

MEETINGS TO DATE 24
NO. OF REGULARS: 22

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
MARCH 11, 2013**

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

ON A MOTION BY, Trustee Nikonowicz, and seconded by Trustee Pecora, the February 25, 2013 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

PUBLIC HEARING LOCAL LAW #1 OF 2013 – AMENDMENTS TO CHAPTER 59- ALARMS

Mayor Hoffman opened the hearing. Village Attorney Aquino gave a brief summary that this local law would tighten up the code regarding false alarm calls.

Gary Cummings- 378 Terrace – asked if there was a time frame for the calls. All calls are tracked on an annual basis.

Anne Swierat -335 Olmstead – wanted to know where the \$150 goes to. General Fund was the answer.

Ron Maciejewski – 24 Kibler – fire alarm fines would go to the fire dept budget. Sited Quebecor ones back in 2002-2004.

John Spencer – 38 A St – wanted to know who polices the alarms. Fire Dept polices their alarm calls and Police Dept does their calls.

On a motion by Trustee Hammer and seconded by Trustee Nikonowicz the public hearing was closed at 7:09 pm.

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

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

WHEREAS, the Board of Trustees of the Village of Depew, New York held a public hearing on March 11, 2013 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law which would amend Chapter 59 – Alarms.

WHEREAS, all persons were given an opportunity to speak for or against this local law;

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.

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 Nikonowicz – Yes
Mayor Hoffman – Yes

SUPPORT FOR ERIE COUNTY APPLICATION FOR 2012 PSAP GRANT

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

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

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

**VILLAGE OF DEPEW
MARCH 11, 2013**

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

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

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

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

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

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

WHEREAS, if awarded, the grant funding will allow the County to complete upgrades to E911 equipment in the Villages of Depew, East Aurora and Kenmore, as well as the Towns of Eden, Evans, Grand Island, Springville and Helmuth Fire Control.

NOW THEREFORE, BE IT RESOLVED, that the Erie County Legislature declared this a priority for the County to complete the E911 consolidation project, as an essential component to residents’ accessibility to emergency service providers in all regions of the County, and further they declared the completion of the E911 Project a necessary and appropriate public policy for the County; and be it further

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

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

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

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

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

Be It Resolved, the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday March 25, 2013 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 2 of 2013 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming

**VILLAGE OF DEPEW
MARCH 11, 2013**

fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

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

AUTHORIZE ADMINISTRATOR TO RESEARCH FINANCE OPTIONS –FIRE DEPT

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

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

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

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

APPOINT ACCOUNT CLERK

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

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

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

**VILLAGE OF DEPEW
MARCH 11, 2013**

ACCEPT RESIGNATION – CODE ENFORCEMENT OFFICER PT

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

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

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

APPOINT CODE ENFORCEMENT OFFICER PT

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

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

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

AWARD BID –BROADWAY ST PARCEL

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

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

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

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

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

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

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

BE IT RESOLVED, membership is hereby granted to the following in the Depew Fire Department pending the passing of their physicals:

AETNA HOSE

Rebekah Graue 336 Easton St Depew NY 14043

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

**VILLAGE OF DEPEW
MARCH 11, 2013**

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department for:

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

The foregoing resolution was seconded by Trustee Nolder, and

CARRIED.

TREE TRIMMING/REMOVAL:

EMPLOYMENT APPLICATIONS: Building Dept – Matthew Fischione, DPW – Spencer Sojka, Jordan Partyka, Recreation – Quentin Steffen, Lindsay Wiechelt, Rebecca Schneider, Hannah Steffen, Brandon Garry, Corey Zagst, Molly Dunbar

DEPARTMENT HEAD REPORTS: Building Dept – February 2013

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

REPORT OF THE VILLAGE ATTORNEY: Attended County Auction – opening bid on 60 Laverack was \$50k- not a reasonable offer, maybe the County will look again at it in the fall.

COMMITTEE REPORTS: None

UNFINISHED AND OTHER BUSINESS: Mayor – Parking Ban ends March 15th, Election Day is March 19th and all voting will take place in the senior center.

PUBLIC CONCERNS AND COMMENTS:

Charlene Wilbur – 222 Darwin – street is being used as a speedway between Hanwell and Lindan. Would like this speed on the road looked into and possibly a stop sign being added to slow traffic. Traffic is racing in the late afternoons. Mayor has Captain Kaczmarek looking into this and he will report to the Board on the Dept's findings. Police Dept will have radar car on the street.

Dawn Smith – 20 Antoinette – vehicles on Rehm Rd are speeding. Wants Rehm to be a dead end again.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Nolder, seconded by Trustee Pecora, the following claims are to be paid: General \$165,882.84 Sewer \$7,429.94, the motion was **CARRIED.**

ADJOURNMENT-

ON A MOTION BY Trustee Nikonowicz, seconded by Trustee Hammer, the meeting was adjourned at 7:28 pm. The motion was **CARRIED.**

Respectfully submitted,

Elizabeth C. Melock
Village Administrator