

MEETINGS TO DATE 3
NO. OF REGULARS: 3

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
APRIL 22, 2013**

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

ON A MOTION BY, Trustee Kucewicz, and seconded by Trustee Nolder, the April 8, 2013 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Pecora, the April 11, 2013 Zoning Board Minutes were accepted.

PROCLAMATION – Mayor read a proclamation for HOME – Housing Opportunities Made Equal – celebrating their 50th anniversary.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Joan Priebe – 15 Howard – questioned #7 & #8 – wanted to know what an MS4 was. MS4 – Municipal Storm Water report – annual report and #8 was about No Parking on Homeworth in front of 3 addressess.

Terry Mescall – 36 Susan - #6 what is it about – No left turns on Gould from Transit.

PUBLIC HEARING FOR TOTES AND LOCAL LAW 3 OF 2013 – CHAPTER 198 REVISIONS –

Village Attorney Aquino gave a synopsis of the changes in the garbage law to be amended to show totes in the law. 95 gal for garbage and 65 gal for recyclables. Recyclables will be picked up every other week. Two large items will be picked up every week with the garbage tote. Each living unit will get a tote. The totes are in the hallway for anyone to look at.

Irv Reinig – 380 Columbia Ave – read prepared statement – see attached at end of minutes

Jim Nusall – 125 Meridian – wanted to know if we are being mandated by the state to do this or the garbage carrier. Wanted the building dept back out there.

Joan Priebe – 15 Howard – wanted to know if the units in the hall are the ones being delivered to the residents. Wanted the \$720,000 taken out of the budget for the totes. Totes are too big. She explained covered garbage can law went into effect about six years ago. At that time the Board voted against totes. She was told the totes are in the hallway.

Bill Thompson – 29 Caroline – wanted to know the cost. He was told they are \$94.97 for both of them and they will be on the tax bill this June. He stated there are rats in his neighborhood. Questioned the enforcement of garbage violations. Wanted more people hired to enforce the current law.

Mayor Hoffman – stated there is a rat problem and people are calling begging for the totes. Totes will help to reduce tonnage which will save money on the garbage pickup and spoke about increasing the use of his recycle tote.

Pat Simmons – 44 Karen Ln – wants a 35 gal tote, can't handle the big one.

Scott Wegst – 925 Sherwood Ct – do the people own them? He was told yes they are on the tax bill.

Tracy Sundberg – 376 Olmstead – if they blow away will we get them back

Mayor explained there is a chip in them.

Brooklyn Roscoe – 17 Pamela – her grandfather will have a problem getting it to the curb

Bill Thompson – 29 Caroline – inquired on the repairs

Mayor – 10 year warranty on totes

Terry Mescall – 36 Susan – wanted to know if they are on wheels. They are.

Beverly Harrison – 53 Karen Ln – this whole thing is being shoved down our throats. Elderly neighborhood.

Jim Nusall – 125 Meridian – will these go out to bid? Cheaper for a rat program than the totes.

Mayor explained piggybacking on Town of Cheektowaga tote bid.

On a motion by Trustee Nolder, seconded by Trustee Kucewicz the public hearing on the totes and garbage law revisions was closed at 7:30 pm.

ADOPT 2013/2014 BUDGET

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

BE IT RESOLVED, the Budget for the Village of Depew for the fiscal year 2013/2014 is hereby **ADOPTED** with a tax rate of \$ 19.334299 per thousand for residents on the Cheektowaga portion of Depew and \$11.987265 per thousand for residents on the Lancaster portion of Depew.

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

VILLAGE OF DEPEW
APRIL 22, 2013

Trustee Hammer – Yes
Trustee Nolder – Yes
Trustee Pecora – Yes
Trustee Kucewicz – Yes *
Mayor Hoffman – Yes

*Trustee Kucewicz stated the proposed was 4.97% and the adopted is 3.87% would be nice if the state would do pension and worker's comp reform.

AUTHORIZE MAYOR TO SIGN AGREEMENT – FIRE & NON POLICE EMERGENCY SERVICES

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

BE IT RESOLVED, that Mayor Steven Hoffman, is authorized to sign an agreement with Thomas Burton, 403 Main St Suite 716, Buffalo, NY 14203 for an independent review of the fire and non-police emergency services. The fee will be between \$10,000 and \$15,000.

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 Kucewicz – Yes
Mayor Hoffman – Yes

AUTHORIZE MAYOR TO SIGN PENFLEX AUTHORIZATION FORM FOR 2012 SERVICE AWARD PROGRAM

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

BE IT RESOLVED, that Mayor Steven Hoffman, is authorized to sign the 2012 Service Award Program Administration Form and forward to Penflex, Inc for the purpose of administering the 2012 Service Award Program for Depew Firefighters.

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

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

AUTHORIZE DOT SIGNAGE – TRANSIT & GOULD

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

WHEREAS, The Village of Depew Board of Trustees has been adamantly working towards the goal of having Transit Rd widened between Broadway and French Rd;

WHEREAS, the NYS Department of Transportation Safety Committee met with Village representatives regarding the safety concern's the Village had;

WHEREAS, one option discussed to help alleviate the backup of traffic under the four train viaducts was the installation of no left turns onto Gould Ave from Transit.

BE IT RESOLVED, the Village Board authorizes the NYS Department of Transportation to install No Left Turn signs on Transit near the intersection with Gould Ave.

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

VILLAGE OF DEPEW
APRIL 22, 2013

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING –MS4 REPORT

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

Be It Resolved, the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday May 13, 2013 at 7:00 pm in the Council Chambers. The purpose of this hearing is to hear any public comments regarding the Annual MS4 Report the Village is required to file each year. The report will be available in the Clerk/Treasurer's Office the week of May 6th for inspection.

The foregoing 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 Kucewicz – Yes
Mayor Hoffman – Yes

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING –LOCAL LAW 4 OF 2013 – CHAPTER 240-9 REVISIONS

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

Be It Resolved, the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday May 13, 2013 at 7:01 pm in the Council Chambers. The purpose of this hearing is to consider any comments regarding Local Law 4 of 2013 – Chapter 240-9 Revisions. The revision would be to post permanent No Parking signs in from the Village side of Dick Rd & Homeworth Pkwy to Homeworth Pkwy and Meadowlawn.

The foregoing 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 Kucewicz – Yes
Mayor Hoffman – Yes

PERMISSION TO HOLD MEMORIAL DAY PARADE

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

BE IT RESOLVED, permission is hereby granted to the Depew Joint Veterans Committee to hold their annual Memorial Day Parade and Services on Monday, May 27, 2013, beginning at 10:30 AM. The Police Department who will provide necessary traffic enforcement has approved the parade route.

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

PERMISSION TO HOLD 10K RACE

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

BE IT RESOLVED, permission is hereby granted to the Depew-Lancaster Boys & Girls Club to hold their 36th Annual 10K Race on Thursday July 4, 2013 starting at 9:00 AM.

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

TREE/TRIMMING REMOVAL: 140 Cornell, 361 N Creek, 180 Barnabas

VILLAGE OF DEPEW

APRIL 22, 2013

EMPLOYMENT APPLICATIONS: : Recreation – Mark Lubera, Nicholas Weigand, Shelby Derkovitz, Janelle Ganje, Robert Nowicki, Gina Hall, Elizabeth Hall, Alison Hall, Jennifer Freeman, Tylor Myers, Sarah Federowicz; DPW – David Simpkin, Scott Simon, Justin Bunk, Paul Reformat

DEPARTMENT HEAD REPORTS: Police Dept March 2013

ON A MOTION BY, Trustee Nolder, seconded by Trustee Kucewicz, the department head report was accepted as presented.

COMMITTEE REPORTS:

None

UNFINISHED AND OTHER BUSINESS –

None

PUBLIC CONCERNS AND COMMENTS –

Irv Reinig – 380 Columbia – why is the budget reduced, need to do a long range plan for Depew, think in between budgets.

Mayor Hoffman – inherited issues from prior administrations, hired Tom Burton to look at Fire Dept, also analyzing Police Dept.

Irv Reinig – 380 Columbia – sat down with DPW with John Wojcik to go over his capital needs, employee costs will only increase going forward, Village won't be around. A comprehensive plan is needed that is all encompassing. Do we need a Police Dept – taxes are insane. No growth here.

Mayor – help is needed from the Governor. Mayor wants a cop at his house in 2 ½ minutes. Change needs to start at state level – Transit Rd – businesses are sitting empty because of the condition of Transit Rd.

Irv Reinig – agreed that Transit is substandard and should look at rezoning on Transit.

Mayor – working hard to widen Transit.

Terry Mescall - 36 Susan – lived in Village over 54 years, raised seven children, children are buying the parents homes. Wants to keep the Village.

Joan Priebe – 15 Howard – wanted to know why we had a hearing on the totes. Informational.

Beverly Harrison – 53 Karen Ln – wants something mailed to everyone about the totes.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz, seconded by Trustee Pecora, the following claims are to be paid: General \$277,306.54, Community Development \$3,896.50, Sewer \$23.84, Capital \$117,901.53, the motion was **CARRIED**.

ADJOURNMENT-

ON A MOTION BY Trustee Nolder, seconded by Trustee Pecora, the meeting was adjourned at 7:50 pm with a moment of silence for the victims in Boston and West Texas and to honor the firefighters and emergency workers who aided them. The motion was **CARRIED**.

Respectfully submitted,



Elizabeth C. Melock
Village Administrator

Irvine G. Reinig II
380 Columbia Avenue
Depew, NY 14043

Telephone: (716) 681-2587

April 22, 2013

Mayor Hoffman and Board of Trustees
Village of Depew
Municipal Building
85 Manitou Street
Depew, NY 14043

Re: Depew Garbage Law

Dear Mayor and Trustees:

The Depew taxpayers have already made an investment to purchase garbage cans with lids and recycling bins to comply with the current garbage laws. Now you are going to ask us to get rid of them and invest in garbage and recycling totes at a cost of \$720,000 as projected in Depew's Tentative 2013-14 Budget. It is my understanding that the taxpayer will be charged a fee for them this year in addition to the 5% property tax increase. This is a lot of money.

You are contemplating changing the Depew Garbage law whereby the Depew taxpayers will be required to purchase at least one garbage tote and a new recycling tote. That cost of about \$85.00 or if one wants an extra garbage tote a cost of about \$130.00 will be added to one's tax bills in June of this year. I have been told by the Village Administrator that no written quantitative study has been conducted by the Village of Depew that shows how much will be saved by the village for garbage disposal on a yearly basis and how many years it will take to payback the taxpayers the projected total cost of \$720,000 for the totes. In addition to these costs, there will be considerable additional village administrative costs associated with the purchase, distribution, and maintenance of the totes that will have to be paid for.

As elected officials, it is your responsibility not to proceed with garbage totes until you have done your due diligence to show the investors (i.e. the taxpayers) that you have done the proper research and analysis to substantiate any claims that totes will save money and that the rodent population in Depew will decrease. Such research and analysis should include as a minimum a thorough review of garbage tonnage and rodent incidents in other municipalities prior to and after totes were mandated.

Depew needs to do a quantitative analysis including preparing a cost benefit ratio within a written report showing why totes are advantageous over current garbage cans with lids and recycling bins. Qualitative statements or just saying it does not make it true and are not sufficient to justify requiring the taxpayers to spend \$720,000 on totes. Furthermore should any savings be achieved, the village should be required to refund the savings directly to the individuals purchasing the totes until such time as their investment in totes is paid off. That would be the prudent thing to do.

Depew Garbage Law
I. Reinig II, 4/22/13

Driving around northeast Depew on garbage day, it would appear that the vast majority of individuals put their garbage in garbage cans with lids. Those who do not do that generally place their garbage in plastic bags and then put them in garbage cans without a lid, thus limiting any potential increased weight due to precipitation. I live in northeast Depew and I am not aware of a rodent problem in my area. Rodents tend to congregate along creeks, wooded areas, and properties not properly maintained. Requiring one to put their garbage in a garbage can or a tote does not change that. Additionally, totes are more costly to purchase. They are larger, heavier, and more cumbersome to move, and require more storage space.

If you are aware of individuals not complying with current laws, enforce them instead of making excuses and passing more restrictive laws that are potentially more costly to taxpayers. What are law abiding residents suppose to do with the garbage cans and recycling bins purchased at an estimated cost of hundreds of thousands of dollars to abide with the most recently enacted garbage laws? Throw them away and add to the garbage? Why penalize the majority because a minority does not comply with the law?

Until such time as the elected officials have done proper due diligence regarding this matter and or it is put up as a referendum for the taxpayers to decide, Depew should not go ahead with its plans to switch over to totes.

Very truly yours,

A handwritten signature in black ink, appearing to read "Irvine G. Reinig II". The signature is written in a cursive style with a large, stylized "I" and "R".

Irvine G. Reinig II
Depew Resident