

MEETINGS TO DATE 2
NO. OF REGULARS: 2

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
APRIL 13, 2009**

ROLL CALL: Trustee Keefe
Trustee Maryniewski
Trustee Monti
Mayor Alberti

Absent: Trustee Hammer

ON A MOTION BY, Trustee Keefe, and seconded by Trustee Monti, the March 23, 2009 Village Board Minutes were approved.

ON A MOTION BY, Trustee Keefe, and seconded by Trustee Monti, the April 6, 2009 Village Board Minutes were approved.

ON A MOTION BY, Trustee Maryniewski, and seconded by Trustee Keefe, the April 6, 2009 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Dave Burkhardt – 5 Autumn Lea – what is #6 – Tony Nosek will comment during his attorney report.

OPEN PUBLIC HEARING – TENTATIVE BUDGET 2009/2010

Liz Melock, Village Administrator read legal notice announcing Public Hearing and Mayor Barbara Alberti opened same at 7:36 pm.

1. Irv Reinig – 380 Columbia Ave – Read a letter regarding increase of taxes (attached to minutes).
2. Louis Picciano – 26 Antoinette Dr – assessment is almost twice as high but tax rate not cut in half. Neighbors seeing a 25-30% increase.
3. Sandra Pieczynski – 46 Alys Dr E – costs have increased tremendously. Does not think Village should be dissolved but need to cut costs.
4. Sandra Wiess - 4 Anthony – taxes up \$345.
5. Joan Priebe – 15 Howard – doesn't want taxes to go up but you run gov't like your house – utilities have gone up and revenue is down.
6. Dan Beutler - 26 Tyler – tax increase since 2000. Mayor is since 2007 – old Administration gave away the store. Works for County – no raises since 2005.
7. Donna Gardner - 94 Marrano Dr – taxes going up
8. Dave Marrano – Lancaster Assessor – explained about the Northside being under assessed in the Village and now with the Village using the Town's value there is an increase just due to assessment. If a resident feels that their assessment is incorrect then you are to contact the Assessors Offices in Cheektowaga or Lancaster.
9. Irv Reinig - – 380 Columbia Ave – understands how assessments are done. Northeast part of Depew has maintained its value.
10. Tony Nosek – spoke about how Village had no backup for Article 7 challenges as the assessments were from the Towns' values in 1986.
11. Mayor Alberti – Northeast side could see an increase where lots on the Southside could see a decrease.
12. Matt Filipowicz – how old does your house have to be before you see a decline? Dave Marrano said – location and market value are the factors not just age.
13. Mayor Alberti – read summary of changes in revenues, expenditures for new budget.

ON A MOTION BY, Trustee Monti, seconded by Trustee Maryniewski, the Public Hearing is closed at 8:13pm. **CARRIED.**

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PROCLAMATION

WHEREAS, in the early 1890's there was a large real estate boon in Lancaster and Depew which was caused by the establishment of several railroad lines and related businesses, and

WHEREAS, the two villages were inhabited by many ethnic groups that settled here due to the abundant work that was available, and

WHEREAS, the Italian immigrants who settled in this area wished to practice their Catholic faith in their native language, and

WHEREAS, Fr. John Schaus, pastor of St. Mary's and Fr. Killeen, pastor of St. James, purchased land to establish a mission church for the Italian community, and

WHEREAS, the small church was dedicated by Rt. Rev. Nelson Baker on March 14, 1909 and given the name Our Lady of Pompeii honoring our Blessed Mother under the same title of the world famous shrine in Italy, and

WHEREAS, on April 12, 1932, the Most Rev. William Turner, Bishop of Buffalo, elevated the Mission Church to the status of a Parish Church and appointed Rev. Leo Pulling as the first pastor, and

WHEREAS, Reverend Alfonso J. Bernardo was appointed as the second pastor on June 12, 1942 by Bishop John Duffy. Fr. Bernardo was responsible for the extensive building of the parish which included a new stone church that was completed in 1956, the school and convent that opened in 1960 and the rectory that he occupied in 1963, and

WHEREAS, subsequent pastors have been Rev. Msgr. Samuel Lombardo, Rev. John Leising, Rev. Jay McGinnis and currently Rev. Leon J. Biernat who was appointed as the sixth pastor on February 25, 2006, and

WHEREAS, on November 30, 2008, SS. Peter and Paul, a parish in Depew with proud Polish heritage, merged with Our Lady of Pompeii, and

WHEREAS, the parish has grown from a tiny community of Italian immigrants in 1909 to a culturally diverse parish of over 1700 families, and

WHEREAS, the Mayor and Board of Trustees, together with the residents of the Village of Depew, extend their warmest congratulations to the parish community of Our Lady of Pompeii on the celebration of your 100th anniversary.

AUTHORIZE MAYOR TO SIGN PENFLEX AUTHORIZATION FORM FOR 2008 SERVICE AWARD PROGRAM.

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

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to sign the 2008 Service Award Program Administration Form and forward to Penflex, Inc for the purpose of administering the 2008 Service Award Program for Depew Firefighters.

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

Trustee Hammer – Absent
Trustee Keefe – Yes
Trustee Maryniewski – Yes

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Trustee Monti – Yes
Mayor Alberti – Yes

AUTHORIZE JUSTICE ASSISTANCE GRANT 2009

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

WHEREAS, the Justice Assistance Grant is sponsored through the Bureau of Justice Assistance Department, and provides grants to municipal police departments to assist in quality of life issues, and

WHEREAS, the Village of Depew Police Department is interested in availing itself of \$12,944 in funding under this program to address issues in the firing range and for mobile data terminal replacements and/or additions, and

WHEREAS, the City of Buffalo will serve as the lead agency for the purpose of securing and administering these grant funds; **NOW, THEREFORE, BE IT**

RESOLVED, that the Chief of Police be and hereby authorized and directed to complete the necessary application, forms, etc. to be submitted for the purpose of securing this grant, and **BE IT FURTHER**

RESOLVED, that the Mayor be and hereby authorized and directed to execute any and all documents pertaining to the application for and acquisition of said funding.

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

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

AUTHORIZE YEAR END BUDGET TRANSFERS

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

BE IT RESOLVED, that the Administrator is hereby authorized to adjust and amend the 2008/2009 General, Sewer, Capital and Community Development Fund Budgets; and to reconcile and amend all appropriations and revenue accounts to actual as of May 31, 2009 and make adjustments to encumbrances and accounts payable.

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

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

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AUTHORIZE SEQRA REVIEW LOCAL LAW 1 OF 2009 – USED CAR DEALERS

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

WHEREAS, Local Law Introductory No 1 of 2009 (“Local Law for the 2009 Amendments to Local Law regulating used car dealers”) has been proposed, which seeks to regulate and require licensing of; and

WHEREAS, the Local Law shall create a new Chapter 231 of the Code of the Village of Depew (“Code”); and

WHEREAS, all terms used but not defined herein shall have the meanings given to them in § 617.2 of Chapter 6 of the New York Code of Rules and Regulations; and

WHEREAS, the New York State Environmental Quality Review Act (“SEQR”) requires that a lead agency be established to undertake, fund, or approve any action; and

WHEREAS, in accordance with § 617.6 of Chapter 6 of the New York Code of Rules and Regulations, which outlines the procedure for uncoordinated review of certain unlisted actions, the Village Board may proceed under SEQR as if it were the only involved agency and, therefore, as lead agency; and

WHEREAS, the approval of the Local Law by the Village Board (the “Action”) constitutes an unlisted action under SEQR; and

WHEREAS, the Village Board must make a determination as to the environmental impact of the action; and

WHEREAS, a public hearing (“Public Hearing”) is required for the enactment of a Local Law; now

WHEREAS, all Local Laws must be sent to the County Department of Planning pursuant to General Municipal Law § 239-m.

THEREFORE, BE IT RESOLVED, that the Village Board shall conduct an uncoordinated review of the proposed Action under SEQR; and

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes an uncoordinated review of the Action wherein the Village Board shall act as lead agency; and

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes the preparation of a Short EAF to be circulated to the Village Board together with the full text of the Local Law; and

BE IT FURTHER RESOLVED, that a Public Hearing shall be held on April 27, 2009; and

BE IT FURTHER RESOLVED, that the Village Administrator shall forward a copy of the proposed law to comply with General Municipal Law § 239 –m.

BE IT FURTHER RESOLVED, that the Village Board will consider whether or not to issue a Negative Declaration with respect to adopting the Local Law during the Public Hearing.

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

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

**AUTHORIZE PUBLIC HEARING & SEQRA REVIEW LOCAL LAW 2 OF 2009 –
ABANDONED VEHICLES**

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

WHEREAS, Local Law Introductory No 2 of 2009 (“2009 Amendments to the Village Code relating to Abandoned Vehicles”) has been proposed, which seeks to regulate Abandoned Vehicles; and

WHEREAS, the Local Law shall amend Chapter 236 of the Code of the Village of Depew (“Code”); and

WHEREAS, all terms used but not defined herein shall have the meanings given to them in § 617.2 of Chapter 6 of the New York Code of Rules and Regulations; and

WHEREAS, the New York State Environmental Quality Review Act (“SEQR”) requires that a lead agency be established to undertake, fund, or approve any action; and

WHEREAS, in accordance with § 617.6 of Chapter 6 of the New York Code of Rules and Regulations, which outlines the procedure for uncoordinated review of certain unlisted actions, the Village Board may proceed under SEQR as if it were the only involved agency and, therefore, as lead agency; and

WHEREAS, the approval of the Local Law by the Village Board (the “Action”) constitutes an unlisted action under SEQR; and

WHEREAS, the Village Board must make a determination as to the environmental impact of the action; and

WHEREAS, a public hearing (“Public Hearing”) is required for the enactment of a Local Law; now

WHEREAS, all Local Laws must be sent to the County Department of Planning pursuant to General Municipal Law § 239-m.

THEREFORE, BE IT RESOLVED, that the Village Board shall conduct an uncoordinated review of the proposed Action under SEQR; and

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes an uncoordinated review of the Action wherein the Village Board shall act as lead agency; and

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes the preparation of a Short EAF to be circulated to the Village Board together with the full text of the Local Law; and

BE IT FURTHER RESOLVED, that a Public Hearing shall be held on May 11, 2009; and

BE IT FURTHER RESOLVED, that the Village Administrator shall forward a copy of the proposed law to comply with General Municipal Law § 239 –m.

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BE IT FURTHER RESOLVED, that the Village Administrator is hereby authorized to advertise that the Public Hearing will be held; and

BE IT FURTHER RESOLVED, that the Village Board will consider whether or not to issue a Negative Declaration with respect to adopting the Local Law during the Public Hearing.

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

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

**AUTHORIZE PUBLIC HEARING & SEQRA REVIEW LOCAL LAW 3 OF 2009 –
CHANGEABLE TEXT SIGNS**

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

WHEREAS, Local Law Introductory No 3 of 2009 (“2009 Amendments to the Village Code relating to Changeable Text Signs”) has been proposed, which seeks to regulate Changeable Text Signs; and

WHEREAS, the Local Law shall amend Chapter 260-27-E(4)(g) of the Code of the Village of Depew (“Code”); and

WHEREAS, all terms used but not defined herein shall have the meanings given to them in § 617.2 of Chapter 6 of the New York Code of Rules and Regulations; and

WHEREAS, the New York State Environmental Quality Review Act (“SEQR”) requires that a lead agency be established to undertake, fund, or approve any action; and

WHEREAS, in accordance with § 617.6 of Chapter 6 of the New York Code of Rules and Regulations, which outlines the procedure for uncoordinated review of certain unlisted actions, the Village Board may proceed under SEQR as if it were the only involved agency and, therefore, as lead agency; and

WHEREAS, the approval of the Local Law by the Village Board (the “Action”) constitutes an unlisted action under SEQR; and

WHEREAS, the Village Board must make a determination as to the environmental impact of the action; and

WHEREAS, a public hearing (“Public Hearing”) is required for the enactment of a Local Law; now

WHEREAS, all Local Laws must be sent to the County Department of Planning pursuant to General Municipal Law § 239-m.

THEREFORE, BE IT RESOLVED, that the Village Board shall conduct an uncoordinated review of the proposed Action under SEQR; and

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes an uncoordinated review of the Action wherein the Village Board shall act as lead agency; and

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BE IT FURTHER RESOLVED, that the Village Board hereby authorizes the preparation of a Short EAF to be circulated to the Village Board together with the full text of the Local Law; and

BE IT FURTHER RESOLVED, that a Public Hearing shall be held on May 11, 2009; and

BE IT FURTHER RESOLVED, that the Village Administrator shall forward a copy of the proposed law to comply with General Municipal Law § 239 –m.

BE IT FURTHER RESOLVED, that the Village Administrator is hereby authorized to advertise that the Public Hearing will be held; and

BE IT FURTHER RESOLVED, that the Village Board will consider whether or not to issue a Negative Declaration with respect to adopting the Local Law during the Public Hearing.

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

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – 2009
SANITARY SEWER & MANHOLE REMEDIATION & 2009 SIDEWALK
REPLACEMENT PROJECT**

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

WHEREAS, the Village of Depew was awarded \$100,000 in Community Development Funds for the 2009 Sanitary Sewer & Manhole Remediation Project – Neoga St. and the Village is next in line to receive funding for the 2009 Sidewalk Replacement Project – Neoga St & St. James Place,

BE IT RESOLVED, the Village Administrator is authorized to advertise for these two separate projects when the bid specs are available from the engineer.

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

APPROVE/DENY/TABLE REVISED FIRE DEPARTMENT BYLAWS

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

WHEREAS, the Depew Fire Department has revised their department bylaws,

BE IT RESOLVED, that the Village Board tables these revisions.

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

Trustee Hammer – Absent
Trustee Keefe – Yes
Trustee Maryniewski – Yes

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Trustee Monti – Yes
Mayor Alberti – Yes

PERMISSION TO HOLD 10K RACE

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

BE IT RESOLVED, permission is hereby granted to the Depew-Lancaster Boys & Girls Club to hold their 32nd Annual 10K Race on Friday July 4, 2009 starting at 9:00 AM.

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

PERMISSION RIDE FOR MISSING CHILDREN

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

BE IT RESOLVED, permission is hereby granted to National Center for Missing & Exploited Children/NY Branch to include the Village of Depew in their 3rd Annual Ride for Missing Children on Friday May 8, 2009. The route has been approved by the Chief of Police.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to:

Chief Ken Mau, Assistant Chiefs Gary Cummings, David Adamberger, Joe Whipkey and Brian Musielak to attend the 2009 Fire Industry Rescue & EMS Expo in Verona NY from June 9-June 14.

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Keefe, 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:

CAYUGA HOSE COMPANY #3

Christopher Oppel 12 Main St Apt 4 Depew, NY 14043

CENTRAL HOSE CO. #4

Kaitlyn Weishaupt 41 Lucy Lane Cheektowaga NY 14225
Roy Nieman 11Krieger St Depew NY 14043

WEST END HOSE CO #6

David Konkle 5909 Transit Rd Depew NY 14043
Ryan Winegarden 159 Harris Ct Cheektowaga NY 14225

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

TREE TRIMMING/REMOVAL: 736 Terrace, 55 Manitou, 51 Middlesex, 123 Preston,

EMPLOYMENT APPLICATIONS: Recreation – Kyle Krampen, Kelsey Sharp, Brian Peck, Brandy Amorosi, Kelsey Martin, Ashley Joya, Michelle Spencer, Lindsey Jakubczak, Joseph Spencer, Molly Dawson, Matthew Beck, Kayla Doetterl, Rachael Banasik, Carlene Derkovitz, Thomas Wurstner, Robert Mohring, Janelle Ganje, Ricky Coburn, Julie Strychalski, Kristen Angierski, Amber Caros, Gina Gaca, Julie Manhard, Ryan Storms, Brendan Geisel, Marcie Szatkowski, Courtney Manhard, Planning or Zoning Board – Anthony Lipuma, Administrative/Clerical – Theresa Ulaszko

DEPARTMENT HEAD REPORTS

Senior Center March 2009

ON A MOTION BY Trustee Maryniewski, seconded by Trustee Monti, the Department Head Report was accepted as presented.

BUILDING APPLICATIONS AND REPORTS

ON A MOTION BY Trustee Monti, seconded by Trustee Keefe, the building inspector report was accepted as presented.

REPORT OF THE VILLAGE ATTORNEY

Explained the 3 Local Laws. #1 – is in regards to the Used Car License moratorium. Public hearing April 27. #2 – changeable sign text – LED signs. #3 – abandoned vehicles – unlicensed cars – language of code antiquated. Public hearing May 11.

REPORT OF THE VILLAGE ENGINEER

Contract books are ready.

COMMITTEE REPORTS

Mayor Alberti –

1. attended meeting for CDBG in Orchard Park
2. Community Development received stimulus funds. Village should be awarded the Neoga St sidewalk project.
3. Asst Chief Cummings and Mayor met with Ken Swanekamp and Leg. Konst regarding the bridges and the trussel bridge that the Fire Dept has safety issues with.
4. Trustee Hammer & the Mayor met with Pete Tripi from EC Vector Control regarding rodent problems. Residents can call the Clerk's office for the number for Erie County to come out and bait on residential property.
5. 2010 Census – April – July 2009 census employees will be visiting each neighborhood.

Trustee Keefe –

1. Tree issue – ongoing – trees near Veterans Park will remain in place until the Board makes a determination.
2. Zurbrick Rd collapse – barricades are up. Trying to get the County, DEC and Town of Cheektowaga on Board.

UNFINISHED AND OTHER BUSINESS

None

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PUBLIC CONCERNS AND COMMENTS

1. Dan Beutler – 26 Tyler – thanked Chris for repairing hole at Tyler & Ellicot. Spoke about the Town of Lancaster selling library to Brian Parisi for copier business. Mayor said that the Board will be setting up an appointment with the Board.
2. Mark Musielak – 10 Airview – wanted update on fence issue.
3. Mark Smith – 20 Antoinette – sidewalks on Rehm road – on southside – why aren't there any there?
4. Irv Reinig – 380 Columbia – depleted fund balance – can't budget without using fund balance.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Keefe, seconded by Trustee Maryniewski, the following claims are to be paid: General \$222,556.79, Sewer \$7,792.96, Capital \$132,841.75. The motion was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Maryniewski, the meeting was adjourned at **9:02 pm** in memory of Norm Downey. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator