

MEETINGS TO DATE 14  
NO. OF REGULARS: 13

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
NOVEMBER 13, 2012**

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

**ON A MOTION BY**, Trustee Hammer, and seconded by Trustee Nikonowicz, the October 22, 2012 Village Board Minutes were approved.

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

**PRESENTATION BY CAPTAIN CHRISTOPHER KENNEDY TO JESSE NIKONOWICZ FOR SERVICE IN THE VIETNAM WAR**

**PUBLIC COMMENT AGENDA ITEMS ONLY:**

None

**PUBLIC HEARING LOCAL LAW #6 OF 2012 – FIRE INSURANCE CLAIMS**

Village Administrator read the legal notice regarding the public hearing for Local Law #6 – Fire Insurance Claims and Mayor Hoffman opened the hearing.

Copies of the local law were with each agenda.

No comments.

**ON A MOTION BY**, Trustee Nikonowicz, seconded by Trustee Nolder the public hearing was closed at 7:05 pm.

**ADOPT LOCAL LAW #6 OF 2012 – FIRE INSURANCE CLAIMS**

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 November 13, 2012 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 Chapter 76-16 Fire Insurance Claims.

**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/abled.  
Local Law, SEQR and Negative Dec are attached.

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

**APPOINT LABORER**

Pursuant to Section 4-400 of Village Law, I Mayor Steven Hoffman, hereby appoint Richard Nawojski, 108 Susan Dr Depew, NY 14043 to the position of Laborer in the Recreation Department effective immediately, at a salary of \$16.98 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

**VILLAGE OF DEPEW  
NOVEMBER 13, 2012**

**RETURN UNPAID TAXES TO COUNTY OF ERIE**

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

**BE IT RESOLVED**, that the Village of Depew Board of Trustees have certified that the attached statement of the year 2012 unpaid taxes are true and two hundred and eighty parcels are to be forwarded to the Erie County Department of Finance for collection of Two Hundred Fifty Four Thousand Eight Hundred Forty Five dollars and sixty eight cents (\$254,845.68).

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

**AWARD BID –DEMOLITION OF 4 PROPERTIES**

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

**WHEREAS**, the Village of Depew sought bids for the demolition of 4 abandoned properties in the Village of Depew, 21 Main St, 554 Penora St, 69 Neoga St and 161 Calumet St;

**WHEREAS**, bids were opened on Thursday, November 8, 2012 at 11 am in the Council Chambers, and

**WHEREAS**, the low bidder was Niagara Environmental & Wrecking Inc in the amount of \$73,600 for all four properties;

**BE IT RESOLVED**, the bid for the demolition of the above four properties is awarded to:  
Niagara Environmental & Wrecking Inc  
525 Hertel Ave Suite 102  
Buffalo, NY 14207-2305

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

**RETRO WAGE PAYMENTS**

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

**BE IT RESOLVED**, that the Village Administrator is authorized to pay retro wage payments to the following non union employees at the rate increase of 1% for June 1, 2011 – May 31, 2012 and 1% for June 1, 2012 – November 17, 2012. The following titles are to be paid the retro due for the period above and their current salary adjusted till May 31, 2013 for the wage increase: Administrative Assistant, Secretary to the Mayor, Clerk of Justice Court and Village Administrator.

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

**VILLAGE OF DEPEW  
NOVEMBER 13, 2012**

**HIRE LEARN TO SKATE INSTRUCTOR**

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

**BE IT RESOLVED**, Noelle Lovejoy, 280 Claremont Ave, Tonawanda, NY 14223 and Courtney Kerwin 449 Lake St Wilson NY 14172 are hired as Learn to Skate Substitute Instructors at the Ice Rink for the 2012-2013 season for \$30 each per session.

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 Pecora, 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 CO

Erik Kogut 326 Terrace Blvd, Depew NY 14043

WEST END HOSE CO

Christopher Folckemer 38 Lou Ann Depew NY 14043  
Ryan Koller 83 Ledyard Ave Depew NY 14043

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

**PERMISSION SEMINAR**

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

Permission is hereby granted to:

Tony Fischione & Gary Cummings to attend the Niagara Frontier Building Officials Conference January 21-23, 2013 at the Millenium Hotel, 2040 Walden Ave Cheektowaga NY 14225. Cost of the conference is \$275.00 per person. Use of the Village vehicle is authorized.

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

**TREE/TRIMMING REMOVAL:**

**EMPLOYMENT APPLICATIONS:** Sales – Douglas Wagner, Office – Carolyn Demjanenko

**DEPARTMENT HEAD REPORTS:** Building Dept Oct 2012, Police – Sept 2012

VILLAGE OF DEPEW  
NOVEMBER 13, 2012

**REPORT OF THE VILLAGE ATTORNEY**

Comment on Local Law – active approach working with the County to get in reim property to increase the demos, enhance insurance claims, village can lien property.

**REPORT OF THE VILLAGE ENGINEER**

Lee St project continues.

**COMMITTEE REPORTS:**

Trustee Nolder read Public Notice regarding 3-0-day period for inclusion of predominantly viable agricultural lands into existing agricultural districts. Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated November 1 through November 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district. Please see the Village website [www.villageofdepew.org](http://www.villageofdepew.org) for the application.

**UNFINISHED AND OTHER BUSINESS –**

Mayor announced parking ban Nov 15-March 15.

**PUBLIC CONCERNS AND COMMENTS –**

Art Domino –inquired as to when we got a sales position.

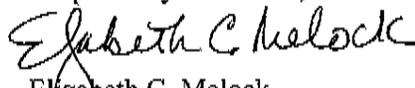
**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Nolder, seconded by Trustee Pecora, the following claims are to be paid: General \$326256.32, Capital \$222,362.35, the motion was **CARRIED**.

**ADJOURNMENT-**

**ON A MOTION BY** Trustee Hammer, seconded by Trustee Nikonowicz, the meeting was adjourned at 7:18 pm. Everyone was wished a Happy Thanksgiving. The motion was **CARRIED**.

Respectfully submitted,



Elizabeth C. Melock  
Village Administrator

EXHIBIT A

EAF and Negative Declaration

**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 2012 - Fire Insurance Claims
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: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Local Law that will allow the Village to make a claim against fire insurance policy proceeds for liens for taxes, special ad valorem levies, special assessments and municipal charges.	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: Entire village	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Steve Hoffman, Mayor	Date: 11/13/12
Signature: _____	

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

OVER

Reset

**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:  
will assist in removing properties that should have been demolished due to a fire.

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

11/13/12

Name of Lead Agency

Date

Steve 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

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number LL 6 of 2012

Date: 11/13/12

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Depew as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

Local Law 6 of 2012 - Fire Insurance Claims

**SEQR Status:** Type 1   
Unlisted

**Conditioned Negative Declaration:**  Yes  
 No

**Description of Action:**

Local Law allowing municipality to make claims against a fire insurance policy proceeds for liens of taxes, special as valorem levies, special assessments and municipal charges.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Entire Village

**Reasons Supporting This Determination:**

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

Property owners are receiving fire insurance proceeds from a claim but refuse to pay the municipality for services performed in conjunction with the event leading to the claim. This local law will allow the municipality to make a claim against the fire insurance policy proceeds.

**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: Steve Hoffman, Mayor

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

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**

## **CHAPTER 76-16 FIRE INSURANCE CLAIMS**

### **FIRE INSURANCE CLAIMS**

[HISTORY: Adopted by the Village Board of the Village of Depew 11-13-2012 as Local Law No. 6-2012. Amendments noted where applicable.]

---

### **GENERAL REFERENCE**

---

#### **§ 76-16 A.1. Conditions for claims against policy.**

Any resolution or ordinance hereinafter adopted by the Village Board pursuant to General Municipal Law, § 22, for the purpose of claiming against fire insurance policy proceeds for liens for taxes, special ad valorem levies, special assessments and municipal charges shall be subject to the condition that the Village shall release or return to the insured any amounts to which it would otherwise be entitled to claim, provided that the insured agrees with the Village in writing, to restore the affected premises to the same or improved condition that it was prior to the time that the Village's lien against proceeds as provided in General Municipal Law, § 22, arose, subject to conditions as such resolution or ordinance shall provide to guarantee performance of such obligation, including but not limited to an agreement to deposit such proceeds in an escrow account or that the insured shall obtain a performance bond.