

MEETINGS: 14
NO. OF REGULAR: 14
NO. OF SPECIAL MEETINGS: 0

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
OCTOBER 14, 2008**

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

ABSENT: Trustee Dillemath

ON A MOTION BY, Trustee Fusani, and seconded by Trustee Monti, the September 22, 2008 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANTS

Administrator Melock read the legal notice regarding the Public Hearing on Community Development Block Grant Projects on the Lancaster side. She also stated possible projects for next year's grant would be Sidewalks and Sewers on Neoga St and possibly an elevator for the food pantry. There were no public comments.

On a Motion by Trustee Keefe seconded by Trustee Monti the public hearing was closed at 7:42 pm.

APPROVE/TABLE/DENY USED CAR LICENSE – 5460 TRANSIT RD

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

WHEREAS, James R. Mazzariello has applied for a Used Car License under the name of Jim Mazz Auto Collision & Sales inc. at 5460 Transit Rd. Depew NY,

BE IT RESOLVED, the Village Board TABLES, the used car license.

The following resolution was seconded by Trustee Maryniewski, 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	

ADOPT LOCAL LAW #6 – MORATORIUM ON USED CAR LICENSES

Trustee Fusani, 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 Moratorium on Licenses for Used Car Dealers (“the Local Law”); and

WHEREAS, the Village Board, as lead agency with respect to the adoption of the Local Law (the “Action”), has determined that a Moratorium is Type II Action and that an Environmental Assessment is not required; and

WHEREAS, the Village held a public hearing on the Local Law on August 11, 2008 to hear comments from the public regarding the Local Law; and

WHEREAS, the Village Board reviewed and considered any comments from the general public

concerning the adoption of the Local Law; and

WHEREAS, the Local Law has been sent to the Erie County Department of Environment and Planning as required by the General Municipal Law § 239-m; now

THEREFORE, BE IT RESOLVED, that the Village Board hereby adopts the Local Law, to be known as Local Law Number 6 of 2008, attached hereto as Exhibit A; 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 State Municipal Home Rule Law.

The following resolution was seconded by Trustee Monti, 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	

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.

The appointments were acted upon in the following manner by the Board of Trustees:

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

APPOINT ELECTRICIAN PT

Pursuant to Section 4-400 of Village Law, I Mayor Barbara Alberti, do hereby appoint William Gosdeck, 12443 Uebelhoer Rd Alden, New York, for the position of Electrician PT at a rate of \$16.00 per hour.

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

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

AUTHORIZE MAYOR TO SIGN CONTRACT-CUMMINS NORTHEAST,INC.

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

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to sign an agreement with Cummins Northeast, Inc. 480 Lawrence Bell Dr., Williamsville, NY 14221, for the purpose of maintaining the emergency standby generating sets and associated equipment for a fee of \$2,585.00 effective from February 1, 2009 to January 31, 2010.

The following resolution was seconded by Trustee Hammer, 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	

AUTHORIZE MAYOR TO SIGN MEMORANDUM OF AGREEMENT FOR RE-TREE WORK

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

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to a Memorandum of Agreement with the CSEA Local 1000 AFSCME Village of Depew Unit for allowing volunteers to plant trees from Re-Tree WNY.

The following 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 MAYOR TO SIGN 2008-2009 SUBRECIPIENT AGREEMENT WITH THE TOWN OF CHEEKTOWAGA

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

WHEREAS, federal regulations require that a subrecipient agreement be executed annually between the Town of Cheektowaga and the Village of Depew for the Community Development Block Grant Program,

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to execute a Subrecipient Agreement with the Town of Cheektowaga, as required by federal regulations at 24 CFR, Section 570.503, whereby such Agreement specifies the federal regulations governing the Community Development Block Grant program and the program activities to be carried out in the Village with Community Development Block Grant funds for the 2008-2009 Program Year.

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 MAYOR TO SIGN MODIFIED NON-UNION WORK RULES

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

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to sign the modified non-union work rules with the modification date of October 14, 2008.

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	

AMEND DEFERRED COMP PLAN DUE TO IRS REGULATION 415

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

The following resolution is hereby adopted by written consent of the Board of Directors of the Village of Depew, a Corporation (this “Corporation”).

WHEREAS, this Corporation maintains the Village of Depew Deferred Compensation Plan & Trust and Trust (the “Plan and Trust”) as the Sponsoring Employer.

WHEREAS, this Corporation desires to amend its Plan to reflect its adoption of the final regulations published by the Department of the Treasury amending Internal Revenue Code Section 415.

NOW THEREFORE, be it resolved, that the Corporation hereby amends the Plan in the form of the Amendment to the Village of Depew Deferred Compensation Plan & Trust for compliance with Final Treasury Regulations Section 415, and shall be effective for Limitation Years beginning on or after July 1, 2007.

RESOLVED, FURTHER, that any Officer of this Corporation is hereby authorized and directed to execute the above amendment and restatement in the form attached and to take any actions deemed necessary or appropriate in order to carry out the intent of the above resolutions.

The following resolution was seconded by Trustee Hammer, 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	

MODIFY 2008/2009 BUDGET – POLICE DEPT LINE ITEMS

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

WHEREAS, the Village of Depew Police Department has received \$2905.36 from our insurance company for damage to car #61 and \$580 from the Department of Justice for bullet proof vests

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

A510	Estimated Revenue		
	Sub Account 010.2680	Insurance Recoveries	\$2905.36
	Sub Account 010.4960	Federal Grant Funds	\$580.00
A960	Appropriations		
	Sub Account 3120.451 – Police Dept – Vehicle Repair		\$2905.36
	Sub Account 3120.261 - Police Dept – Soft Body Armor		\$580.00

The following resolution was seconded by Trustee Keefe, 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	

PROCLAIM OCTOBER 31, 2008 AS OFFICIAL TRICK OR TREAT NIGHT

Trustee Maryniewski, 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 Friday, October 31, 2008 between the hours of 6:00 PM – 8:00 PM.

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

NEST RECYCLING COORDINATOR SUPPORT RESOLUTION

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

WHEREAS, the State of New York Solid Waste Management Act of 1998, listed in Part 371 of NYS Codes, Rules and Regulations (6 NYCRR) prepared in accordance with 6

NYCRR Part 360, established a statewide goal to maximize solid waste reduction and recovery to the extent economically and technically feasible; and

WHEREAS, the Act calls for all municipalities of New York to be part of a solid waste management unit and to develop, and have the State approve, a Solid Waste Management Plan; and

WHEREAS, NEST, a designated Solid Waste Planning Unit recognized by the New York State Department of Environmental Conservation (NYSDEC), consisting of municipal representatives and serving a region that includes 37 municipalities (22 towns, 14 villages, and one city) in Erie County, New York; and

WHEREAS, NEST is required to address the solid waste management needs of the municipalities within its borders; and

WHEREAS, the NEST Solid Waste Management Plan identifies Erie County as the administrator of the plan; and

WHEREAS, the State of New York and the local solid waste management boards have provided financial aid to Erie County to support a Recycling Coordinator position to serve Erie County municipalities; and

WHEREAS, the Recycling Coordinator for Erie County acts as the staff for NEST and has provided the administrative support for the implementation of the Solid Waste Management Plan; and

WHEREAS, Erie County, with the support of NEST, has prepared and submitted a grant application to the NYSDEC for the Recycling Coordinator position for 2009-2011; and

WHEREAS, the State of New York has delayed funding of the Recycling Coordinator position; and

WHEREAS, the local solid waste boards intend to continue to contribute financial support to offset costs associated with the Recycling Coordinator position; and

WHEREAS, the local solid waste boards are concerned with the possible loss of the position of Recycling Coordinator from the 2009 budget;

NOW, THEREFORE, BE IT RESOLVED that the Board of NEST urges the County Executive of Erie County to continue to provide support to assist in implementing the mandatory requirements of the Solid Waste Management Plan; and be it further

RESOLVED that NEST requests that the County Executive of Erie County utilize its funding support to convert the position of Recycling Coordinator to a county-line position until grant funding is reinstated.

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

Trustee Dillemoth -Absent
Trustee Fusani -Yes
Trustee Hammer -Yes

Trustee Keefe -Yes
Trustee Maryniewski -Yes
Trustee Monti -Yes

Mayor Alberti -Yes

PERMISSION – DEPEW HIGH SCHOOL MOTORCADE

Trustee Hammer, 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 17, 2008 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 17, 2008.

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

PERMISSION TO ATTEND SEMINAR

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

Permission is hereby granted to Phil Fleck to attend the training seminar on Direct Diesels Diagnostics at the Holiday Inn Buffalo/Amherst on November 5th & 6th from 6:30 pm until 10:00 pm at a cost of \$199.00.

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

PERMISSION TO ATTEND SEMINAR

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

Permission is hereby granted to Liz Melock to attend the NYLARGO seminar, records management classes, on October 17, 2008 at the Inn on the Lake, Canandaigua. The cost for the seminar is \$49.95.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to:

The Depew Fire Department for the following:

To use an engine for training purposes at the Amherst training tower in Amherst on October 23, leaving the village at 5:00 pm and returning at the completion of the training course.
And

To use up to two fire apparatus to participate in the Depew High School Motorcade on October 17, 2008 from 11:30 am until the end of the route.
And

To use the Southside Fire Hall for the Cayuga Hose Christmas party on December 13, 2008 from 9:00 and midnight.

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

TREE TRIMMING/REMOVAL:

37 Banko Dr, 70 Ashford Pl, 104 Hanwell, 33 Forestview Dr.

EMPLOYMENT APPLICATIONS: Electrical – William Gosdeck, Recreation – Joseph Giumpa, Jeremy Wojcicki, Dennis Mescall, Matthew Beck, Leanne Schroeder, Stephen Moskal, Andrew Piniarski, Richard Krzykowski, DPW – Joseph Ellis Jr. General – Danuta Borusowska, Superintendent of Public Works – Wayne Marino

DEPARTMENT HEAD REPORTS: Treasurer's Office July –Sept 2008, Clerk's Office Sept 2008, Police September 2008

BUILDING APPLICATIONS AND REPORTS

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

REPORT OF THE VILLAGE ATTORNEY

Met with Atty Bumbalo regarding drainage issue.

REPORT OF THE VILLAGE ENGINEER

Currently three public works projects are underway and should be completed shortly.

COMMITTEE REPORTS

Trustee Monti said that there are still stops available in the winter recreation programs to contact the rec dept.

Mayor Alberti thanked Boy Scout Troop 352, under the leadership of Andrew Rouse, for painting the fire alarm box poles on circuits #2 & #3.

UNFINISHED AND OTHER BUSINESS

ACCEPT RESIGNATION -TRUSTEE

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

BE IT RESOLVED, the Village Board accepts the resignation of William M. Dillemath Jr. effective September 30, 2008.

The foregoing resolution was seconded by Trustee Monti, 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 Ladder 5 for a wedding in West Falls on October 18, 2008 at 5pm. The truck will return immediately after the service.

The following resolution was seconded by Trustee Monti, 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	

*Trustee Keefe stated that there was a long discussion in the pre-meeting regarding this. This approval is on a case by case basis only as the citizens of the Village need to be protected from increased cost.

PUBLIC CONCERNS AND COMMENTS

None

CLAIMS AND ACCOUNTS – 2009-10

ON A MOTION BY Trustee Fusani, seconded by Trustee Monti, the following claims are to be paid: General \$210,694.73, Sewer \$3,847.30, Capital \$294,606.40, Community Development \$79,392.83. **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Keefe, the meeting was adjourned at **8:08pm** in memory of Monsignor Henry Stachewicz, the motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator