

MEETINGS TO DATE 17
NO. OF REGULARS: 16

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
NOVEMBER 9, 2009**

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

ON A MOTION BY, Trustee Keefe, and seconded by Trustee Hammer, the October 26, 2009 Village Board Minutes were approved.

ON A MOTION BY, Trustee Maryniewski, and seconded by Trustee Monti, the November 2, 2009 Zoning Board Minutes were accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

AUTHORIZE ADMINISTRATOR TO SUBMIT UNPAID TAXES TO COUNTY OF ERIE

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

BE IT RESOLVED, the report of the Village Administrator, showing that in accordance with Article 14, Section 1436, Paragraph 2 of the Real Property Tax Law, she is returning to the County of Erie, Department of Finance the 2009-2010 unpaid Village Tax accounts together with the unpaid sewer account pursuant to verification and certification of the Board of Trustees, and also that as of November 2, 2009, she has collected the sum of \$8,282,425.05 which is 97% of the original amount (including petitions and payments in lieu) of \$8,553,113.71 leaving a balance of \$270,688.66 and, in accordance with section 987 of Real Property Tax Law, the Village has imposed a fee of \$2.00 per parcel for the “Notice of Unpaid Taxes”; the Administrator has added \$556.00 to the balance, thereby leaving a balance of \$271,244.66, which has been transferred to Account A440, Due from Other Governments, for further collection, is hereby accepted.

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 –BULLDOZER

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

WHEREAS, the Village of Depew sought bids for a bulldozer,

WHEREAS, bids were opened on Thursday, October 22, 2009 at 11:01 am in the Council Chambers, and

WHEREAS, the low bidder was National First Equipment LLC 55 Lou Groza Blvd Berea, OH 44017.

BE IT RESOLVED, that the bid for the bulldozer in the amount of \$31,900.00 be awarded to:

National First Equipment LLC
55 Lou Groza Blvd
Berea, OH 44017

The foregoing resolution was seconded by Trustee Hammer, 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

AWARD BID –ELECTRONIC GATE

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

WHEREAS, the Village of Depew sought bids for an electronic gate for the DPW complex,

WHEREAS, bids were opened on Thursday, October 22, 2009 at 11:02 am in the Council Chambers, and

WHEREAS, the low bidder was Fox Fences 2637 Lockport Rd Niagara Falls, NY 14305

BE IT RESOLVED, that the bid for the electronic gate in the amount of \$12,400.00 be awarded to:

Fox Fences
2637 Lockport Rd
Niagara Falls, NY 14305

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

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

BE IT RESOLVED, explorer membership is hereby granted to the following in the Depew Fire Department pending the passing of their physical:

HOSE CO. #1

Lauren Piatek 1200 Penora St Depew NY 14043
Amanda Laver 5910 Transit Rd #54 Depew NY 14043
Anthony James Luksch Jr 19 Michele Dr Depew NY 14043

WEST END #6

Andrew Krajewski 105 Marrano Dr Depew NY 14043

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

PERMISSION – DEPEW FIRE DEPT

Trustee Keefe, 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 public relations detail around the Village on December 19th from 5:00 pm until 10:00 pm.

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And

The use of South Side Fire Hall for the Aetna Hose Christmas Party on December 12th from noon until midnight, December 13th from 9 am until 5 pm for a children's Christmas party and December 19th from 9 am until midnight for the Cayuga Hose Christmas Party.

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

TREE TRIMMING/REMOVAL: 5 Arlington Pl, 160 Darwin Dr, 760 Terrace Blvd, 22 Anthony Dr

EMPLOYMENT APPLICATIONS: DPW – Garrett Schwenk

DEPARTMENT HEAD REPORTS: None

BUILDING APPLICATIONS AND REPORTS

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

REPORT OF THE VILLAGE ATTORNEY

In regards to the Dalton Vs Village of Depew – the Village received a Stipulation of Discontinuance. Now hopefully the village will be able to recover the attorney fees.

REPORT OF THE VILLAGE ENGINEER –

Army Corps has finished the study and would like to let the work by April. Bad news the project was passed over for Section 14 funding – Congressman Higgins office is working on that issue now.

COMMITTEE REPORTS

Mayor Alberti's report –

1. Read the DEC fact sheet about the meeting on Nov 17th at 7 pm for the remediation work at the old landfill – cost is \$8.6 million dollars.
2. Spoke about visit to ORF and Vanderbilt pump station with Trustees Hammer, Keefe and Administrator Melock – very informational.
3. Welcomed new businesses – Piero's and VFW
4. Veterans Day celebration at St John's Lutheran at 10:15 am on Veteran's Day.
5. Spoke about complaints regarding trick or treating on Beggar's Night Oct 30 and a fire truck parked on the street handing out cider and donuts in the Barnabas area. Explained that the Board already set trick or treating for Oct 31st and no permission was given to the Fire Dept. to use the trucks on Oct 30th.
6. Parking Ban goes into effect Nov 15- March 15 from 2-7 am.

UNFINISHED AND OTHER BUSINESS

None

PUBLIC CONCERNS AND COMMENTS

Jim Nusall – 125 Meridian St – wanted to know why the Bylaws were not adopted and why the Board wants to change the name of the Service Award Program. He also asked if the Village Attorney would represent the Fire Dept in case something happened. Mayor Alberti explained that the Board is still waiting for updates to the Service Award Program in the Bylaws and that the Depew taxpayers pay for the service award program not the Fire Dept. Attorney Nosek explained that he represents the Village Board. He can not represent the Board and the Fire Dept as there is a conflict. He can not represent the employer and the employee. If there is an issue at a fire the Village has insurance and the insurance company would hire an attorney to represent the firefighter. There is no authority in Village law for the village to provide an attorney for its employees.

Paul Walters – Bldg Insp – asked if Tony represents the Zoning Board – Tony explains that he advises the Board as long as their wishes are the same as the Village Board. He can offer guidance but only if it does not make a conflict. Attorney Nosek explained just by what happened on Beggar's night the interest of the fire dept conflicts with the interest of the Village Board.

Dave Adamberger – 2nd Asst Fire Chief – on comp can't attend a meeting – was told you can attend any meetings as they are open to the public just to training.

Anthony Schiavone – 3004 George Urban – what is the Village's share of the \$8.6 million? Curt explained that the DEC is doing the cleanup of the streambed under superfund monies. Village is responsible for 30% of the rebuilding and road reconstruction which would be about \$300,000 – 400,000, some of which has already been paid.

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CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Monti, the following claims are to be paid: General \$740,951.31, Capital \$37,882.60, Sewer \$9,514.79, Community Development \$51,847.26. The motion was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Maryniewski, the meeting was adjourned at 8:30pm in honor of all veterans past and present and the injured and casualties at Fort Hood. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator