

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
SEPT 12, 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 August 22, 2011 Village Board Minutes were approved.

ON A MOTION BY, Trustee Nikonowicz, and seconded by Trustee Nolder, the September 1, 2011 Planning Board Minutes were approved.

ON A MOTION BY, Trustee Nolder, and seconded by Trustee Pecora, the August 15, 2011 & September 6, 2011 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

PUBLIC HEARING LOCAL LAW #6 OF 2011 – CHAPTER 240.16 – OVERSIZED VEHICLES

Village Administrator read the legal notice regarding the public hearing for Local Law #6 – Chapter 240.16 – Oversized vehicles and Mayor Hoffman opened the hearing.

Copies of the local law were with each agenda.

No comments.

ON A MOTION BY, Trustee Hammer, seconded by Trustee Nikonowicz the public hearing was closed at 7:31 pm.

ADOPT LOCAL LAW #6 OF 2011 – CHAPTER 240-16 OVERSIZED VEHICLES

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 240-16 Oversized Vehicles (“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 Sept 12, 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 §239-m.

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 6 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.

**VILLAGE OF DEPEW
SEPTEMBER 12, 2011**

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

Exhibit A & B at end of minutes

APPOINT COURT OFFICER PT

Pursuant to Section 4-400 of Village Law, I Mayor Steven P. Hoffman, do hereby appoint Jaime Jakubowski, 54 Warner Rd Depew NY 14043 to the position of Court Officer Part-time, effective Sept 14, 2011, at a salary of \$13.40 per hour. This appointment is from Exam No.061168, Civil Service List established January 28, 2010.

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

APPOINT SEASONAL LABORER PT

Pursuant to Section 4-400 of Village Law, I Mayor Steven P. Hoffman, hereby appoint Mark Lubera 14 Wayne St Depew NY 14043 to the position of Laborer PT for the Ice Rink season effective September 23, 2011 at a salary of \$9.50 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 Nikonowicz – Yes
Mayor Hoffman – Yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE PUBLIC HEARING – LOCAL LAW 7 OF 2011 – DEFINING BLIGHTED AREA

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 defining Blighted Area Proposed Local Law #7 of the Year 2011 to be held on Sept 26, 2011 at 7:30 PM.

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

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

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

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

**VILLAGE OF DEPEW
SEPTEMBER 12, 2011**

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 Monday, September 26, 2011 at 7:31 pm.

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

AWARD BID & AUTHORIZE MAYOR TO SIGN CONCESSION AGREEMENT

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

WHEREAS, the current concession agreement will expire for the Recreation Dept and bids were solicited for Vendor services resulting in Pop Guys Vending & food Service being the only bidder;

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

Pop Guys Vending & Food Service LLC
72 Pearce Ave
Tonawanda NY 14150

AND FURTHER BE IT RESOLVED, Mayor Steven Hoffman is authorized to sign the concession agreement for the above locations for a period of two years commencing on Sept 15, 2011 and ending on Sept 14, 2013.

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

AUTHORIZE MAYOR TO SIGN LEASE AGREEMENT ERIE COUNTY BOARD OF ELECTIONS

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

BE IT RESOLVED, Mayor Steven Hoffman is hereby authorized to sign the Lease Agreement with the Erie County Board of Elections for utilizing the Village buildings for the Primary and National Elections this year.

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

CHANGE OF VILLAGE BOARD MEETING DATE

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

BE IT RESOLVED, the Village Board Meeting scheduled for Monday, October 10, 2011 is hereby changed to Tuesday, October 11, 2011 (starting at 7:30PM) due to the Columbus Day Holiday.

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

**VILLAGE OF DEPEW
SEPTEMBER 12, 2011**

MODIFY 2011/2012 BUDGET –SCRAP \$

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

WHEREAS, the Village of Depew has received \$1,743.95 from Metalico Buffalo Inc 127 Fillmore Ave Buffalo NY 14240-6601 for funds received from scrap materials;

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	\$1,743.95
A960 Appropriations	
Sub Account 5110.481 – Black Top & Stone	\$1,743.95

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

MODIFY 2011/2012 BUDGET –FIRE DEPT

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

WHEREAS, the Village of Depew has received \$8,638.77 from Twin Village Recycling Broadway St. Depew NY 14043 for expenses associated with the fire on June 27, 2011;

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	\$8,638.77
A960 Appropriations	
Sub Account 3410.415 Fire Dept - Chemicals	\$7,811.00
Sub Account 3410.472 Fire Dept – Reim Exp – Asst Chief	\$ 484.36
Sub Account 3410.414 Fire Dept – Materials	\$ 343.41

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 MAYOR TO SIGN ENGINEERING SERVICES – RELIEF SANITARY SEWER & CONTROL STRUCTURE

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

WHEREAS, the Village of Depew is under a consent order for the sewers and part of the order is 30 inch sanitary sewer (Overflow 007) to the Erie County Sewer District,

BE IT RESOLVED, Mayor Steven Hoffman is authorized to sign the Relief Sanitary Sewer & Control Structure Proposal in the amount of \$9,800 with Nussbaumer and Clarke, Inc, 3556 Lakeshore Road Suite 500 Buffalo NY 14219-1494

**VILLAGE OF DEPEW
SEPTEMBER 12, 2011**

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

MODIFY 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: Friday from 11pm – 1:30 am - \$130.00 per hour.

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

PERMISSION TO ATTEND SEMINAR

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

Permission is hereby granted to Tony Fishione, Assistant Code Enforcement Officer, to attend Code Enforcement Classes on the following days at the Erie County Fire Training Academy, 3359 Broadway, Cheektowaga NY – Sept 27-29, Nov 1-3, Dec 6-8 from 8am until 4pm. Use of the Village vehicle is also authorized.

And

Permission is hereby granted to Tony Fishione Assistant Code Enforcement Officer to attend the Niagara Frontier Building Officials Education Conference at the Millennium Hotel, 2040 Walden Ave, Cheektowaga NY on January 23-25, 2012. The cost of the conference is \$275.00. Use of the Village vehicle is also authorized.

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

TREE/TRIMMING REMOVAL:

EMPLOYMENT APPLICATIONS: DPW – Jay Hoffman, Recreation – Cassondra Miller, Julie Manhard, Gerald Manhard, Christina Moore, Megan Lucarelli, Eben Borkowski, Mark Williams, Melysa Markut, Anthony Markut

DEPARTMENT HEAD REPORTS, Including Building Dept: July 2011 Police Report

ON A MOTION BY Trustee Pecora, seconded by Trustee Hammer, the department head report was accepted as presented.

REPORT OF THE VILLAGE ATTORNEY

No easements needed for Zurbrick Rd.

REPORT OF THE VILLAGE ENGINEER

Absent

COMMITTEE REPORTS:

None

VILLAGE OF DEPEW
SEPTEMBER 12, 2011

UNFINISHED AND OTHER BUSINESS –

None

PUBLIC CONCERNS AND COMMENTS –

1. Paul Sprada – 58 Argus – signs are up now and there is confusion with the signs near the corners. DPW will look at it. Requested a white line be painted before stop sign at Argus and Krieger. DPW will take care of it. Requested pot holes and storm receptacles be fixed. DPW will look at them.
2. Paul Moore – 218 Seabert – noise violation – train whistle. Trains blow the whistle at 4:30 am wants to know what can be done about it. Trustee Pecora explained that he has a copy of the regulations that mandate they blow the whistle and will show Mr. Moore after the meeting. Trustee Hammer explained that she called the railroad and they are required by federal laws to blow the whistle when going over a bridge, passing a train, approaching the station, etc.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Pecora, seconded by Trustee Nolder, the following claims are to be paid: General \$351,828.79, Sewer \$3,046.60, Capital Projects \$13,239.21, the motion was **CARRIED**.

ADJOURNMENT-

ON A MOTION BY Trustee Hammer, seconded by Trustee Nikonowicz, the meeting was adjourned at 7:50 pm in memory of the 10 year anniversary of 9/11. The motion was **CARRIED**.

Respectfully submitted,



Elizabeth C. Melock
Village Administrator

EXHIBIT A

EAF and Negative Declaration

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR
Village of Depew

2. PROJECT NAME
Local Law 6 of 2011

3. PROJECT LOCATION:
Municipality Village of Depew County Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Entire Village limits

5. PROPOSED ACTION IS:
 New Expansion Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Enact local law limiting the parking of oversized vehicles on residential streets

7. AMOUNT OF LAND AFFECTED:
Initially _____ acres Ultimately _____ acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
 Yes No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
Describe: Residential Industrial Commercial Agriculture Park/Forest/Open Space Other

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
 Yes No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
 Yes No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
 Yes No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE
Applicant/sponsor name: Liz Melock Date: 9/12/11
Signature: Liz Melock

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

no

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

no

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

no

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

no

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

no

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

none

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

none

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Village of Depew

9/12/11

Name of Lead Agency

Date

Steven Hoffman

Mayor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Reset

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

Parking of oversized vehicles on residential streets causes unsafe conditions for residents and others using the streets.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Mark Aquino

Address: 85 Manitou St Depew NY 14043

Telephone Number: 716-681-4396

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of Depew - Mayor Steven Hoffman

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

EXHIBIT B

Local Law

ARTICLE IV § 240.16 VEHICLE AND TRAFFIC

CHAPTER 240

- § 240-16.1 Definitions
- § 240-16.2 Commercial or Oversized Vehicles Prohibited
- § 240.16.3 Parking of oversized vehicles on residential streets prohibited; exceptions.

General References

§ 240-16.1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL/OVERSIZE VEHICLE - A single-axle or multiple-axle structure mounted on wheels or otherwise capable of being made mobile for the purpose of storing or transporting for business or commercial use and shall include but not be limited to work trailers and commercial use trailers

RECREATIONAL VEHICLE— A single -axle or multiple-axle structure mounted on wheels or otherwise capable of being made mobile for the purpose of travel, recreational and vacation use and shall include but not be limited to travel trailers, mobile homes, tent trailers, boat trailers, pickup campers and horse trailers.

§ 240-16.2 Parking of Commercial or Oversized Vehicles Prohibited

- A. Commercial or oversized vehicles in excess of 12,000 pounds (six tons) registered maximum gross weight as shown on a motor vehicle registration that may be transported or drawn upon a highway from any state or foreign country are prohibited on all roads in residential zoning districts within the Village of Depew.
- B. No vehicle longer than 225 inches, inclusive of load and bumper or wider than 80 inches, as measured by the body, or higher than 81 inches, as measured from the underside of the tire to the top of the vehicle, shall park upon any street within any residential district in the Village of Depew.
- C. Single axle vehicles including recreational vehicles as defined above which are not tethered and/ or attached to a vehicle are prohibited from parking on all roads in the Village of Depew.
- D. Trailers of any kind when not attached to a motor vehicle are prohibited from parking on all roads in the Village of Depew.

§ 240.16.3 Parking of commercial/oversized vehicles on residential streets prohibited: Exceptions.

The provisions of this section shall not apply to:

- (1) Vehicles parked because of an emergency or at a police officer's direction.
- (2) Vehicles of the Village of Depew, fire apparatus, ambulances or vehicles engaged in the work of a public utility.
- (3) Vehicles engaged in making pickups or deliveries or rendering services in or upon any property adjacent to the street where said vehicles are parked.
- (4) Recreational Vehicles.