

MEETINGS TO DATE 14
NO. OF REGULARS: 13

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
SEPTEMBER 28, 2009**

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

ON A MOTION BY, Trustee Monti, and seconded by Trustee Maryniewski, the September 14, 2009 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Keefe, the September 21, 2009 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

APPOINT COMMERCIAL BUILDING INSPECTOR

Pursuant to Section 4-400 of Village Law, I Mayor Barbara Alberti, do hereby appoint Peter Michaels, 6 Park Pl, Depew, NY 14043, to the position of Commercial Building Inspector Part-time for the term of one year, said term to expire at noon the first Monday in April 2010, at a salary as stipulated in the current budget.

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

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

APPOINT RECREATION ATTENDANT PT

Pursuant to Section 4-400 of the Village Law, I, Mayor Barbara A. Alberti, do hereby appoint Lynn Mazurek 173 Grant. Depew, NY 14043, to the position of Recreation Attendant PT in the Senior Center at a salary as stipulated in the current budget.

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

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

AWARD BID –POLICE VEHICLES

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

WHEREAS, the Village of Depew sought bids for the lease of three police vehicles to replace three current vehicles in the police fleet, and

WHEREAS, bids were opened on Thursday, September 17, 2009 at 11 am in the Council Chambers, and

WHEREAS, the low bidder was Delacy Ford, Inc.

**VILLAGE OF DEPEW
SEPTEMBER 28, 2009**

BE IT RESOLVED, that upon the recommendation of Chief Thomas Domino, the bid for the Lease/Purchase of three police vehicles be awarded to:

DeLacy Ford, Inc.
3061 Transit Rd.
Elma, NY 14059

BE IT FURTHER RESOLVED, the Mayor is authorized to sign a two year lease agreement with Ford Motor Credit for the total amount of \$57,927.00 and the Village Administrator is authorized to pay DeLacy Ford Inc., two annual payments of \$30,149.01 for a total of \$60,298.02, which includes the finance charges.

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

AWARD BID –FIRE DEPT PHYSICALS

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

WHEREAS, the Village of Depew sought bids for physicals for the Depew Fire Department members, and

WHEREAS, bids were opened on Wednesday, September 23, 2009 at 11 am in the Council Chambers, and

WHEREAS, the low bidder was Caro Medical Center 6970 Erie Rd. Derby NY 14047,

BE IT RESOLVED, the bid for fire department physicals in the amount of \$50.00 for interior physicals and \$25.00 for exterior physicals is awarded to:

Caro Medical Center
6970 Erie Rd.
Derby, NY 14047

BE IT FURTHER RESOLVED, the Village is financially responsible for the cost of the physicals listed above only. All immunizations and shots will be the sole responsibility of the firefighter.

The foregoing 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

AUTHORIZE MAYOR TO SIGN COMPUTER & TELEPHONE SUPPORT AGREEMENT

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

WHEREAS, the Village of Depew utilizes Network Services for their computer and telephone support,

BE IT RESOLVED, Mayor Barbara A. Alberti is authorized to sign the computer and telephone support agreement with Network Services LLC 2065 Kensington Ave, Amherst NY 14226.

**VILLAGE OF DEPEW
SEPTEMBER 28, 2009**

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 MAYOR TO SIGN HEATING & AC MAINTENANCE CONTRACT

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

WHEREAS, the Village of Depew awarded the bid for the heating and maintenance to Superior Heat Co. 3461 North Benzing Rd Orchard Park NY 14127,

BE IT RESOLVED, Mayor Barbara A. Alberti is authorized to sign the Heating & AC Maintenance Contract with Superior Heat Co. effective Sept. 15, 2009 through September 14, 2012 at a cost of \$7,067.00 per year.

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING –
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

Trustee Maryniewski, 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 Federal Community Development Block Grant Funding Projects in the Village of Depew to be held on Tuesday, October 13, 2009 at 7:30 pm.

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

EXEMPTION FOR COLD WARD VETERANS

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

WHEREAS, Local Law Introductory No. 7 of 2009 (“2009 Amendments to the Village Code relating to the adoption of New York State Real Property Tax Law §458-b, Exemption for Cold War Veterans”) has been proposed, which seeks the adoption of New York State Real Property Tax Exemption for Cold War Veterans; and

WHEREAS, the Local Law shall amend Chapter 209 of the Village Code of the Village of Depew (“Code”) by creating a new Article VII; 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

**VILLAGE OF DEPEW
SEPTEMBER 28, 2009**

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 October 13, 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 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 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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BULLDOZER

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a bulldozer.

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR ELECTRONIC GATE –DPW

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for an electronic gate at DPW.

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

ROAD SALT

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

WHEREAS, New York State mandates where municipalities can purchase their winter salt, and

**VILLAGE OF DEPEW
SEPTEMBER 28, 2009**

WHEREAS, the Village of Depew and many other small municipalities must contract with the State of New York to purchase road salt from the state bid contract before knowing the price charged by the State for that winter season, and

WHEREAS, larger government entities (such as Erie County) bid their winter road salt needs on a yearly basis and sometimes get a lower price from the State than do the smaller municipalities, and

WHEREAS, the smaller municipalities are currently locked into a higher road salt price with the State than the larger municipalities are. The State is charging the Village of Depew more for road salt at \$40.17/ton than it is charging the County of Erie at \$37.22/ton, and

WHEREAS, it is patently unfair for the State to require municipalities to buy road salt from the State without disclosing the price then charge different prices for the same road salt to different municipalities;

NOW, THEREFORE BE IT RESOLVED, that the Village of Depew believes that the State Senate and Assembly should make a law to allow smaller government agencies to chose the lowest road salt price when contracts are presented to them by the State, and

BE IT FURTHER RESOLVED, that the Village of Depew believes that the price of road salt should be given by the State before contracts are sent out to small municipalities, and

BE IT FURTHER RESOLVED, that the Village Administrator is directed to send copies of this resolution to Assemblyman Dennis Gabryszak, Senator Dale Volker, Governor David Paterson, Legislator Diane Terranova, Legislator Thomas Mazur, County Executive Chris Collins, and to the Towns and Villages in Erie County.

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

CHANGE OF VILLAGE BOARD MEETING DATE

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

BE IT RESOLVED, the Village Board Meeting scheduled for Monday, October 12, 2009 is hereby changed to Tuesday, October 13, 2009 (starting at 7:30PM) due to the Columbus Day Holiday.

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

PERMISSION TO CHANGE PAYROLL DATES

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

WHEREAS, the Village Hall will be closed for the Thanksgiving Holiday on November 26th & 27th, the payroll dated November 26th will be moved to Wednesday November 25th.

And

WHEREAS, the Village Hall will be closed for the Christmas Holidays on December 24th & 25th, the payroll dated December 24^h will be moved to Wednesday December 23rd.

The forgoing resolution was seconded by Trustee Hammer, **CARRIED**.

PERMISSION TO ATTEND SEMINAR – DPW MECHANICS

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

Permission is hereby granted to Phil Fleck & Benny Wlostowski to attend the training seminar on Thursday Oct 8, 2009 from 7:30 am -11:00 am at D&W Diesel Rochester NY at a cost of \$50.00 each. Use of a village vehicle is also authorized.

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

**VILLAGE OF DEPEW
SEPTEMBER 28, 2009**

PERMISSION – DEPEW HIGH SCHOOL BONFIRE

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

BE IT RESOLVED, permission is hereby granted to the Depew High School Varsity D Club to hold their annual bonfire on Tuesday October 13, 2009 at 7:00 PM on the football practice field behind the Depew Schools bus garage. The Depew Fire Department will be present to provide fire protection with the following stipulations:

1. The Fire Marshall must meet with an adult advisor at 6:00 pm on the day of the event to inspect the site and review emergency procedures.
2. No flammable liquids are to be used in lighting the bonfire.
3. The Depew Fire Department will supervise the lighting of the bonfire and will remain on standby for the duration of the event.
4. The Depew Fire Department reserves the right to cancel the bonfire in the event of adverse weather conditions (high winds) or any other condition that may adversely affect public safety.

Depew Police personnel will be present to maintain order and supply necessary traffic enforcement.

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

PERMISSION – DEPEW HIGH SCHOOL MOTORCADE

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

WHEREAS, the Depew High School Student Senate has made application for a Motorcade escort for Friday, October 16, 2009 at approximately 12 PM, and

WHEREAS, said motorcade route and traffic enforcement has been authorized by the Chief of Police.

NOW, THEREFORE BE IT RESOLVED, that permission is granted to the Depew High School Senate to hold the above-mentioned Motorcade on Friday, October 16, 2009.

The forgoing resolution was seconded by Trustee Hammer, and **CARRIED**.

PERMISSION – LANCASTER HIGH SCHOOL MOTORCADE

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

WHEREAS, the Lancaster High School Motorcade Committee has requested the their motorcade travel through the Village of Depew on Friday October 16, 2009 at 6:00 pm, and

WHEREAS, said motorcade route and traffic enforcement has been authorized by the Chief of Police.

NOW, THEREFORE BE IT RESOLVED, that permission is granted for the Lancaster High School Motorcade to travel through the Village of Depew on Friday, October 16, 2009.

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

PERMISSION CROP WALK

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

Permission is hereby granted to for Faith United Methodist Church to conduct a CROP Walk on Sunday, October 18, 2009 starting at 1:00 pm. The walk will begin at St' John's Lutheran Church on Pleasant Ave in Lancaster and proceed to St. John's Lutheran Church on Litchfield Ave in Depew.

The route and traffic enforcement has been authorized by the Chief of Police.

**VILLAGE OF DEPEW
SEPTEMBER 28, 2009**

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

TREE TRIMMING/REMOVAL: 61 Wyandotte, 76 Rossiter, 847 Sherwood Ct, 369 French Rd, 95 Burlington Ave

EMPLOYMENT APPLICATIONS: Recreation – Lynn Mazurek, Michael Fusani, Mark Skowron, Allison Hall, Daniel Giumpa, Joseph Giumpa, Paralegal Intern – Samantha Collins

DEPARTMENT HEAD REPORTS: Police Dept August 2009

ON A MOTION BY Trustee Maryniewski, seconded by Trustee Monti, the department head report was accepted as presented.

BUILDING APPLICATIONS AND REPORTS

ON A MOTION BY Trustee Keefe, seconded by Trustee Hammer, the building inspector reports were accepted as presented.

REPORT OF THE VILLAGE ATTORNEY

Provided coverage for Paul Piotrowski for prosecutor this past Monday.

REPORT OF THE VILLAGE ENGINEER – Curt Krempa

No Report

COMMITTEE REPORTS

Trustee Keefe – As part of the NEST Committee, explained that the NEST clean up on this past Saturday went really well with over 2,200 cars. Spoke about Vanderbilt pump station work being done. Village unable to turn over sewers at this time due to outstanding debt.

UNFINISHED AND OTHER BUSINESS

Mayor Alberti:

1. Welcomed Linda back
2. Spoke about attending the Cheektowaga Fire Council Mass & Breakfast a week ago Sunday. Depew Fire Dept. had the most members pass away this last year – 9 members total.
3. Board Members attended the ceremony at St. James to welcome the new pastor.
4. Past Friday Mayor & Trustees attended ribbon cutting ceremony for Depew School's football field. Depew beat Tonawanda 33-0. Everyone should be very proud of the new field.
5. Village is having a vaccination clinic on Oct 19 from 10 am – 2pm at the senior center.

PUBLIC CONCERNS AND COMMENTS

Trustee Maryniewski – starter for the Depew Football in 1959 – Father Dave said the Mass at St. Philips.

Dave Burkhardt – 5 Autumn Lea – regarding the police cars – do we own them or lease them – Chief explained we own some and some we lease as we turn them over every two years due to high mileage. Heating contract – do they charge for extra work? Cold War Veterans Exemption – who is this for – thought all veterans received the exemption. Atty Nosek explained the County adopted this, then the Towns now us. Salt price – questioned the resolution. Mayor explained that the smaller municipalities have been paying more.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Keefe, the following claims are to be paid: General \$143,888.22, Capital \$142,118.99, Community Development \$23,527.25. The motion was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Maryniewski, the meeting was adjourned at **8:13 pm**. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator

