

MEETINGS TO DATE 6  
NO. OF REGULARS: 5

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
JUNE 13, 2011**

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

**ON A MOTION BY**, Trustee Pecora, and seconded by Trustee Nolder, the May 23, 2011 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Hammer, and seconded by Trustee Nikonowicz, the June 2, 2011 Planning Board Minutes were approved.

**ON A MOTION BY**, Trustee Nikonowicz, and seconded by Trustee Hammer, the June 6, 2011 Zoning Board Minutes were accepted.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

Joan Priebe – 15 Howard – what position is being created? Mayor – full time code enforcement officer

**PUBLIC HEARING LOCAL LAW #2 OF 2011 – CHAPTER 76 – ATTACHMENT 1 - APPENDIX**

Village Administrator read the legal notice regarding the public hearing for Local Law #2 – Attachment 1 – Appendix and Mayor Hoffman opened the hearing.

Copies of the changed fees were with each agenda.

No comments

**ON A MOTION BY**, Trustee Hammer, seconded by Trustee Pecora the public hearing was closed at 7:32 pm.

**ADOPT LOCAL LAW #2 OF 2011 – CHAPTER 76 ATTACHMENT 1- APPENDIX**

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 2011 Amendments to the Village Code relating to Chapter 76 Attachment 1 - Appendix (“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 June 13, 2011 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; and

**WHEREAS**, the Village Administrator provided a copy of the Local Law to the Erie County Department of Planning to comply with General Municipal Law §239-m.

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

**BE IT FURTHER RESOLVED**, that the Village Board does hereby adopt/tables the Local Law, to be known as Local Law Number 2 of 2011 attached hereto as Exhibit B; and

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**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 Municipal Home Rule Law.

The following 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

**Exhibit A & Exhibit B – attached at end**

**PUBLIC HEARING LOCAL LAW #3 OF 2011 – CHAPTER 55 OPEN BURNING**

Village Administrator read the legal notice regarding the public hearing for Local Law #3 – Opening Burning and Mayor Hoffman opened the hearing at 7:34 pm.

Copies of the new law were with each agenda.

1. Gabrielle Miller – 61 Olmstead – Knew Fire Dept reviewed new law and is good with it. She wants an age put in the law – 18 or 21 years old. Mayor – parents need to be accountable. With the age limit if minors were doing the fire then the Police could extinguish it.
2. Phillip Torgalski – 37 Banko – time period for fire as to when you can have a fire. Mayor – no time constraint – if it is aggravating neighbors call the police. Mark Aquino – Fire Marshall or Police can put it out – they were given a lot of discretion. Mr. Torgalski asked if he could call the Police anytime and the Mayor said absolutely.
3. Joan Priebe – 15 Howard – what was changed? Trustee Nolder went through the changes – definitions, size of fire, under recreational fire #1-4 were added. Ms. Priebe is against any bonfire and changing the old law as it was very good. Discussed various articles that were written before and about the report on the news today with the fire accelerant. Questioned the kind of wood to be used. Trustee Nolder – law states what kind of wood you can use. Ms. Priebe made the comment that several firemen, police and board members did not obey the current law.
4. Ed Eberle – 59 Morris Circle – wanted to know if Board thought everyone was in compliance. Trustee Nolder – explained that is why there are laws – call Police if an issue.
5. Joe Ruggerio – 80 Susan Dr – will comply with any law that is legal. If a neighbor has a problem then you shut the fire down. We tolerate fireplaces and you don't need to ruin your lawn to have a fire.
6. John Spencer – 38 A Street – responsible people can have a fire
7. Donna Janicki – 47 Dean Rd – changing the law is a big mistake – health concerns in her family. Taking a step back as this is not good for the community.
8. Bob Hauser – 9 Anthony Dr – never been to a Board meeting. In favor of fires. Can't cook on natural wood fire and a good fire gives off no smoke. Wants the enjoyment brought back to the residents with BBQ's and marshmallows. Size is a good idea.
9. Scott Watterson – 178 Lee – grew up with fires and when he moved in no law against fires. Brought all the neighbors together, unhappy when law changed. Law is well written and would like law amended.
10. Phillip Torgalski – 37 Banko – fire affects my health and enjoyment of my hot tub on my deck. Wood smell makes him go inside. I have to turn the AC shut down. Has to have a time period. Neighbors have been doing it but he hasn't complained.
11. Trustee Nolder – there is a provision in the law that you can call the Police but would recommend speaking to your neighbor first.
12. Mayor Hoffman – don't hesitate to go to the Police – remembered issues with railroad ties being burned and the police took care of it.
13. Andrew Shearer – 64 Claude Dr – with asthma and emphysema on the rise this is not a good time to pass a law. Wife has lung issues. Neighbors will get mad if you call police. Why add more smoke and dirt into the air?
14. Donna Janicki – 47 Dean Rd – when you call the police it takes 1-1 ½ hours to get there. When the police leave the neighbors light it up again.
15. Mayor Hoffman – never takes that long for the police to come
16. Steve Weiss – 135 Olmstead Ave – used to have fires in backyard with grandchildren. Gave ring away because he couldn't burn. If you burn what you should there won't be a problem.
17. Nancy Shearer – 64 Claude Dr – was there an evaluation of the air quality?

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18. Ed Eberle – 59 Morris Circle – what are the EPA concerns? An injunction can be obtained through the courts.
19. Denise Maziarz – 32 Karen – for open burning – have enjoyed back yard and have considerate neighbors. There has never been a problem. Most people have AC and are inside. Police will be there if there is a problem.
20. Joe Ruggerio – 80 Susan – how many people have chimneys? We don't want to shut these people down. What you are proposing is good.
21. Andrew Shearer – 64 Claude Dr – don't want to be forced into my home or forced to turn on AC.

**ON A MOTION BY**, Trustee Nolder, seconded by Trustee Nikonowicz the public hearing was closed at 8:00 pm.

**ADOPT LOCAL LAW #3 OF 2011 – CHAPTER 55 OPEN BURNING**

Trustee Nolder, 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 2011 Amendments to the Village Code relating to Chapter 55 – Open Burning (“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 June 13, 2011 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; and

**WHEREAS**, the Village Administrator provided a copy of the Local Law to the Erie County Department of Planning to comply with General Municipal Law §239-m.

**NOW THEREFORE, BE IT RESOLVED**, that the Village Board hereby adopts the EAF and issues a negative declaration of environmental significance, both 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 2011 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 Municipal Home Rule Law.

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

Trustee Hammer – No  
Trustee Nolder – Yes  
Trustee Pecora – Yes  
Trustee Nikonowicz – Yes  
Mayor Hoffman – Yes

Trustee Hammer voted no because someone has to stand up for the people who have health problems, too hard to enforce, can't bring wood in, have to have extinguisher, unfair to residents with health issues and there will be selective enforcement.

**Exhibit A & B - attached at end**

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**APPOINT SUMMER YOUTH PROGRAM ATTENDANTS**

Pursuant to Section 4-400 of Village Law, I Mayor Steven P Hoffman, hereby appoint the following to the summer recreation program at a salary as stipulated in the current budget:

**playground Supervisors**

1. Brendan Geisel                    203 Columbia Ave

**Summer Playground Attendants**

1. Michelle Spencer                38 A Street
2. Brandon Garry                    865 Sherwood Ct
3. Casey Kinson                    72 king
4. Ed Lubecki                        507 Penora St
5. Jacob Maryniewski               542 Penora
6. Matthew Kowalski               529 Penora
7. Kelsey Sharpe                    2949 George Urban
8. Ken Nowak                        151 Grant Street
9. Courtney Manhard               264 Marrano
10. Rebecca Schneider            83 Lee Street

**Pool Supervisors - Foremen**

1. Joe Spencer                        38 A Street
2. Allison Bracikowski            39 South transithill

**Assistant Pool Supervisors**

1. Bob Nowicki                      42 Vanderbilt Ave
2. Matt Beck                         259 Miller St

**Lifeguards**

1. Christopher Crawford            210 Dean Rd
2. Nicholas Weigand                136 Belmont
3. Taylor Myers                     82 Jessica
4. Brandy Amorosi                  35 Robert Dr
5. Jordan Myers                      82 Jessica Lane
6. Elizabeth Hall                    770 Borden Rd
7. Carlene Derkovitz                17 Hawro Place
8. Crystal Frohnheiser               8 Deepwood Ct
9. Ashley Joya                        92 Oldstone
10. Miranda Smaczniak              38 Joel Drive
11. Allison Hall                      770- Borden Rd
12. Lindsay Wiechelt                118 Olanta St
13. Janelle Ganje                    123 Castlewood
14. Marissa Ward                    34 Erie St
15. Kelsi Maciejewski               49 North Shore Drive
16. Shelby Derkovitz                17 Hawro Place
17. Deborah Balicki                 45 Irving Terrace
18. Nathan Godson                  81 Tyler

**Ticket Takers**

1. Lauren Lubecki                  507 Penora
2. Christina Moore                 Seibert
3. Cassandra Miller                61 Olmstead

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

Trustee Hammer – Yes  
Trustee Nolder – Yes  
Trustee Pecora – Yes  
Trustee Nikonowicz – Yes  
Mayor Hoffman – Yes

**APPROVE CREATION OF POSITION**

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

**BE IT RESOLVED**, that the position of Assistant Code Enforcement Officer, with the duties and responsibilities as set forth in the job specifications of the Erie County Civil Service, is hereby created.

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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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – 2011 SANITARY SEWER & MANHOLE REMEDIATION**

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

**WHEREAS**, the Village of Depew was awarded \$100,000 in Community Development Funds for the 2011 Sanitary Sewer & Manhole Remediation Project – Terrace, Manitou & Kokomo

**BE IT RESOLVED**, the Village Administrator is authorized to advertise for this project when the bid specs are available from the engineer.

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

**AUTHORIZE MAYOR TO SIGN AGREEMENT –CODE ANALYSIS**

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

**WHEREAS**, the Village of Depew Village Code was initially adopted in 1971 and needs to be reviewed and revised;

**WHEREAS**, Daniel J. Ulatowski from Zoning and Planning Solutions, Inc 113 Chasewood Lane, East Amherst, NY 14051 has submitted a proposal to review and analyze the General Legislation of the Village Code, Analyze and review Chapter 260 Zoning and Chapter 76 Building Construction, Review the Master Plan and identify Land Use Regulations for an annual cost of \$5,400.00 for 180 hours for the period June 20, 2011 to June 20, 2012.

**BE IT RESOLVED**, Mayor Steven P. Hoffman is authorized to sign the agreement.

The following resolution was seconded by Trustee Nolder, 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

**DECLARE SURPLUS PROPERTY & AUTHORIZE APPRAISAL**

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

**WHEREAS**, the Village of Depew is the owner of the paper street, Harlan St between Burlington & Falcon (on tax map 104.07) and pursuant to Village Law §1 -102, the Village Board declares this property surplus property;

**WHEREAS**, the Village Board seeks fair and adequate consideration for this property, the Board approves the hiring of an appraiser for this property;

**BE IT RESOLVED**, the Village Administrator is authorized to receive an appraisal for this property and when the appraisal is complete the Administrator is authorized to advertise for a sealed bid on this property and other previously appraised property that did not sell in prior bids, parcel(s) on Ridgeway St. and Lincoln St.

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The following 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

**DECLARE SURPLUS PROPERTY & AUTHORIZE AUCTION – DPW EQUIPMENT**

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

**WHEREAS**, the Village of Depew is the owner of the following equipment; 1995 GMC Dump Truck VIN #4886, 2001 Chevy Tahoe VIN #3384, Recreation Mowing Tractor, 1999 Ford Van VIN #2407 and pursuant to Village Law §1 -102, the Village Board declares this equipment surplus property;

**WHEREAS**, the Village Board seeks fair and adequate consideration for this equipment, the Board approves the hiring of an auctioneer to sell this equipment;

**BE IT RESOLVED**, the Mayor is authorized to sign a contract with Shawn Foss, Auctions International Inc, 808 Borden Rd Cheektowaga NY 14227 for the sale of this surplus equipment. The fee will be 10% buyer premium, added to the successful high bid price.

The following 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

**DPW GRASS CUTTING**

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

**WHEREAS**, the village is encountering numerous vacant and foreclosed homes in the village and orders to remedy have been issued to the property owner on record;

**WHEREAS**, the high grass is a nuisance to neighbors and attracts rodents;

**BE IT RESOLVED**, permission is granted for the Department of Public Works to mow any village property that is not mowed by the due date on the order to remedy and the cost of said mowing(s) will be attached to the village tax bill for that property.

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

**PERMISSION – ROCK THE YOUTH CONCERT**

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

**BE IT RESOLVED**, permission is hereby granted for Lancaster-Depew Substance Abuse Prevention Coalition 200 Oxford Ave, Lancaster, NY 14086 to hold a Rock the Youth Concert in the Fireman's Park shelter on Tuesday August 16<sup>th</sup> from 7-9 pm, with a rain date approved on Tuesday August 23<sup>rd</sup> if needed.

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

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Trustee Hammer – Yes  
Trustee Nolder – Yes  
Trustee Pecora – Yes  
Trustee Nikonowicz – Yes  
Mayor Hoffman – Yes

**PERMISSION OUTDOOR MUSIC**

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

**WHEREAS**, Bruce Vona, owner of The AUD, 6036 Transit Rd, Depew NY 14043 has filed a registration statement as required by Village Code §148-11 Article III – Amplified Sound with the Village Administrator on June 8, 2011 for easy listening solo performers on Saturdays from 5 pm until 8pm until September 24, 2011, weather permitting; and

**WHEREAS**, there will be no sound truck involved and only a small amplifier will be used on the outdoor patio for the amplification of the music; and

**BE IT RESOLVED**, the Village Board agrees to waive the \$25 per day fee as required by the Village Code §148-13 and approves the registration statement.

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

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

Trustee Nikonowicz, 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:

Aetna Hose Co #2  
Brian Wachowski 83 Warsaw St Depew NY 14043  
Ryan Nagel 61 Rossiter Ave Depew NY 14043

The foregoing resolution was seconded by Trustee Nolder 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 EXCHANGE OF WOOD CHIPS**

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

**WHEREAS**, the Village of Depew would like to exchange the wood chips and log chunks for screened topsoil;

**BE IT RESOLVED**, the Superintendent of Public Works is authorized to sign the agreement with Lardon Construction Corporation, 108 Lake Ave, Blasdell NY 14219 for the exchange of wood chips and log chunks delivered by the DPW for three dump truck loads of screened top soil delivered.

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

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Trustee Hammer – Yes  
Trustee Nolder – Yes  
Trustee Pecora – Yes  
Trustee Nikonowicz – Yes  
Mayor Hoffman – Yes

**TREE/TRIMMING REMOVAL:**

**EMPLOYMENT APPLICATIONS:** Recreation – Andrea Korczynski, Deborah Balicki, Andrea McCarty, Courtney Manhard; Laborer – Daniel Shanley

**DEPARTMENT HEAD REPORTS,** Including Building Dept: Clerk/Treasurer's Office May 2011, Police Dept April 2011

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

**REPORT OF THE VILLAGE ATTORNEY**

Few changes to the code – demolition of buildings and working on Mutual Aid with Lancaster and Cheektowaga

**REPORT OF THE VILLAGE ENGINEER**

Update on Lee St – study finding a lot of water backing up in sanitary system – infiltration from illegally hooked up down spouts, sump pumps and deteriorated storm sewer system. DPW will be filming the system shortly.

**COMMITTEE REPORTS:**

Teresa Fusani – Recreation Director – registration at recreation will take place June 14<sup>th</sup> from 6-8 pm and June 18<sup>th</sup> from 12-2 pm for swimming, golf lessons and basketball clinic.

**UNFINISHED AND OTHER BUSINESS –**

None

**PUBLIC CONCERNS AND COMMENTS –**

1. Phillip Torgalski – 37 Banko – On May 2<sup>nd</sup> spoke to Bill Pugh – a lot of work has been done on Banko and there still is water. Plumbing inspector was to come to his house with Bill Pugh. Rick Coburn – joint system and the municipalities are working together. Chris Juliano said there is still one area they could not get through and they will be back out there. Mayor said to start with DPW then go to the inspectors.
2. Gabrielle Miller – 61 Olmstead Ave – school on Terrace – they will be selling that and Depew paid for the playground equipment put in back in 1992 wants to know if we are getting our money out of it. Dawson field – reverting back to the school – are we recouping any improvements – Mayor no. Wants to know when EPA will be done working out of the North side Fire Hall. Village Administrator said by the end of June.
3. Steve Weiss – 135 Olmstead Ave – who is paving Warner Rd – Chris Juliano – Lancaster is paving it with our assistance. Steve wanted to know if they were fixing the holes. Chris said the holes would be patched and then they pave.
4. Bob Sagerman – 17 Banko Dr – unmobilized trailer parked next to his driveway. It was brought up two weeks ago and wants to know what is being done. Thanked Police Chief Carwile for contacting him right away. Wants local ordinance passed.
5. Joan Priebe – 15 Howard – law on the books for non-motorized vehicles can't be parked in the street. What is the salary for the assistant code enforcement officer. Told not set yet. When is the auction – Chris said about 30 days. Asked Mark Aquino where her FOIL was. Mark said to talk to her after the meeting.
6. Lisa Johnson – Lancaster/Depew Substance Abuse Coalition – introduced herself and thanked Board for approving concert at Firemen's Park – local high school student bands will play.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Nolder, seconded by Trustee Pecora, the following claims are to be paid: General \$1,297,309.88, Sewer \$381.62, the motion was **CARRIED**.

**ADJOURNMENT –**

**ON A MOTION BY** Trustee Hammer, seconded by Trustee Nikonowicz, the meeting was adjourned at 8:30 pm. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock  
Village Administrator