

MEETINGS TO DATE 7  
NO. OF REGULARS: 7

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
JUNE 22, 2009**

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

**ON A MOTION BY**, Trustee Monti, and seconded by Trustee Maryniewski, the June 8, 2009 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Keefe, and seconded by Trustee Hammer, the June 1, 2009 Zoning Board Minutes were accepted.

**ON A MOTION BY**, Trustee Keefe, and seconded by Trustee Hammer, the June 15, 2009 Zoning Board Minutes were accepted.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

None

**APPOINT RECREATION TEMPORARY SEASONAL EMPLOYEES**

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

Robert Mohring 318 South Creek Dr. Depew NY 14043  
– Playground Attendant PT

to the Summer recreation Program, at salary as stipulated in the budget.

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

Trustee Hammer – yes  
Trustee Keefe –yes  
Trustee Maryniewski –yes  
Trustee Monti –yes  
Mayor Alberti –yes

**ADOPT/TABLE LOCAL LAW #4 of 2009 – SIZE OF SIGNS**

Trustee Keefe, 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 2009 Amendments to the Village Code relating to Size of Signs (“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 8, 2009 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.

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**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 4 of 2009 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 Monti, and duly put to a roll call vote which resulted in the following:

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

Exhibit A – contact Village Clerk’s Office

Exhibit B

Local Law # 4 for the year 2009, Be it enacted by the Village Board of the Village of Depew as follows:

**§1 TITLE**

This Local Law shall be known as 2009 Amendments to the Village Code relating to the Size of Signs and shall be incorporated into the Village Code as an Amendment to Chapter 260-27-E(3)(a).

**§2 FINDINGS**

The Village Board finds as follows:

- (A) The Sign Size requirement of the Village Code is outdated.
- (B) The Village does not adequately deal with modern signs.
- (C) The Village desires to update it’s Code concerning the Size of Signs.
- (D) The health, safety and general welfare of the citizens of the Village of Depew are promoted by these Code updates.

**§3 PURPOSE**

The Village of Depew intends by this Local Law to:

- (A) Amend the Village Code section Chapter 260-27-E(3)(a) with respect to the Size of Signs
- (B) Provide for the health, safety and general welfare of the citizens of the Village of Depew.
- (C) To exercise the Village’s police power under the Municipal Home Rule Law, under Village Law and otherwise by the State of New York.

**§4 APPLICABILITY**

This Local Law shall apply within the confines of the Village of Depew.

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**§5 AMENDMENTS**

The Village Code Chapter 260-27-E(3)(a) is amended as follows::

The number “25” square feet in this Section of the Village Code is hereby deleted and replaced with the number “40” square feet.

**§6 SEVERABILITY**

The provisions of this Local Law are hereby declared to be severable. If any provision, clause, sentence or paragraph of this Local Law or the application thereby to any person, establishment or circumstance shall be held invalid, such invalidity shall not alter the other provisions or applications of this Local Law.

**§7 EFFECTIVE DATE**

This Local Law is effective on the first day after it is filed with the Office of the New York Secretary of State in accordance with Section 27 of the New York Municipal Home Rule law.

**AWARD RFP – ACTUARIAL SERVICES**

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

**WHEREAS**, the Village of Depew is required by GASB 45 to have a full actuarial valuation of post retirement health benefits including determination of the Village of Depew’s Annual Required Contribution;

**BE IT RESOLVED**, that First Niagara Benefits Consulting be awarded the contract in the amount of \$4,750.00 to perform the GASB 45 Valuation.

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

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BLEACHERS**

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

**BE IT RESOLVED**, the Village Administrator is authorized to advertise for bids for bleachers at the Depew Ice Rink.

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR ASBESTOS REMOVAL**

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

**BE IT RESOLVED**, the Village Administrator is authorized to advertise for bids for asbestos removal in one of the DPW buildings at 315 Borden Rd.

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

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR FLOOR MATS & UNIFORMS**

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

**BE IT RESOLVED**, the Village Administrator is authorized to advertise for bids for floor mats and uniforms at the Village of Depew Buildings.

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

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

**ACCEPT RESIGNATION – COMMERCIAL BUILDING INSPECTOR**

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

**BE IT RESOLVED**, the resignation of Matt Filipowicz as Commercial Building Inspector is accepted effective July 3, 2009.

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

**AUTHORIZE MAYOR TO SIGN SERVICE AWARD SPONSOR FORM**

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

WHEREAS, the 2008 firefighter service listing has been posted for at least 30 days in the firehalls,

NOW BE IT RESOLVED, that Mayor Barbara Alberti is authorized to sign the 2008 Sponsor Authorization Form, upon the stipulation that the firefighter addresses will be verified and corrected by each Fire Company by July 6th and return the data request package to Penflex.

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

Trustee Hammer –yes  
Trustee Keefe –yes  
Trustee Maryniewski –yes  
Trustee Monti –yes  
Mayor Alberti – yes

**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:

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<b>From Account:</b>		<b>Amount:</b>	<b>To Account:</b>		<b>Amount:</b>
Police – Briefing Pay	3120.113	30,000.00	Police – Shift Equalization	3120.109	30,000.00
Contingency Account	1990.400	3,000.00	Police – Shift Equalization	3120.109	3,000.00
Contingency Account	1990.400	49,348.00	Police – Labor	3120.100	49,348.00
Totals		82,348.00			82,348.00

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

**MODIFY 2009/2010 BUDGET**

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

WHEREAS, the Village of Depew has received \$1,970.42 from our insurance company for damage to our DPW truck and the proceeds of this check will be used for these repairs;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2009/2010 Budget in the following manner:

A510	Estimated Revenue		
	Sub Account 010.2680 Insurance Recoveries		\$1,970.42
A960	Appropriations		
	Sub Account 1640.453 –DPW Equipment Repairs		\$1,970.42

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

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

**AUTHORIZE TEMPORARY CLOSURE OF LINCOLN STREET FOR SOUTHEAST WORKS CELEBRATION DAY EVENT**

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

WHEREAS, Southeast Works has requested the temporary closure of Lincoln Street between Olmstead and Columbia for their annual Celebration Day festivities.

BE IT RESOLVED, that the Depew Village Board authorizes the temporary closure of Lincoln Street between Olmstead and Columbia Avenues on Tuesday June 23, 2009 from 9:00 am to 2:00pm subject to the conditions set by the Depew Police and the Depew Fire Department.

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

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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 Depew Fire Dept to:

Use the Ladder truck 5 for training with the Bowmansville Fire Department on Monday June 29 from 6:30 pm until 10:00 pm.

And

Use the Ladder truck 5 and Engine 6 at the Lancaster 4<sup>th</sup> of July parade.

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

**PERMISSION – ST. AUGUSTINE CHURCH**

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

Permission is hereby granted to St. Augustine & St. James parishioners have a procession from St. Augustine's Church on Penora St to St. James's Church on Terrace Blvd. after the last Mass at St. Augustine's on June 28<sup>th</sup>.

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

**PERMISSION – DEPEW HIGH SCHOOL ALUMNI BAND**

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

Permission is hereby granted to the Depew High School Alumni Band to perform in the gazebo in Veteran's Park on August 4, 2009 at 7:30 pm.

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

**TREE TRIMMING/REMOVAL:** 47 Autumn Lea Rd, 313 Argus Dr, 87 Doe Haven Circle

**EMPLOYMENT APPLICATIONS:** Commercial Building Inspector – Kurt Stutzman

**DEPARTMENT HEAD REPORTS**

Treasurer's Office May 2009, Police Dept May 2009

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

**BUILDING APPLICATIONS AND REPORTS**

**ON A MOTION BY** Trustee Hammer, seconded by Trustee Keefe, the building inspector reports were accepted as presented. Also DPW was authorized to cut the lawns at 161 Calumet, 45 Asbury and 80 Banko and assess the charges to the parcels Village tax.

**REPORT OF THE VILLAGE ATTORNEY**

No Report.

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**REPORT OF THE VILLAGE ENGINEER**

No Report.

**COMMITTEE REPORTS**

Trustee Monti – Pool will be opening Sunday June 28 and the playgrounds on June 29. Many improvements to the ice rink.

Mayor Alberti - update on Recreation Ice Rink doors – 2 are now block in and the DPW workers are proceeding with the rest.

Chief Domino – spoke about the Police Candidates graduation June 19<sup>th</sup>. They will have 10 weeks of training in-house.

Trustee Maryniewski - recognized the Boy Scout in the audience

**UNFINISHED AND OTHER BUSINESS**

None

**PUBLIC CONCERNS AND COMMENTS**

None

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Maryniewski, seconded by Trustee Keefe, the following claims are to be paid: General \$171,930.01, Sewer \$2,403.83. The motion was **CARRIED**.

**ADJOURNMENT**

**ON A MOTION BY** Trustee Monti, seconded by Trustee Hammer, the meeting was adjourned at **7:53 pm** in the honor of all graduating classes of Depew, Lancaster, Cheektowaga and Maryvale Schools and in honor of Matt Filipowicz's last meeting. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock  
Village Administrator