Kucewicz, the following claims are to be paid: General \$214,015.21, Community Development \$1,250.50, Sewer \$100,630.00, Capital \$67,688.69, the motion was **CARRIED**.

ADJOURNMENT-

ON A MOTION BY Trustee Hammer, seconded by Trustee Nolder, the meeting was adjourned at 7:46 pm in memory of David Parks, Depew Fire Dept. member and father of Bryan Park from our Electrical Dept. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator