

MEETINGS TO DATE 12
NO. OF REGULARS: 12

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
OCTOBER 14, 2014**

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

ON A MOTION BY, Trustee Pecora, and seconded by Trustee Hammer, the September 22, 2014 Village Board Minutes were approved.

ON A MOTION BY, Trustee Nolder, and seconded by Trustee Pecora, the September 25, 2014 and October 9, 2014 Zoning Board Minutes were accepted.

ON A MOTION BY, Trustee Nolder, and seconded by Trustee Hammer, the October 2, 2014 Planning Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dave Burkhardt – 5 Autumn Lea – Why are we moving Election Day? What is the capping of the gas wells and he thought we were trading the police cars in. Election Law states that we can move the Election Day to Wed due to St. Pats Day. Gas wells are being capped as the DEC is requesting it and they are not producing gas. Regarding the police cars we get more money at auction than trade.
Joan Priebe – 15 Howard – when did they change the Election Law as there was election day on Wed after St. Pats. Village Administrator said it is in the NYCOM Election Law book.
Dan Beutler – 26 Tyler – what are the com dev projects and when are they turned in. He was told that would be addressed in the public hearing. He wanted to know what the Local law was about. CEO Fischione explained that it is changes to Chapter 187 and the changes put an explanation date on the C of C and the waiver. Wanted to know what the surplus was. He was told old police cars.
Art Domino – 76 Chateau Ct – capping of the wells does that include Potoszak property. He was told yes since the Village well is on it.

PUBLIC HEARING ON COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS – ERIE COUNTY (LANCASTER SIDE ONLY)

Mayor opened the hearing and the Village Administrator read the legal notice. Village Administrator explained that the Board would be submitting three projects for sewer relining and sidewalk replacement in the blighted area on the Lancaster side of Depew. The projects will be approved at the next Board meeting.

Paul Sprada – 58 Argus wanted to know why we would reline the sewers. The Village Administrator explained it is cheaper than digging them up and the relining lasts 50 years.
Ron Maciejewski - 24 Kibler – explained it is a steam process that hardens the material in the sewer pipes.

ON A MOTION BY, Trustee Pecora, and seconded by Trustee Nolder, the public hearing was closed at 7:10 pm

ADOPT LOCAL LAW #3 OF 2014 – CHAPTER 187 CHANGES

Trustee Hammer, 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 September 22, 2014 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 amending Chapter 187 to put an expiration date on the certificate of compliance and place a 90 day limit on the waiver for the certificate of compliance;
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:

Chapter 187. SEWER USE (Local Law 3 of 2014 –changes are in bold and underlined)

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Article V. Use of Public Sewers

§ 187-24.1. Inspection of sanitary discharge mechanisms upon transfer of property.

[Added 12-22-2003 by L.L. No. 6-2003]

No person(s) shall transfer title to another person(s) nor accept from any other person(s) the transfer of title to any structure or parcel of land upon which a structure is located unless and until the Plumbing Inspector or other authorized agent of the Village shall have inspected the sanitary sewer discharge mechanisms on said structure or parcel of land, and a certificate of compliance be issued stating that same is found to be in compliance with the provisions of this chapter, specifically Article V, § 187-24, restricting the discharge of unpolluted waters into the public sanitary sewer collection system. **Certificate shall expire after 60 days of issuance.** This section shall not apply to transfers of property by gift, intestacy or testamentary disposition, transfers pursuant to the Federal Bankruptcy Act, transfers for which consideration is \$1 and no more, and transfers in connection with a partition.

§ 187-24.2. Waiver of certificate of compliance for inspection of sanitary sewer discharge mechanisms upon transfer of property.

[Added 12-22-2003 by L.L. No. 6-2003]

A.

The Plumbing Inspector or other authorized agent of the Village may temporarily waive the requirement of a certificate of compliance as a prerequisite to transfer of title, as specified in § 187-24.1, provided that the person(s) acquiring title:

(1)

Shall have filed with the Building Department a signed form of agreement issued by the Plumbing Inspector or other authorized agent(s) of the Village to correct deficiencies listed on the signed inspection form/notice of violation within the period of **90 days** time set forth in the form of agreement; and

(2)

Shall have provided a sum of \$1,500, which shall be held in escrow by the Village of Depew, and which sum shall be returned to the person(s) acquiring title if the corrections are completed within the **90 days** time specified in the form of agreement, but which sum shall be forfeited to the Village if corrections are not completed within the **90 days** time specified in the form of agreement.

B.

In the event that corrections are not completed within the **90 days** time specified in the written form of agreement, the temporary waiver shall immediately expire and the person(s) acquiring title shall be subject to the penalties prescribed in Article VIII hereof.

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

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

Trustee Kucewicz - Absent
Trustee Pecora - Yes
Trustee Hammer - Yes
Trustee Nolder - Yes
Mayor Hoffman - Yes

APPOINT RECREATION ATTENDANTS PT- WINTER PROGRAMS

Pursuant to Section 4-400 of Village Law, I Mayor Steven P Hoffman, hereby appoint the following as Recreation Attendants PT (Rink Guards & Ice Rink Cashiers) effective immediately at a salary of \$8.00 per hour:

Ronald Kjeldgaard 90 Forestview Dr Depew
Tyler Zak 49 Harvest Lane Depew
Brian Brennan 40 Frantzen Terrace Cheektowaga
Katelynn Frawley 336 River St Depew
Robert Burns 36 Riffel Terrace Cheektowaga
Michael Thorton 35 Geile Ave Depew
Kevin Fusani 343 Canton Depew
Steven Fusani 343 Canton Depew

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Peter Borgosz 4979 Broadway Depew
Nicholas Grupp 36 Irondale Depew
Cory Zagst 42 Bory Depew

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

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

MOVE ELECTION DAY DUE TO ST. PATRICK’S DAY

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

BE IT RESOLVED, that pursuant to Election Law § 15-104(a) the Village Board approves moving the Village Election Day to Wednesday March 18, 2015 instead of Tuesday March 17th because St. Patrick’s Day falls on the normal election day of March 17th.

The election’s political calendar continues to be computed from the third Tuesday of March.

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

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

AUTHORIZE MAYOR TO SIGN MUNICIPAL SOLUTIONS AGREEMENT

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

NOW THEREFORE BE IT RESOLVED, that Mayor Steven Hoffman, is authorized to sign the agreement with Municipal Solutions regarding the Continuing Disclosure Agreement in regards to required reporting pursuant to the provisions of Securities and Exchange Commission SEC Rule 15c2-12.

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

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

AUTHORIZE MAYOR TO SIGN CHANGE ORDER EC SIDEWALK PROJECT

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

BE IT RESOLVED, the Change Order #1 in the amount of \$45,000 for Sunshine Concrete Co. Inc is approved by CRA Infrastructure & Engineering and Mayor Hoffman is authorized to sign the change order.

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

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

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AUTHORIZE MAYOR TO SIGN AGREEMENT WITH NYSEG

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

NOW THEREFORE BE IT RESOLVED, that Mayor Steven Hoffman, is authorized to sign the agreement with NYSEG regarding street lights.

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

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING – DEMOLITION PROPERTY

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a public hearing to be held on October 27, 2014 at 7:00 pm in regards to the unsafe building conditions, per Chapter 81 of the Village Code, with respect to the structure located at 3322 Walden Ave. A notice will be sent to the owner of record of each property as required per this chapter. The structure have been deemed unsafe per the Code Enforcement Officer and the Village Board. Any incurred costs to the Village will be levied onto the Village tax bill for each parcel.

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

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

DECLARE SURPLUS PROPERTY & AUTHORIZE AUCTION

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

BE IT RESOLVED, the Police Department has three police cars and the Building Department has one vehicle that are surplus vehicles and need to be auctioned off due to each department receiving replacement vehicles in the near future. Auctions International is authorized to auction off the equipment in the next 90 days.

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

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

AUTHORIZE MAYOR TO SIGN JUSTICE COURT GRANT APPLICATION

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

WHEREAS, the State of New York Unified Court System is offering a Justice Court Assistance Program with grants available up to \$30,000 and Judge Willis would like to apply for this program,

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BE IT RESOLVED, Mayor Steven Hoffman and the Board of Trustees hereby approve this application and Mayor Steven Hoffman is authorized to sign the Justice Court Assistance Program Grant Application.

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

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

AUTHORIZE MAYOR TO SIGN PENFLEX SERVICE FEE AGREEMENT

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

BE IT RESOLVED, that Mayor Steven Hoffman, is authorized to sign the Service Fee Agreement with Penflex to administer the Depew Fire Department Service Award Program in the amount of \$7395 for the year Nov 2014 – Oct 2015.

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

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

AUTHORIZE CAPPING OF GAS WELLS

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

WHEREAS, the Village owns three gas wells at three locations in the Village (DPW, Rec and Village Hall) and the wells have not produced any gas for the Village in many years;

WHEREAS, the Department of Conservation (DEC) is requesting that the wells be capped;

WHEREAS, the Village Administrator has solicited proposals from three vendors for the capping of the wells and this type of work is restricted to a few authorized companies and only one vendor has submitted proposals for the capping of the wells;

NOW THEREFORE BE IT RESOLVED, that Marilyn's Motors' proposals for the capping of wells numbered 02920392, 29-19969 and 029-2017 in the amount of \$\$67,500 be accepted and the Mayor is authorized to sign any necessary paperwork to facilitate the capping of these wells according to DEC standards.

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

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

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PROCLAIM OCTOBER 31, 2014 AS OFFICIAL TRICK OR TREAT NIGHT

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

BE IT RESOLVED, the Official Trick or Treat Night in the Village of Depew, in conjunction with the Town and of Lancaster and the Town of Cheektowaga, is hereby designated as Friday, October 31, 2014 between the hours of 6:00 PM – 8:30 PM.

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

**AUTHORIZE ERIE COUNTY WATER AUTHORITY TO INSTALL FIRE HYDRANT-
PENORA ST**

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

BE IT RESOLVED, the Village of Depew authorizes the Erie County Water Authority to install a new fire hydrant on Penora St (just north of the creek crossing and south of 5087 Broadway) due to the Erie County Highway Department Project of Penora St Road and Bridge Reconstruction Phase III. See attached map for location of hydrant;

BE IT FURTHER RESOLVED, that Erie County Water Authority will incur the cost for the installation of the hydrant and the Village of Depew will pay the annual maintenance fee for the hydrant.

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

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

**AUTHORIZE ERIE COUNTY WATER AUTHORITY TO INSTALL FIRE HYDRANT-CLOYES
AVE**

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

BE IT RESOLVED, the Village of Depew authorizes the Erie County Water Authority to install a new fire hydrant on Cloyes Ave due to a new water main extension being installed on Cloyes from Penora. See attached map for location of hydrant;

BE IT FURTHER RESOLVED, that Erie County Water Authority will incur the cost for the installation of the hydrant and the Village of Depew will pay the annual maintenance fee for the hydrant.

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

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

PERMISSION – SEMINAR

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

Permission is hereby granted to Matt Fischione to attend the Stormwater Management Conference on October 23, 2014 at the Holiday Valley Lodge, Ellicottville, NY from 8 am until 3:15 pm. Use of a village vehicle is authorized.

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

PERMISSION SEMINAR

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

Permission is hereby granted to Liz Melock to attend the NYCOM Funding Opportunities for Water & Wastewater Infrastructure Seminar in Rochester at the Doubletree Rochester, 111 Jefferson Rd, Rochester on Thursday October 16, 2014 from 8:45 am until 12:30 pm. The cost of the seminar is \$85.00.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to Cayuga Hose Co No 3 to use the Southside Fire Station on February 21, 2015 from 8 pm until midnight. The Firehall will be used for their fundraiser. Alcohol will be served.

AND

Permission is hereby granted for the Depew Fire Department to use Engine 1, Engine 3, Old Engine 21, Engine 4, Old Engine 41 and Ladder 5 on Saturday November 29, 2014 for the Village of Lancaster Christmas Parade.

AND

Permission is hereby granted to Depew Hook and Ladder to use the Southside Fire Hall for their Annual Christmas Party on Saturday January 10, 2015 from 6 pm till 1a.m.

AND

Permission is hereby granted to Depew Hook and Ladder to use the Southside Fire hall for their Annual Tool Raffle on Saturday February 14, 2015 from noon till 5 pm.

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Hammer, 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 his physical:

DEPEW HOOK & LADDER

Elijah Johnson 18 Main St Depew, NY

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

Trustee Kucewicz- Absent
Trustee Pecora - Yes
Trustee Hammer - Yes
Trustee Nolder - Yes
Mayor Hoffman - Yes

TREE/TRIMMING REMOVAL:

EMPLOYMENT APPLICATIONS: Recreation – Robert Burns, Michael Thorton, Ronald Kjeldgaard, Tyler Zak, Brian Brennan, Katelynn Frawley, Corey Zagst, Peter Borgosz, Kevin Fusani, Nicholas Grupp, Steven Fusani ; General – Holly Breister

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DEPARTMENT HEAD REPORTS: Building Dept Sept 2014

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

COMMITTEE REPORTS:

None

UNFINISHED AND OTHER BUSINESS

None

PUBLIC CONCERNS AND COMMENTS –

Dan Beutler – 26 Tyler – for the new employees are they all Depew residents? Was anyone taken off the list from Depew so someone from Cheektowaga could get a job? He inquired about the political signs on Transit under the viaducts and the Widen the Road signs. Mayor explained that some of the new rec employees are from Cheektowaga and that no one was removed from the list. He also was glad someone was doing something about Transit. Mayor said that Gabrielle Miller is the one that asked to start a grass roots effort to get Transit Rd widened and she was referred to Tony for guidance. CEO Fischione explained that the signs are on private property and are not violating the code. Mayor explained that the viaduct part of Transit is the most expensive stretch of road in NYS to repair and that previous Mayors and his administration has been working diligently to finally get the road widened. Mr. Beutler wanted to know about Lincoln St bridge. Mayor said that he met with Supervisor Fudoli, Dan Amatura, Mark Aquino and Liz and the road will be kept open. Today we tested the plow and it fits through. Owner of 29 Airview – nothing on 32 Donna. Mark said that the owner would sell the property for \$1 as long as it doesn't affect her social services. Mark is supposed to contact social services and then the new owners attorney would take over from there. The owner complained that teenagers were in there. He was told to contact the police. He also said that the neighbor tore siding off of the structure. 18 Airview is now an abandoned property, the lady walked away last week. He wanted to know about 31 Airview if anything is going on with it. CEO Fischione said he issued an appearance ticket and that they filed bankruptcy at the last minute to pull the property from the auction. CEO Fischione recommended that everyone contact their state representatives to have them change the laws so the home can be taken over sooner. The owner inquired as to when his two trees were coming down. He was told by the Administrator that they remove the trees in the winter.

Joan Priebe – 15 Howard – thanked Mayor for coming out to see her driveway. She said come spring we will be replacing it. She wanted to know about Beggar's Night in the Barnabas area. Mayor said he left it up to the Fire Chief.

Audrey Hamernik – 87 Mary Lou said there is a large deer population in the old Quebecor property and they cross George Urban at 5 am. She wanted to know what could be done. Mayor said he would contact DEC.

Owner of 96 S. Bryant - regarding 200 S Bryant. It has been two months and the structure is not demolished. CEO Fischione explained that the Board is prioritizing the list and will be submitting it to Joe Maciejewski at EC Real Property. The owner was also told that the demolitions have to be bid out. He said this structure is a safety and fire hazard.

Paul Sprada - 58 Argus – the demolition of 3322 Walden – what property is it. He was told the structure on the corner of Walden and Lincoln. CEO Fischione said the owner has been in court. Mr. Sprada gave out the DOT number and gave cudos to Gabrielle Miller. He wanted to know what was going in St. Pepperoni's. He was told a beauty salon. The church behind Rite Aid is for sale. No news as to what would be going in there. The old Depew Library has sold and the closing is this week – North Point Baptist Church going in there. He inquired to Wagner parts and wanted to know what is going in there and the old Atlantis.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Nolder, seconded by Trustee Hammer the following claims are to be paid: General \$418,555.33, Community Development \$6,569.70, Sewer \$4,257.30 and Capital \$8,292.06 the motion was **CARRIED**.

ADJOURNMENT-

ON A MOTION BY Trustee Nolder, seconded by Trustee Pecora, the meeting was adjourned at 7:45 pm in memory of recently departed Gerry Arber, former Deputy Clerk, and Doctor Jose Deperio, former Village physician. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator