

MEETINGS: 18
NO. OF REGULAR: 18
NO. OF SPECIAL MEETINGS: 0

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
DECEMBER 10, 2007**

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

ABSENT: Trustee Dillemoth

ON A MOTION BY, Trustee Maryniewski, and seconded by Trustee Monti, the November 26, 2007 Village Board Minutes were approved.

ON A MOTION BY, Trustee Fusani, and seconded by Trustee Keefe, the November 19, 2007 Zoning Board Minutes were accepted.

SPECIAL PRESENTATION BY DANIEL GARRY

Village of Depew Police Officer Daniel Garry, also a Coast Guard Reservist, publicly thanked the Mayor Alberti and Village Board of Trustees for supplementing his pay when he was called to active duty on September 8, 2007 for a period of three weeks. He presented Mayor Alberti with a "Patriotic Employer" Plaque on behalf of the United States Coast Guard.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

**PUBLIC HEARING – PROPOSED LOCAL LAW # 3 OF THE YEAR 2007 –
AMENDMENTS TO CHAPTER 198 – SOLID WASTE**

Mayor Alberti opened the public hearing. Deputy Village Clerk read the legal notice.

AMENDMENTS TO CHAPTER 198 – SOLID WASTE

§ 198-9 and 198-14 shall be amended as follows and new § 198.14 section 198-9 is hereby repealed.

Penalties for offenses:

- A.) 1st offense – written warning
- 2nd offense – within a 12 month period \$50.00
- 3rd offense – within a 12 month period \$100.00
- 4th offense – within a 12 month period \$150.00
- B.) In addition to the above fines, the Village shall have the discretion to refuse to collect materials which are improperly separated, bundled or prepared for pickup.

§198-13 Separation and preparation shall be amended to include Paragraphs F and G.

- F.) Storage containers or receptacles for solid waste shall be high quality vinyl or steel cans which shall be waterproof and covered at all times with a lid. They shall be kept in a secure place and covered while stored and at the curb for collection. At no time may garbage or trash be stored or placed for collection in plastic bags or other non-rodent proof containers, unless placed in an acceptable storage container or receptacle pursuant to this article.
- G.) Garbage and recycling can only be placed at the curb for pickup after 5:00 P.M. on the night before scheduled collection. Trash cans or receptables must be removed from the curb within 24 hours after pickup.

This local law shall be in effect immediately upon filing with the New York Secretary of State.

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COMMENTS ON PUBLIC HEARING:

John Wojcik – Questioned the time the garbage is allowed be taken out to the curb, the correct time was 6:00 P.M.? Mayor Alberti stated the time will be changed to 5:00 P.M. according to the new amendments

Irv Reinig – 380 Columbia – Read long statement on various items concerning Chapter 198. See attached.

Chris Fronz – Laverack Avenue – Wondered how residents will be notified of these new changes. Will Village be sending out flyers? Mayor Alberti stated flyers would be too costly. The notification would be via The Metro Source paper because it is distributed to all residents, but ultimately the homeowner/Landlord would be responsible.

Matthew Filipowicz – Agrees with the amendments, but also feels that the cans may cause a problem on windy days, blowing the cans around the neighborhood.

Mayor Alberti – Stated Trustee Dillemath had suggested putting a brick in the bottom of the can so it does not blow away. In addition, if you drill a hole through cover and tie it to the handle, you will not lose lids.

ON A MOTION BY Trustee Fusani, seconded by Trustee Keefe, the Public Hearing was closed at **7:52 PM.**

APPOINT CROSSING GUARD

Pursuant to Section 4-400 of Village Law, I Mayor Barbara Alberti, do hereby appoint Edward J Mikula 88 Church St Lancaster NY 14086 for the position of Crossing Guard effective immediately at a salary as stipulated in the current budget.

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

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING –
PROPOSED LOCAL LAW #1 & #2 OF THE YEAR 2008 STORMWATER ISSUES**

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

WHEREAS, Local Law 1 of 2008 (“Local Law for Erosion and Sediment Control”) and Local Law 2 of 2008 (collectively, the “Local Laws”) have been proposed, which seek to reduce stormwater pollution, enhance water quality, and improve aquatic habitats by requiring that a Stormwater Pollution Prevention Plan be submitted for all land development projects disturbing more than one acre of land, or less than one acre if part of a larger plan of development, and by prohibiting illicit discharges to the Municipal Separate Storm Sewer System (“MS4”);
And

WHEREAS, the Local Laws have been drafted using model language from the New York State Department of Environmental Conservation (“DEC”) and the New York State Department of State in order to fulfill the MS4 Phase II stormwater management requirements of the National Pollutant Discharge Elimination System as administered by the State Pollutant Discharge Elimination System; and

WHEREAS, the Local Laws shall amend Chapter 187 of Code of the Village of Depew (“Code”) and shall create a new Chapter 188 of the Code; and

WHEREAS, all terms used but not defined herein shall have the meanings given to them in § 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 SEQRA as if it were the only involved agency and, therefore, as the lead agency; and

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WHEREAS, the approval of the Local Laws 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 has been called for on January 14, 2008 (“Public Hearing”) regarding the Local Laws; and

WHEREAS, all proposed zoning changes must be sent to the Erie County Division of Planning (“Planning Board”): and

NOW 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;

BE IT FURTHER RESOLVED, that the Village Board hereby authorizes the preparation of a short EAF to be circulated with the Planning Board together with the full text of the Local Law for Erosion and Sediment Control; 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 Laws during the Public Hearing.

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a Public Hearing for Proposed Local Law #1 & #2 of the Year 2008 – Stormwater issues to be held January 14, 2008 at 7:30 PM.

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

AUTHORIZE ADDITIONAL FIRE HYDRANT

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

BE IT RESOLVED, that on the recommendation of Fire Chief Pete Michaels, the Village Board authorizes the addition of a new fire hydrant on the southeast corner of Sanilac and Hawro. This hydrant is required to comply with the requirements of the Erie County Health Department, the guidelines of the Ten State Standards and the Depew Fire Department. This hydrant will increase the water flow to this area necessary for fire suppression operations.

The foregoing 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

AUTHORIZE MAYOR TO SIGN NYSEG AGREEMENT –BACKUP GENERATOR

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

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to sign an agreement with NYSEG regarding the operation of the 125kW generator at the Village Hall.

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

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Trustee Dillemoth - Absent
Trustee Fusani - Yes
Trustee Hammer - Yes
Trustee Keefe - Yes
Trustee Maryniewski - Yes
Trustee Monti- Yes
Mayor Alberti - Yes

MODIFY 2007/2008 BUDGET – TRAFFIC SAFETY GRANT

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

WHEREAS, the Village of Depew Police Department has received \$1,912.39 from the Governor’s Traffic Safety Committee and the proceeds were used to pay for labor expenditures associated with this campaign.

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2007/2008 Budget in the following manner:

A510 Estimated Revenue
 Sub Account 010.4320 – Federal Aid – Police Grants \$1,912.39
A960 Appropriations
 Sub Account 3120.0112 – Police – Traffic Safety \$1,912.39

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

ACCOUNT TRANSFER-FEMA FUNDS

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

From Account:		Amount:	To Account:		Amount:
DPW –Equipment Reserve	80.5110.200	6250.00	Public Works – Contractual	1490.435	6250.00
Contingency Acct	1990.400	3124.00	Electrical Dept – Equipment	3020.260	3124.00
Total to be transferred					\$9,374.00

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

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PERMISSION – NEIGHBORHOOD BLOCK CLUB

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

Permission is hereby granted to:

To the Village of Depew Neighborhood Block Club to use a room in Village Hall for their monthly meetings, held on the first Tuesday of every month. If the Village Hall is closed on that day another day that month may be utilized.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to:

West End Hose Company to use the West End Fire Hall on Saturday December 15th from 6 pm till 1 am on Sunday December 16th for their annual Christmas party.

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Fusani, 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 # 6

James Kardas 2 Lou Ann Dr Depew NY 14043

AETNA HOSE CO

Daniel Zynda Jr 1 Cloyes Ave Depew NY 14043

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

TREE TRIMMING/REMOVAL: 3145 George Urban Boulevard

EMPLOYMENT APPLICATIONS

RECREATION – Tanya Poss, Marie Fleck CROSSING GUARD – Edward Mikula

DEPARTMENT HEAD REPORTS

Police Department – October 2007

ON A MOTION BY Trustee Keefe, seconded by Trustee Maryniewski, the Department Head Reports were accepted as presented.

BUILDING APPLICATIONS AND REPORTS

ON A MOTION BY Trustee Fusani, seconded by Trustee Monti, the building inspector's report and the plumbing reports were accepted as presented.

REPORT OF THE VILLAGE ATTORNEY

No report.

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REPORT OF THE VILLAGE ENGINEER

No report.

COMMITTEE REPORTS

Mayor Alberti – 1.) Congratulations to Chief Domino and the Depew Police Department for identifying two robbery suspects quickly, which lead to their prompt arrests.
2.) Annual Depew Village Christmas tree lighting was a success. A big thanks to the Historical Society, Recreation, Electrical, Police and Fire Departments, Lancaster-Depew Carolers, and schoolchildren from Our Lady of the Blessed Sacrament and Cayuga Heights.
3.) Generator's have been (and are being) installed at the Village Hall, DPW, and Electrical Building which will keep the Village offices running if there is a power outage. The senior center will also double as a shelter if residents lose power. Also looking into portable generators for high traffic intersections.
4.) I have been appointed to the Community Development Block Grant Fund Selection Committee and the Village has applied for three projects:
 a.) Patio for the Senior Center
 b.) Additional re-lining of sewers
 c.) Continuation of Replacing sidewalks
5.) We are looking for a part time recreation secretary – 19 hours per week
6.) The second meeting for December has been cancelled due to it falling on the holiday. The next meeting will be January 14, 2008.
7.) Have a safe and Happy Holiday season!

UNFINISHED AND OTHER BUSINESS

None.

PUBLIC CONCERNS AND COMMENTS

Dan Beutler – 26 Tyler Street – Concerned about flashing strobe light at Transit and George Urban Boulevard. Street lighting at Walden and Autumn Lea is out. Iron Mike's doing scrap-work outside, it is being moved from South to North side, and building has not been taken down. In addition, Casey's is bringing trucks closer to Transit Road.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Fusani, seconded by Trustee Keefe, the following claims are to be paid: General \$82,149.34, Sewer \$197,064.35, **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Monti, seconded by Trustee Maryniewski, the meeting was adjourned at **8:24pm** in the memory of Henry Wojtowicz, a well-respected coach, referee, and Veteran who passed away recently. The motion was **CARRIED.**

Respectfully submitted,

Carmi M. Poss
Deputy Village Clerk