

MEETINGS: 10
NO. OF REGULAR: 10
NO. OF SPECIAL MEETINGS: 0

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
AUGUST 11, 2008**

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

ABSENT: Trustee Dillemoth

ON A MOTION BY, Trustee Maryniewski, and seconded by Trustee Keefe, the July 28, 2008 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Dave Burkhardt – 5 Autumn Lea – where is the sidewalk work being done. John Wojcik answered Calumet & Laverack. Wanted to know why he has to pay for sidewalks and this area gets it free. It was explained that this is the low to moderate income area – blighted area – so they qualify for Erie County Community Development Grant funds.
2. Dan Beutler – 26 Tyler - #6 what union is this for? CSEA Clerical union.

PUBLIC HEARING – PODS Legislation

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

Attorney Nosek made some changes in wording to the local law.

Dave Burkhardt – 5 Autumn Lea – fee for PODS should be \$50 not \$25. It is a good idea for the law.

Dan Beutler – 26 Tyler St – agrees with \$25 fee if they renew it once then it is \$50. There are not as many PODS as before and most are in the back of properties.

ON A MOTION BY, Trustee Hammer, seconded by Trustee Maryniewski, the Public Hearing is closed at 7:46PM.

PUBLIC HEARING – Moratorium on Used Car Licenses

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

Dave Burkhardt – 5 Autumn Lea – wanted to know if another used car dealer can take the place of an old one.

Dominic Corigliano - 5230 Transit – favors a limit on used car lots in Depew. Owner occupied lots make the area look good. Eliminate short term dealers.

Dan Beutler – 26 Tyler St – favored moratorium on used car licenses. We need to clean up the ones we have.

Dave Burkhardt – 5 Autumn Lea – wanted to know what is being done about the dealer near him that parks the cars near the street or on the sidewalk. We should go through the ones we have and get them to conform.

Dominic Corigliano - 5230 Transit – you must have normal business hours per DMV requirements.

ON A MOTION BY, Trustee Fusani, seconded by Trustee Monti, the Public Hearing is closed at 7:52PM.

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ADOPT LOCAL LAW #4 – TERMINATING ASSESSING FUNCTION

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

Title: Local Law # 4 of 2008 – Terminating Village’s Function as an Assessing Unit”
A local law relating to the termination of a village’s status as an assessing unit for village real property purposes.

Section 1. The intent of the Board of Trustees of the Village of Depew is to implement section 1402(3) of the Real Property Tax law providing for the voluntary termination of the Village’s status as an assessing unit, as provided in the Village Law and the Real Property Tax Law. It is also the intent of this local law to abolish the positions of Board of Assessors and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Depew.

Section 2. On or after the effective date of this local law, the Village of Depew shall cease to be an assessing unit.

Section 3. The Board of Assessment Review in the Village of Depew is hereby abolished.

Section 4: On or after the effective date of this local law, taxes in the Village of Depew shall be levied on a copy of the applicable part of the assessment rolls of the Towns of Cheektowaga and Lancaster with the taxable status date of such Towns controlling for village purposes.

Section 5: Village code sections are amended as follows:

§209-19. The words “assessed by” are replaced by the word “in”.

§209-21. The words “of the Village of Depew” are deleted.

§209-27. The words “Village Assessor’s” are replaced by the words “Towns’ Assessors” and the word “Village” at the end of this section is replaced by the word “Town”.

Section 6: Within five days of the effective date of this local law, the Board of Trustees of the Village of Depew shall file a copy of such local law with the Clerks and Assessors of the Towns of Cheektowaga and Lancaster and with the State Board of Real Property Services.

Section 7: This Local Law is effective on the first day after it is filed with the Office of the New York Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.

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

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

AWARD BID- SIDEWALK REPLACEMENT PROJECT

Trustee Keefe, 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 Sidewalk Replacement Project in the bid amount of \$78,600.00 be awarded to:

C & C Contractors Inc.
1589 Bailey Rd.
Cowlesville, NY 14037

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The following resolution was seconded by Trustee Monti, 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	

APPROVE DUMPING PERMIT – 141 ARLINGTON

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

WHEREAS, Barbara Anderson, has applied for a Dumping Permit for 141 Arlington to fill in her swimming pool.

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) The elevation is not to exceed the existing grade.
- 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) Dump permit shall expire on September 30, 2008.

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	

AUTHORIZE MAYOR TO SIGN CSEA SETTLEMENT AGREEMENT

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

BE IT RESOLVED, Mayor Alberti is hereby authorized to sign the CSEA Settlement Agreement with CSEA Unit 6717-01. The agreement will take effect immediately.

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	

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 \$450.00 from Schmidt’s Auto Body & Network Services 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	\$450.00

A960 Appropriations

Sub Account 1620.478 – Night Out

\$450.00

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The following resolution was seconded by Trustee Monti, 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 LAWN FETE – ST BARNABAS

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

BE IT RESOLVED, permission is hereby granted to St. Barnabas, 2049 George Urban Blvd., Depew, NY for a Lawn Fete to be held on the Parish Grounds on August 22, 2008 (5:00 PM – 1:00 AM), August 23, 2008 (12:00 PM – 1:00 AM), and August 24, 2008 (12:00 PM – 11:00 PM)

MUSIC – will only be allowed until 11:00 PM. There will be no amplification other than what is required by the individual instruments. There will be no extension speakers. The volume of music shall be kept at a low setting so as not to annoy the peace and tranquility of the residential neighborhood.

SECURITY – on site private security will be provided by the applicant who will supply specification sheet detailing expected crowds. Past attendance records and other factors that would determine the amount of security required. A minimum of four (4) uniformed, armed officers will be posted in the enclosed beer tent area to check identification for under age patrons and to provide law and order.

A minimum of six (6) uniformed, armed officers with a maximum to be determined by the Chief of Police will be required to provide money escorts and 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 Lawn Fete.

PERMITS - the applicant shall obtain an amusement license pursuant to Chapter 19, Article I of the Depew Municipal Code.

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	

PERMISSION TO ATTEND NYCOM FALL TRAINING SCHOOL

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

Permission is hereby granted to Village Administrator, Liz Melock to attend NYCOM Fall Training School from September 15-19, 2008 at the Crowne Plaza – Lake Placid. The cost of the conference and hotel is \$1250.00.

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

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PERMISSION – DEPEW FIRE DEPT

Trustee Monti, offered the following resolution and moved for its adoption:
Permission is hereby granted to:

The Depew Fire Department & Fire Police to assist with traffic control for Shear Freedom at 2300 George Urban from noon till 6 pm on August 17, 2008 for a benefit sponsored by Tops #237 that will benefit Children's Hospital.

And

The use of the Northside Fire Hall for the Lancaster Chief's Monthly meeting on September 4, 2008 from 6:30 pm till 10 pm is granted to the Fire Department.

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

TREE TRIMMING/REMOVAL:

30 Mary Lou Lane

EMPLOYMENT APPLICATIONS

General – Theresa M Gretch

DEPARTMENT HEAD REPORTS

ON A MOTION BY Trustee Keefe, seconded by Trustee Maryniewski, the Department Head Report was accepted as presented. Clerk's Office July 2008.

BUILDING APPLICATIONS AND REPORTS

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

REPORT OF THE VILLAGE ATTORNEY

No Report

REPORT OF THE VILLAGE ENGINEER

Bruce Shearer - favorable opening of sidewalk, sewer lining started today, 3 projects going at once.

COMMITTEE REPORTS

Mayor's Report –

1. Night Out – was last Tuesday. It was the 25th Anniversary of National Night Out. Mayor thanked the Fire, Police, Courts, Electrical Dept., Recreation Dept. and volunteers for helping with Night Out. Mayor thanked the Chairs of the Event – Police Office Dan Garry and Administrator Melock.
2. Assistant Disaster Coordinator Tim Michaels stayed in touch with the Mayor all day during the heavy rains this past Sunday to alert her to the condition of the roads that were closed. Mayor thanked the Police and Fire for their work on Transit Road with the flooded road.

Art Domino, Village Historian, is working with the Lancaster Historical Society to copy pictures they have of the village. He is working on a story about Depew Football.

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UNFINISHED AND OTHER BUSINESS

None

PUBLIC CONCERNS AND COMMENTS

Dave Burkhardt – 5 Autumn Lea – questioned why Mr. Dillemath is not in attendance and what happens if a vote is tied. Mayor explained Channel 2 News contacted her a few weeks ago and did a story on Trustee Dillemath not attending meetings.

Art Domino – Said there was a Trustee in the 60's who missed a lot of meetings and was elected Mayor.

Steve Weiss – 135 Olmstead Ave – bad situation with all the rain. He called Mayor yesterday afternoon and she came out. Thanked John for the pumps. Wanted to know what can be done with all this rain. John said it was a grandfather storm with 4 inches in less than one and a half hours. The resources aren't there to build a system to handle the volume.

Dave Burkhardt – 5 Autumn Lea – is any of the flooding from the build up in Lancaster? Shouldn't the village complain to County or DEC to slow down?

Dan Beutler – 26 Tyler – 8 years ago they built behind Steve and there has been run off there. It was a freaky rain and his neighbors all had water in their basements.

Dave Kreutz – 40 Princeton – what determines Walmart detention ponds. Bruce said they need to file state and local regulations.

Steve Weiss – 135 Olmstead – planes flying over area has increased. Uniland project never finished the trees they were to plant. It is a retention pond not a detention pond.

CLAIMS AND ACCOUNTS – 2009-05

ON A MOTION BY Trustee Monti, seconded by Trustee Keefe, the following claims are to be paid: General \$188,664.22, Sewer \$4,681.09, Capital \$5,139.67. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Fusani, the meeting was adjourned **8:39pm** the motion was **CARRIED.**

Respectfully submitted,

Elizabeth C. Melock
Village Administrator