

MEETINGS TO DATE 25
NO. OF REGULARS: 23

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
MARCH 25, 2013**

ROLL CALL: Trustee Hammer
Trustee Nolder
Trustee Nikonowicz
Trustee Pecora
Mayor Hoffman

ON A MOTION BY, Trustee Pecora, and seconded by Trustee Nolder, the March 11, 2013 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Nikonowicz, the March 20, 2013 Village Board Special Meeting Minutes were approved.

ON A MOTION BY, Trustee Nolder, and seconded by Trustee Hammer, the March 4, 2013 Zoning Minutes were accepted.

ON A MOTION BY, Trustee Nikonowicz, and seconded by Trustee Pecora, the March 18, 2013 Zoning Minutes were accepted.

CIVIL AIR PATROL PRESENTATION – Mayor introduced the Civil Air Patrol. Lt Col. Pecoraro explained the Civil Air Patrol, Cadet Torres spoke about being a cadet and the benefits of the Civil Air Patrol.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dave Burkhardt – 5 Autumn Lea – questioned if we were having a budget going over 2%. Mayor stated employee benefits increased \$315,000 when the cap only allows a \$215,000 increase.

Gabrielle Miller – 61 Olmstead – questioned that this was the first public hearing on the override, whether the Board was approving it, budget hearing.

PUBLIC HEARING LOCAL LAW #2 OF 2013 – TAX CAP OVERRIDE

Mayor Hoffman opened the hearing. Every year the Board has passed the override which covers the Village in case of a clerical error or overage.

Gabrielle Miller – 61 Olmstead – questioned that this was the first public hearing on the override, whether the Board was approving it, budget hearing.

On a motion by Trustee Nolder and seconded by Trustee Pecora the public hearing was closed at 7:10 pm.

ADOPT LOCAL LAW #2 OF 2013 – TAX CAP OVERRIDE

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

WHEREAS, the Board of Trustees of the Village of Depew, New York held a public hearing on March 25, 2013 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

WHEREAS, all persons were given an opportunity to speak for or against this local law;

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.

If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law

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or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR THE YEAR 2013/2014

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

BE IT RESOLVED, that the Village Administrator is authorized to advertise for a public hearing on the Tentative Budget for the Year 2013/2014, to be held on April 8, 2013 at 7:00 PM in the Village of Depew Council Chambers.

The following resolution was seconded by Trustee Nikonowicz, and **CARRIED**.

AUTHORIZE MAYOR TO SIGN MAINTENANCE AGREEMENT – MAZZA MECHANICAL

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

WHEREAS, the Village of Depew is currently utilizing Mazza Mechanical Services, Inc, 2360 Sweet Home Rd. Amherst NY 14228 for the maintenance of the heating and air conditioning units in the Village of Depew facilities;

WHEREAS, the Village of Depew would like to continue the Guaranteed Professional Maintenance Program for \$34,500 per year with a two year agreement starting April 1, 2013 and ending March 31, 2015.

NOW THEREFORE BE IT RESOLVED, that Mayor Steven Hoffman is authorized to sign the Guaranteed Professional Maintenance Program Contract.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR SEWER JET

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a 2013 or newer sewer jet to be mounted on our existing chassis. The bid date will be announced once a complete bid spec is available.

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

MODIFY 2012/2013 BUDGET

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

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BE IT RESOLVED, the Administrator is hereby authorized to modify the 2012/2013 Budget in the following manner:

See attached spreadsheet with budget transfers.

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

Trustee Hammer – Yes
Trustee Nolder - Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

Budget Adjustments 3/25/13:

Amount	From Acct:	To: Account	Reason
\$			
5,000.00	5142.415	5142.414	Balance Accounts
\$			
29,828.00	1490.101	5110.101	Longevity
\$			
3,001.00	1490.101	1640.101	Longevity
\$			
12,500.00	8140.435	1490.435	Balance Accounts
\$			
2,000.00	8140.452	1640.417	Balance Accounts
\$			
5,000.00	8140.414	1640.419	Balance Accounts
\$			
1,400.00	50.8120.414	50.8120.402	Balance Accounts
\$			
15,000.00	5142.100	1490.104	Balance Accounts
\$			
600.00	1490.471	1490.211	Balance Accounts
\$			
74,329.00			

Amount	Revenue Acct Increased	Expenditure Acct Increased	Reason
\$			
500.00	10-4-2680	10-5-3120.451	Travelers Ins. Deductible Recovery
\$			
70.35	10-4-2770	10-5-1130.435	Refund overpayment - Copier
\$			
2,189.62	10-4-2770	10-5-3120.104	Police Overtime Refunded CH
\$			
5,500.00	10-4-3830	10-5-1130.435	JCAP Grant \$ (3/7/13)
\$			
1,801.00	10-4-2655	10-5-1490.435	NYSERDA Rebate - DPW copier
\$			
10,738.99	10-4-2655	10-5-1490.200	Scrap proceeds DPW
\$			
70,898.90	10-4-2655	10-5-1490.200	DPW equipment Auction Proceeds
\$			
91,698.86			
\$			
166,027.86	Total modified		

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SPECIAL USE PERMIT TO KEEP CHICKENS

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

WHEREAS, Jeffrey Beenau, 78 Irving Terrace, Depew has applied for a permit to keep 3-4 chickens in his backyard. If approved there would be stipulations of no roosters, coup must be maintained as to not create an odor for the neighbors and village code must be followed regarding noise and property maintenance.

BE IT RESOLVED, a special use permit is hereby TABLED to Jeffrey Beenau 78 Irving Terrace, to keep up to four chickens on premises for the period of one (1) year with a fee of \$150.00.

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

Trustee Hammer – Yes
Trustee Nolder - Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

CHANGE OF VILLAGE BOARD MEETING DATE

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

BE IT RESOLVED, the Village Board Meeting scheduled for Monday, May 27, 2013 is hereby changed to Tuesday, May 28, 2013 due to the Memorial Day Holiday.

The foregoing resolution was seconded by Trustee Nolder and **CARRIED**.

AUTHORIZE LAWN FETE ST. MARTHA PARISH

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

BE IT RESOLVED, permission is hereby granted to St. Martha Parish 10 French Road, Depew, NY for a Lawn Fete to be held on the Parish Grounds on July 26, 2013 (5:00 PM – 1:00 AM), July 27, 2013 (1:00 PM – 1:00 AM), and July 28, 2013 (1:00 PM – 12:00 AM)

MUSIC – will only be allowed until 11:00 PM. There will be no amplification other than what is required by the individual instruments. There will be no extension speakers. The volume of music shall be kept at a low setting so as not to annoy the peace and tranquility of the residential neighborhood.

SECURITY – on site private security will be provided by the applicant who will supply specification sheet detailing expected crowds. Past attendance records and other factors that would determine the amount of security required. A minimum of four (4) uniformed, armed officers will be posted in the enclosed beer tent area to check identification for under age patrons and to provide law and order.

A minimum of six (6) uniformed, armed officers with a maximum to be determined by the Chief of Police will be required to provide money escorts and maintain law and order on the grounds. Applicant will provide to the Chief of Police the name of the security company, the name of the supervisor in charge of the entire detail, the individual name of each guard and a schedule of the hours each supervisor and guard on duty. Said list to be supplied seven (7) days prior to said Lawn Fete.

PERMITS - the applicant shall obtain an amusement license pursuant to Chapter 64, Article I of the Depew Municipal Code.

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

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Nikonowicz – Yes
Mayor Hoffman – Yes

PERMISSION SEMINAR – ACCOUNTING SCHOOL

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

Permission is hereby granted to Shannon Korba and Lisa Shanley to attend the Basic Accounting School in the Village of Arcade on April 23-25, 2013 from 9am until 4pm the first two days and 9 am till noon on the third day. The course will be held at the Village Hall in Arcade NY. The fee is \$85 each for the seminar.

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

TREE TRIMMING/REMOVAL: 47Autumn Lea

EMPLOYMENT APPLICATIONS: DPW – Justin Sergi, Brian Esford, Brandon Atlas, Peter Kranz, Recreation – Kayla Nicometi, Zachary Miller, Casey Kinson, Eben Borkowski

DEPARTMENT HEAD REPORTS: Police Dept – February 2013

On a motion by Trustee Nikonowicz, seconded by Trustee Nolder, the department head report was accepted as presented.

COMMITTEE REPORTS: None

UNFINISHED AND OTHER BUSINESS: None

PUBLIC CONCERNS AND COMMENTS:

Terry Mescall -36 Susan – wants the no right on red removed from George Urban to Transit.

Dave Burkhardt – 5 Autumn Lea – wanted to know if the DPW workers were trained in tree trimming.

Gabrielle Miller – 61 Olmstead – wanted to know why the agenda was not on the web page Friday.

Questioned the basic accounting school seminar, questioned who has the right of way at the traffic light at Transit and Olmstead – at Tim Hortons. Mayor explained the state is working on synchronizing the lights, basic traffic rules apply.

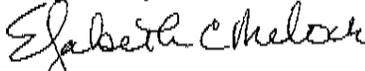
CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Pecora, seconded by Trustee Nolder, the following claims are to be paid: General \$173,233.49 Sewer \$189.93, Capital Projects \$137,302.59, the motion was **CARRIED**.

ADJOURNMENT-

ON A MOTION BY Trustee Pecora, seconded by Trustee Hammer, the meeting was adjourned at 7:35 pm. The motion was **CARRIED**.

Respectfully submitted,



Elizabeth C. Melock
Village Administrator