

MEETINGS TO DATE 18
NO. OF REGULARS: 17

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
JAN 9, 2012**

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

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Pecora, the December 27, 2011 Village Board Minutes were approved.

ON A MOTION BY, Trustee Nikonowicz, and seconded by Trustee Nolder, the January 5, 2012 Village Board Minutes were approved.

PRESENTATION OF CERTIFICATES OF PUBLIC SERVICE – Mayor read of names of employees with 25 or more years of service: George DelConte Jr, Mary Wolbrecht, James Taton, Mark Jackman, Robert Miechowicz, Bernard Wlostowski and Dave Wilkosz.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Irv Reing – 380 Columbia – Explain #5 – Mayor explain Town of Cheektowaga gives \$390,000 as a credit to the residents for Police services. Irv wanted to know what we get from Cheektowaga for Police Services. Mutual aid. Paul Sprada – 58 Argus – what buildings are they and why are they coming down. Addresses of 84 Main and 5799 Transit were given. They would be coming down as they are a safety hazard. Mr. Sprada also wanted to know what is being crushed. Mayor explained existing concrete.
Matt Schuster – 360 Gould Ave – interested in purchasing 5799 Transit. Village Attorney Aquino instructed him to contact the owners of the property.

PUBLIC HEARING PROPOSES DEMOLITION PROPERTIES – 5799 TRANSIT & 84 MAIN -

Village Administrator read the legal notice regarding the public hearing for the proposed demolition properties and Mayor Hoffman opened the hearing.

Code Enforcement Officer Fischione explained that on 5799 Transit Rd there are exposed bricks falling onto the adjacent building and sidewalk causing a safety concern so the building needs to be demolished and 84 Main St there is a major roof collapse so the building needs to be demolished. Both properties have been photographed and numerous attempts have been made to contact the owners to rectify the situation.

James Nykiel – 275 Terrace, owner of 84 Main St., wanted to know when he was contacted. COE Fischione stated the dates of Oct 2011, March 2011, Nov 2011 and one response from the owner that he would sell the property for \$1. Owner stated he does not have the money to demolish it and there are back taxes owed on it. Mr. Nykiel wanted to know what the next step was. Village Attorney Aquino said if the Board determines to demolish it then the County will be contacted to make sure the Village will recoup the demo fees that will be placed on the tax bill.

Joan Priebe – 15 Howard – where is 5799 Transit? COE Fischione stated the barricades are in front of the building. Ms. Priebe wanted to know why it was being demolished. CEO Fischione said it was unsafe. Village Attorney Aquino said there is a dispute on the owner of the property. Bank has stopped the foreclosure, lien is \$175k, bank would have to do a short sale.

ON A MOTION BY, Trustee Hammer, seconded by Trustee Pecora the public hearing was closed at 7:15 pm.

APPOINT WORKING CREW CHIEFS

Pursuant to Section 4-400 of Village Law, I Mayor Steven P. Hoffman, do hereby appoint Michael Kinson, 72 King Ave, Depew, NY and Michael Lucarelli 67 Dorset Dr Depew NY to the positions of Working Crew Chiefs effective January 10, 2012 at a salary of \$25.53 per hour. For purposes of seniority Michael Kinson is senior to Michael Lucarelli.

The appointments were 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
JANUARY 9, 2012**

ADOPT/TABLE/DENY LOCAL LAW #1 OF 2012 – REPEALING CHAPTER 125 HOUSING STANDARDS

Trustee Nolder, 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 December 27, 2011 at 7:01 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law which would repeal Chapter 125 Housing Standards which was replaced by Chapter 76 Building Construction. The Local Law was previously tabled at the December 27, 2011 meeting and was previously advertised at Local Law 11 of 2011.

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/tabled/denied.

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

APPROVE CRUSHING PERMIT – NIAGARA REFINING

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

WHEREAS, Niagara Refining LLC, has applied for a Crushing Permit for 5661 Transit Rd (104.13-1-1.212 - 2 Main St.).

NOW THEREFORE BE IT RESOLVED, a Crushing Permit is hereby **APPROVED**. If approved the following conditions apply:

- 1) Documentation must be provided where the fill that is being crushed came from and that the fill material has been tested and does not contain any contaminants.
- 2) Crushing must occur only Monday –Friday, excluding holidays and between the hours of 9 a.m. and 5:00 p.m. only. No crushing will be done on holidays.
- 3) Crushing shall only occur until March 15, 2012 and then again from October 15, 2012 till January 9, 2013.
- 4) Crushing operations must not allow dust to escape into the surrounding properties.
- 5) Storm water protection plan must be in place for any run off.
- 6) Crushing operations must comply with the Village Code regarding noise ordinances.
- 7) Crushing permit shall expire on January 9, 2013.
- 8) No new concrete will be brought in, only existing concrete will be crushed.
- 9) DEC to be contacted to monitor air quality during operations if the Code Enforcement Officer deems it necessary.
- 10) Comply with all sections of the Village Code especially 260.20 Section D Crushing and Stockpiling.

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

**VILLAGE OF DEPEW
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AUTHORIZE MAYOR TO SIGN AGREEMENT WITH CHEEKTOWAGA –TAX CREDIT FOR POLICE SERVICES

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

BE IT RESOLVED, that Mayor Steven P. Hoffman, is authorized to sign an agreement the Town of Cheektowaga for a Tax Credit in the amount of \$390,000.00 against the Town assessment for the Village residents in the Town of Cheektowaga. The agreement is effective from January 1, 2012 to December 31, 2012.

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 SEMINAR – INSPECTORS

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

Permission is hereby granted to Tony Fischione and Gary Cummings to attend the NYS Code Class How to Inspect for the ECCCNYS-2010 on January 12, 2012 from 8 am until 5pm. The course will be held at the Aurora Town Hall in East Aurora NY. There is no fee for the seminar. Use of a village vehicle is authorized.

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

PERMISSION SEMINAR - DPW

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

Permission is hereby granted to Chris Juliano to attend the OSHA Compliance Seminar on February 24, 2012 from 8 am until 5pm. The course will be held at the Hyatt Regency Hotel Buffalo, NY. The fee is \$199 for the seminar. Use of a village vehicle is authorized.

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Nikonowicz, 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:

HOOK & LADDER
Ellen Krupczyk 63 Gregory Ct Depew NY 14043

HOOK & LADDER EXPLORER'S
Andrew Palmer 51 Jeffrey Dr Depew NY 14043
Nicholas Szklanka 63 Gregory Ct 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

**VILLAGE OF DEPEW
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TREE/TRIMMING REMOVAL:

EMPLOYMENT APPLICATIONS:

DEPARTMENT HEAD REPORTS, Building Dept Dec 2011

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

REPORT OF THE VILLAGE ATTORNEY

45 Asbury is on the County auction list for March.

REPORT OF THE VILLAGE ENGINEER

Zurbrick Rd – prebid meeting with DEC and 40 contractors. Jan 24th bid date for spring work.

COMMITTEE REPORTS:

None

UNFINISHED AND OTHER BUSINESS –

None

PUBLIC CONCERNS AND COMMENTS –

Paul Sprada – 58 Argus – with the police credit do we get the same on the Lancaster side? Mayor – we are not charged on the Lancaster side. Mr. Sprada questioned the copper theft at DMV. Chief Carwile said we have no suspects.

Joan Priebe – 15 Howard – is the special use permit for one year? Questioned whether the fire inspections for occupancy are being done. Chief Cummings responded he does them as they come available as the occupant changes.

Irv Reinig – 380 Columbia – On Olmstead is there a record that he has any part in designing Depew? Agreement with Cheektowaga, what service does Cheektowaga provide? Trustee Nikonowicz – there are maps, etc upstairs in the Historian’s Office that anyone can see after the meeting. We also met with Mr. Tom Herrera-Mishler, President & CEO of Olmsted Conservatory today and he was excited about the documents we have. Trustee Nolder – there are certain things the Towns can charge the village for under State law. He is trying to rectify the situation to make it more equitable and plans on meeting with the Town in spring. Mr. Reinig stated that Depew residents pay \$2 million per year for police protection they do not get. Trustee Nolder said he is committed to work on this and we are looking at our options even including a law suit. Mr. Reinig asked the whole board if they were behind it also and they stated they were.

Joan Priebe – 15 Howard – Do the maps document that Fredrick Olmstead stepped foot in the Village. Trustee Nikonowicz explained that Ms. Priebe would be able to look at the maps and draw her own conclusion.

Mayor Hoffman said at some point we will have the answer that we just started looking into this and it would not be at this meeting.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Nolder, seconded by Trustee Pecora, the following claims are to be paid: General \$132,782.61, Sewer \$1095.65, the motion was **CARRIED**.

ADJOURNMENT-

ON A MOTION BY Trustee Pecora, seconded by Trustee Nolder, the meeting was adjourned at 7:40 pm in honor of Troop 565 Eagle Scout Benjamin Fuller. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator