

MEETINGS TO DATE 5
NO. OF REGULARS: 5

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
MAY 26, 2009**

ROLL CALL: Trustee Hammer
Trustee Keefe
Trustee Maryniewski
Mayor Alberti
Absent – Trustee Monti

ON A MOTION BY, Trustee Keefe, and seconded by Trustee Hammer, the May 11, 2009 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Chief Domino regarding #12 – past few year’s lawn fetes have not turned in security to Police Chief. Wanted to know who’s job it was to get this information.

Mayor’ Speech:

1. EPA has begun clean up on Tyler. Removing trees at homes. Soil will be boxed and moved to staging area.
2. Zurbrick Rd – meeting took place regarding the road – Mayor wrote many letters – Congressman Higgins Office set up the meeting.
3. Norfolk Southern is working on deteriorated railroad bridges. Hoping other bridge owners will follow suit.
4. Community Development – extra \$24,000 for sidewalk repairs.
5. Received notice from Community Development – Community Policing will patrol on foot next weekend.

**AUTHORIZE PUBLIC HEARING & SEQRA REVIEW LOCAL LAW 4 OF 2009
– SIGN SIZE**

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

WHEREAS, Local Law Introductory No. 4 of 2009 (“2009 Amendments to the Village Code relating to Size of Signs”) has been proposed, which seeks to amend Village Code Sign Size requirements; and

WHEREAS, the Local Law shall amend Chapter 260-27-E(3)(a) of the Village Code of the Village of Depew (“Code”); and

WHEREAS, all terms used but not defined herein shall have the meanings given to them in § 617.2 of Chapter 6 of the New York Code of Rules and Regulations; and

WHEREAS, the New York State Environmental Quality Review Act (“SEQR”) requires that a lead agency be established to undertake, fund, or approve any action; and

WHEREAS, in accordance with § 617.6 of Chapter 6 of the New York Code of Rules and Regulations, which outlines the procedure for uncoordinated review of certain unlisted actions, the Village Board may proceed under SEQR as if it were the only involved agency and, therefore, as lead agency; and

WHEREAS, the approval of the Local Law by the Village Board (the “Action”) constitutes an unlisted action under SEQR; and

WHEREAS, the Village Board must make a determination as to the environmental impact of the action; and

WHEREAS, a public hearing (“Public Hearing”) is required for the enactment of a Local Law; now

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WHEREAS, all Local Laws must be sent to the County Department of Planning pursuant to General Municipal Law § 239-m.

THEREFORE, BE IT RESOLVED, that the Village Board shall conduct an uncoordinated review of the proposed Action under SEQR; and

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes an uncoordinated review of the Action wherein the Village Board shall act as lead agency; and

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes the preparation of a Short EAF to be circulated to the Village Board together with the full text of the Local Law; and

BE IT FURTHER RESOLVED, that a Public Hearing shall be held on June 8, 2009; and

BE IT FURTHER RESOLVED, that the Village Administrator shall forward a copy of the proposed law to comply with General Municipal Law § 239-m.

BE IT FURTHER RESOLVED, that the Village Administrator is hereby authorized to advertise that the Public Hearing will be held; and

BE IT FURTHER RESOLVED, that the Village Board will consider whether or not to issue a Negative Declaration with respect to adopting the Local Law during the Public Hearing.

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

Trustee Hammer –yes
Trustee Keefe –yes
Trustee Maryniewski –yes
Trustee Monti – absent
Mayor Alberti – yes

AUTHORIZE PUBLIC HEARING LOCAL LAW #5 OF 2009 – DISPOSAL OF TELEVISIONS

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

WHEREAS, Local Law Introductory No. 5 of 2009 (“2009 Amendments to the Village Code relating to disposal of Televisions”) has been proposed, which seeks to amend Village Code to establish a fee for the disposal of televisions; and

WHEREAS, the Local Law shall amend §198-12 of the Village Code of the Village of Depew (“Code”) by creating a new subparagraph F; and

WHEREAS, all terms used but not defined herein shall have the meanings given to them in § 617.2 of Chapter 6 of the New York Code of Rules and Regulations; and

WHEREAS, the New York State Environmental Quality Review Act (“SEQR”) requires that a lead agency be established to undertake, fund, or approve any action; and

WHEREAS, in accordance with § 617.6 of Chapter 6 of the New York Code of Rules and Regulations, which outlines the procedure for uncoordinated review of certain unlisted actions, the Village Board may proceed under SEQR as if it were the only involved agency and, therefore, as lead agency; and

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WHEREAS, the approval of the Local Law by the Village Board (the “Action”) constitutes an unlisted action under SEQR; and

WHEREAS, the Village Board must make a determination as to the environmental impact of the action; and

WHEREAS, a public hearing (“Public Hearing”) is required for the enactment of a Local Law; now

WHEREAS, all Local Laws must be sent to the County Department of Planning pursuant to General Municipal Law § 239-m.

THEREFORE, BE IT RESOLVED, that the Village Board shall conduct an uncoordinated review of the proposed Action under SEQR; and

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes an uncoordinated review of the Action wherein the Village Board shall act as lead agency; and

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes the preparation of a Short EAF to be circulated to the Village Board together with the full text of the Local Law; and

BE IT FURTHER RESOLVED, that a Public Hearing shall be held on June 8, 2009; and

BE IT FURTHER RESOLVED, that the Village Administrator shall forward a copy of the proposed law to comply with General Municipal Law § 239-m.

BE IT FURTHER RESOLVED, that the Village Administrator is hereby authorized to advertise that the Public Hearing will be held; and

BE IT FURTHER RESOLVED, that the Village Board will consider whether or not to issue a Negative Declaration with respect to adopting the Local Law during the Public Hearing.

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 Keefe – yes
Trustee Maryniewski - yes
Trustee Monti - absent
Mayor Alberti – yes

AUTHORIZE MAYOR TO SIGN CHANGE ORDERS

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

BE IT RESOLVED, Mayor Alberti is hereby authorized to sign change orders # 1-6 with Mar-Wal Construction Company in the total amount of \$42,985.68 for the 2008 Sanitary Sewer Replacement Project.

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

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Trustee Hammer –yes
Trustee Keefe –yes
Trustee Maryniewski –yes
Trustee Monti – absent
Mayor Alberti – yes

AUTHORIZE MAYOR TO SIGN DOG CONTROL AGREEMENT W/TOWN OF LANCASTER

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

BE IT RESOLVED, Mayor Alberti is hereby authorized to sign the Dog Control Agreement with the Town of Lancaster. The agreement is effective June 1, 2009-May 31, 2014.

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

Trustee Hammer –yes
Trustee Keefe –yes
Trustee Maryniewski –yes
Trustee Monti – absent
Mayor Alberti – yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE ROOMS FOR LEASE

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

BE IT RESOLVED, the Village Administrator is authorized to advertise for lease four (4) rooms that are available on the second floor of the Village Hall.

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

Trustee Hammer –yes
Trustee Keefe –yes
Trustee Maryniewski –yes
Trustee Monti – absent
Mayor Alberti – yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR DPW EQUIPMENT

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

BE IT RESOLVED, the Village Administrator is authorized to advertise for bids on a new or used hydraulic excavator for the Department of Public Works.

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

Trustee Hammer –yes
Trustee Keefe –yes
Trustee Maryniewski –yes
Trustee Monti – absent
Mayor Alberti – yes

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MODIFY RECREATION FEES

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

BE IT RESOLVED, the recreation fees for ice time at the ice rink will be:

Ice Time before 5:30 pm Monday - Friday is \$135 per hour

Ice Time after 5:30 pm Monday - Friday or on weekends is \$175 per hour

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

Trustee Hammer –yes

Trustee Keefe –yes

Trustee Maryniewski –yes

Trustee Monti –absent

Mayor Alberti –yes

APPROVE/TABLE/DENY DUMPING PERMIT – JEFF PETYK LANDSCAPING

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

WHEREAS, Jeff Petyk 5635 Transit Rd Depew NY, has applied for a Dumping Permit for 5600 Transit Rd. for the resale of topsoil only,

NOW THEREFORE BE IT RESOLVED, a Dumping Permit is hereby **TABLED** with the following conditions:

- 1) Documentation must be provided where the fill is coming from and that the fill material has been tested and does not contain any contaminants.
- 2) No concrete or construction debris – clean fill only.
- 3) Roadway must be kept clean.
- 4) Dumping must occur only Monday –Friday, excluding holidays and between the hours of 8 a.m. and 5:30 p.m. only. No dumping will be done on holidays or weekends.
- 5) No more than 2,000 cy for the season.
- 6) Permit ends December 31, 2009.

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

Trustee Hammer –yes

Trustee Keefe –yes

Trustee Maryniewski –yes

Trustee Monti – absent

Mayor Alberti – yes

MODIFY 2008/2009 BUDGET

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

WHEREAS, the Village of Depew has received \$7,500 in a grant from the Dept. of Homeland Security for recruitment and retention and the proceeds of this grant will be used for these expenditures;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2008/2009 Budget in the following manner:

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A510	Estimated Revenue	
	Sub Account 010.4960 - Federal Aid – Emergency Prep.	\$7,500.00
A960	Appropriations	
	Sub Account 3410.435 – Fire Dept - Contractual	\$7,500.00

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

Trustee Hammer –yes
Trustee Keefe –yes
Trustee Maryniewski –yes
Trustee Monti –absent
Mayor Alberti –yes

AUTHORIZE LAWN FETE – ST BARNABAS

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

BE IT RESOLVED, permission is hereby granted to St. Barnabas, 2049 George Urban Blvd., Depew, NY for a Lawn Fete to be held on the Parish Grounds on August 28, 2009 (5:00 PM – 1:00 AM), August 29, 2009 (12:00 PM – 1:00 AM), and August 30, 2009 (12:00 PM – 11:00 PM)

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

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

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

PERMITS - the applicant shall obtain an amusement license pursuant to Chapter 19, Article I of the Depew Municipal Code.

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

Trustee Hammer –Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti – Absent
Mayor Alberti – Yes

TREE TRIMMING/REMOVAL: Brewster Street N of Olmstead, 57 Arlington

EMPLOYMENT APPLICATIONS: Recreation – Gregory White, Jacquelyn Majka

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DEPARTMENT HEAD REPORTS

Clerk's Office March & April 2009, Treasurer's Office Feb-April 2009, Police Dept. April 2009

ON A MOTION BY Trustee Keefe, seconded by Trustee Hammer, the Department Head Reports were accepted as presented.

BUILDING APPLICATIONS AND REPORTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Keefe, the building inspector reports were accepted as presented.

REPORT OF THE VILLAGE ATTORNEY

No Report

REPORT OF THE VILLAGE ENGINEER

Thanked Board for approving change order. There will be a conference call with the DEC and Army Corps this Thursday to work out issues.

COMMITTEE REPORTS

Mike Moskal – Emergency Manager

Spoke about the Emergency Preparation Plan that should be adopted at the next Board meeting. He also went over what the plan is and the need for the update. Spoke about a training exercise to take place in November.

Trustee Hammer– Norfolk Southern is patching the bridge. She spoke with Bob R. from CSX and he was trying to find some way for CSX to do their two bridges. Trustee Hammer said she spoke with the County and George Urban is supposed to be paved in the next 3-4 weeks. Penora will not be paved at this time as the bridge needs to be repaired first.

Trustee Keefe – NEST Board – hazard waste drop off June 20th at ECC South

Trustee Maryniewski – spoke about Memorial Day parade

UNFINISHED AND OTHER BUSINESS

None

PUBLIC CONCERNS AND COMMENTS

1. Dave Brauen - 199 Kieffer – went to the parade and he could not hear do to no sound system. Wants a portable mic in the chambers. Mayor informed him that the parade was not the Village's function and the Depew Joint Veterans Committee did not request the PA system.
2. Anthony Schiavone - 3004 George Urban – looking at grass across the street. Wants to know who cuts it.
3. Madonna Fryling - 2999 George Urban – contacted County and they said maybe three weeks down the road someone would hear something.
4. Mayor Alberti – said that the Village is no longer cutting grass or plowing snow on property that is not Village owned. She also said there are two chicken BBQ's – Aetna's Fire Co on June 6th and Hook & Ladder on June 13th.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Maryniewski, seconded by Trustee Hammer, the following claims are to be paid: General \$75,990.44, Sewer \$253.31, Capital \$108,826.85. The motion was **CARRIED**.

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ADJOURNMENT

ON A MOTION BY Trustee Keefe, seconded by Trustee Maryniewski, the meeting was adjourned at **8:17 pm** in the honor of all veterans who are now serving or who have previously served their country. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator