

MEETINGS TO DATE 16
NO. OF REGULARS: 15

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
OCTOBER 26, 2009**

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

ON A MOTION BY, Trustee Monti, and seconded by Trustee Keefe, the October 13, 2009 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Maryniewski, the October 19, 2009 Zoning Board Minutes were accepted.

Mayor Alberti presented a certificate from NYCOM honoring employees who had 25 years of service or more with the Village of Depew – Detective Steve Lehman was presented with a 30 year certificate. Police Department Clerical employees – Sharon Quinn and Diane McNeil both had 25 year certificates.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

ADOPT/TABLE LOCAL LAW #7 OF 2009: COLD WAR VETS EXEMPTION

Trustee Keefe, 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 Amendments to the Village Code relating to the adoption of New York State Real Property Tax Exemption for Cold War Veterans (“the Local Law”); and

WHEREAS, the Village Board, as lead agency with respect to the adoption of the Local Law (the “Action”), used a short 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 October 13, 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 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 7 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; and

BE IT FURTHER RESOLVED, that the Village Administrator shall provide a copy of the Local Law to the Assessor of the Town of Lancaster and Cheektowaga.

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

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

EXHIBIT A

SEP-14-2009 14:21 EAF and Negative Declaration COHEN LOMBARDO P.001

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Village of Depew	2. PROJECT NAME Adoption of NYS Real Prop Tax Exemption for Cold War Vets
3. PROJECT LOCATION: Municipality Village of Depew County Erie	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Entire Village of Depew	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Local Law incorporating into the Village Code as an Amendment to Chapter 209, new Article VII, the Adoption of New York State Real Property Tax Exemption for Cold War Veterans.	
7. AMOUNT OF LAND AFFECTED: Initially N/A acres Ultimately acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: N/A	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Village of Depew Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

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PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: No</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: No</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: No</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: No</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: No</p>
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.								
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.								
<p>Village of Depew</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; text-align: center;">Name of Lead Agency</td> <td style="width: 50%; border-bottom: 1px solid black; text-align: center;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">Mayor Barbara A. Alberti</td> <td style="border-bottom: 1px solid black; text-align: center;">Title of Responsible Officer</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</td> <td style="border-bottom: 1px solid black; text-align: center;">Signature of Preparer (If different from responsible officer)</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">Signature of Responsible Officer in Lead Agency</td> <td style="border-bottom: 1px solid black; text-align: center;">Signature of Preparer (If different from responsible officer)</td> </tr> </table>	Name of Lead Agency	Date	Mayor Barbara A. Alberti	Title of Responsible Officer	Print or Type Name of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)	Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)
Name of Lead Agency	Date							
Mayor Barbara A. Alberti	Title of Responsible Officer							
Print or Type Name of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)							
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)							

Reset

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12-12-79 (3/89)-9c

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State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number N/A

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Depew as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

2009 Amendments to the Village Code relating to the adoption of New York State Real Property Tax Exemption for Cold War Veterans to be incorporated as an amendment to Chapter 209 as a new Article VII

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Local Law implements Real Property Tax Exemption authorized by New York State and Erie County.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

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P.004

SEQR Negative Declaration

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Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

This Local Law implements New York State and Erie County Real Property Tax Exemption for Cold War Veterans as defined by the enabling statutes. Both the State and County found no likely Environmental consequences in their assessment. The Village Board agrees.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Barbara A. Alberti, Mayor

Address: 85 Manitou Street, Depew, NY 14043

Telephone Number: (716) 683-1400

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town / City / Village of

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin, 625 Broadway Albany NY 12233-1750 (Type One Actions only)

TOTAL P.004

EXHIBIT B

Local Law

Local Law # 7 for the year 2009, Be it enacted by the Village Board of the Village of Depew as follows:

TITLE

This Local Law shall be known as 2009 Amendments to the Village Code relating to the adoption of New York State Real Property Tax Exemption for Cold War Veterans and shall be incorporated into the Village Code as an Amendment to Chapter 209 as a new Article VII.

§209-33 FINDINGS

The Village Board of Trustees finds that the New York State Legislature has enacted §458-b of the Real Property Tax Law. That section authorizes local governments to adopt a local law granting to

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qualifying Cold War veterans a real property tax exemption as authorized therein.

§209-34 PURPOSE

The Village of Depew intends by this Local Law to ensure the benefits of this property tax exemption to qualifying veterans who served during the Cold War period as defined §458-b of the Real Property Tax Law. Any Cold War veteran so qualifying, shall be eligible for the exemption upon filing with the Assessor a form prescribed by the Office of Real Property Services on or before the first appropriate taxable status date.

§209-35 APPLICABILITY

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

§209-36 AMENDMENTS

The Village Code Chapter 209 is amended by the addition of new Article VII as follows:

Scope of Exemption.

(A) Qualified residential real property owned by a Cold War veteran, as defined in New York State Real Property Tax Law §458-b, or spouse of a Cold War veteran, or unremarried surviving spouse of a Cold War veteran, shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall in no event exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate for the Village of Depew, whichever is less.

(B) Where the Cold War veteran received a compensation rating from the United States Veterans Affairs or the United States Department of Defense due to a service connected disability, the qualifying residential real property will be exempt from taxation to the extent of the product of the assessed value multiplied by fifty percent (50%) of the disability rating; provided, however, such exemption shall not exceed forty thousand dollars (\$40,000) or the product of forty thousand dollars (\$40,000) multiplied by the current equalization rate for the Village of Depew.

(C) Qualified residential real property is property that is used exclusively for residential purposes, and is the primary residence of the Cold War veteran, or his or her unremarried surviving spouse; unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization for up to five (5) years. In the event any portion of such property is not used exclusively for the applicant's residence, said portion shall be subject to taxation but the remaining portion shall be entitled to the exemption provided herein.

(D) This exemption applies to Village taxes but does not extend to special assessments or special district charges.

(E) This exemption shall be granted for a period of not more than ten (10) years, with the procedure for determining the commencement dates of the time period as prescribed in §458-b of New York State Real Property Tax Law.

(F) In the event a Cold War veteran is receiving an exemption under §458 or §458-a of New York State Real Property Tax Law at the time of application, he or she is not eligible for this exemption as well.

(G) Application for such exemption shall be filed with the Assessor of the Town in which the property is located on or before the taxable status date on a form as prescribed by the State Board.

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§209-37 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.

AUTHORIZE MAYOR TO SIGN CONTRACT WITH ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

WHEREAS, the Village Board of the Village of Depew desires to enter into a contract with Erie County Community Block Grant Program (ECCDBG) for the following projects listed in order of their ranking of priority by the Depew Village Board:

1. 2010-2011 St James Place Sanitary Sewer & Manhole Remediation
2. 2010-2011 Gould, Manitou, Penora & Terrace Sanitary Sewers & Manhole Remediations
3. 2010-2011 Platform Lift Food Pantry Penora St

WHEREAS, the Village Board of the Village of Depew deems it in the public interest to authorize the Mayor of the Village of Depew to execute a contract with ECCDBG upon approval of the ECCDBG for the aforementioned projects.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Depew hereby authorizes the Mayor of the Village of Depew to execute a contract with ECCDBG program upon approval of ECCDBG for the following projects, listed in order of their ranking priority:

1. 2010-2011 St James Place Sanitary Sewer & Manhole Remediation \$148,366
2. 2010-2011 Gould, Manitou, Penora & Terrace Sanitary Sewers & Manhole Remediations \$150,310
3. 2010-2011 Platform Lift Food Pantry Penora St \$101,377

BE IT FURTHER RESOLVED, that the Village Administrator forward a certified copy of this resolution to ECCDBG, Erie County Consortium.

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 –RECREATION ROOF LOBBY

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

WHEREAS, the Village of Depew sought bids for the replacement of the roof over the recreation lobby, and

WHEREAS, bids were opened on Thursday, October 22, 2009 at 11 am in the Council Chambers, and

WHEREAS, the low bidder was Sahlem’s Roofing & Siding Inc.

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BE IT RESOLVED, that the bid for the replacement of the roof in the amount of \$32,175.00 be awarded to:

Sahlem's Roofing & Siding Inc
2260 So. Western Blvd
West Seneca, NY 14224

The foregoing 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 ADMINISTRATOR TO ADVERTISE FOR RANGE EXHAUST SYSTEM

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a range exhaust system for the Police Department Firing Range.

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

MODIFY 2009/2010 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 \$8,245.00 from the NYS Office of Homeland Security for Operation the Grinch and the proceeds of these payments were utilized for this purpose;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2009/2010 Budget in the following manner:

A510	Estimated Revenue		
	Sub Account 010.4960	Federal Grant Funds	\$8,245
A960	Appropriations		
	Sub Account 3120.115	- Police Dept –Operation the Grinch	\$8,245

The following 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 2009/2010 BUDGET – COURT GRANT

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

WHEREAS, the Village of Depew Justice Court has received \$8575.00 grant towards courtroom updates and the proceeds from this grant will be utilized for those purposes;

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2009/2010 Budget in the following manner:

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A510	Estimated Revenue		
	Sub Account 10.3830	State Aid - Other	\$8575.00
A960	Appropriations		
	Sub Account 1130.435	Justice Court – Contractual Services	\$8575.00

The following 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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Monti, 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:

HOOK & LADDER CO. #1

David Greaves 50 Harvard Ave Depew NY 14043

CENTRAL HOSE #4

Michael Jones 88 Bellwood Depew NY 14043

WEST END #6

Shaun Helsel 53 Nadine Dr Cheektowaga, NY

The following resolution was seconded by Trustee Hammer 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 Northside Firehall for a Blood Drive on Thursday November 5th between 11:30 am and 8:00 pm.

And

The use of engine #4 at a pump operators course at the Village of Alden Fire Hall on Thursday Nov 5th and Thursday Nov 12th from 5:30 pm until 10:30 pm.

And

The use of engine #5 at a pump operator course at the Orchard Park Fire Hall on Saturday October 31, 2009 from 9 am until 4 pm.

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

TREE TRIMMING/REMOVAL: 13 Banko Dr, 93 Madaline Lane

EMPLOYMENT APPLICATIONS:

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DEPARTMENT HEAD REPORTS: Police Dept Sept 2009, Electrical Dept July-Sept 2009

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

BUILDING APPLICATIONS AND REPORTS

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

REPORT OF THE VILLAGE ATTORNEY

No Report

REPORT OF THE VILLAGE ENGINEER – Curt Krempa

Army Corps is doing survey work & soil testing

COMMITTEE REPORTS

Trustee Keefe – AMS Servicing has moved into the Uniland Bldg from Amherst. On Wed the Mayor, Board and Administrator will be touring Vanderbilt pump station and the ORF. Merging the sewers with the counties is not possible right now as the County will not take over the debt.

UNFINISHED AND OTHER BUSINESS

None

PUBLIC CONCERNS AND COMMENTS

Fred Grzyb – plumbing inspector – wants residents to give two reasons why they want a fence put up.
Dave Burkhardt – 5 Autumn Lea – is the food pantry looking into another building, could the lift money go elsewhere. Regarding Zubrick Rd – was Leg. Mazur involved.

John Petrik – 205 Meadowlawn – what is the next step in getting the ice time back. Mayor stated it would be revisited in the next budget.

Fire Chief Ken Mau – the firehalls will be serving cider and donuts on Halloween from 6-8 pm.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Maryniewski, the following claims are to be paid: General \$136,911.54, Capital \$1,687.96, Sewer \$30,792, Community Development \$2,372.25. The motion was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Maryniewski, the meeting was adjourned at 8:04pm. in memory of Jeanette Barr and Danny Fliss. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator