

MEETINGS: 04
NO. OF REGULAR: 04
NO. OF SPECIAL MEETINGS: 0

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
MAY 12, 2008**

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

ABSENT: Trustee Dillemoth

ON A MOTION BY, Trustee Monti, and seconded by Trustee Maryniewski, the April 28, 2008 Village Board Minutes were approved.

ON A MOTION BY, Trustee Fusani, and seconded by Trustee Keefe, the May 5, 2008 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

ADOPT LOCAL LAW #3 of 2008 – WASTE CONTROL LAW

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

WHEREAS, the Village Board (“Village Board”) of the Village of Depew (“Village”) desires to enact the Village of Depew Waste Control Law (“the Local Law”); and

WHEREAS, the Village Board, as lead agency with respect to the adoption of the Local Law (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 Law on April 28, 2008 to hear comments from the public regarding the Local Law 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 Law and concerning any negative environmental impacts of the Action; and

WHEREAS, the Village Board determined that 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 Local Law, to be known as Local Law Number 3 of 2008, attached hereto as Exhibit B; and

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

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

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

AUTHORIZE MAYOR TO SIGN TAX WARRANT

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

BE IT RESOLVED, pursuant to Section 1426 of the Real Property Tax Law, the Village Administrator Elizabeth C. Melock is hereby directed to collect the taxes levied in the Warrant, annexed thereto, signed by Mayor Alberti.

The following resolution was seconded by Trustee Hammer, 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	

RESCIND SENIOR CLERK TYPIST APPOINTMENT

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

BE IT RESOLVED, the appointment of Paula Baritot to the position of Senior Clerk Typist is rescinded effective immediately.

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	

APPOINT DPW TEMPORARY SEASONAL EMPLOYEES

Pursuant to Section 4-400 of Village Law, I Barbara A. Alberti, hereby appoint the following:

David Hottum
70 Dean Road
Depew, NY 14043

Kurt Diesfeld
67 Norman Drive
Depew, NY 14043

Michael Wutz
147 Arlington Pl.
Depew, NY 14043

at \$11.25 per hour and upon completion and passing of pre-employment physicals and drug and alcohol testing. They are also required to come to work with Steel Toe Safety Shoes and gloves.

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

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

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ACCEPT RESIGNATION – CLERK PT

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

BE IT RESOLVED, the resignation of Sue Stranc as a Clerk PT in recreation is accepted effective May 16, 2008.

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

APPOINT CLERK PT – RECREATION DEPT

Pursuant to Section 4-400 of Village Law, I Mayor Barbara Alberti, do hereby appoint Kathleen Garry, 865 Sherwood Ct., Depew, New York, for the position of Clerk PT at the Recreation Department effective immediately, at a salary as stipulated in the current budget.

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	

AMEND RESOLUTION #5 FROM APRIL 28 MEETING – PROJECT DEVELOPMENT AGREEMENT

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

BE IT RESOLVED, resolution #5 from the April 28 Board Meeting be amended to the following resolution:

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

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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 *over the expected life of the equipment*, contingent upon the form and terms of agreement having been approved by the Village Attorney.

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 Hammer, 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	

CHANGE BOARD MEETING

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

BE IT RESOLVED, that the May 26, 2008 Village board Meeting is changed to May 27, 2008 due to the Memorial Day Holiday.

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

AUTHORIZE ADMINISTRATOR TO TRANSFER FUNDS

Trustee Keefe, 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:
Central Garage – Bldg Maint	1640.419	698.00	Sanitary Sewers – Pipes & Grates	50.8120.406	698.00
Total to be transferred					\$698.00

The foregoing resolution was seconded by Trustee Fusani, 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	

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PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to:

The Lancaster Fire Council to use the Northside training room on May 16th from 6 pm until 11:30 pm. The Central Hose Ladies Auxiliary will be present serving refreshments.

And

The Depew Fire Department to participate in the Memorial Day Parade on May 26, 2008.

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

TREE TRIMMING/REMOVAL:

36 Chateau Ct, 70 Barnabas

EMPLOYMENT APPLICATIONS

Employment Applications: Clerk PT – Kathleen Garry, Recreation – Courtney Manhard, Victoria Banas, Robert Mohring, Jordan Myers, Julie Manhard, Kelsey Martin, Deborah Balicki, Julie Strychalski, Jacquelyn Majka, Brandy Amorosi, Lindsay Wiechelt, Allison Brachikowski, Thomas Wurstner, Carlene Derkovitz, Dave Geary, Marcie Szatkowski, DPW – Jonathan Wilson, John Norek

DEPARTMENT HEAD REPORTS

Clerk's Office for March & April 2008

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

BUILDING APPLICATIONS AND REPORTS

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

REPORT OF THE VILLAGE ATTORNEY

No Report

REPORT OF THE VILLAGE ENGINEER

Letters were sent out several months ago regarding the railroads. He did receive a response from Norfolk Southern stating in the Spring of 2009 they will be repairing the concrete but no steel work therefore no painting. Two capital projects are being advertised – sanitary sewer rehab and the community development sewer projects.

COMMITTEE REPORTS

Trustee Keefe – NEST meeting – there will be drop off day for computers and hazardous wastes. Flyers are on the bulletin board. Metal Street Depot- maybe paying us for picking up goods. Trustee Monti – senior center closed starting May 19 for two weeks to get the floor refinished.

UNFINISHED AND OTHER BUSINESS

Mayor Alberti spoke regarding adopting Local Law #3 – Waste Control Law – Will go in effect when filed with the State. Probably will be paying us.

PUBLIC CONCERNS AND COMMENTS

1. Dan Beutler – 26 Tyler St. – 5600 Transit – Tractor Trailer up there. Mayor – property is for sale.
2. Paula Baritot – 53 JFK – Appointed senior clerk typist – now rescinded. What is going on? Mayor said we can meet after meeting but can not discuss personnel issues at the public meeting.

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CLAIMS AND ACCOUNTS – 2008-23

ON A MOTION BY Trustee Monti, seconded by Trustee Hammer, the following claims are to be paid: General \$168,325.22, Sewer \$8,038.86. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Hammer, the meeting was adjourned at **7:58 pm** in memory of Matthew Nowocien, Melanie L. Page, Mark L. Harhigh and Joann Germaine Horn. The motion was **CARRIED.**

Respectfully submitted,

Elizabeth C. Melock
Village Administrator