

MEETINGS TO DATE 8  
NO. OF REGULARS: 7

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
JULY 25, 2011**

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

**ON A MOTION BY**, Trustee Pecora, and seconded by Trustee Nikonowicz, the July 25, 2011 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Nikonowicz, and seconded by Trustee Hammer, the July 7, 2011 Planning Board Minutes were approved.

**ON A MOTION BY**, Trustee Pecora, and seconded by Trustee Nolder, the July 5, 2011 & July 18, 2011 Zoning Board Minutes were accepted.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

Dave Burkhardt – 5 Autumn Lee - #7 is he replacing an officer? How many positions are there? Mayor stated he was replacing a retiree. Captain Kaczmarek stated 28-29 officers and broke them down by title.

**PUBLIC HEARING LOCAL LAW #4 OF 2011 – UNSAFE BUILDINGS**

Village Administrator read the legal notice regarding the public hearing for Local Law #4 – Unsafe Buildings and Mayor Hoffman opened the hearing.

Copies of the local law were with each agenda.

Theresa Mussell – 40 Asbury Pl – wanted to know what changes were made.

Attorney Aquino stated the process has been streamlined and the vagueness taken out giving the Village more authority. He also stated the process was to have the building dept review the building, have a hearing and if the owner doesn't demolish the property then the Village would be able to. The cost of the demolition would be passed onto the owner as long as the property is not in rem.

**ON A MOTION BY**, Trustee Nolder, seconded by Trustee Nikonowicz the public hearing was closed at 7:34 pm.

**ADOPT LOCAL LAW #4 OF 2011 – CHAPTER 81 BUILDINGS, UNSAFE**

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 81 – Buildings, Unsafe (“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 July 25, 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

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**BE IT FURTHER RESOLVED**, that the Village Board does hereby adopt/table the Local Law, to be known as Local Law Number 4 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 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

**See attached exhibits**

**PUBLIC HEARING LOCAL LAW #5 OF 2011 – RECREATIONAL VEHICLES**

Village Administrator read the legal notice regarding the public hearing for Local Law #5 – Recreational Vehicles and Mayor Hoffman opened the hearing.

Copies of the local law were with each agenda.

No comments

**ON A MOTION BY**, Trustee Nikonowicz, seconded by Trustee Hammer the public hearing was closed at 7:37 pm.

**ADOPT/TABLE LOCAL LAW #5 OF 2011 – RECREATIONAL VEHICLES**

Trustee Nikonowicz, offered the following resolution and moved for its adoption:  
Local Law #5 is tabled.

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

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

**PUBLIC HEARING LOCAL LAW #6 OF 2011 – NO PARKING**

Village Administrator read the legal notice regarding the public hearing for Local Law #6 – No Parking and Mayor Hoffman opened the hearing.

Copies of the local law were with each agenda.

Carol Tarbox – 64 Argus – wanted to know who decided this and how many accidents there were. Parked cars slow people down. Questioned whether there was a petition and who is going to stop the kids from getting hit.

Mayor responded that the Fire and Police Dept have safety concerns getting down the street and cars negotiating down the street. There have been issues with cars on the street.

Ms. Marango – 38 Antoinette – lived there for 60 years and wants to know why residents have no say. Restricts guest parking on the street. There have been no fires.

Lou Picciano – 26 Antoinette – typically this is from a traffic count or review of the people on the street. People take short cuts all the time. Wanted to know if a study has been done? Vision is cut from people on other side of the street. Wanted to know what will slow the people down. In 35 years never had an issue.

Mayor responded that the recommendation came from the Police Chief and Fire Chief. Now there will be a clear path instead dodging cars. Also a traffic study was not usually done for parking. The no parking is for safety reasons.

Trustee Nikonowicz stated he is a fireman and it is not easy getting down the streets.

Joan Kwiatkowski – 96 Argus – thanked the Village for putting the pump up as the cars have to slow down. With both side parking cars slow down.

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James Ott – 50 Antoinette – not the greatest idea. With one side parking the speed will increase. Pulling out of driveways will be a problem.

Dan Esskuchen 46 Anthony – biggest problem is Tim Hortons, Day Care – parking on both sides slows them down. This is not a high parking street. Marrano needed it. Anthony & Rehm – top of corner takes up most of the parking. Is there going to be a temporary parking for a grad party? Safety concerns for his daughters – doesn't let them play in front of the house. Look at Rehm Rd – narrow road with no sidewalks, needs a biking/walking lane.

Len Goodman – 27 Anthony – signal at Tops and the Church. Church does not have enough parking. House on west side of Anthony at the corner put fences up so people would not park there and he had to take the fences down. What is the cost of the workers for the signs? Trucks and cars are tearing up the street.

Norm Owczarkowski – 83 Argus – with the cars off the street they will be in the driveways over the sidewalks.

Mayor & Trustee Nolder commented on what do they do in the winter. Cars should not be on the sidewalk.

Paul Sprada – 58 Argus – How many speeding tickets were issued on Argus? Autistic child lives across the street. (corrected to be 2 autistic children)

Mr. Reigle – 90 Argus – stops signs at end of street. When he backs out another car is on him.

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

**ADOPT/TABLE LOCAL LAW #6 OF 2011 – NO PARKING**

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

Local Law #6 is tabled.

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

Trustee Hammer – Yes

Trustee Nolder – Yes

Trustee Pecora – Yes

Trustee Nikonowicz – Yes

Mayor Hoffman – Yes

**APPOINT POLICE OFFICER**

Pursuant to Section 4-400 of Village Law, I Mayor Steven P. Hoffman, do hereby appoint Nathan Turner, 15 Marrano Dr. Depew NY 14043 to the position of Police Officer, effective July 30, 2011, at a starting salary of \$38,358.26. This appointment is from Exam No.069021, Civil Service List established April 21, 2011.

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

Trustee Hammer – Yes

Trustee Nolder – Yes

Trustee Pecora – Yes

Trustee Nikonowicz – Yes

Mayor Hoffman – Yes

**APPOINT WORKING CREW CHIEF**

Pursuant to Section 4-400 of Village Law, I Mayor Steven P. Hoffman, do hereby appoint Kenneth Pyc, 114 Irving Terrace, Depew, NY to the position of Working Crew Chief effective July 26, 2011 at a salary of \$25.53 per hour.

The appointments were acted upon in the following manner by the Board of Trustees:

Trustee Hammer – Yes

Trustee Nolder – Yes

Trustee Pecora – Yes

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Trustee Nikonowicz – Yes  
Mayor Hoffman – Yes

**APPOINT COURT OFFICER PT**

Pursuant to Section 4-400 of Village Law, I Mayor Steven P. Hoffman, do hereby appoint Sandra David, 56 Donna Ct. Depew NY 14043 to the position of Court Officer, effective July 26, 2011, at a salary of \$13.40 per hour. This appointment is from Exam No.061168, Civil Service List established January 28, 2010.

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

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

**AUTHORIZE MAYOR TO SIGN COOPERATION AGREEMENT FOR PAVING – TOWN OF CHEEKTOWAGA**

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

**WHEREAS**, the Town of Cheektowaga is paving Sable Palm Dr and the portion from Meadowlawn Dr to George Urban Blvd is in the Village of Depew;

**WHEREAS**, The Village desires to enter into an agreement authorizing the Town of Cheektowaga to pave the Village part of Sable Palm Dr for materials costs only, no regular labor costs;

**BE IT RESOLVED**, Mayor Steven P. Hoffman is authorized to execute the municipal cooperation agreement with the Town of Cheektowaga for the paving of Sable Palm Dr.

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – 2011 CHEEKTOWAGA CDBG PROJECT -SIDEWALKS**

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

**WHEREAS**, the Village of Depew was awarded \$24,700 in Community Development Funds for the 2011 Sidewalk Project – River St & Terrace Blvd section.

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

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

**AWARD BID- 2011 SANITARY SEWERS & MANHOLE REHABILIAATION PROJECT**

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

**BE IT RESOLVED**, that upon the recommendation of Nussbaumer & Clarke, the bid for the Erie County Community Development Funds Sanitary Sewer & Manhole Rehabilitation Project 2011 in the bid amount of \$152,350.00 be awarded to:

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United Survey Inc  
25145 Broadway Ave.  
Cleveland, OH 44146

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

**MODIFY 2011/2012 BUDGET –FIRE DEPT**

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

WHEREAS, the Village of Depew has received \$163.75 from XTL Transport Inc for the cost of speedy dry and brooms, materials associated with the incident on May 2, 2011 and the proceeds of this check will be used to replenish those supplies;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2011/2012 Budget in the following manner:

A510	Estimated Revenue	
	Sub Account 010. 2655 Minor Sales	\$163.75
A960	Appropriations	
	Sub Account 3410.414–Fire Dept – Materials	\$163.75

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

**APPROVE AUCTION RESULTS**

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

**BE IT RESOLVED**, that the results from Auctions International for the 1995 GMC Box Truck for \$5,500, 1999 Ford Van for \$2,150 and the 1984 Ford Tractor for \$4,850 be approved.

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

**AUTHORIZE DEPEW DAYS**

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

**BE IT RESOLVED**, permission is hereby granted to Depew Recreation Department to hold the First Annual Depew Days at Fireman’s Park on Friday August 19, 2011 from 6pm-10 pm, Saturday August 20, 2011 and Sunday August 21, 2011 from 1:00 pm until 10:00 pm.

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**RIDES, GAMES & CONCESSIONS**– Will be provided by Fun For Everyone Shows, Inc 140 Sable Palm Dr, Cheektowaga NY 14225. Generators provided by Fun For Everyone will power all equipment, lighting and concession booths. All rides and music associated with the rides must stop at 10 pm.

**SECURITY** – on site private security will be provided by the applicant who will supply specification sheet detailing expected crowds. A minimum of four (4) uniformed, armed officers with a maximum to be determined by the Chief of Police will be required to maintain law and order on the grounds. Applicant will provide to the Chief of Police the name of the security company, the name of the supervisor in charge of the entire detail, the individual name of each guard and a schedule of the hours each supervisor and guard on duty. Said list to be supplied seven (7) days prior to said event.

**PERMITS** - the applicant shall obtain an amusement license pursuant to Chapter 64, Article I of the Depew Municipal Code. The Village also requires a certificate of insurance with the Village of Depew named as additionally insured. This certificate is to be supplied seven (7) days prior to said event.

The following resolution was seconded by Trustee Hammer, 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 – CHEEKTOWAGA SOCCER CLUB**

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

Permission is hereby granted to the Cheektowaga Soccer Club for an opening day parade on Saturday August 27, 2011. The parade would start in the parking lot of Ralph's Food Mart at 11:45 am, down Rehm Rd. to the parking lot of the park.

The Chief of Police will set up the police escort.

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

**TREE/TRIMMING REMOVAL:**

**EMPLOYMENT APPLICATIONS:** Recreation – Jacob Onisk, General – Patrick Cleary

**DEPARTMENT HEAD REPORTS**, Including Building Dept: Clerk/Treasurer's Office May 2011, Police Dept June 2011, DPW is authorized to board up 21 Main St and cut bushes at 48 Airview.

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

**REPORT OF THE VILLAGE ATTORNEY**

No Report

**REPORT OF THE VILLAGE ENGINEER**

DEC Consent order – completed items 1-7, 8-9 by the end of the year, Lee St being studied at the moment with the report to DEC by Feb 2012 and construction next season.

**COMMITTEE REPORTS:**

None

**UNFINISHED AND OTHER BUSINESS –**

None

**PUBLIC CONCERNS AND COMMENTS –**

1. Dave Burkhardt – 5 Autumn Lee – complaints about Lancaster Auto & Trucks – boats have been there for many months and that is not what he promised at the Planning Board. Spoke about an 85m classification. Depew is one big used car lot and they need to be restricted.

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2. Mayor stated the Board was not happy either and will be addressing the matter. Letter will be sent from the attorney's office. Special Use permit will not be renewed.
3. Rick Coburn – spoke about designating an area. Other municipalities have it restricted as motor-service. Specific districts have control of it.
4. Heather Maier – 39 Asbury – Regarding 45 Asbury Place – concerns about mice, moles, rats. Supposedly house is going for auction in March 2012. Fire Marshall came to check house out.
5. Theresa Mussell – 40 Asbury – violation of laws regarding 45 Asbury. Concerned about property.
6. Village Attorney Aquino – with a large lien on the property it is hard to get someone to bid on it, notices can be sent out. New law adopted might help. We can send in the Code Enforcement Officer. If it is in rem then there are other issues.
7. Rick Coburn – Code Enforcement Officer – person will be held personally liable and a warrant can be issued. Health issues – could have building condemned.
8. Chief Gary Cummings – house full of contents – owner walked away.
9. John Mendyk – 51 Asbury – see mice running into his yard, checked with Village and it is homeowner's responsibility.
10. Terry -90 Argus – mouse ran under his car. Three firemen investigated house as a fire hazard on July 4<sup>th</sup>.
11. Ed Eberle – 59 Morris Circle – do all members have this due process?
12. Village Attorney Aquino – we have to follow due process, give notice, etc.
13. Dan Esskuchen 46 Anthony- alleviate speed on Rehm Rd – need to have radar. Cars play chicken people walking. Cars are coming 50 -6- mph from Lancaster.
14. Joan Priebe – 15 Howard – 48 Airview – cut bushes down
15. Phil Torgalski – 37 Banko – anything resolved for oversized vehicles?
16. Bob Scibetta – 31 Lincoln St – safety concerns on Lincoln.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Nolder, seconded by Trustee Pecora, the following claims are to be paid: General \$636,311.53, the motion was **CARRIED**.

**ADJOURNMENT** – Mayor announced Depew Night Out, Buffalo ReUse, Rock the Youth Concert and the Depew Police vs. Firemen Ball Game on Aug 28<sup>th</sup> at noon

**ON A MOTION BY** Trustee Hammer, seconded by Trustee Nikonowicz, the meeting was adjourned at 8:43 pm. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock  
Village Administrator