

MEETINGS: 19
NO. OF REGULAR: 19
NO. OF SPECIAL MEETINGS: 0

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
JANUARY 14, 2008**

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

ON A MOTION BY, Trustee Fusani, and seconded by Trustee Monti, the January 14, 2008 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Keefe, the January 7, 2008 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

MAYOR’S COMMENTS:

Mayor Alberti & Trustee Keefe attended Erie County Executive Chris Collins swearing in ceremony and also Town of Cheektowaga’s Supervisor Mary Holtz. The Village was awarded \$100,000 from Erie County Community Development for their Sanitary Sewer projects. If more funding is release the other two submitted projects could be funded. Chief Domino reported on the increase in DWI arrests and summons this past year. Mayor Alberti thanked the Chief and his Police Department for the fine job they are doing. The Police Department was awarded \$11,500 for a portable video surveillance system. Trustee Hammer is the liaison for the Village for the Communities That Care Program through Lancaster Youth Bureau. April 12, 2008 will be Clean Up Depew Day – hopefully the Boy Scouts and Girl Scouts will participate this year in this event.

PUBLIC HEARING – PROPOSED LOCAL LAW # 1 & #2 OF THE YEAR 2008 – STORMWATER LOCAL LAWS

Mayor Alberti opened the public hearing. Village Administrator read the legal notice.

See attached copies of the Local Laws.

COMMENTS ON PUBLIC HEARING:

Joan Priebe – 15 Howard Lane – What does this entail?

John Wojcik – Basically #1 is putting sediment controls on new builds through the contractor, #2 concerns the outflows within the Village – Currently there are 130-140 outflows. These need to be inspected every 3-4 years to detect any discharge of water from corporations.

ON A MOTION BY Trustee Maryniewski, seconded by Trustee Hammer, the Public Hearing was closed at **7:42 PM**.

ADOPT LOCAL LAW #1 & LOCAL LAW #2 of 2008 – STORMWATER LAWS

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

WHEREAS, the Village is required by the New York State Pollution Discharge Elimination System General Permit for Municipal Separate Storm Sewer Systems GP-02-01 to adopt a local law or other regulatory mechanism requiring certain land development

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activities to implement erosion and sediment controls and to adopt a local law or other regulatory mechanism prohibiting non-stormwater discharges to the municipal separate storm sewer system; and

WHEREAS, the Village drafted Local Law Introductory No. 1 of 2008 (“Erosion and Sediment Control Local Law”) and Local Law Introductory No. 2 of 2008 (“Illicit Discharge Detection and Elimination Local Law” and collectively, the Local Laws”) using model language from the New York State Department of Environmental Conservation (“DEC”) and the New York State Department of State; and

WHEREAS, the Village Board referred the Erosion and Sediment Control Local Law to the Erie County Division of Planning/Niagara County Planning Board in accordance with General Municipal Law §239-m; and

WHEREAS, the Village Board, as lead agency with respect to the adoption of the Local laws (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 Laws on January 14, 2008 to hear comments from the public regarding the Local Laws 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 Laws and concerning any negative environmental impacts of the Action; and

WHEREAS, the Village Board determined 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.

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby issues a negative declaration of environmental significance, attached hereto as Exhibit A, with respect to the Action; and

BE IT FURTHER RESOLVED, that the Village Board does hereby adopt the Erosion and Sediment Control Local Law, to be known as Local Law #1 of 2008 attached hereto as Exhibit B, and the Illicit Discharge Detection and Elimination Law, to be known as Local Law #2 of 2008, attached hereto as Exhibit C; and

BE IT FURTHER RESOLVED, the Village Board authorizes the filing of the Local Laws with the New York State Department of State in accordance with § 27 of the New York State Municipal Home Rule Law.

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

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

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PUBLIC HEARING – SPECIAL USE PERMIT – 4150 BROADWAY

Mayor Alberti opened the public hearing. Village Administrator read the legal notice.

A Special Use Permit was requested for outdoor storage at 4150 Broadway

COMMENTS ON PUBLIC HEARING:

Dan Beutler – 26 Tyler St – Does not think this should be passed. Building on property is not complete – all storage was to be enclosed. All scrap from southside now on northside.

ON A MOTION BY Trustee Hammer, seconded by Trustee Maryniewski, the Public Hearing was closed at 7:47 PM.

SPECIAL USE PERMIT – 4150 BROADWAY

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

BE IT RESOLVED, that a Special Use Permit be hereby denied for Twin Village Recycling 4150 Broadway for outdoor storage on their property at 4150 Broadway.

NOW THEREFORE BE IT RESOLVED, a Special Use Permit commencing on January 14, 2008 and January 14, 2009 with said application renewable on an annual basis, is hereby denied to Twin Village Recycling, with a fee of \$150.00 per year.

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

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

APPOINT COMPREHENSIVE PLAN STEERING COMMITTEE MEMBER-CHEEKTOWAGA

Pursuant to Section 4-400 of Village Law, I, Mayor Barbara Alberti, do hereby appoint Linda Hammer, 34 Princeton Ave, Depew, NY 14043 to the position of Comprehensive Plan Steering Committee Member -Cheektowaga, at no additional salary.

The foregoing nomination was acted upon in the following manner by the Village Board of Trustees:

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

ACCEPT RESIGNATION – MEMBER ZONING BOARD

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

BE IT RESOLVED, the Village Board accepts the resignation of Paul Walter Sr. from the position of Member Zoning Board of Appeals effective immediately.

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

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APPOINT RESIDENTIAL BUILDING INSPECTOR

Pursuant to Section 4-400 of Village Law, I, Mayor Barbara A. Alberti, do hereby appoint, Paul Walter Sr. 16 Park Place Depew NY 14043 to the position of Residential Building Inspector PT effective immediately at a salary as stipulated in the current budget.

The foregoing nomination was acted upon in the following manner by the Village Board of Trustees:

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

APPOINT RECORDS MANAGEMENT OFFICER

Pursuant to Section 4-400 of Village Law, I, Mayor Barbara A. Alberti, do hereby appoint, Elizabeth C. Melock 314 Columbia Ave Depew NY 14043 to the position of Records Management Officer effective immediately at no additional salary.

The foregoing nomination was acted upon in the following manner by the Village Board of Trustees:

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

ACCEPT RESIGNATION – ASSESSMENT REVIEW BOARD

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

BE IT RESOLVED, the Village Board accepts the resignation of Carl Kist from the position of Assessment Review Board Member effective immediately.

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

APPOINT ASSESSMENT REVIEW BOARD MEMBER

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

Pursuant to section 523 of Real Property Tax Law, I, hereby nominate Christine Teprovich 28 Patsy Lane, Depew, New York 14043 to the Assessment Review Board, said term to expire at noon on the first Monday in April, 2011 at a salary as stipulated in the budget.

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

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

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ACCEPT RESIGNATION –ASSISTANT DISASTER COORDINATOR

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

BE IT RESOLVED, the Village Board accepts the resignation of Arthur Domino from the position of Assistant Disaster Coordinator effective immediately.

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

APPOINT ASSISTANT DISASTER COORDINATOR

Pursuant to Section 4-400 of the Village Law, I, Mayor Barbara A. Alberti, do hereby appoint Tim Michaels, 6 Park Place Depew, NY 14043, for the position of Assistant Disaster Coordinator at no salary, for the remainder of the term, said term to expire on the first Monday in April 2008.

The foregoing nomination was acted upon in the following manner by the Village Board of Trustees:

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

AUTHORIZE MAYOR TO SIGN MEMORANDUM OF UNDERSTANDING

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

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to sign an agreement with the CSEA Unit #6717-01 regarding amending Article 26 – Out-of-Title Work in the contract that expires May 31, 2011.

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

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

AUTHORIZE MAYOR TO SIGN AGREEMENT WITH CHEEKTOWAGA –TAX CREDIT FOR POLICE SERVICES

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 the Town of Cheektowaga for a Tax Credit in the amount of \$360,000.00 against the Town assessment for the Village residents in the Town of Cheektowaga. The agreement is effective from January 1, 2008 to December 31, 2008.

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

Trustee Dillemoth -	Yes
Trustee Fusani -	Yes

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

MODIFY 2007/2008 BUDGET – FEMA GRANT FUNDS

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

WHEREAS, the Village of Depew Fire Department has received \$132,353.00 from FEMA and the proceeds were used to pay for turnout gear,

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2007/2008 Budget in the following manner:

A510	Estimated Revenue	
	Sub Account 010.4320 – Federal Aid – FEMA	\$132,535.00
A960	Appropriations	
	Sub Account 3410.402 – Fire Dept – Personal Protective Equip	\$132,535.00

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

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

MODIFY 2007/2008 BUDGET – NOCO DONATION

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

WHEREAS, the Village of Depew Police Department has received \$500.00 from NOCO and the proceeds will be used for departmental items,

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2007/2008 Budget in the following manner:

A510	Estimated Revenue	
	Sub Account 010.2770 – Minor Sales, Misc.	\$500.00
A960	Appropriations	
	Sub Account 3120.434 – Police Dept – Professional Services	\$500.00

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

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

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MODIFY 2007/2008 BUDGET – TREE GRANT

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

WHEREAS, the Village of Depew DPW Department has received \$4,200.00 from NYS DEC and \$2,500.00 from Depew PTO and the proceeds were used to purchase trees to replace those damaged in the October storm,

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2007/2008 Budget in the following manner:

A510	Estimated Revenue		
	Sub Account 010.2770 – Minor Sales, Misc.		\$6,700.00
A960	Appropriations		
	Sub Account 010.8560.435 Shade Trees – Contractual Services		\$6,700.00

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

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

AUTHORIZE ADMINISTRATOR TO TRANSFER FUNDS

Trustee Fusani, offered the following resolution and moved for is adoption:

BE IT RESOLVED, the Administrator is authorized to make the following transfer of funds:

From Account:	Amount:	To Account:	Amount:
Contingency Account	1990.400	Police Dept-Labor Comp Time Payment	3120.100
	12,503.78		12,503.78
Contingency Account	1990.400	Fire Dept – Personal Protective Gear	3410.402
	6,626.75		6,626.75
Total to be transferred			\$19,130.53

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

- Trustee Dillemoth - Yes
- Trustee Fusani - Yes
- Trustee Hammer - Yes
- Trustee Keefe - Yes
- Trustee Maryniewski - Yes
- Trustee Monti - Yes
- Mayor Alberti - Yes

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PERMISSION – ATTEND NYS-GFOA CONFERENCE

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

Permission is hereby granted to Liz Melock to attend the NYS-GFOA 2008 Annual Conference from April 2-4, 2008, at the Albany Marriott Hotel – Albany. The cost of the conference and hotel is \$544.00. Permission is also granted for the use of a Village vehicle.

The following resolution was seconded by Trustee Maryniewski, and **CARRIED**.

PERMISSION – ATTEND NYCOM WINTER LEGISLATIVE MEETING

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

Permission is hereby granted to Mayor Barbara A. Alberti & Trustee Linda Hammer to attend the NYCOM Winter Legislative Meeting from February 24-26, 2008, at the Crowne Plaza – Albany. The cost of the conference and hotel is \$946.00. Use of a Village vehicle is also authorized.

The following resolution was seconded by Trustee Fusani, and **CARRIED**.

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Hammer, 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:

WEST END DEPEW HOSE #6

William R. Kidder 2191 George Urban Blvd Apt 2 Depew NY 14043

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

TREE TRIMMING/REMOVAL: : 179 Hanwell Pl, 247 Terrace Blvd, 230 Evane Dr., 78 George St, 111 Irving Terrace

EMPLOYMENT APPLICATIONS

Recreation –Tonnie Paradowski, Maryann Smith, Roseann Nowocien, DPW – Steven Schmidt

DEPARTMENT HEAD REPORTS

Treasurer's Office Nov – Dec 2007, Assessor's Office Nov 2007, Police Nov 2007, Clerk's Office Oct-Dec 2007, Electrical Dept Oct-Dec 2007

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

BUILDING APPLICATIONS AND REPORTS

ON A MOTION BY Trustee Keefe, seconded by Trustee Maryniewski, the building inspector's report and the plumbing reports were accepted as presented.

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REPORT OF THE VILLAGE ATTORNEY

Prepared revisions to the garbage container law, the resolutions and EAF.

REPORT OF THE VILLAGE ENGINEER

Responded to EPA regarding the overflows and will submit report to DEC by end of the month regarding the Cornell area.

COMMITTEE REPORTS

Trustee Hammer - She attended the Communities That Care meeting. This is a program started to give children resources to grow up and have a wonderful life. The group meets at the Lancaster Youth Bureau. The phone number is 683-4444 – John Trojanowski. There will be another sticker day coming up to inform adults to stop buying alcohol for kids.

Trustee Keefe – Tuesday February 19th is Grievance Day from 4-8 pm. Stop in the Clerk's Office to obtain the necessary forms.

Trustee Monti - Senior Center is looking for new members – the average age now is 75. Their meeting is the 1st Sunday of the month.

Mayor Alberti - In regards to the Senior Center – the Board is trying to turn things around – new programs, social events, new arts & craft teacher. The computer is set up now. The Mayor is even calling BINGO numbers. If you would like to volunteer to work with the seniors please call 681-4396. It is very rewarding to work with the seniors.

UNFINISHED AND OTHER BUSINESS

None.

PUBLIC CONCERNS AND COMMENTS

Dan Beutler – 26 Tyler Street – His garbage can lids were is both cans with the ropes cut. EPA may start digging in May in the Tyler St area. Regarding the fact sheet for NL Properties. What is in the run off water on site? Wants a report given to the Village. John Wojcik has been in contact with DEC – they have permission to discharge water after it has been filtered. Trustee Hammer also spoke with DEC and there is a filtration system on site.

Dave Burkhardt – 5 Autumn Lea – the applications are there new people being employed, questioned NOCO donation and the letter regarding blacktop on sidewalks.

Fire Chief Pete Michaels – showed Board new turn out gear obtained with grant money from FEMA. The coat and pants are lighter and can be resized. 97 sets are in service.

Mayor Alberti – Commented to Dan Beutler that someone on Sylvia also had the same problems with the lids and she will contact NEI. She did contact the Boys & Girls Club about having their garbage out early. She spoke about the garbage law and that the containers must be no more than 60 pounds.

Dave Burkhardt – 5 Autumn Lea – does the Village receive money from the recycling.

Paul Walter – mail notice out with taxes – Tax bill mailed May 31 – new garbage law hopefully in effect for April 1.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Fusani, seconded by Trustee Keefe, the following claims are to be paid: General \$37,072.37 Sewer \$61,377.69, **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Maryniewski, the meeting was adjourned at **8:30pm** in the memory of John Bielecki, a longtime resident and businessman who operated Johnny's Amusements; and also in memory of Ralph Folino, a former resident, teacher and coach at Depew High School and in memory of Rosemarie Szczublewski, the mother of Corrine Domino and mother in law to Police Chief Tom Domino. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator

