

MEETINGS: 03
NO. OF REGULAR: 03
NO. OF SPECIAL MEETINGS: 0

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
APRIL 28, 2008**

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

ABSENT: Trustee Dillemoth

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

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Monti, the April 21, 2008 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

OPEN PUBLIC HEARING – STORM WATER COALITION ANNUAL REPORT

Liz Melock, Village Administrator read legal notice announcing Public Hearing and Mayor Barbara Alberti opened same at 7:32 pm.

1. Joan Priebe – 15 Howard Ln. – Questioned if there was a synopsis of the plan.

ON A MOTION BY, Trustee Keefe, seconded by Trustee Monti, the Public Hearing is closed at 7:36 pm. **CARRIED.**

OPEN PUBLIC HEARING – LOCAL LAW #3 – GARBAGE LAW

Liz Melock, Village Administrator read legal notice announcing Public Hearing and Mayor Barbara Alberti opened same at 7:37 pm.

1. Dan Beutler – 26 Tyler St. – Comments regarding garbage law, put through as soon as possible.

ON A MOTION BY, Trustee Fusani, seconded by trustee Maryniewski, the Public Hearing is closed at 7:38 pm. **CARRIED.**

Mayor Alberti's Comments

- Clean Up Depew Day – Eighty-eight people participated, Girl Scouts, Depew Boys & Girls Club and the Village Board. Thank you to Tammy & Rae for their help.
- Check for \$11,159 – Judge Boller – court funds enhanced bench safe, computers credit card machines.
- Election platform – keeping police department, reduce trustees, ending selective enforcement, combining positions where possible, ending patronage jobs.

APPOINT SENIOR CLERK TYPIST

Pursuant to Section 4-400 of Village Law, I Mayor Barbara Alberti, do hereby appoint Paula Baritot, 53 J.F.K. Lane, Depew NY 14043, for the position of Senior Clerk Typist from the EC Civil Service Exam No. 041274, Exam Date 08/11/07 effective May 12, 2008 at a salary of \$14.30 per hour.

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

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

AUTHORIZE MAYOR TO SIGN PROJECT DEVELOPMENT AGREEMENT

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

WHEREAS, Village facilities are in need of upgrades to improve energy efficiency and occupant comfort, and reduce operational and maintenance costs, and

WHEREAS, in accordance with Article 9 of the New York State Energy Law, the Village has the opportunity to implement improvement needs and energy conservation measures by means of an Energy Performance Contract, and

WHEREAS, on August 13, 2007, the Village Mayor and Administrator, discussed the opportunity of receiving Energy Performance Contract proposals that will propose potential opportunities and methods to improve Village owned facilities and reduce energy related operating costs, and

WHEREAS, on August 13, 2007, the Village Board authorized the Village Administrator to issue a Request For Proposals for an Energy Performance Contract on August 16, 2007, and

WHEREAS, the Village Administrator received Energy Performance Contract proposal(s) on August 31, 2007, reviewed the proposal(s), and is recommending the selection of Wendel Energy Services, LLC, and

WHEREAS, the Village requires a detailed Energy Efficiency Study to identify and evaluate potential facility improvements, and the New York State Energy Research and Development Authority (NYSERDA) provides 50% cost-shared grant funding for an energy efficiency study amount not to exceed \$50,000, and

WHEREAS, NYSERDA grant funds may be applied toward the Energy Efficiency Study to be conducted in conjunction with an Energy Performance Contract, and

WHEREAS, the Village executed an Energy Efficiency Study agreement with NYSERDA and Wendel Duchscherer Architects and Engineers, PC, and

WHEREAS, the results of the NYSERDA Energy Study indicate that the Village will benefit from the implementation of an energy performance contract through the installation of energy efficient facility improvement measures, and

THEREFORE BE IT RESOLVED, that Mayor Barbara A. Alberti, or her designee, is authorized to enter into a project development agreement and subsequent agreements as required to implement an energy performance contract with Wendel Energy Services, LLC, 140 John James Audubon Parkway, Amherst, New York, for the provision of facility improvements, that would result in annual guaranteed energy savings and operational savings, that will offset the annual project payments, contingent upon the form and terms of agreement having been approved by the Village Attorney.

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Also be it RESOLVED that Mayor Barbara A. Alberti, or her designee, is hereby authorized to enter into a Municipal Lease agreement with the financial institution offering the most beneficial terms in compliance with the New York State Energy Law Article 9 – Energy Performance Contracts in Connection with Public Buildings and Facilities. The form and terms of agreement must be reviewed and approved by the Village Attorney.

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

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

MODIFY 2007/2008 BUDGET

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

WHEREAS, the Village of Depew has received \$11,159 in a grant from the Justice Court Assistance Program for computers and court renovations and the proceeds of this grant will be used for these expenditures;

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 – Classified Revenue	\$11,159.00
A960	Appropriations	
	Sub Account 1130.435 – Justice Court - Contractual	\$11,159.00

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

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

ACCEPT FIRE DEPARTMENT ELECTION RESULTS

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

WHEREAS, on Thursday, April 3, 2008, the Depew Fire Department held their Annual Fire Department Chiefs Election with the following results

Chief	Kenneth Mau	Cayuga Hose Co. #3
1 st Assistant Chief	Gary Cummings	Aetna Hose Company
2 nd Assistant Chief	David Adamberger	West End Hose Co. #6
3 rd Assistant Chief	Joseph Whipkey	Depew Hose Company #1
4 th Assistant Chief	Brian Musielak	Depew Hook & Ladder Company No. 1
5 th Assistant Chief	Vacant	

BE IT RESOLVED, that the Village Board approves this election result and congratulates the elected Chief and Assistant Chiefs.

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

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PERMISSION TO ATTEND PERMA SEMINAR

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

BE IT RESOLVED, Permission is hereby granted to Marie Nelson to attend the PERMA workers compensation seminar May 21-23, 2008. The cost of the conference and one night's hotel is paid for by PERMA. The cost of the travel night's hotel and tolls will not exceed \$200.00. Permission is also granted for use of the Village vehicle.

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

PERMISSION LANCASTER DEPEW BASEBALL ASSOCIATION PARADE

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

BE IT RESOLVED, permission is hereby granted to the Lancaster Depew Baseball Association to hold their annual Opening Day Parade on Saturday, May 3, 2008, beginning at 9:00 AM. The Police Department who will provide necessary traffic enforcement has approved the parade route.

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

PERMISSION RIDE FOR MISSING CHILDREN

Trustee Monti, 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 2nd Annual Ride for Missing Children on Friday May 9, 2008. The route has been approved by the Chief of Police.

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

PERMISSION SAINTS HOCKEY CLUB

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

BE IT RESOLVED, permission is hereby granted to the Saints Hockey Club to operate a hot dog stand for the Lancaster Depew Baseball Opening Day Parade on Saturday, May 3, 2008.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to:

The Depew Fire Department to use Ladder 5, Rescue 7 and the Fire Police for the Lancaster Depew Baseball Opening Day Parade on Saturday May 3, 2008.

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

TREE TRIMMING/REMOVAL:

51 Rogers Dr, 11 Lou Ann Dr., 31 Airview, 70 Mary Lou

EMPLOYMENT APPLICATIONS

Employment Applications: Recreation – Bryan Trzaska, Jenna Bellucci, Kelly Litz, Jillian Bryant, Gary Schmelzer, Jr., Sarah Reger, Ryan Storms, Richard Zolnowski, Crystal Frohnheiser, Jillian Bryant. DPW Summer Help – Richard Roll, Kurt Diesfeld,

DEPARTMENT HEAD REPORTS

2007 Fire Dept. Annual Report

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

BUILDING APPLICATIONS AND REPORTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Monti, the building inspectors' reports were accepted as presented.

REPORT OF THE VILLAGE ATTORNEY

Circulated stipulations regarding litigations.

REPORT OF THE VILLAGE ENGINEER

Absent

COMMITTEE REPORTS

None

UNFINISHED AND OTHER BUSINESS

None

PUBLIC CONCERNS AND COMMENTS

1. Jeff Sunquist – 10 Barnabas – Thanked Fire Dept for checking his carbon monoxide problem and also the police department for assisting with the kids loitering.
2. Dan Beutler – 26 Tyler St. – Thanked the Board for Clean Up Depew. Questioned what the increase was in the budget. Commented on the EPA clean up at NL Properties, and also the problem with abandoned cars.

CLAIMS AND ACCOUNTS – 2008-22

ON A MOTION BY Trustee Keefe, seconded by Trustee Fusani, the following claims are to be paid: General \$144,210.59, Sewer \$500.00, Capital \$986.54. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Fusani, the meeting was adjourned at **8:17 pm** in memory of Irene Nusall, mother of Jim and Sharon Nusall. The motion was **CARRIED.**

Respectfully submitted,

Elizabeth C. Melock
Village Administrator