

MEETINGS TO DATE 10  
NO. OF REGULARS: 9

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
JULY 27, 2009**

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

**ON A MOTION BY**, Trustee Hammer, and seconded by Trustee Maryniewski, the July 13, 2009 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Monti, and seconded by Trustee Keefe, the July 20, 2009 Special Village Board Minutes were approved.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

Paul Walters – questioned tree removal 157 Meadowlawn  
Dave Burkhardt – 5 Autumn Lee – Questioned #3 – new funding

**PUBLIC HEARING LOCAL LAW #5 OF 2009 –FEE FOR DISPOSAL OF REFRIGERATORS, FREEZERS & AC**

Village Administrator read the legal notice and the Mayor opened the public hearing regarding Local Law #5 of 2009 at 7:33 pm.

Gary Cummings – 1<sup>st</sup> Asst Fire Chief – wanted to know if the refrigerators were being picked up and if the doors needed to be removed.

Mike Moskal – Emergency Manager – is this a full recovery fee

Chris Juliano – Supr. of Public Works – DPW will pick up units and the doors must be removed if they are stored outside.

On a motion by Trustee Keefe and seconded by Trustee Hammer the public hearing was closed at 7:36 pm.

**APPOINT RECREATION TEMPORARY SEASONAL EMPLOYEES**

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

Nick Konst  
1 Streamview  
Lancaster NY 14086

to the Summer recreation Program, at a 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

**AUTHORIZE MAYOR TO SIGN TOWN OF CHEEKTOWAGA COMMUNITY DEVELOPMENT BLOCK GRANTS**

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

WHEREAS, federal regulations require that a subrecipient agreement be executed annually between the Town of Cheektowaga and the Village of Depew for the Community Development Block Grant Program,

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NOW BE IT RESOLVED, that Mayor Barbara Alberti is authorized to execute a Subrecipient Agreement with the Town of Cheektowaga, as required by federal regulations at 24 CFR, Section 570.503, whereby such Agreement specifies the federal regulations governing the Community Development Block Grant program and the program activities to be carried out in the Village with Community Development Block Grant funds for the 2009-2010 Program Year.

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 MAYOR TO SIGN PORTFOLIO FOCUS AGREEMENT FOR LOSAP PROGRAM**

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

WHEREAS, RBC Wealth Management 677 Broadway, Suite 305, Albany NY 12207 manages the investments for the LOSAP Program,

NOW BE IT RESOLVED, that Mayor Barbara Alberti is authorized to sign the Portfolio Focus Client Agreement with RBC Wealth Management with an annual fee of 0.75%.

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 MAYOR TO SIGN JUSTICE COURT GRANT APPLICATION**

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

WHEREAS, the State of New York Unified Court System is offering a Justice Court Assistance Program with grants available up to \$30,000 and Judge Willis would like to apply for this program,

BE IT RESOLVED, Mayor Barbara A. Alberti and the Board of Trustees hereby approve this application and Mayor Barbara A. Alberti is authorized to sign the 2009 Justice Court Assistance Program Grant Application.

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 PUBLIC HEARING LOCAL LAW #6 OF 2009 REPLACE EXISTING ZONING MAP**

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

WHEREAS, Local Law Introductory No. 6 of 2009 (“2009 Amendments to the Village Zoning Map”) has been proposed, which seeks to amend Village Code to reference the revised Zoning Map of the Village of Depew; and

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**WHEREAS**, the Local Law shall amend §260-6 of the Village Code of the Village of Depew (“Code”) by replacing the current Zoning Map with the new revised Zoning Map; and

**WHEREAS**, all terms used but not defined herein shall have the meanings given to them in § 617.2 of Chapter 6 of the New York Code of Rules and Regulations; and

**WHEREAS**, the New York State Environmental Quality Review Act (“SEQR”) requires that a lead agency be established to undertake, fund, or approve any action; and

**WHEREAS**, in accordance with § 617.6 of Chapter 6 of the New York Code of Rules and Regulations, which outlines the procedure for uncoordinated review of certain unlisted actions, the Village Board may proceed under SEQR as if it were the only involved agency and, therefore, as lead agency; and

**WHEREAS**, the approval of the Local Law by the Village Board (the “Action”) constitutes an unlisted action under SEQR; and

**WHEREAS**, the Village Board must make a determination as to the environmental impact of the action; and

**WHEREAS**, a public hearing (“Public Hearing”) is required for the enactment of a Local Law; now

**WHEREAS**, all Local Laws must be sent to the County Department of Planning pursuant to General Municipal Law § 239-m.

**THEREFORE, BE IT RESOLVED**, that the Village Board shall conduct an uncoordinated review of the proposed Action under SEQR; and

**BE IT FURTHER RESOLVED**, that the Village Board hereby authorizes an uncoordinated review of the Action wherein the Village Board shall act as lead agency; and

**BE IT FURTHER RESOLVED**, that the Village Board hereby authorizes the preparation of a Short EAF to be circulated to the Village Board together with the full text of the Local Law; and

**BE IT FURTHER RESOLVED**, that a Public Hearing shall be held on August 24, 2009; and

**BE IT FURTHER RESOLVED**, that the Village Administrator shall forward a copy of the proposed law to comply with General Municipal Law § 239-m.

**BE IT FURTHER RESOLVED**, that the Village Administrator shall forward a copy of the proposed law to the Town Clerk’s in the Town of Cheektowaga and the Town of Lancaster and the Village Clerk in the Village of Lancaster.

**BE IT FURTHER RESOLVED**, that the Village Administrator is hereby authorized to advertise that the Public Hearing will be held; and

**BE IT FURTHER RESOLVED**, that the Village Board will consider whether or not to issue a Negative Declaration with respect to adopting the Local Law during the Public Hearing.

The following resolution was seconded by Trustee Maryniewski, 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

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**AUTHORIZE INTERSHIP**

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

**WHEREAS**, the Village of Depew Emergency Operations Center has the opportunity to utilize an intern, in a non-emergency response role, to assist with projects;

**BE IT RESOLVED**, Paul Gorczyca, 11 Smith Drive, Lackawanna is authorized to complete an unpaid internship with the Emergency Operations Center under the direction and guidance of the Emergency Manager and Deputy Emergency Manager.

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

**AWARD BID- ASBESTOS REMOVAL DPW BUILDING**

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

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Public Works, Chris Juliano, the bid for asbestos removal in the bid amount of \$12,946.00 be awarded to:

SD Specialty Contractor  
29 Boone St  
Buffalo NY 14220

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

**AWARD BID- BLEACHERS**

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

**BE IT RESOLVED**, that upon the recommendation of the Recreation Director, Mike Wojcicki, the bid for Bleachers in the bid amount of \$19,750.00 be awarded to:

Seating Services, Inc  
9535 Hardpan Rd PO Box 4  
Angola, NY 14006

The following resolution was seconded by Trustee Maryniewski, 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

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**MODIFY 2009/2010 BUDGET – DPW EQUIPMENT**

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

WHEREAS, the Village of Depew has received \$64,095.00 from the auction proceeds from the sale of old DPW equipment and the proceeds of this check will be used for the purchase of a used excavator;

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

A510	Estimated Revenue	
	Sub Account 010.2655 Minor Sales	\$64,095.00
A960	Appropriations	
	Sub Account 1490.200–DPW – Equipment	\$64,095.00

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

**MODIFY 2009/2010 BUDGET**

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

WHEREAS, the Village of Depew has received \$1,882.14 from the sale of the Draeger Breathalyzer and the proceeds of this check will be used for supplies associated with the breathalyzer;

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

A510	Estimated Revenue	
	Sub Account 010.2655 Minor Sales	\$1,882.14
A960	Appropriations	
	Sub Account 3120.407–Police – First Aid Supplies	\$1,882.14

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

**TREE TRIMMING/REMOVAL:** 55 Doe Haven Circle, 157 Meadowlawn, 60 Dean Rd

**EMPLOYMENT APPLICATIONS:** Commercial Building Inspector – Richard Ball

**DEPARTMENT HEAD REPORTS**

Senior Center June 2009, Treasurer’s Office June 2009

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

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**BUILDING APPLICATIONS AND REPORTS**

**ON A MOTION BY** Trustee Hammer, seconded by Trustee Keefe, the building inspector reports were accepted as presented. Also approved was the DPW to mow the grass at 114 Lincoln and for all costs to be put on the tax roll.

**REPORT OF THE VILLAGE ATTORNEY**

No Report

**REPORT OF THE VILLAGE ENGINEER**

A lot of projects going on – Community Development Sewers and working on Zubrick Rd project

**COMMITTEE REPORTS**

Trustee Hammer – NL Properties – barrels are supposed to be removed. In August owner coming in to inspect run off problem and landscaping issues.

**UNFINISHED AND OTHER BUSINESS**

**APPROVE/TABLE/DENY DUMPING PERMIT – JEFF PETYK LANDSCAPING**

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

**WHEREAS**, Jeff Petyk 151 Strasmer Rd Depew NY, has applied for a Dumping Permit for 5600 Transit Rd. for the resale of topsoil only,

**NOW THEREFORE BE IT RESOLVED**, a Dumping Permit is hereby **DENIED**.

**All dirt and materials must be removed by September 30, 2009. Materials were placed there with no permits.**

The foregoing resolution was seconded by Trustee Maryniewski, 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

Mayor Alberti:

1. Thanked Paul Walters for covering for Matty.
2. She spoke about the Special Board Meeting on July 20, 2009 where 3 police officers were hired for the Academy starting August 3<sup>rd</sup>.
3. Mayor performed her first wedding this past Sunday. Thanked the recreation workers for getting the gazebo in shape.
4. Regarding open burning issues in the paper – since May 1<sup>st</sup> dispatch has received 13 calls and only one call required them to return again.

**PUBLIC CONCERNS AND COMMENTS**

1. Dave Burkhardt – 5 Autumn Lee – 5600 Transit Rd – why are we giving him 60 days to remove the topsoil? Trustee Keefe – give him adequate time to get the materials out.
2. Dan Beutler – 26 Tyler – should cite owner of the property – he needs to clean up his act.
3. Jim Nusal – Resolution March 23, 2009 regarding the service award program. Company had questions and Board of Wardens waiting 3 months for meeting with Board. Fire Department applied for a \$6.2 million grant for new firehalls. Is this a matching grant – did Board know about it. Asked Engineer if Fire Dept contacted him. Bruce was not contacted. Village Administration never received any correspondence requesting a meeting with the Fire Dept.
4. Mayor Alberti – Regarding the grant, Chief Mau spoke with Mayor about doors, windows, AC, furnace and floors. All grants are to go through Village Board.
5. Dave Brauen – 199 Keiffer – portable microphone requested.

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**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Monti, seconded by Trustee Hammer, the following claims are to be paid: General \$335,210.20, Sewer \$6,011.75. The motion was **CARRIED**.

**ADJOURNMENT**

**ON A MOTION BY** Trustee Monti, seconded by Trustee Keefe, the meeting was adjourned at **8:14 pm** in the memory of Msgr. Stanley Nowak & Karen Konkle Hyburg. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock  
Village Administrator