

MEETINGS TO DATE 21  
NO. OF REGULARS: 20

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
FEB 27, 2012**

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

**ON A MOTION BY**, Trustee Pecora, and seconded by Trustee Nolder, the February 13, 2012 Village Board Minutes were approved.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

Dennis Keunzi 117 Harvard – Applying for Home Occupation Permit for 12x6 hair salon. Family of 4 will be there at most, open MWF with about 2 vehicles.

Mayor informed the audience that after Public Concerns and Comments the Board was going into Executive Session to discuss personnel issues at DPW

**AUTHORIZE ADMINISTRATOR TO ADVERTISE PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR THE YEAR 2012-2013**

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

**BE IT RESOLVED**, that the Village Administrator is authorized to advertise for a public hearing on the Tentative Budget for the Year 2012/2013, to be held on March 26, 2012 at 7:00 PM in the Village of Depew Council Chambers.

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING TAX CAP OVERRIDE – LOCAL LAW 2 OF 2012**

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

**Be It Resolved**, the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday March 12, 2012 at 7:01 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 2 of 2012 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

**AUTHORIZE MAYOR TO SIGN AGREEMENT WILLIAMSON LAW – CODE ENFORCEMENT SOFTWARE**

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

**BE IT RESOLVED**, that Mayor Steven Hoffman, is authorized to sign an agreement with Williamson Law Book Company 790 Canning Parkway, Victor, NY 14564 for Code Enforcement Software Program for the Building Dept. The cost of the software is \$3650.00 and the annual support is \$545.00.

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

**AUTHORIZE INTERN – DEPEW JUSTICE COURT**

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

**BE IT RESOLVED**, that Lauren C Karp, 108 Cornell Dr Depew NY 14043 is allowed to be a non-compensated intern at the Depew Justice Court from May 2012 through August 2012.

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

**AUTHORIZE TRANSFER COMMUNITY DEVELOPMENT FUNDS**

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

**BE IT RESOLVED**, that the Village Board authorizes the transfer of funds in the Cheektowaga Community Development Accounts from 2010 – Narcotics Detail in the amount of \$7,773.85 and the 2010 Senior Van Driver account in the amount of \$10,000 be transferred to the 2011 Sidewalk Replacement account. The total to be transferred is \$17,773.85. This transfer will cover the remainder of the funds utilized for the 2011 Sidewalk Replacement Project.

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

**APPROVE HOME OCCUPATION APPLICATION – 117 HARVARD AVE**

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

**BE IT RESOLVED**, that the Home Occupation Application for Danielle Kuenzi, 117 Harvard Ave Depew NY 14043 to operate a hair salon named Danielle’s Cutique is approved/denied.

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

**TREE/TRIMMING REMOVAL:** 285 Terrace, 23 Eagle Terr, 105 Meridian, 571 Terrace

**EMPLOYMENT APPLICATIONS:** Police Attendant – Giovanna Andrews, Barbara Pionessa, Wendy Keicher, Patricia Miller, Cynthia McCormick, Heather Gravelle, Elaine Snyder, Linda Elbersen, Lisa Calabretta, Sharon Utech, Kathleen Barry, Heather Evangelista, Lisa Szymanski, Charlene Barron, Danette Hicks, Maeghen Adamski, Suzanne Borawski, Tania Simmons, Maggie Jagoe, Chandra Black, Deborah Scott, Amanda Kaufann; General – Jacob Onisk, DPW – Jon Aroix

**DEPARTMENT HEAD REPORTS:** Building Dept Jan 2012. Clerk/Treasurer’s Office Dec 2011, Jan 2012, Police Jan 2012, Electrical Dept 2011

**ON A MOTION BY**, Trustee Pecora, seconded by Trustee Nikonowicz, the department head reports were accepted as presented.

**REPORT OF THE VILLAGE ATTORNEY**

Tax Auction on March 5 he is attending to see if 45 Asbury sells. Also might have a person interested in the property on Transit Rd.

**REPORT OF THE VILLAGE ENGINEER**

No Report

**COMMITTEE REPORTS:**

None

**UNFINISHED AND OTHER BUSINESS –**

None

**PUBLIC CONCERNS AND COMMENTS –**

Carol Janicki – 207 Rossiter – Requested the Board change the Code regarding fences. Presented pictures and a write up about the neighbors orange fence with no trespassing signs all over it. Had concerns with the camera on the neighbors property looking into her yard.

COE Fischione explained nothing in the current code states the fence has to be one color. He suggested language to the effect – if a fence is painted or stained it shall be painted/stained in its entirety – all uniform in color.

Trustee Nolder questioned painting the fence themselves.

Atty Aquino explained we are in the process of revising the balance of the code and will look at it.

Mayor had Chief Carwile address the camera on the house. Chief Carwile stated it was difficult to see where the camera was pointed with the dome under the eave. The homeowner may have the camera as long as it is not directly aimed at your house looking in your windows. He has the right to protect his property.

If a problem arises or there is an invasion of privacy then they can come to the Police Dept and speak with an officer.

On a Motion by Trustee Hammer, seconded by Trustee Nikonowicz, the Board went into Executive Session at 7:23 pm to discuss DPW personnel issues. On a Motion by Trustee Pecora, seconded by Trustee Nolder, the Board reconvened the meeting at 7:35 pm.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Nolder, seconded by Trustee Pecora, the following claims are to be paid: General \$225,824.53 Sewer \$930.24, the motion was **CARRIED**.

**ADJOURNMENT-**

**ON A MOTION BY** Trustee Hammer, seconded by Trustee Nikonowicz, the meeting was adjourned at 7:36 pm in memory Angie Persichini who passed away recently. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock  
Village Administrator