

MEETINGS: 07
NO. OF REGULAR: 07
NO. OF SPECIAL MEETINGS: 0

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
JUNE 23, 2008**

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

ABSENT: Trustee Dillemoth
Trustee Keefe

ON A MOTION BY, Trustee Fusani, and seconded by Trustee Hammer, the June 9, 2008 Village Board Minutes were approved.

ON A MOTION BY, Trustee Monti, and seconded by Trustee Maryniewski, the June 16, 2008 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

Mayor Alberti's comments:

1. Eagle Scout Steven Robert from Pack 601 painted and refurbished the fire boxes in Depew
2. Mayor and members of the Board attended the 50th Anniversary party of Reverend Nowak's ordination as a Priest this past weekend.
3. Congratulations to the 2008 graduates of Depew and Lancaster – Best wishes to all.

APPOINT CLERK TYPIST

Pursuant to Section 4-400 of Village Law, I Mayor Barbara Alberti, do hereby appoint Ann Marie Brown, 301 Argus Dr., Depew NY 14043, for the position of Clerk Typist, from Civil Service Exam No. 041268, effective immediately at a salary of \$14.41 per hour.

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

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

SEQR DECLARATION FOR SANITARY SEWER PROJECT 2008

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

BE IT RESOLVED, The proposed sanitary sewer replacement project on Susan Drive, Michelle Drive, Cornell Drive and Cheryl Lane involves the replacement of facilities (sanitary sewer, manholes, and service laterals) in-place and in-kind.

THEREFORE, in accordance with Section 617.5 of 6 NYCRR Part 617 State Environmental Quality Review (SEQR), the proposed project is determined to be a Type II Action having no significant impact on the environment and is therefore not subject to review under Part 617 and Environmental Conservation Law, Article 8.

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

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Trustee Dillemath -Absent
Trustee Fusani - Yes
Trustee Hammer -Yes

Trustee Keefe -Absent
Trustee Maryniewski - Yes
Trustee Monti - Yes

Mayor Alberti - Yes

BOND RESOLUTION –DEC CONSENT ORDER

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

A BOND RESOLUTION, DATED JUNE 23, 2008, OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE SEWER SYSTEM IN THE VILLAGE, IN AN AMOUNT NOT TO EXCEED \$1,500,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board) as follows: The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the reconstruction of and construction of improvements to the sewer system and any necessary site work, acquisition of apparatus, equipment and other improvements and preliminary costs and costs incidental thereto. The maximum cost of said purpose will not exceed \$1,500,000. The Village Board of Trustees plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$1,500,000 of the Village, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. The cost of such improvement is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

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The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such

expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

The Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). The Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

The Village has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) if the provisions of the law which should be complied with at the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication of this notice; or such obligations are authorized in violation of the provisions of the Constitution of New York.

This Resolution is effective immediately pursuant to Section 36.00(a)(5) of the Local Finance Law.

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The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

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

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

AWARD BID- DEC CONSENT ORDER-SANITARY SEWER REPAIRS

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

BE IT RESOLVED, that upon the recommendation of John S Wojcik, Supr. of DPW and Nussbaumer & Clarke, the bid for the 2008 Sanitary Sewer Replacement Project in the bid amount of \$1,313,965.00 be awarded to:

Mar-Wal Construction
440 Gould Ave
Depew NY 14043

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

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

AUTHORIZE MAYOR TO SIGN WILLIAMSON LAW CONTRACT

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

BE IT RESOLVED, Mayor Alberti is hereby authorized to sign the Annual Software Support Contract with Williamson Law Book Company for the Clerk’s Office. The annual fee is \$605.00.

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

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

AUTHORIZE BENEFITS UNDER FIREFIGHTER’S SERVICE AWARD PROGRAM

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

WHEREAS, the following fireman has met all necessary requirements under the Depew Fire Department’s Service Award Program;

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BE IT RESOLVED, the Village does hereby approve the Service Award benefit entitlement to the following participant as stipulated under said program.

Effective July 1, 2008 at a monthly rate of \$400.00:

Robert C. Guggemos
426 Rowley Rd
Depew, NY 14043

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

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

AUTHORIZE DEATH BENEFITS UNDER FIREFIGHTER'S SERVICE AWARD PROGRAM

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

WHEREAS, the following designated beneficiaries are eligible to receive Service Award death benefits in the form of single lump sums in the amounts shown,

BE IT RESOLVED, the Village does hereby approve the Service Award death benefit payments to the following participants as stipulated under said program.

Lump Sum Amount \$2,211.79 to each beneficiary:

Robin Kitson
18 Randall Terrace
Hamburg, NY 14075

Brian M. Woods
43 Grove St
Delevan, NY 14042

John P. Woods
2700 Cross Pointe Circle, Apt. #33
Matthews, NC 28105

Russell T. Woods
1326 Brant – North Collins Road
Brant, NY 14027

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

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to:

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Depew Fire Department to participate in the 4th of July Parade in Lancaster with Ladder 5, Rescue 7, Engine 1 & Truck 9. One engine and Chief will be on standby detail for Lancaster Fire Department.

AND

Captain Bart Nawojski to use Engine 2 on Friday July 18, 2008 for his wedding from 4:15 pm till 6:30 pm. Engine 2 will stay in the Village of Depew.

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

TREE TRIMMING/REMOVAL:

860 Sherwood Ct, 58 French Rd, 4522 Broadway, 651 Terrace, 5016 Broadway

EMPLOYMENT APPLICATIONS

Highway or Parks – Thomas Blaszkowiak, Pt- Account Clerk/Court Clerk – William Mayback

DEPARTMENT HEAD REPORTS

Police May 2008

ON A MOTION BY Trustee Maryniewski, 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

Notice of excess judgment – one case dismissed against Village – Lorenz vs Depew

REPORT OF THE VILLAGE ENGINEER

No report

COMMITTEE REPORTS

Trustee Monti – Night Out August 5 from 5-9 pm. Trustee Fusani – last day to pay taxes is July 1st without penalty.

UNFINISHED AND OTHER BUSINESS

APPROVE DUMPING PERMIT – NICHOLAS CAPOZZI

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

WHEREAS, Nicholas Capozzi, has applied for a Dumping Permit for 2 Main St.

NOW THEREFORE BE IT RESOLVED, a Dumping Permit is hereby **APPROVED**.
If approved the following conditions apply:

- 1) Documentation must be provided where the fill is coming from and that the fill material has been tested and does not contain any contaminants.
- 2) All fill must be relocated to the rear of the property, behind the buildings. No dumping will be allowed at the entrance from Main St.
- 3) Dumping & grading must occur only Monday –Friday, excluding holidays and between the hours of 8 a.m. and 5:30 p.m. only. No dumping or grading will be done on holidays.
- 4) Maximum allowable storage not to exceed 400 C.Y.
- 5) If material is stored near any drainage structures then a siltation fence must be installed prior to the fill be placed there.
- 6) All fill must be removed from the premises on or before September 30, 2008.
- 7) Fill permit shall expire on September 30, 2008.

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

**VILLAGE OF DEPEW
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Trustee Dillemath -Absent
Trustee Fusani -Yes
Trustee Hammer -Yes

Trustee Keefe -Absent
Trustee Maryniewski -Yes
Trustee Monti - Yes

Mayor Alberti -Yes

PUBLIC CONCERNS AND COMMENTS

1. Dan Beutler – 26 Tyler – cut the length of resolutions – Town meetings just say resolution on file in Clerk’s Office. Trustees Keefe and Hammer were at joint meeting regarding Transit Rd last week. What is going on with Transit – told by the State money is tight right now. Asked Board to send a letter to DOT regarding Transit. Inquired as to what is going on with Casey’s and the dirt pile. Mayor responded that is going to be a berm. Last week the Mayor and Trustees Hammer, Keefe, Monti, Supr. of Public Works John Wojcik and Commercial Bldg Inspector Matt Filipowicz toured Casey’s for a few hours from the front to the rear of the property. They found many things buried there. There is a new agreement drawn up.
2. Mayor Alberti – Twin Village is having the high school students paint a mural on his fence. Fran’s Diner was demolished this morning.

CLAIMS AND ACCOUNTS – 2009-02

ON A MOTION BY Trustee Monti, seconded by Trustee Fusani, the following claims are to be paid: General \$166,788.03, Sewer \$578.14. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Fusani, the meeting was adjourned in memory of Lottie Lubecki at **8:05 pm** The motion was **CARRIED.**

Respectfully submitted,

Elizabeth C. Melock
Village Administrator