

MEETINGS TO DATE 10
NO. OF REGULARS: 9

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
AUGUST 9, 2010**

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

ON A MOTION BY, Trustee Monti, and seconded by Trustee Keefe, the July 26, 2010 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

PUBLIC HEARING LOCAL LAW #1 OF 2010 – CRUSHING

– Village Administrator read the legal notice for the public hearing and Mayor Alberti opened the public hearing at 7:33 pm.

Attorney Nosek read a copy of the Local Law – see below.

No Comments were made by the public.

ON A MOTION BY Trustee Hammer and Seconded by Trustee Maryniewski, the public hearing was closed at 7:39 p.m.

Local Law #1 of 2010 – Crushing 8/9/10

§260-20 (D) Crushing and Stockpiling

1. Purposes.

To control the accumulation of materials which may be crushed or stockpiled for the purpose of crushing (as hereinafter defined), to limit the number and location of such stockpiles, to limit the liability of the Village for removal of stockpiles, to control the potential nuisances associated with stockpiling or crushing (as hereinafter defined), and to limit, regulate and control the potential and environmental impacts of such activities within the Village.

2. Definitions.

- a) Crush(es), Crushed or Crushing – the crushing, breaking, fragmenting, disintegration of stone, concrete, asphalt, blacktop, for re-use on or offsite.
- b) Stockpile(s), Stockpiled or Stockpiling – the storage or accumulation of stone, concrete, asphalt, blacktop, or the act of storing or accumulating such materials or the materials, so stored, themselves, for the purpose of crushing.

3. Prohibitions.

- a) No person shall crush or create a stockpile within the Village of Depew except within an M-1 or an M-2 district, and then only upon issuance of a permit after payment of a \$250.00 fee, review by the Planning Board and approval by the Village Board.
- b) No person shall crush or create or allow a stockpile within the Village of Depew except in strict conformance with the requirements of the permit issued pursuant to §260-20 (D)(4) of the Village Code.

4. Requirements.

The terms of a permit for crushing and/or stockpiling shall require:

- a) Limitations to the height, area, volume and number of any stockpile(s).
- b) Controls to assure that noise, dust, storm drainage, mud or dirt on public highways, and any other nuisances are eliminated or so well controlled that they have no material adverse impacts or effects off site.

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- c) Financial assurances in the form of a cash bond or surety bond [equal to 150% of the cost of removal of any stockpiles proposed] by a surety authorized to do business in New York to guarantee that any stockpiles created are removed in accord with the terms of removal which shall be set forth in the permit.
- d) Pre-payment or other agreement for payment of the reasonable cost of testing of stockpiled materials, monitoring sound limitations or any other cost associated with the monitoring or enforcement of the permit conditions imposed by any permit which is granted pursuant to this §260.20(D) of the Village Code.
- e) Setback from the property line of any adjacent R district or adjacent public roadway of at least 250' and at least a 2 acre area of "M" zone land.
- f) Limitations relating to hours of operation, limits on crushing to months not greater than October 15 through March 15, to days Monday through Friday and hours not earlier than 9:00 a.m. nor later than 5:00 p.m. and excluding holidays.
- g) Guaranteed access for the Village Code Enforcement Officer(s) for inspection at any time when crushing is permitted or when stockpiles exist to ensure compliance with the requirements of the permit.
- h) That the permit expires after a term of not more than one year, but the permit may be reissued upon a re-application, the payment of a \$250.00 renewal fee and further provided that the applicant and owner has complied with the terms of any prior permit. A renewal permit may be issued by the Village Board without referral to the Planning Board.
- i) A reliable, continuous water source available to supply a sufficient amount of water to the crushing and screening points to maintain continuous compliance with the permit. If necessary, additional water sprays may be required.
- j) Continuing assurances that the materials to be stockpiled or crushed are clean, uncontaminated, and not environmentally harmful.
- k) Such other and further terms, conditions, limitations or controls as the Planning Board or Village Board may reasonably require in their sole judgment, to accomplish the purposes hereinabove setforth.

5. Penalties.

Any person, proprietorship, corporation, partnership, Limited Liability Company, or other entity violating any provision of this §260-20(D) or any condition, requirement or limitation contained in the permit issued pursuant to §260-20(D) of the Village Code, is guilty of a misdemeanor, punishable by a fine not exceeding \$5,000.00 and a period of imprisonment not exceeding one year, or by both such fine and imprisonment. Each and every day that a violation of this Local Law, or any permit issued pursuant to this Local Law, exists shall constitute a separate offense.

6. Severability and Priority.

If any part of this Local Law shall be judicially declared to be invalid, void, unconstitutional, or unenforceable, all unaffected provisions hereof shall survive such declaration, and this Local Law shall remain in full force and effect as if the invalidated portions had not been enacted. This law shall not supersede any other law, but if there is a conflict with any other law the stricter of the two shall apply.

7. Effective Date.

This Local Law shall become effective when it is filed with the Secretary of State pursuant to the Municipal Home Rule Law.

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APPOINT POLICE LIEUTENANT

Pursuant to Section 4-400 of Village Law, I ,Mayor Barbara A. Alberti, hereby appoint Frank M. Fusani 343 Canton St, Depew, NY 14043 to the position of Police Lieutenant, Civil Service Exam Number 074029, list established November 24, 2008, effective immediately 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

Mayor Alberti and Captain Carwile presented Lt. Fusani with his badge and ID and congratulated him.

PROMOTE MOTOR EQUIPMENT OPERATOR

Pursuant to Section 4-400 of Village Law, I ,Mayor Barbara A. Alberti, hereby promote Gregory M. Rogers 65 George St. Depew, NY 14043 to the position of Motor Equipment Operator, effective immediately 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 ERIE COUNTY FIRE MUTUAL AID PLAN

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

BE IT RESOLVED, that the Depew Fire Department elects to participate in the Erie County Mutual Aid plan, revised and adopted on May 27, 2010, and agrees to recognize a call for assistance through the Erie County Fire Mutual Aid Plan, and agrees to recognize a call for assistance through the Erie County Fire Control Center, Area Base Station or the Commissioner of Emergency Services, Deputy Commissioner of Fire Safety or their designee; and will comply with the provisions of such plan as now in force and as amended from time to time; and that no restrictions exist against normal mutual aid assistance outside of the regular district whenever possible without jeopardizing home area fire protection.

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the Deputy Commissioner of Fire Safety and that Mayor Barbara A. Alberti is authorized to sign the Erie County Fire Mutual Aid Plan revised and adopted on May 27, 2010.

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

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APPROVE CONSULTANT – POLICE DEPT

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

WHEREAS, the Depew Police Department is without a Chief of Police currently and to aid in training the newly appointed Captain;

BE IT RESOLVED, that Mark Mediak, 26 Keicher, Depew NY 14043 is hired as a consultant for the police department on an as needed basis not to exceed two days per week, (eight hours per day), for a period of (5) five months, commencing immediately, at a rate of pay of \$90.00 per hour. This consulting agreement, billed monthly, may be terminated by either party upon thirty day written notice to the other party.

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

MODIFY 2010/2011 BUDGET

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

WHEREAS, the Village of Depew has received \$7,381.50 from the Division of Criminal Justice Services for bullet proof vests for the Police Officers and the proceeds of this check will be used to pay for these vests;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2010/2011 Budget in the following manner:

A510	Estimated Revenue		
	Sub Account 010.4960	Federal Aid - Emergency	\$7,381.50
A960	Appropriations		
	Sub Account 3120.261	Police –Soft Body Armor	\$7,381.50

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 2010/2011 BUDGET

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

WHEREAS, the Village of Depew has received \$3,645.52 from the Governor’s Traffic Safety Committee for STEP Detail 2010 and the proceeds of this check will be used to pay for officers overtime while on this detail;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2010/2011 Budget in the following manner:

A510	Estimated Revenue		
	Sub Account 010.4320	Buckle Up Grant \$	\$3,645.52
A960	Appropriations		
	Sub Account 3120.104	Police –Overtime	\$3,645.52

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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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Keefe, 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:

WEST END HOSE COMPANY
Kevin Peterson 54 Babbette Drive Depew NY 14043

CAYUGA HOSE CO #3
Pete M. Christ 77 Laverack Ave Depew NY 14043

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department for:

Cayuga Hose Company to use the 1921 pumper in the Clarence Labor Day Parade on Monday Sept 6th from noon till 5 pm.

And

Central Hose Company to use the 1941 engine and Engine #4 on August 28 for the Church ceremony only at 11 am for Craig Maconaghy's wedding to be held at St. Mary's of the Assumption Church in Lancaster, NY.

And

The use of one or two trucks for the Cheektowaga Soccer Parade on August 28 at noon, most likely Engine 6 and Rescue 7 will be used.

And

Engine 4 to be used for the Company Mass and Fire Prevention Detail on Sept 26, 2010 to be held in Lancaster.

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

TREE TRIMMING/REMOVAL:

EMPLOYMENT APPLICATIONS: General – Jon Aroix

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DEPARTMENT HEAD REPORTS:

None

BUILDING APPLICATIONS AND REPORTS –

ON A MOTION BY Trustee Maryneiwski, seconded by Trustee Hammer, the building inspectors reports were accepted as presented. DPW is authorized to cut the grass at 53 Stewart, 161 Calumet, 52 Hyland and the lot behind 184 Bigelow on Rutherford.

REPORT OF THE VILLAGE ATTORNEY

W First St property was awarded quite a while ago. Sent a letter to the bidder's attorney that time is of the essence and we need the transfer completed by Sept.

Meet with the homeowner on Warner concerned about sale of property on Ridgeway. The surveyor, property owners and Attorney Nosek are supposed to meet to iron out the differences on where the lines are.

REPORT OF THE VILLAGE ENGINEER

Zurbrick Rd – cost is well over \$1 million and the Village's share has increased. Next conference call is the 19th. Mayor Alberti added there has been no response from the County.

COMMITTEE REPORTS

Trustee Hammer – e-recycling and shredding day on August 28 at the Gardenville Plaza from 10 am – 2 pm.

UNFINISHED AND OTHER BUSINESS

Mayor Alberti's comments:

1. 2 weeks ago met with reps from Erie County who wanted to turn over .4 of a mile of Penora St to the Village from Broadway to Spohn. Board suggested giving it to the Town of Lancaster who is taking the rest of the road from the County.
2. VOTE stickers are being sold for \$1. Scott Wegst from the Fire Dept. has them.
3. Police and Fire 3rd Annual Baseball Game is to be held at Hillview School on Aug 22 at noon. The funds raised will benefit the Boys & Girls Club and the Food Pantry.

PUBLIC CONCERNS AND COMMENTS

None

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Monti, the following claims are to be paid: General \$153,574.54, Sewer \$1,130.00, Capital \$11,712.88, the motion was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Keefe, the meeting was adjourned at 7:59 pm. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator