MEETINGS TO DATE 9
NO. OF REGULARS: 8

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
AUGUST 22, 2011

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

ON A MOTION BY, Trustee Pecora, and seconded by Trustee Hammer, the July 25, 2011 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY
1. Dave Burkhardt – 5 Autumn Lee - #8 what is that about. Mayor saints donating scoreboard to the rink. Dave inquired if there would be writing on it. Mayor stated the names of the donors and our legal opinion states it is fine. Dave stated that due to federal funds there can’t be any advertising. Village Attorney Aquino stated there are attorney general opinions out there that it is ok.
2. Joan Priebe – 15 Howard Lane – According to the NYS Attorney General there can’t be any advertisement on it. Village Attorney again restated his opinion from above. Mayor stated the names on the sign. Joan questioned #16 wanting to know what kind of pig it was and where is it kept. She also questioned the Fall Training School and was told it was the NYCOM school in Saratoga Springs.
3. Kelly Gummo – 190 Warsaw St – she applied for the permit for the pig. The pig will be kept in the house as a pet and it would not even get to be 30 pounds.
4. Brenda Kujawa – 88 Terrell - #13 what does it entail, mostly commercial, certain length and size? Village Attorney Aquino stated there will be a public hearing at the next meeting Sept 12.
5. Carol Tarbox – 64 Argus – the survey for no parking – how many years is it? Mayor responded back to 2004 and explained there was a traffic detail there on Argus recently and there were 19 stops of which 13 were residents and 6 tickets were issued. Ms. Tarbox wanted to know how many EMS calls there were. Trustee Nolder explained the survey runs from 2004 till 2011. Ms. Tarbox stated then that is 10 calls a year average and on Lincoln where there are 90 EMS calls that is due to the handicapped place. Trustee Nolder stated the numbers are not skewed.
6. Lou Picciano – 26 Antoinette – by posting Lincoln, Marrano, Argus cars will cut through from Walden to Pleasantview during the morning and evening. Trustee Nolder questioned why there would be increased traffic. Mr. Picciano stated with cars on both sides it is more difficult. Questioned why Marrano was in the list as it was already posted. Mayor stated that per the Village Code the Chief of Police can post any street. Marrano is part of the local law so amendments can be made to the Village Code. Mayor stated in a few years prior a petition was presented with 70 people on it to post the street.
8. Joan Priebe – 15 Howard – wants to know why we are picking various streets.
9. Diane Degeorge – 125 Argus – just past the bend cars have to be careful pulling out. With the overflow of parking they will be across the street. Kids open doors into the street.
10. Mayor stated the concerns were the number of accidents. Police will be enforcing.
11. Carol Tarbox – 64 Argus – how many responded
12. Trustee Nolder – explained that emergency vehicles need to get down the street.

PUBLIC HEARING LOCAL LAW #5 OF 2011 – NO PARKING
Village Administrator read the legal notice regarding the public hearing for Local Law #5 – No Parking and Mayor Hoffman opened the hearing.
Copies of the local law were with each agenda.
Paul Sprada – 58 Argus – who compiled the statistics? Mayor responded the Police Dept did. Mr. Sprada questioned whether anyone took a statistics course. Several people including the Chief of Police did. Trustee Nikonowicz – he was on the street same time as the garbage truck and he could not get down the street. Board was asked by the Police & Fire Dept to look at it.
Paul Sprada – 58 Argus – wanted to know who is going to be responsible when something happens. How is the street sweeper going to get down the street?
Norm Owczarkowski – 83 Argus – wanted to know if everyone read the notes sent in. Chief Carwile read the survey results that were compiled from the returned surveys. The entire Board had received and read the comments.
Christian Sundberg – 107 Argus – his side of the street is affected. Section between Transit & Darwin is the buffer zone. With one-sided parking cars zip through there. Most of the kids live on the side affected. Pump is in the middle of the intersection. His children are exposed to higher traffic.
Chief Carwile – during the traffic enforcement it was the neighbors running the stop sign.
Diane Degeorge – 125 Argus – came around bend and the cars only slow down because the sewer is broken.

ON A MOTION BY, Trustee Hammer, seconded by Trustee Pecora the public hearing was closed at 8:00 pm.

ADOPT LOCAL LAW #5 OF 2011 – CHAPTER 240-9 PARKING, STANDING & STOPPING RESTRICTIONS

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

WHEREAS, the Village Board (“Village Board”) of the Village of Depew (“Village”) desires to enact the 2011 Amendments to the Village Code relating to Chapter 240-9 Parking, Standing & Stopping (“the Local Law”); and

WHEREAS, the Village Board, as lead agency with respect to the adoption of the Local Law (the “Action”), used a short EAF to determine the environmental significance of the Action in accordance with § 617.6 and 617.7 of Title 6 of the NYCRR; and

WHEREAS, the Village held a public hearing on the Local Law on July 25, 2011 & August 22, 2011 to hear comments from the public regarding the Local Law and to consider any negative environmental impacts of the Action in accordance with § 617.7 of Title 6 of the NYCRR; and

WHEREAS, the Village Board reviewed and considered any comments from the general public concerning the adoption of the Local Law and concerning any negative environmental impacts of the Action; and

WHEREAS, the Village Board determined that the Action will have no significant adverse environmental impacts and will issue a negative declaration in accordance with 617.7 of Title 6 of the NYCRR; and

WHEREAS, the Village Administrator provided a copy of the Local Law to the Erie County Department of Planning to comply with General Municipal Law §239m.

NOW THEREFORE, BE IT RESOLVED, that the Village Board hereby adopts the EAF and issues a negative declaration of environmental significance, both attached hereto as Exhibit A, with respect to the Action; and

BE IT FURTHER RESOLVED, that the Village Board does hereby adopt the Local Law, to be known as Local Law Number 5 of 2011 attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED, that the Village Board authorizes the filing of the Local Law with the New York State Department of State in accordance with § 27 of the New York Municipal Home Rule Law.

The following resolution was seconded by Trustee Nikonowicz, 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

See Exhibit A & B at end of minutes

Mayor commented that he was proud of Chief Carwile, Captain Kaczmarek and that changes are made for the residents of Depew.
APPOINT POLICE CHIEF

Pursuant to Section 4-400 of Village Law, I, Mayor Steven Hoffman, do hereby appoint Stanley D. Carwile, 206 Olmstead Ave Depew NY 14043, to the position of Police Chief from Civil Service List #0749329, established August 2, 2011 at a salary of $52.69 per hour.

The foregoing 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

APPOINT POLICE CAPTAIN

Pursuant to Section 4-400 of Village Law, I, Mayor Steven Hoffman, do hereby appoint Kenneth Kaczmarek, 235 Broadway, Darien Center, NY, to the position of Police Captain from Civil Service List #A76654, established January 8, 2010 with a salary of $47.60 per hour.

The foregoing 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

APPOINT DETECTIVE SERGEANT

Pursuant to Section 4-400 of Village Law, I, Mayor Steven Hoffman, do hereby appoint Donald Panzarella, 88 Kennedy Ct, Lancaster, NY 14086, to the position of Detective Sergeant at a salary of $35.26 per hour.

The foregoing 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 SERVICE AWARD POINTS

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

WHEREAS, David Federowicz, 120 Ledyard Ave Depew, NY 14043 was on medical leave from the Depew Fire Department in 2009 for a medical condition that prevented him from performing his duties;

BE IT RESOLVED, that the Village Board authorizes 50 Service Award Points be credited to David Federowicz for the year 2009.

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
AUTHORIZE MAYOR TO SIGN CONTRACT – MOLLENBERG BETZ

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

NOW THEREFORE BE IT RESOLVED, the Mayor is authorized to sign a contract with Mollenberg-Betz, 300 Scott Street, Buffalo, NY 14204 for the Annual Compressor Inspection which includes the startup, shutdown and overhaul of both compressors for an annual fee of $7,100.00 and the Monthly inspections for the Depew Rink at an annual cost of $3,440.00. This contract is for a three year agreement effective September 1, 2011 through August 31, 2014.

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 MAYOR TO SIGN SCOREBOARD SPONSORSHIP AGREEMENT

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

WHEREAS, the following three companies, Saints Hockey Club PO Box 18 Cheektowaga NY, Northtown Automotive Companies, Inc, 1135 Millersport Highway, Amherst NY 14226 and WNY Immediate Care, 1 Audubon Pkwy, Amherst NY 14228, desire to donate a scoreboard to the Village of Depew to be installed at the Depew Ice Rink at 78 Gould Ave with their logos on the scoreboard;

WHEREAS, Depew Saints Hockey Club would be 100% liable for any reimbursement to the above companies in the event that the donated scoreboard was displayed for a period of less than ten years. The Village of Depew would assume no responsibility for reimbursement to the Saints Hockey, Northtown Automotive Companies, Inc, WNY Immediate Care or any other party involved;

NOW THEREFORE BE IT RESOLVED, the donation of the scoreboard is hereby accepted by the Village with the understanding and in accord with the terms hereinabove recited and the Mayor is authorized to sign the agreements.

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

Trustee Hammer – no – too many opinions
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

AUTHORIZE MAYOR TO SIGN PREMIER HARDWARE & SOFTWARE AGREEMENT

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

NOW THEREFORE BE IT RESOLVED, the Mayor is authorized to sign a contract with Network Services LLC, 2065 Kensington Ave, Amherst NY 14226 for the annual maintenance agreement for the phone system. The annual cost is $1,559 and is effective June 30, 2011 through June 30, 2012.

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
AUTHORIZE MAYOR TO SIGN JUSTICE COURT GRANT APPLICATION

Trustee Pecora, 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 P. Hoffman and the Board of Trustees hereby approve this application and Mayor Steven P. Hoffman is authorized to sign the 2011-2012 Justice Court Assistance Program Grant Application.

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 MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN MEMBERS

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

BE IT RESOLVED, that the Village of Depew has opted to participate in the first update of the Erie County Multi-Jurisdictional Hazard Mitigation Plan. The Mayor is authorized to sign the Statement of Authority – Participating and said document will be forwarded to the lead agency – Erie County Department of Emergency Services;

BE IT FURTHER RESOLVED, that Michael Moskal, Emergency Manager and Tim Michaels, Deputy Emergency Manager will be the designated contacts for the Village of Depew.

The foregoing resolution was seconded by Trustee Nikonowicz, 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 RFP VENDING MACHINES

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

BE IT RESOLVED, the Village Administrator is authorized to advertise a Request for a Proposal for the concessions at the Ice Rink and/or the Village Hall.

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
AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING – PROPOSED LOCAL LAW #6 OF THE YEAR 2011 – CHAPTER 240.16 – OVERSIZED VEHICLES

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a Public Hearing for the purpose of considering and adopting Proposed Local Law #6 of the Year 2011 – Chapter 240.16-Oversized Vehicles, to be held on Sept 12, 2011 at 7:30 PM.

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

MODIFY 2011/2012 BUDGET – COPIERS

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

WHEREAS, the Village of Depew has received $4,037.20 from Copier Fax Business Technologies, 465 Ellicott Street, Buffalo NY 14203 for the payoff of our existing copier leases;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2011/2012 Budget in the following manner:

A510 Estimated Revenue
   Sub Account 010. 2655 Minor Sales $4,037.20

A960 Appropriations
   Sub Account 1130.435 – Court – Contractual $ 633.15
   Sub Account 3120.435 Police – Contractual $2,468.95
   Sub Account 1410.435 Clerk – Contractual $ 935.10

The following resolution was seconded by Trustee Nikonowicz, 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

ICE RINK RATES

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

BE IT RESOLVED, rates for ice time at the Depew Ice rink are: Monday – Friday 5 pm – 10 pm $185 an hour, Monday – Friday 10 pm – 11 pm - $170 an hour, Monday – Friday 3pm – 5pm $145 an hour, Saturday and Sunday both days - $185 an hour.

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

APPROVE/DENY/TABLE PERMIT FOR PIG

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

WHEREAS, Kelly Gummo, 190 Warsaw St, Depew NY 14043, has applied for a permit to keep a miniature pot belly pig at the above address;

WHEREAS, the Village Code Section 68.1-68.5 requires the Village Board to approve the permit;

BE IT RESOLVED, the permit for a miniature pot belly pig to be kept at 190 Warsaw St is denied.
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 – SMALL WORLD

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

BE IT RESOLVED, permission is hereby granted for It’s A Small World, 591 Terrace Blvd, Depew NY 14043 to hold a free children’s music concert featuring Glenn Colton in the Fireman’s Park shelter on Tuesday August 30th at 7 pm.

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

PERMISSION TO ATTEND NYCOM FALL TRAINING SCHOOL

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

Permission is hereby granted to Mayor Steven Hoffman, Village Administrator, Liz Melock, Village Trustees Mike Nolder, Jesse Nikonowicz, Community Development Director – Frank Caparaso to attend NYCOM Fall Training School from September 19-22, 2011 at the Saratoga Hilton – Saratoga Springs, NY. The cost of the conference and hotel is $552 per person.

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

PERMISSION TO ATTEND SEMINAR – COURT OFFICERS

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

Permission is hereby granted to the Justice Court staff to attend a webcast on Wednesday September 7, 2011 from 6:30 pm until 8:45 pm at the Erie County Court House, Buffalo NY. Use of the Village vehicle is also authorized.

The foregoing resolution was seconded by Trustee Nikonowicz, and CARRIED.

PERMISSION TO ATTEND SEMINAR – COURT

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

Permission is hereby granted to the Jacki Federowicz & Karen Tedesco to attend the 2011 Annual NYS Association of Magistrates Court Clerks at the Niagara Falls Conference on Tuesday September 27, 2011 at a cost of $35.00 per person. Use of the Village vehicle is also authorized.

The foregoing resolution was seconded by Trustee Nolder, and CARRIED.
PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Hammer, 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 physical:

AETNA HOSE
Scott Simon, 25 Giele Ave Depew NY 14043

HOOK & LADDER CO #1 – from Restricted Firefighter to Firefighter
Josh Swigonski, 251 Calumet, Depew NY 14043

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

TREE/TRIMMING REMOVAL:

EMPLOYMENT APPLICATIONS: Recreation – Mark Lubera, David Balus; DPW – Anthony Pecora, Brian Esford; Assistant Superintendent of Public Works – Anthony Anzalone, Robert Matson, Daniel Hurley, Dale Knickerbocker, Jordan Bailey, Michael King, Joshua Billingsley-Cooke, James Vogt, David Simpkin, Tony DiPirro, John Robinson; Clerk Typist PT – Michelle Pecora, Andria Canzoneri

DEPARTMENT HEAD REPORTS. Including Building Dept: None

REPORT OF THE VILLAGE ATTORNEY
Working on easements for Zurbrick Rd.

REPORT OF THE VILLAGE ENGINEER
Update on Zurbrick Rd – Army Corps funding not approved. DEC will begin process this year with cleanup next year.

COMMITTEE REPORTS:
None

UNFINISHED AND OTHER BUSINESS –

APPROVE BID RESULTS

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

BE IT RESOLVED, that the results from Auctions International for the 2001 Chevy Tahoe $5,005.00 be approved.

The following resolution was seconded by Trustee Nikonowicz, 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
VILLAGE OF DEPEW  
AUGUST 22, 2011

PUBLIC CONCERNS AND COMMENTS –

1. Dave Burkhardt – 5 Autumn Lee – rates from last year was there a change? How does it compare to other rinks. Mayor - $10-15 increase.
3. Joan Pribe – 15 Howard – Read Blow Off Your Steam Article about Depew Fire Chief. Ms. Pribe asked Fire Chief Cumming if he lived in Depew and he stated he did. She also wanted to know why the salaries were listed as hourly. Village Administrator stated that is how it was done in the past. Ms. Pribe inquired as to what we were getting from the Depew Days. Mayor stated 20%. Trustee Nolder stated it was sparsely attended. She also thanked Mayor for cutting down bushes and repairing DI’s.
4. Tracy Sundberg – how well was it advertised? Mayor replied not very well.
5. Trustee Nolder stated it will be a bigger event next year.
6. Carol Rogacki – 105 Penora – Sidewalks on Penora St. Received notice in the mail regarding this and the sidewalks are basically destroyed. She received the order to remedy to have them replaced in a timely fashion. Mayor responded we are putting the County on notice that the deterioration of the road caused the sidewalks to deteriorate.
7. Brenda Kujawa – 88 Terrell – French Rd paving. No detours signs in the area. Traffic was stuck in the middle of nowhere. This should not have happened.
8. David Schillinger – 30 Zurbrick – Had questions about certificate of occupancy that requires him to put in 300 feet of sidewalk. 42 homes on the street and no one has a sidewalk.
9. Kim Schillinger – 30 Zurbrick – if we put in sidewalks the aesthetics are ruined. Building Dept gave them specs and have been by the house. Entire corner is owned by them. Mayor suggested they sit down with Rick Coburn. Village Attorney is also going to speak to Rick.
10. Kelly Gummo – 190 Warsaw – with the denial is there anything else she can do as the surrounding neighbors ok’d it. Will train the pig – wants to give it a chance.
11. Mayor – denial because it is a farm animal.
12. Trustee Nolder – don’t want everyone to have a pig in their home. No farm animals in the Village.
13. Trustee Pecora – it is a farm animal, would have to have it neutered, take to a vet so it does not affect any of the neighbors.
14. Theresa Mussell – 40 Asbury – thanked DPW for doing weed wacking at 39 Asbury Pl. What needs to be done to push for the demolition of 39 Asbury? Inquired if there was any luck finding the owner.
15. John Mendyk – 51 Asbury – bunch of kids opening side door and kicking in the windows of 39 Asbury. Mayor told him when you see a kid there call the Police.
16. On a Motion By Trustee Hammer, seconded by Trustee Nikonowicz, the meeting was adjourned at 8:46 pm. The motion was CARRIED.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Nolder, seconded by Trustee Pecora, the following claims are to be paid:
General $186,748.18, Community Development $50,193.75, the motion was CARRIED.

ADJOURNMENT - Congrats to new Chief, Captain, Sergeant-

ON A MOTION BY Trustee Hammer, seconded by Trustee Nikonowicz, the meeting was adjourned at 8:46 pm. The motion was CARRIED.

Respectfully submitted,

Elizabeth C. Melock  
Village Administrator