

MEETINGS TO DATE 11
NO. OF REGULARS: 10

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
AUGUST 10, 2009**

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

ON A MOTION BY, Trustee Monti, and seconded by Trustee Hammer, the July 27, 2009 Village Board Minutes were approved.

ON A MOTION BY, Trustee Keefe, and seconded by Trustee Maryniewski, the July 20, 2009 Zoning Board Minutes were accepted.

ON A MOTION BY, Trustee Keefe, and seconded by Trustee Maryniewski, the August 3, 2009 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. John Spencer – 38 A St - questioned resolution #6 – Attorney Nosek read resolution and explained the changes from the March 23, 2009 resolution. Change was the resolution would pertain to fireman on any comp not just Village comp. Mr. Spencer asked why a fireman could not sit in a classroom to maintain their current standards. Attorney commented that this would pose a liability against the Village.
2. Brian Musielak – 4th Asst Chief – looking for clarification – fireman on comp do not do anything physical but now non physical is included? Attorney commented to participate as a fireman you should not be on comp. No light duty in firehalls.
3. Mayor Alberti – if a fireman is on worker’s comp with their other job and slips what liability does Village have?
4. Jim Nusall – 125 Meridian – he met with Ed Holohan from Penflex and Ed told them that they could sit at meetings.
5. Steve Weiss – 135 Olmstead – sign in sheet would help – Attorney said comp is not waivable.
6. Jeff Lee – 66 Vanderbilt – can the person be invited as a guest?
7. John Spencer – Resolution #11 what is the modification? Thermal imaging cameras.
8. Scott Bosworth – 127 Woodlawn – Resolution #12 – is someone putting in for membership?

APPOINT GARAGE HELPER PT

Pursuant to Section 4-400 of Village Law, I Mayor Barbara A. Alberti, hereby appoint Richard Roll III, 44 Princeton Ave, Depew NY 14043 to the position of Garage Helper PT at the Department of Public Works at a salary of \$11.00 per hour.

The appointment was acted upon in the following manner by the Board of Trustees:

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

ADOPT/TABLE LOCAL LAW #5 OF 2009 – DISPOSAL FEES FOR TV, REFRIGERATORS, FREEZERS AND AC UNITS

Trustee Keefe, 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 2009 Amendments to the Village Code relating to establishing a fee for the disposal of televisions, refrigerators, freezers and air conditioners (“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

**VILLAGE OF DEPEW
AUGUST 10, 2009**

WHEREAS, the Village held a public hearing on the Local Law on June 8 and July 27, 2009 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.

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 2009 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 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 ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING – CRUSHING AGREEMENT WITH DIAMOND D CONSTRUCTION - BROADWAY

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

BE IT RESOLVED, the Village Administrator is authorized to advertise for a public hearing to be held Monday August 24, 2009 at 7:35 p.m. regarding a Crushing Agreement with Diamond D Construction (Joseph DiPizio) for his Broadway St location site.

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

AUTHORIZE APPRAISAL & SALE OF VILLAGE PROPERTY

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

WHEREAS, the Village of Depew Administration declares the two parcels listed below as surplus property and they are not needed for use by the Village of Depew,

BE IT RESOLVED, the Administrator is authorized to seek independent appraisals of the two Village parcels, Cleveland Place and unpaved portion of Eliot Ave, see attached parcel maps, and upon completion of the appraisals the Administrator is authorized to advertise for bids on these two parcels.

BE IT FURTHER RESOLVED, both parcels will only be sold with the necessary easements for the Village and any other party that requests one. Any transaction costs, including but not limited to the cost of a search, survey, bidders attorney's fees or recording costs, are the responsibility of the bidder. The responsibility of the Village is limited to the execution of a quit claim deed and the documents required to record the deed.

**VILLAGE OF DEPEW
AUGUST 10, 2009**

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS FOR FIRE DEPARTMENT PHYSICALS

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

BE IT RESOLVED, the Village Administrator is authorized to advertise for bids for Fire Department Physicals.

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

**MODIFY RESOLUTION # 7 MARCH 23, 2009-
SERVICE AWARD PROGRAM REGARDING WORKERS COMPENSATION BENEFITS**

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

BE IT RESOLVED, that the Village Board clarifies when a firefighter on Village of Depew Workers Compensation coverage will receive Service Award Points by following the guidelines stated below:

If as a result of his or her participation in a line of duty activity, a volunteer firefighter is either temporarily and totally or partially and permanently disabled and is paid benefits under the Volunteer Firefighter Benefits Law, an example is workers compensation benefits, the volunteer is given 5 points per month under the point system while he or she is being paid volunteer firefighter workers compensation benefits.

If a volunteer firefighter is on workers compensation but not due to his participation in a line of duty activity, the volunteer firefighter is not allowed to participate in any firefighter activities or earn points while being paid workers compensation benefits ~~through the Village of Depew~~ **as a result of any employment injury.**

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 - Abstain
Trustee Monti - Yes
Mayor Alberti – Yes

**VILLAGE OF DEPEW
AUGUST 10, 2009**

ACCEPT RESIGNATION – COURT OFFICER PT

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

BE IT RESOLVED, the resignation of Paul J. Kowalewski as Court Officer PT is accepted effective September 11, 2009.

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

AWARD BID – SIDEWALKS COMMUNITY DEVELOPMENT FUNDS

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

BE IT RESOLVED, that upon the recommendation of Nussbaumer & Clarke, the bid for the 2009 Sidewalks in the bid amount of \$33,711.00 be awarded to:

C&C Contractors Inc.
1589 Bailey Road
Cowlesville, NY 14037

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

APPROVE CHANGE ORDER #1 – 2009 SIDEWALKS COM DEV FUNDS

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

BE IT RESOLVED, that upon the recommendation of Nussbaumer & Clarke, the Change Order #1 to repair sidewalks on Muskingum St in the bid amount of \$52,125.00 be awarded to:

C&C Contractors Inc.
1589 Bailey Road
Cowlesville, NY 14037

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 2009/2010 BUDGET

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

WHEREAS, the Village of Depew has received \$2,076.45 from the County of Erie for PLP Patrols and the proceeds of this check were used to pay for these labor expenditures;

**VILLAGE OF DEPEW
AUGUST 10, 2009**

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2009/2010 Budget in the following manner:

| | | |
|------|-------------------------------------|------------|
| A510 | Estimated Revenue | |
| | Sub Account 010.2655 Minor Sales | \$2,076.45 |
| A960 | Appropriations | |
| | Sub Account 3120.100–Police – Labor | \$2,076.45 |

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

MODIFY 2009/2010 BUDGET

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

WHEREAS, the Village of Depew Fire Department has received \$28,382.00 from the Department of Homeland Security for 3 Thermal Imaging Cameras and the proceeds of this check will be used to pay for these expenditures;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2009/2010 Budget in the following manner:

| | | |
|------|---|-------------|
| A510 | Estimated Revenue | |
| | Sub Account 010.4960 Federal Aid- Emergency | \$28,382.00 |
| A960 | Appropriations | |
| | Sub Account 3410.200–Fire Dept - Equipment | \$28,382.00 |

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Monti, 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:

CENTRAL HOSE CO #4

Steven James Mohammed 77 Houston St Depew NY 14043

EXPLORER POST

Daniel Marshall 4745 Broadway Depew NY 14043
Dylan Bernacki 266 Argus Dr. Depew NY 14043

The following resolution was seconded by Trustee Keefe and **CARRIED.**

**VILLAGE OF DEPEW
AUGUST 10, 2009**

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to:

Depew Fire Dept. for the use of the Northside Firehall for a Fire Prevention Detail on October 4, 2009 from 9:30 am until 4:00 pm.

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

TREE TRIMMING/REMOVAL: 65 Wyandotte

EMPLOYMENT APPLICATIONS: Garage Helper – Richard Roll, Stephen Weiss, Commercial Bldg Inspector PT – Charles Turner, Gerald Ostrowski, Peter Michaels, Court Officer – Kenneth Zotara

DEPARTMENT HEAD REPORTS

Clerk's Office July 2009, Electrical Dept April-June 2009, Police Dept June 2009

ON A MOTION BY Trustee Keefe, seconded by Trustee Maryniewski, the Department Head Reports were accepted as presented.

BUILDING APPLICATIONS AND REPORTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Monti, the building inspector reports were accepted as presented. Also approved was the DPW to mow the grass at 45 Madeline Lane and for all costs to be put on the tax roll.

REPORT OF THE VILLAGE ATTORNEY

Pre-meeting is at 6:30 pm – open to public – he advises the Village Board and Departments, drafts local laws and resolutions, writes what Board wants – if local law could be better let him know

REPORT OF THE VILLAGE ENGINEER

Supports DPW with Zurbrick Rd. Mayor added that last Friday there was a meeting with Erie County Bryan Fiume, Charlie Sickler, Chris Juliano, Curt Krempa, Trustee Hammer, Liz Melock and the Mayor about Zurbrick Rd to seek materials from the County. DEC is ready to go waiting on Army Corps. Mayor received letter from SEMO regarding applying for grant.

COMMITTEE REPORTS

Trustee Monti – playgrounds close Aug 14.

UNFINISHED AND OTHER BUSINESS

Mayor Alberti:

1. Recreation Dept – Mayor toured ice rink – commended DPW employees for great job on taking out old doors and blocking up walls and adding man door. Inside rink is almost done. Ice Rink opens Sept 25. Trustee Maryniewski thanked Tony for inviting anyone to pre-meeting. Mayor stated only allowed to speak if on agenda and acknowledge prior to meeting but you can come and listen.
2. Thanked Police Officer Scott Hossfeld and his three nephews – The McDonald boys – who helped spruce up and maintain the Wilbur Sharick memorial area on Olmstead & Grant.
3. Mayor & Trustee Hammer visited home on Ashford – very meticulous home that is over run with rodents due to dumped concrete in creek bed from neighbor. Mayor had Paul Walters come over. Letter was sent to residents on Ashford on how to alleviate rodent problem.

**VILLAGE OF DEPEW
AUGUST 10, 2009**

PUBLIC CONCERNS AND COMMENTS

1. Jim Nusall – 125 Meridian St – will the Fire members be notified of the change? Administrator told him a letter and copy of the resolution for each active member would be in the Fire Chief's mailbox tomorrow.
2. Mayor Alberti – meeting with Fire Chiefs last week – minutes will be available.
3. Dave Burkhardt – 5 Autumn Lea – Ledyard – what is going on – Chris – rebuilding the road CHIPS funding. Community Development funds? - They are used for Community Policing, Senior Center staff.
4. Steve Weiss – 135 Olmstead – Misses Wilbur as a neighbor. Has 3 children – daughter local has not been around. Wanted to know how old Richard Roll is and if he is Linda Hammer's neighbor? Mayor Alberti explained he worked at DPW last year as summer help and John Wojcik gave spoke highly of him.
5. Scott Bosworth – 127 Woodlawn – he hand delivered a letter to the Mayor. Mayor said she never seen him before. Mayor showed Chiefs at last weeks meeting a folder with all her notes and letters. Asked if the Board will not be accepting applications from outside the village. Mayor said we will not be accepting applications from members outside the Village. Per Penflex there are 99 active members.
6. Brian Musielak – 4th Asst Chief – not every active member is in the Service Award Program.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Keefe, seconded by Trustee Maryniewski, the following claims are to be paid: General \$198,052.64, Sewer \$2,558.14, Capital \$1,626.57. The motion was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Hammer, the meeting was adjourned at **8:35 pm**. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator