

MEETINGS TO DATE 15
NO. OF REGULARS: 14

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
OCTOBER 13, 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 September 28, 2009 Village Board Minutes were approved.

ON A MOTION BY, Trustee Monti, and seconded by Trustee Keefe, the October 5, 2009 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

PUBLIC HEARING CDBG FUNDING

Village Administrator read the legal notice and the Mayor opened the public hearing regarding Community Development Block Grant Funding Projects for the Lancaster side of Depew:

1. Curt Krempa, Village Engineer, read the three projects that the Village is looking to submit this year: Sanitary Sewer and Manhole Rehab St James Place, Sanitary Sewer and Manhole Rehab Manitou, Gould and Terrace, and an Elevator Platform for the food pantry on Penora and Gould.
2. Paul Walters, Residential Building Inspector, wanted to know if any of the funding could be used for sidewalks.

On a motion by Trustee Keefe and seconded by Trustee Maryniewski the public hearing was closed at 7:37 pm.

PUBLIC HEARING LOCAL LAW #7 OF 2009 – COLD WAR VETS EXEMPTION

Village Administrator read the legal notice and the Mayor opened the public hearing regarding Cold War Veterans Exemption:

1. Joan Priebe – 15 Howard – wanted to know what would the exemption be for? All taxes as Town has already adopted the exemption
2. Dave Burkhardt – 5 Autumn Lea – do the vets get one now? This expands the vets eligible for the exemption.

On a motion by Trustee Monti and seconded by Trustee Hammer the public hearing was closed at 7:41 pm.

ACCEPT RESIGNATION – COMMERCIAL BUILDING INSPECTOR

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

BE IT RESOLVED, the resignation of Peter Michaels as Commercial Building Inspector is accepted effective September 28, 2009.

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

APPOINT RECREATION TEMPORARY SEASONAL EMPLOYEES

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

(List Attached)

to the Winter Recreation Program, at salaries as stipulated in the budget.

**VILLAGE OF DEPEW
OCTOBER 13, 2009**

The appointments were 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

ADOPT/TABLE LOCAL LAW #6 OF 2009 – ZONING MAP CHANGES

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

WHEREAS, the Village Board (“Village Board”) of the Village of Depew (“Village”) desires to enact the 2009 Replacement of the Zoning Map of the Village of Depew (“the Local Law”); and

WHEREAS, the Village Board, as lead agency with respect to the adoption of the Local Law (the “Action”), used a Full EAF to determine the environmental significance of the Action in accordance with § 617.6 and 617.7 of Title 6 of the NYCRR; and

WHEREAS, the Village held a public hearing on the Local Law on August 24, 2009 to hear comments from the public regarding the Local Law and to consider any negative environmental impacts of the Action in accordance with § 617.7 of Title 6 of the NYCRR; and

WHEREAS, the Village Board reviewed and considered any comments from the general public concerning the adoption of the Local Law and concerning any negative environmental impacts of the Action; and

WHEREAS, the Village Board determined that the Action will have no significant adverse environmental impacts and will issue a negative declaration in accordance with 617.7 of Title 6 of the NYCRR; and

WHEREAS, the Village Administrator provided a copy of the Local Law to the Towns of Lancaster and Cheektowaga, Village of Lancaster and Erie County Department of Planning to comply with General Municipal Law §239-m.

THEREFORE, BE IT RESOLVED, that the Village Board hereby adopts the EAF and issues a negative declaration of environmental significance, both attached hereto as Exhibit A, with respect to the Action; and

BE IT FURTHER RESOLVED, that the Village Board does hereby adopt the Local Law, to be known as Local Law Number 6 of 2009 attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED, that the Village Board authorizes the filing of the Local Law with the New York State Department of State in accordance with § 27 of the New York Municipal Home Rule Law.

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

**VILLAGE OF DEPEW
OCTOBER 13, 2009**

EXHIBIT A

EAF and Negative Declaration

See attached file for Full EAF & Negative Declaration

EXHIBIT B

Local Law # 6 for the year 2009, Be it enacted by the Village Board of the Village of Depew as follows:

§1 TITLE

This Local Law shall be known as 2009 Replacement of the Zoning Map of the Village of Depew” and shall be incorporated into the Village Code as an Amendment to Chapter 260-6.

§2 FINDINGS

The Village Board finds as follows:

- (A) The current zoning map was outdated.
- (B) The Village desired to have the proper zoning comply with property boundaries.
- (C) The Village desires to update the official Zoning Map of the Village of Depew.

§3 PURPOSE

The Village of Depew intends by this Local Law to:

- (A) Replace the current Zoning Map with the new Zoning Map prepared by Nussbaumer & Clarke in September 2009. Said map is referenced in the Village Code section Chapter 260-6.
- (B) Provide for the health, safety and general welfare of the citizens of the Village of Depew.
- (C) To exercise the Village’s police power under the Municipal Home Rule Law, under Village Law and otherwise authorized by the State of New York.

§4 APPLICABILITY

This Local Law shall apply within the confines of the Village of Depew.

§5 AMENDMENTS

The Village Code Chapter 260-6 is amended as follows:

The current Zoning Map of the Village of Depew is replaced with the updated Zoning Map prepared by Nussbaumer & Clarke in Sept 2009.

§6 SEVERABILITY

The provisions of this Local Law are hereby declared to be severable. If any provision, clause, sentence or paragraph of this Local Law or the application thereby to any person, establishment or circumstance shall be held invalid, such invalidity shall not alter the other provisions or applications of this Local Law.

§7 EFFECTIVE DATE

**VILLAGE OF DEPEW
OCTOBER 13, 2009**

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.

AUTHORIZE MAYOR TO SIGN PENFLEX SERVICE FEE AGREEMENT.

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

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to sign a service fee agreement with Penflex, Inc. 50 Century Hill Drive, Latham, NY, for the purpose of administering the Service Award Program for Depew Firefighters for the period of November 1, 2009 to October 31, 2010 at a cost of \$5,500.00.

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 ADMINISTRATOR TO ADVERTISE FOR BIDS –RECREATION ROOF LOBBY

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for bids for the replacement of the roof over the recreation ice rink lobby.

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

PROCLAIM OCTOBER 31, 2009 AS OFFICIAL TRICK OR TREAT NIGHT

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

BE IT RESOLVED, upon recommendation of the Chief of Police, the Official Trick or Treat Night in the Village of Depew, in conjunction with the Town and of Lancaster and the Town of Cheektowaga, is hereby designated as Saturday, October 31, 2009 between the hours of 6:00 PM – 8:30 PM.

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Maryniewski, 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 CO

Kenneth R. Krajewski 105 Marrano Dr Depew NY 14043

The following resolution was seconded by Trustee Hammer and **CARRIED.**

PERMISSION – DEPEW FIRE DEPT – LADIES AUXILARY

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

Permission is hereby granted to:

The Depew Fire Department to start a Southside Auxiliary to assist firefighters at call and stand-byes.

**VILLAGE OF DEPEW
OCTOBER 13, 2009**

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

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 the following:

To use the Village Hall offices for department OSHA physicals on October 17 from 7:00 am until 5:30 pm and October 24 from 7:00 am until 2:00 pm.

And

For Engine 2 to attend an Emergency Vehicle Operation Course in Alden on Saturday October 17th from 7:00 am until the completion of the course.

And

For use of the Northside Firehall On Thursday Oct 15, 2009 to host the Cheektowaga Fire Council meeting at 7 pm.

And

For the following Fire Apparatus to go to 762 Market St. Lockport on Saturday Oct 17th for pump and tank testing:

Ladder 5 will be on location at 8:00 am
Engine 1 will be on location at 9:00 am
Engine 4 will be on location at 11:00 am
Engine 3 will be on location at noon
Engine 2 will be on location at 1:00 pm

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

TREE TRIMMING/REMOVAL: 44 Bloomfield, 496 & 500 Terrace Blvd, Corner of Terrace & Meridian

EMPLOYMENT APPLICATIONS: Recreation – Jeffrey Moore, Brendan Geisel, Sarah Springer, Andrew Piniarski, Rachael Banasik, David Garby, Ashley Grabiec, Zacheriah Kreinheder

DEPARTMENT HEAD REPORTS: Clerk’s Report Sept 2009, Treasurer’s Report Sept 2009, Senior Center Report Sept 2009

ON A MOTION BY Trustee Monti, seconded by Trustee Hammeri, the department head reports were accepted as presented.

BUILDING APPLICATIONS AND REPORTS

ON A MOTION BY Trustee Maryniewski, seconded by Trustee Keefe, the building inspector report was accepted as presented.

REPORT OF THE VILLAGE ATTORNEY

Corrected some wording in zoning resolution – short EAF should be full EAF and besides the County, the Towns of Cheektowaga, Lancaster and Village of Lancaster were notified of the local law.

REPORT OF THE VILLAGE ENGINEER – Curt Krempa

Zurbrick Rd – Army Corps still working on study

COMMITTEE REPORTS

Trustee Keefe – As part of the NEST Committee, shred date Oct 17th at ECC North 10-2 – document destruction

**VILLAGE OF DEPEW
OCTOBER 13, 2009**

UNFINISHED AND OTHER BUSINESS

Mayor Alberti:

1. EPA on Brewster, trees have been replanted on Tyler St, updates are received weekly
2. Thanked Police for a great job and called on Chief Domino to explain about Depew being in the news for narcotics arrests.

Chief Domino explained difficulty in obtaining multiple search warrants and arranging everything. He is very proud of the officers and detectives and that it was a cooperative effort that let to multiple arrests. Thanked Paul Walters for coming out early to see the housing code violations.

PUBLIC CONCERNS AND COMMENTS

Dave Burkhardt – 5 Autumn Lea – questioned whether another commercial building inspector will be hired soon. Mayor explained Pete could not work do to change in his work schedule. Dave questioned whether Towns could take over building departments. Mayor explained that Cheektowaga was approached and the cost was \$100,000 more than we are paying now.

John Petrik – 205 Meadowlawn – used to play hockey at the rink on Weds, Thurs, Sat nights – can't now do to ice rink hours being cut. Wants the Board to take a second look at the financial and union issues – could add \$31,000 to coffers.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Maryniewski, the following claims are to be paid: General \$182,790.63, Capital \$42,454.55, Sewer \$3,985.32. The motion was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Keefe, the meeting was adjourned at **8:05 pm**. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator