

MEETINGS TO DATE 17
NO. OF REGULARS: 16

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
NOVEMBER 22, 2010**

ROLL CALL: Trustee Hammer
Trustee Keefe
Trustee Maryniewski
Trustee Monti
Mayor Alberti

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Maryniewski, the November 8, 2010 Village Board Minutes were approved.

ON A MOTION BY, Trustee Monti, and seconded by Trustee Hammer, the November 4, 2010 Village Planning Board Minutes were approved.

ON A MOTION BY, Trustee Keefe, and seconded by Trustee Maryniewski, the November 15, 2010 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Dan Beutler – 26 Tyler – Background on Casey’s. Mayor spoke about Trustee Monti’s site visit a few weeks ago and all the vehicles that have been removed. Mr. Beutler wanted to know if this had anything to do with removal of old drums? Trustee Monti said he would be filling in roadways and spots where vehicles were removed.
2. Dave Burkhardt – 5 Autumn Lea – Thought he was supposed to remove items out front. Mayor said no he provides a list of items removed to the Administrator. Mr. Burkhardt thought no items could be out front. Mayor stated we are not reopening the agreement as it was just signed last year. Trustee Monti said the vehicles are for resale. Casey’s has also gotten rid of ½ the tires stored in there. Staging area out front was for 14-18 vehicles with employee parking on the other side.
3. Mrs. Stanton – Walden & Crane – has an issue with #21 but could pertain to #3. Mayor said that when we get to #21 the engineer can address it as #3 is just the bid award.

AWARD BID – FLOOR MATS

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

WHEREAS, the Village of Depew sought bids for floor mats, shop towels and mechanic uniforms;

WHEREAS, the bids were opened on Friday November 12, 2010 at 11 am and the low bidder was Doritex Corporation;

BE IT RESOLVED, that the bid for floor mats, shop towels and mechanic uniforms be awarded to:

Doritex Corporation
11980 Walden Ave
Alden, NY 14004

Service is to begin December 1, 2010 at the rate of \$103.50 weekly and \$158.75 biweekly as per their bid form.

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti – Yes
Mayor Alberti – Yes

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AWARD BID – COURT TRANSACTION WINDOW

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

WHEREAS, the Village of Depew sought bids for installing security glass in the Depew Justice Court Office to be paid for with JAG grant funds;

WHEREAS, the bids were opened on Friday November 12, 2010 at 11:01 am and the low bidder was All Doors & Glass Inc with a bid of \$15,525.00;

BE IT RESOLVED, that the bid for installing security glass in the Depew Justice Court Office be awarded to:

All Doors & Glass Inc.
210 West Ave.
Depew, NY 14043

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti – Yes
Mayor Alberti – Yes

AWARD BID – SEWER RELINING – GRANT ST

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

WHEREAS, the Village of Depew sought bids for sanitary sewer and manhole remediation on a portion of Grant St;

WHEREAS, the bids were opened on Thursday November 18 at 11:00 am and the only bidder was United Survey Inc. with a bid of \$99,240.00; and

BE IT RESOLVED, that the bid for Grant Street Sanitary Sewer and Manhole Remediation, upon the recommendation of Nussbaumer and Clarke. Inc, be awarded to:

United Survey Inc.
25145 Broadway Avenue
Oakwood Village, OH 44146

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti – Yes
Mayor Alberti – Yes

AUTHORIZE MAYOR TO SIGN LVAC AGREEMENT

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

WHEREAS, the Village of Depew utilizes Lancaster Volunteer Ambulance Corp for ambulance service to its residents;

NOW THEREFORE BE IT RESOLVED, that Mayor Alberti is authorized to the Agreement between LVAC and the Village of Depew for ambulance service for the period of January 1, 2011 to December 31, 2015 with a renewal clause for an additional five year period.

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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 Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti – Yes
Mayor Alberti – Yes

AUTHORIZE MAYOR TO SIGN AGREEMENT FOR GENERATOR MAINTENANCE

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

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to sign an agreement with Cummins Northeast 700 Aero Dr Buffalo NY 14225 for generator maintenance on the seven village generators at a cost of \$3,228.96 for the period of February 1, 2011 till January 31, 2012.

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti - Yes
Mayor Alberti - Yes

APPROVE CHANGES TO SERVICE AWARD PROGRAM

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

WHEREAS, Village residents approved a proposition to establish a Service Award Program, effective January 1, 1994 for active volunteer firefighter members of the Depew Fire Department; in accordance with Article 11-A of the New York General Municipal Law; and,

WHEREAS, changes to the law or Opinions issued by the Office of the State Comptroller of New York State (OSC) deem it necessary to review and analyze the Program; and,

WHEREAS, the Village retained Penflex, Inc. to perform an audit of the Program's Point System recordkeeping and administration and Village and Fire Department officials have concluded that certain provisions of the Point System must be updated to comply with current law and OSC Opinions; and,

WHEREAS, the Depew Fire Department has requested that the Village Board of Trustees of the Village of Depew allow points for Safety Officers; and,

WHEREAS, Article 11-A authorizes, in certain instances, the Village Board of Trustees of the Village of Depew to amend the Service Award Program by the adoption of a resolution of the Board of Trustees; and,

NOW, THEREFORE, BE IT RESOLVED THAT, the Village Board of Trustees of the Village of Depew, as authorized by Article 11-A of the New York State General Municipal Law, by adoption of this resolution, directs that the Service Award Program Point System be amended effective January 1, 2011 as follows:

Point Accumulation Activity: Participation in Department Responses

Replace the existing language with the following:

25 points are earned for responding to the minimum number of calls according to the chart below:

**Total Number of Fire Department Calls
During the Year**

Required Number of Calls Attended

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0-500 calls	10%
500-1000 calls 1000	50 calls plus 7.5% of the # of calls between 500 & 1000
1000-1500 calls 1500	88 calls plus 5.0% of the # of calls between 1000 & 1500
1500 or more calls	113 calls plus 2.5% of the # of calls over 1500

Point Accumulation Activity: **Holding a Specified Elected or Appointed Position – 25 points maximum**

Add the following to the specified list:

Title	Points
Safety Officer	5

All other provisions of the Depew Fire Department Service Award Program Point System shall not change and the program shall continue to be administered by the Village of Depew in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti - Yes
Mayor Alberti - Yes

APPROVE FIRE DEPT BYLAW CHANGES

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

BE IT RESOLVED, that the Fire Dept Bylaws changes presented to the Board for Article 2 Section 1, Article 4 Section 3 and Article 11 Section 1 & 2 are hereby approved.

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti - Yes
Mayor Alberti - Yes

APPROVE/TABLE/DENY DUMPING PERMIT – CASEY’S

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

WHEREAS, John Caselinuovo, has applied for a Dumping Permit for 5651 Transit Rd. for filling in low areas on property including storage areas and roads,

NOW THEREFORE BE IT RESOLVED, a Dumping Permit is hereby **ADOPTED** with the following conditions:

- 1) Documentation must be provided where the fill is coming from and that the fill material has been tested and does not contain any contaminants.
- 2) Clean fill – no tires, metals or construction debris.
- 3) Roadway must be kept clean.
- 4) Dumping must occur only Monday –Friday, excluding holidays and between the hours of 8 a.m. and 5:30 p.m. only. No dumping will be done on holidays or weekends.
- 5) No more than 3,000 cy for the season.
- 6) Permit ends December 31, 2011.

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti – Yes
Mayor Alberti – Yes

MODIFY 2010/2011 BUDGET- DPW SCRAP

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

WHEREAS, the Village of Depew has received \$2,409.69 from scrapping material and these funds will be used for public works expenditures;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2010/2011 Budget in the following manner:

A510	Estimated Revenue	
	Sub Account 010.2655 Minor Sales	\$2,409.69
A960	Appropriations	
	Sub Account 8140.414–Storm Sewers – Materials	\$2,409.69

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti – Yes
Mayor Alberti – Yes

MODIFY 2010/2011 BUDGET- GAS SPILL

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

WHEREAS, the Village of Depew has received \$1,600.29 from reimbursements for a gas spill and the proceeds from this check were used to pay for supplies and cleanup costs;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2010/2011 Budget in the following manner:

A510	Estimated Revenue	
	Sub Account 010.2770 Classified Revenue	\$1,600.29
A960	Appropriations	
	Sub Account 1660.416–Gasoline Acct	\$1,107.79
	Sub Account 3410.414 – Fire Dept – Materials	\$ 492.50

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti – Yes
Mayor Alberti – Yes

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MODIFY 2010/2011 BUDGET- POLICE GRANT \$

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

WHEREAS, the Village of Depew has received \$1,135.24 from Erie County Council for the Prevention of Alcohol and Substance Abuse, Inc. and the proceeds of this check were used to pay for the labor costs associated with this police detail;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2010/2011 Budget in the following manner:

A510	Estimated Revenue	
	Sub Account 010.4320 Buckle Up Money	\$1,135.24
A960	Appropriations	
	Sub Account 3120.112–Police – Traffic Safety	\$1,135.24

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

Trustee Hammer – Yes
Trustee Keefe – Yes
Trustee Maryniewski – Yes
Trustee Monti – Yes
Mayor Alberti – Yes

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department for:

Engine 6 & Rescue 7 to take the apparatus to the Buffalo Airport on Dec. 7, 2010 at 7 pm for training.

And

Engine 1 to attend driver training class on Nov 23 at 6 pm at the Crittenden Fire Hall.

And

Hose Company #1 to host their annual Christmas party at the North Side Fire Hall on December 18, 2010 from 5 pm until midnight.

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

TREE TRIMMING/REMOVAL: None

EMPLOYMENT APPLICATIONS: Exercise Instructor – Cheryl Wilczak, Van Driver – Michael Bristol

DEPARTMENT HEAD REPORTS: None

BUILDING APPLICATIONS AND REPORTS –

ON A MOTION BY Trustee Hammer, seconded by Trustee Monti, the building inspector reports were accepted as presented.

REPORT OF THE VILLAGE ATTORNEY

Two research projects – one for Fire Chief Cummings and one for the Board.

REPORT OF THE VILLAGE ENGINEER

Zurbrick Rd – met with DEC and Chris regarding DEC’s role in remediating the lead.

COMMITTEE REPORTS:

Trustee Monti – Pool covers are installed. We have new 14 passenger bus for the Senior Center that was provide for by Cheektowaga Community Development Funds.

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UNFINISHED AND OTHER BUSINESS –

Mayor Alberti's comments:

1. Village Board and Captain Carwile attended the Veteran Day Services at St. John Lutheran Church.
2. Fire Chief Cummings asked for permission to assist in searching for the 92 year missing man in Alleghany Park. The Mayor thanked the Firemen and the Emergency Managers for what they did to assist the gentleman.
3. Tree Lighting is Dec 11th at 6 pm in Veteran's Park. Lancaster Depew Carolers. Cookies and hot chocolate at St. James School after the tree is lit. Visit from Santa and a gift for each child.
4. Announced the retirement of Sandra Wiess in the Treasurer's Office after 24 years of service to the Village. The Board wished her good health and happiness in her retirement.

PUBLIC CONCERNS AND COMMENTS –

1. Barbara & Allen Stanton – Walden & Crane – met with engineer regarding flooding on Crane St. Wanted to know what is going on.
2. Curt Krempa visited the home but did not get inside. The sewer relining on Grant St should remove the flooding. Also the drainage pump at Falcon/Warner is being reinstalled. DPW has looked at the sewers on Crane St and there are no issues. He explained there are two pumps stations at Warner and Falcon – one owned by the Village and the one currently working run by Erie County. He said all new electrical system had to be installed.
3. Barbara Stanton – wanted to know if smoke testing letters went out. Referred to Chris Juliano.
4. Dan Beutler – 26 Tyler – the new pump is this manual?
5. Ed Eberle – 59 Morris Circle – update on Banko? He said he asked Mary Holtz about Zurbrick Rd and she said it was not their responsibility.
6. Curt Krempa – DPW is waiting on a better camera but believes we are finished over there just waiting on the Town of Cheektowaga to finish sanitary sewers. Curt also spoke to the County about George Urban and was referred to maintenance worker.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Maryniewski, the following claims are to be paid: General \$960,696.51, Sewer \$8,475.40, Capital \$8,705.22, the motion was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Keefe, the meeting was adjourned at 8:10 pm in memory of Retired Detective Lieutenant Edmund "Ted" Moore, a 30 year member of the Depew Police Department, Emily Cybulski; wife of retired Police Lieutenant Ray Cybulski, and Retired Police Lieutenant Harry Sutton, a 30 year member of our Police Department. Funeral services for Mr. Sutton will be held on Wednesday morning at 9:30 am from the Pacer Funeral Home and at 10 am from St. Augustine's Oratory. On behalf of the Village Board, I would like to extend our condolences to all the families and share in their loss. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator