

MEETINGS: 09  
NO. OF REGULAR: 09  
NO. OF SPECIAL MEETINGS: 0

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
JULY 28, 2008**

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

ABSENT: Trustee Dillemoth

**ON A MOTION BY**, Trustee Hammer, and seconded by Trustee Monti, the July 14, 2008 Village Board Minutes were approved.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

None

**PUBLIC HEARING – TERMINATING VILLAGE AS ASSESSING UNIT**

Liz Melock, Village Administrator read legal notice announcing Public Hearing and Mayor Alberti opened same.

Louis Picciano 26 Antoinette – Asked how the tax base would be affected. Attorney Nosek explained the difference in the Lancaster and Cheektowaga assessments and that there would be two rates based on the Town's assessment. Lancaster Assessor Dave Marrano explained that ORPS does the calculations and that residents can contact the Towns Assessing Offices but that the purpose of this is to have the homes assessed at the correct value. Patty Valvo from ORPS said that there are 72 split villages across the State. Dan Beutler – 26 Tyler – commented about Lancaster updating assessments in 2010. Dave Marrano commented that homes in the Northeastern part of the Village – Columbia – Dorset etc have seen their values increase where some areas of the Village have had values decrease. Cheektowaga has been reassessing on a yearly basis areas of Depew. Dan Beutler wants to make sure that the houses are assessed properly. Dave Marrano spoke about the informal assessment review and Grievance Day. Ziggy Kucewicz – 43 Alys Dr. – He is a member of the Assessment Review Board in Depew and this past year he worked with Attorney Nosek due to the confusion on the property values. He believes this is a good idea to eliminate the Village as an assessing unit. It will be a great benefit to the residents. Mayor Alberti – commented that Dave Marrano, Patty Valvo and Rae Ann Engler are here and they are experts on the assessment.

**ON A MOTION BY**, Trustee Fusani, seconded by Trustee Maryniewski, the Public Hearing is closed at 7:50PM.

**MAYOR ALBERTI'S COMMENTS**

1. DEC Consent Order – work has begun on sewers off of French. Woman called from Michelle Dr, and thanked Nussbaumer & Clarke Crew.
2. Received a letter from Lancaster Town Band, has concert series in Veteran's Park. Thanked the electrical department and Chief Mau for restroom facilities.
3. Depew Fire Dept. vs. Depew Police Dept. – Aug 10<sup>th</sup> – 12pm at St. Barnabas - \$25.00 winner's money given to local charities.
4. Annual Night Out – August 5<sup>th</sup> – 5pm-9pm – Fireman's Park – 25<sup>th</sup> Anniversary.

**APPOINT RECREATION TEMPORARY SEASONAL EMPLOYEE**

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

Kenny Nowak  
151 Grant St  
Depew NY 14043

**VILLAGE OF DEPEW  
JULY 28, 2008**

to the position of recreation attendant pt at a salary as stipulated in the current budget.

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

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

**APPOINT DEPUTY REGISTRAR**

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

**BE IT RESOLVED**, that Pursuant to Section 4121 (3) of the Public Health Law, Carmi Poss, 167 Olmstead Ave. Depew, NY 14043 is hereby appointed to the position of Deputy Registrar of Vital Statistics, said term to expire April 4, 2011, at a salary as stipulated in the current budget.

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

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

**AUTHORIZE MAYOR TO SIGN LEASE COMMITMENT LETTER**

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

**BE IT RESOLVED**, Mayor Alberti is hereby authorized to sign a lease commitment letter with Municipal Leasing Consultants for the financing of the Wendel Energy Services LLC project with the Village.

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

**AUTHORIZE MAYOR TO SIGN JUSTICE COURT GRANT APPLICATION**

Trustee Fusani, 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 2008 Justice Court Assistance Program Grant Application.

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

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

**VILLAGE OF DEPEW  
JULY 28, 2008**

**AUTHORIZE MAYOR TO SIGN 2008-2009 CDBG PROJECT AGREEMENT -  
SIDEWALKS**

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

**BE IT RESOLVED**, Mayor Alberti is hereby authorized to sign the 2008-2009 Community Development Block Grant Project Agreement for Sidewalks with Erie County.

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

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

**AUTHORIZING A PUBLIC HEARING AND SEQRA REVIEW LOCAL LAW #5 OF 2008  
– PODS LEGISLATION**

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

**WHEREAS**, Local Law Introductory No.5 of 2008 (“Local Law for the Control of Portable Outdoor Storage Devices (“PODS”)”) has been proposed, which seeks to regulate PODS and require the licensing of PODS; and

**WHEREAS**, the Local Law shall create a new Chapter 172 of the Code of the Village of Depew (“Code”); 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

**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 11, 2008; and

**VILLAGE OF DEPEW  
JULY 28, 2008**

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

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING – LOCAL LAW #6 OF 2008 – MORATORIUM ON USED CAR LICENSES**

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

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for a public hearing regarding Local Law #6 of 2008 – Moratorium on Used Car Licenses to be held on Monday August 11, 2008 at 7:35 p.m.

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

**MODIFY 2008/2009 BUDGET – NIGHT OUT FUNDS**

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

WHEREAS, the Village of Depew has received \$100.00 from Shuman Plastics for sponsoring Night Out,

**BE IT RESOLVED**, the Administrator is hereby authorized to modify the 2008/2009 Budget in the following manner:

A510	Estimated Revenue	
	Sub Account 10.2770 – Misc. Revenue	\$100.00
A960	Appropriations	
	Sub Account 1620.478 – Night Out	\$100.00

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

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

**VILLAGE OF DEPEW  
JULY 28, 2008**

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

Trustee Monti, 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:

**CENTRAL HOSE**

Jeffrey Gangloff  
16 Conner Dr.  
Depew, NY 14043

**DEPEW HOSE CO #1**

Sarah Hapeman  
29 Green Terrace  
Depew NY 14043

The following resolution was seconded by Trustee Fusani, and **CARRIED**.

**TREE TRIMMING/REMOVAL:**

26 Gil Lane, 27 Manitou St., 24 Sylvia Dr.

**EMPLOYMENT APPLICATIONS**

DPW – Joseph Ellis, Recreation Attendant – Kenny Nowak

**DEPARTMENT HEAD REPORTS**

**ON A MOTION BY** Trustee Hammer, seconded by Trustee Keefe, the Department Head Reports were accepted as presented. Electrical Dept. April – June 2008. Police Dept June 2008

**BUILDING APPLICATIONS AND REPORTS**

**ON A MOTION BY** Trustee Fusani, seconded by Trustee Maryniewski, the building inspectors' reports were accepted as presented.

**REPORT OF THE VILLAGE ATTORNEY**

No Report

**REPORT OF THE VILLAGE ENGINEER**

Bruce Shearer - Sidewalks open bids Aug 7<sup>th</sup> – award Aug 11<sup>th</sup>.

**COMMITTEE REPORTS**

Linda Hammer - NL properties west side of transit in final phase – seeding landscaping barriers on top of parking lot. EPA – Dan Harkay – NL progress on East side – 61 properties – will begin this fall.

**VILLAGE OF DEPEW  
JULY 28, 2008**

**UNFINISHED AND OTHER BUSINESS**

Sharlene Majkowski – 15 Neoga- Problem with Alumni Bar, music starts at 11PM. Music playing on lower level until 6:30AM. Customers in back room, puke, urine. May-July called 9 times. May 13<sup>th</sup> – 3 phone calls in a little over two hours. Wrote letter to State Liquor Authority. Mayor will speak with Capt. Mediak.

**PUBLIC CONCERNS AND COMMENTS**

Dave Brauen – 199 Keiffer – Not against garbage, but wants consideration – garbage can in driveway- drop can wherever they want. Dollar General no garbage can out there on Broadway – everything blows into the fence.

Dan Beutler – 26 Tyler St. – Applaud garbage law

Mayor Alberti – Thanked the Depew Bee for the picture of the Twin Village fence. The Class of 2008 from Depew School painted the fence.

**CLAIMS AND ACCOUNTS – 2009-04**

**ON A MOTION BY** Trustee Fusani, seconded by Trustee Keefe, the following claims are to be paid: General \$268,893.62, Sewer \$2,980.89, Capital \$236,552.79. **CARRIED.**

**ADJOURNMENT**

**ON A MOTION BY** Trustee Monti, seconded by Trustee Hammer, the meeting was adjourned **8:28pm** the motion was **CARRIED.**

Respectfully submitted,

Elizabeth C. Melock  
Village Administrator