

MEETINGS: 15
NO. OF REGULAR: 15

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
NOVEMBER 24, 2014**

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

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Pecora, the November 10, 2014 Village Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Joan Priebe – 15 Howard Lane – what is resolution #1. Village Attorney answered it is an amnesty period for financial reporting.

Gabrielle Miller – 61 Olmstead Ave – wanted to know if the DPW has to do the same procedure that the fire dept does for equipment. Village Administrator explained the Fire Dept has a Truck Committee that puts the bid packet together, DPW asks for equipment at budget time, the same as all the departments.

AUTHORIZE SELF REPORTING TO THE SEC

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

**RESOLUTION, DATED NOVEMBER 24, 2014, OF
THE VILLAGE BOARD OF TRUSTEES OF THE
VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK
(THE “VILLAGE”), AUTHORIZING SELF-
REPORTING TO THE SECURITIES AND
EXCHANGE COMMISSION (“SEC”) UNDER THE
SEC’S MUNICIPALITIES CONTINUING
DISCLOSURE COOPERATION INITIATIVE**

WHEREAS, the Securities and Exchange Commission has adopted a Municipalities Continuing Disclosure Cooperation Initiative (the “MCDC Initiative”) to allow municipal issuers of bonds to disclose certain representations about continuing disclosures in bond offering documents; and

WHEREAS, the period for filing expires at 5:00 p.m. EST on December 1, 2014;

NOW THEREFORE BE IT RESOLVED that the Village Administrator, upon consultation with the Village’s bond counsel attorneys and the Village’s financial advisor, is hereby authorized to take all actions necessary to make a timely filing under the MCDC Initiative, if it is determined such filing is appropriate.

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

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

**VILLAGE OF DEPEW
NOVEMBER 24, 2014**

BOND RESOLUTION – FIRE TRUCK

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

A BOND RESOLUTION, DATED NOVEMBER 24, 2014, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE ACQUISITION OF A FIRE-FIGHTING VEHICLE AND APPARATUS FOR USE BY THE VILLAGE AT AN ESTIMATED MAXIMUM COST OF \$460,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$460,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

BE IT RESOLVED, by the Village Board of Trustees of the Village of Depew, in the County of Erie, New York (the “Village”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “Purpose”) to be financed pursuant to this resolution is the acquisition of a fire-fighting vehicle and apparatus for use by the Village including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto. The estimated maximum cost of such purpose is \$460,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$460,000 of the Village, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such acquisition is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such purpose is an object or purpose described in subdivision 27 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 20 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

VILLAGE OF DEPEW
NOVEMBER 24, 2014

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village has determined that the purpose will not have a significant effect on the environment and, therefore, no other determinations or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) if the provisions of the law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

**VILLAGE OF DEPEW
NOVEMBER 24, 2014**

2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

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

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

BOND RESOLUTION – DPW EQUIPMENT

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

A BOND RESOLUTION, DATED NOVEMBER 24, 2014, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF VEHICLES, EQUIPMENT AND MACHINERY FOR USE BY THE VILLAGE AT AN ESTIMATED MAXIMUM COST OF \$465,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$465,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

BE IT RESOLVED, by the Village Board of Trustees of the Village of Depew, in the County of Erie, New York (the "Village") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The class of objects or purposes to be financed pursuant to this resolution is the acquisition of vehicles, equipment and machinery for use by the Village, including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto. The estimated maximum cost of such objects or purposes is \$465,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of such objects or purposes by the issuance of serial bonds in an aggregate amount not to exceed \$465,000 of the Village, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal,

VILLAGE OF DEPEW
NOVEMBER 24, 2014

state, county and/or local funds received. Unless paid from other sources or charges, the cost of such acquisitions is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such class of objects or purposes described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such acquisitions is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such

**VILLAGE OF DEPEW
NOVEMBER 24, 2014**

purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village has determined that such class of objects or purposes will not have a significant effect on the environment and, therefore, no other determinations or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) if the provisions of the law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

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

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to:

Depew Hose Company No. 1 the use of the Northside Firehall for their annual Christmas Party on December 14, 2014 Sunday from Noon til 11pm

West End Hose Company #6, the use of the West End Firehall for their annual Children Christmas Party on Sunday, December 7, 2014 from noon to 4pm

West End Hose Company #6, the use of the West End Firehall for their annual Christmas Party on Saturday, December 20, 2014 from 7pm to 1am

**VILLAGE OF DEPEW
NOVEMBER 24, 2014**

West End Hose Company #6, the use of Engine 6 and Rescue 7 for their annual candy cane pass out on Saturday, December 20, 2014 from noon to 3pm

Dec. 20th from noon to midnight the Southside hall for engine 3, family and members Christmas party

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

TREE TRIMMING/REMOVAL:

EMPLOYMENT APPLICATIONS

DEPARTMENT HEAD REPORTS : None
COMMITTEE REPORTS

No report.

UNFINISHED AND OTHER BUSINESS

Mayor Hoffman – Explained that the Village of Depew and the Depew Police did not set the towing price during the storm. Price was set by tow operators. If the car owner has an issue they can take it up with the tow operators or the Attorney General's Office.

The Mayor stated the Village just went through a historic storm and did an unbelievable job clearing the streets. He thanked the DPW and Liz Melock, who oversees the DPW. Unbelievable job with guys spending the night at DPW. The Police Dept did an unbelievable job and Fire Chief Whipkey and the Fire Dept did an unbelievable job and were all there. My hat is off to the Office of Emergency Management headed by Mike Moskal and his crew (Tim Marshall and RJ Neiman) all volunteers, did a fantastic job. His coordination of Federal, State and Local officials was unbelievable. Mike Moskal was handling emergency items from out of town until he could return to Buffalo. Mayor said next budget he will take a salary reduction from his salary and other's so that Mike Moskal can get paid.

Village Administrator Melock thanked the DPW, Police and Fire for a great job. She also thanked the Town of Tonawanda Highway Dept for their plows, trucks and personnel and the Village of Kenmore for their loader and operator. The employees were exceptional and even had to stay at the DPW garage. Ms. Melock also stated that the help promised from the County and State did not materialize. Private contractors were hired by the Mayor and the Administrator secured the other municipalities that helped.

Mayor Hoffman gave time line. Nov 18th Mayor signed the State of Emergency at 5 am and Travel Ban. He hired the private contractors to start assisting DPW with clearing the roads. He listed the pieces of apparatus on the roads. Mayor was with the DPW and the Emergency Managers throughout the storm. Mayor also worked with local businesses on Broadway who had their windows blown out by NYS plows and blower. He had NYS DOT at the businesses on Sunday. He stated that he will be working on a plan with the Town of Lancaster and Village of Lancaster.

Fire Chief Joe Whipkey thanked the Fire Dept and the numerous assistance they received from South Corning, Newstead, Rice Corners, Champlain, Saranac Lake, Wayne, Clarence Center, and others. The companies provided assistance and a chance for the Depew Fire to rest.

Police Chief Carwile thanked his officers and the other departments. He had 24 officers working 16 hour shifts, many using their own vehicles. He also thanked the Mayor and Administrator for the good job they did. Depew was open before anyone else was.

PUBLIC CONCERNS AND COMMENTS

Frank Caparaso – Wyandotte – stated the reason the Village was open was that we did not wait. Police Chief Carwile thanked Dennis Walczak for putting in all the hours. Without the tow operators the Village roads would not have been opened quickly.

Mayor said that the tow operators were under three feet of snow. They were part of the chain that made things happen.

Joan Priebe – 15 Howard – cudos to everyone in Depew. You knew when you were in Depew and out of Depew. Wonderful job the police did barricading the roads for snow removal. Couldn't believe pumps were out already too.

Willie Silverman and May Kostas – Depew Deli - Broadway – their business was demolished in a minute from the NYS plow. Thankful they were not injured and that everyone was supporting them. The police department had a quick response to his alarm after the damage. Mayor

**VILLAGE OF DEPEW
NOVEMBER 24, 2014**

Hoffman helped to them up and running. The State is destroying not helping the Village. He thanked the Fire Dept and DPW for their support.

Gabrielle Miller – 61 Olmstead – doesn't want to pay for someone else's stupidity regarding the towing. Glad the tax payers are not paying the tow fees. When the Mayor works up a plan with the Town and Village of Lancaster she wants to make sure Town of Cheektowaga is included. She thanked Fire, DPW and Police.

Mayor stated Village Administrator is in constant contact with Town of Cheektowaga Highway Superintendent Mark Wegner. Cheektowaga could not help during storm as they were hit hard with the snow.

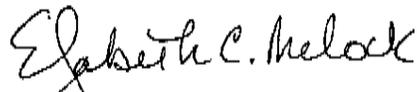
CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Nolder, the following claims are to be paid: Sewer \$1,344.56, General \$184,811.46. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Kucewicz, seconded by Trustee Pecora, the meeting was adjourned at **7:35 pm** in memory of Depew residents Lyle Hull St and Bernice Sticht. The motion was **CARRIED.**

Respectfully submitted,



Elizabeth C. Melock
Village Administrator