

MEETINGS TO DATE 22  
NO. OF REGULARS: 21

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
MARCH 12, 2012**

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

**ON A MOTION BY**, Trustee Pecora, and seconded by Trustee Hammer, the February 27, 2012 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Nikonowicz, and seconded by Trustee Nolder, the March 1, 2012 Planning Board Minutes were approved.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

None

**PUBLIC HEARING PROPOSED DEMOLITION PROPERTIES – 69 NEOGA ST, 21 MAIN ST, 554 PENORA ST, 161 CALUMET ST -**

Village Administrator read the legal notice regarding the public hearing for the proposed demolition properties and Mayor Hoffman opened the hearing.

Code Enforcement Officer Fischione explained that all the property owners of record were notified of the public hearing and that there was no response from any of them. All four properties are in deplorable condition.

**ON A MOTION BY**, Trustee Pecora, seconded by Trustee Nolder the public hearing was closed at 7:01 pm.

**PUBLIC HEARING TAX CAP OVERRIDE LOCAL LAW 2 OF 2012-**

Village Administrator read the legal notice regarding the public hearing for the proposed demolition properties and Mayor Hoffman opened the hearing.

No comments.

**ON A MOTION BY**, Trustee Nikonowicz, seconded by Trustee Hammer the public hearing was closed at 7:02 pm.

**ADOPT LOCAL LAW #2 OF 2012 – TAX CAP OVERRIDE**

Trustee Nikonowicz, 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 12, 2012 at 7:01 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, 2012 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, 2012 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,

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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.

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 Nikonowicz – Yes  
Mayor Hoffman – Yes

**APPOINT POLICE ATTENDANTS PT**

Pursuant to Section 4-400 of Village Law, I Mayor Steven Hoffman, do hereby appoint the following to the positions of Police Attendants PT, on an on call basis only, effective immediately, at a salary of \$14.00 per hour:

Kathleen Barry, 44 Federal Ave, Cheektowaga, NY 14225  
Kathleen Kuwik, 2388 William St#3, Cheektowaga, NY 14206  
Cheryl Gavigan, 11794 Clinton St Alden, NY 4004  
Ann Frank, 49 North Union Rd, Amherst, NY 14221  
Wendy Keicher, 34 Partridge Walk, Lancaster, NY 14086

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

**AUTHORIZE MAYOR TO SIGN UTILITY WORK AGREEMENT -DOT**

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

**BE IT RESOLVED**, NYS DOT has an upcoming pavement project – Chateau Ct to Rte 78. The Village of Depew needs to enter into a Utility Work Agreement with the State of New York Department of Transportation, 100 Seneca St, Buffalo NY 14203 for their Pavement Project PIN # 5811.99 – Chateau Ct to Rte 78.

This project necessitates the adjustment of utility facilities on Broadway Ave – Sanitary Sewer Manhole Covers – located in the State Right-of-Way. The Village of Depew, owner of the facilities, herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note “Coordination with the Utility Schedule, and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s). The manhole elevations are to be adjusted. There will be no extension of service life, improved capacity nor any other betterment of the facility as a result of the adjustments made pursuant to this agreement.

**NOW THEREFORE BE IT RESOLVED**, Mayor Steven Hoffman is authorized to sign the Utility Work Agreement Project identification Number 5811.99 which grants the State of New York the authority to perform the adjustment for the Village of Depew. The Village agrees to maintain facilities adjusted via State-let contract.

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

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

**APPROVAL OF SERVICE AWARD POINTS 2011**

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

**BE IT RESOLVED**, that the members of the Board of Trustees are authorized to sign the 2011 Service Award Program Sponsor Approval Form and return said form to the Fire Department for its 30 day posting period.

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 – Abstain  
Mayor Hoffman – Yes

**TREE/TRIMMING REMOVAL:** 89 Hanwell

**EMPLOYMENT APPLICATIONS:** Recreation – Mark Lubera, Police Attendant – Marilyn Lojoie, Amanda Haas, Laura Koepfel, Chassitti Miles, Nichole Theriault, Cheryl Gavigan, Joanne Schiappa, Julie Anibaldi, Lillian Alberalla, Donna Misztal-Badach, Ann Frank, Annette Odien, Carey Phelps, Tonya Scott, Trisha Kozak, Kasey Reid, Margaret Evans, Colleen Hummel, Janice Reid, Allison Martinez, Arlene Schurkus, Virginia Zulatowski, Keay Miles, Ashtin Penelton, Melissa Himmelsbach, Patricia Bene-Eicheldinger, Megan Eustall, Jessie Webb, Laura DiSarno, Elizabeth Held, Tinan Mendez, Joelle DeCicco, Karen Regdos, Ann Zuccaro, Lisa Siembida, Lynn Miller, DPW – Thomas, Mazurowki, Michael Wojcik

**DEPARTMENT HEAD REPORTS:** Building Dept Feb 2012. Clerk/Treasurer's Office Feb 2012,  
**ON A MOTION BY**, Trustee Hammer, seconded by Trustee Pecora, the department head reports were accepted as presented.

**REPORT OF THE VILLAGE ATTORNEY**

Tax Auction 45 Asbury sold for \$14000.

**REPORT OF THE VILLAGE ENGINEER**

Absent

**COMMITTEE REPORTS:**

None

**UNFINISHED AND OTHER BUSINESS –**

None

**PUBLIC CONCERNS AND COMMENTS –**

Paul Sprada -58 Argus Dr – wanted to know time frame for property on Asbury. Village Attorney said it will be 30 days to close. Mr. Sprada wanted to know about renovations. Village Attorney said the COE will meet with the new owner once it is transferred.

Julie Cassa – 239 Banko – son participated in the program, made friends, important to upbringing, consider the joy and excitement.

William Manhard 46 Claude – been a resident for 50 years, imperative we care about this program, need to make it work.

Terry Ann Speyer – Town of Lancaster – benefits of participating in a sport, conflict resolution, teach life skills, men are there listening. More than an athletic program.

Eric Glenn – 234 Marrano – has a son in the program, was shy and quiet now is outgoing due to the coaches.

Crystal Elias – 115 Darwin – program is an asset, shame to see it go to waste, looked up budget only \$13,000 for program. Brother and husband were both in the program.

Jacob Elias– will have nothing to do with his friends if the programs ends. Coaches teach them well. Likes to play basketball.

Joseph Elias – first year of basketball. Best year he ever had. Meets new friends. Learn fundamentals.

Jacob Cassa – looks forward to going – team skills to learn. Will be horrible if program ends.

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Gerry Manhard – 264 Marrano – works for the basketball program for the last 18 years. Sees marked improvement in the children in the program. Spend time from noon on with a couple hundred kids. He does care and this is more than a job. 5-6 years ago a lot of players went to Lancaster. Does not want to see it fail. This is an asset to Depew. Dave Gavey – 56 Williamsburg – put all his kids through the program. Kids play for fun. Coaches don't do it for the money. Well coached.

Mayor Hoffman – 46 years ago went through the program. Program used to have 300 kids. Now 32% or 40 of the 124 children are Depew residents. The taxpayers are paying for this program. Lancaster's program will take children in the Town of Lancaster and the Lancaster School District. Cheektowaga also has a program.

William Manhard – 46 Claude – Amherst fee is \$75.

Dennis Mescall – 74 Impala – Cheektowaga program runs at 4-5 pm in the afternoon.

Gerry Manhard – 264 Marrano – other programs discussed – pool ,etc. Would be willing to sit with someone to discuss ideas and options for the program.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Nolder, seconded by Trustee Pecora, the following claims are to be paid: General \$151,376.60 Sewer \$2,891.44, the motion was **CARRIED**.

**ADJOURNMENT-**

**ON A MOTION BY** Trustee Nikonowicz, seconded by Trustee Pecora, the meeting was adjourned at 7:31 pm with an update on Army Specialist Brian Foote, underwent surgery in Alaska. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock  
Village Administrator