

MEETINGS TO DATE 9
NO. OF REGULARS: 9

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
AUGUST 25, 2014**

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

ON A MOTION BY, Trustee Pecora, and seconded by Trustee Kucewicz, the July 28, 2014 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Nolder, the August 7, 2014 Planning Board Minutes were approved.

ON A MOTION BY, Trustee Kucewicz, and seconded by Trustee Pecora, the August 14, 2014 Zoning Board Minutes were approved.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dan Beutler – 26 Tyler – How many police cars? What kind are they? What is the gas mileage? Captain explained that the Crown Vic's are no longer available that we have to go with the SUV's and the Ford Explorer fit our officers the best. Mayor explained we have reduced the fleet and amount of officers.

Dave Burkhardt – 5 Autumn Lea – wheel loader how much is it? Are the police cars in the budget? Village Administrator said the wheel loader is about \$125,000.

PUBLIC HEARING – CHAPTER 81 PROPERTIES

Mayor opened the hearing and COE Fischione explained why the properties at 4639 Broadway and 200 Bryant St both owned by Allen Sisson are candidates for the Chapter 81 demolition law. Both buildings are unsafe and the owner has been in court on both properties. CEO Fischione asked that the properties be demolished. No one spoke for the property owner.

Angelo Mineo 196 Bryant – explained that the COE has tried real hard to get the properties back in shape. The County has been out the bait for rats. The structures need to come down and the one at 200 Bryant is in the worst shape.

Paul Sprada – 58 Argus – wants to know after the properties are demolished who assumes ownership. Village Attorney explained the owner still owns the property. Demo costs are assessed against the property.

ON A MOTION BY, Trustee Hammer, seconded by Trustee Kucewicz, the public hearing was closed at 7:13 pm.

APPOINT POLICE ATTENDANT PT

Pursuant to Section 4-400 of Village Law, I Mayor Steve Hoffman, hereby appoint Christina Moore, 218 Seabert Ave Depew, NY 14043, as Police Attendant PT for the Depew Police Department, at a salary stipulated in the ensuing budget.

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

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – 2014-2015 CDBG PROJECT
SIDEWALKS**

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

WHEREAS, the Village of Depew was awarded \$100,000 in Community Development Funds from Erie County for the 2014-2015 Sidewalk Project – Suffield, Marengo and Kokomo Streets.

BE IT RESOLVED, the Village Administrator is authorized to advertise for this project. The bid date will be Sept 4th at 11 am. Specs are available from the Village Engineer, CRA Infrastructure & Engineering, Inc, 285 Delaware Ave Suite 500, Buffalo, NY 14202.

**VILLAGE OF DEPEW
AUGUST 25, 2014**

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR POLICE VEHICLES

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for Police Vehicles as per the village budget.

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

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

A BOND RESOLUTION, DATED AUGUST 25, 2014, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE") AUTHORIZING THE ACQUISITION OF A WHEEL LOADER AND APPARATUS FOR USE BY THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$130,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$130,000 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:

The Village is hereby authorized to acquire a wheel loader and apparatus for use by the Village including any preliminary costs and costs incidental thereto and in connection with the financing thereof (the "Purpose"). The estimated maximum cost of said purpose is \$130,000.

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 \$130,000 of the Village, hereby authorized to be issued therefor 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 the Purpose is to be paid by the levy and collection of taxes on all real property in the Village to pay principal of said bonds and the interest thereon as the same shall become due and payable.

It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five years from the date of original issuance of said bonds or notes.

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 said bonds.

It is hereby determined the proposed maturity of the obligations authorized by this resolution will not exceed five years.

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.

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

VILLAGE OF DEPEW
AUGUST 25, 2014

renewals of said 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 as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said 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.

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.

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.

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.

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

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.

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

(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 at the date of publication of this notice were 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

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

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.

This Resolution is effective immediately pursuant to Section 36.00(a)(1) of the Local Finance Law.

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

**VILLAGE OF DEPEW
AUGUST 25, 2014**

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

PERMISSION OUTDOOR MUSIC

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

WHEREAS, Dennis Rogowski from the Chosen Few Motorcycle Club has filed a registration statement as required by Village Code §148-11 Noise with the Village Administrator on August 6, 2014 for an anniversary party/pig roast on Saturday September 13, 2014 from 3 pm until 9:00 pm at 94 Main St Depew; and

WHEREAS, there will be live music; and

BE IT RESOLVED, the Village Board does agree to allow the live music during the hours posted above and if allowed the noise must not surpass the decibel levels in Chapter 148.

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

PERMISSION OUTDOOR MUSIC

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

WHEREAS, Shannon Buono from Magruders, 4995 Broadway, Depew, NY has filed a registration statement as required by Village Code §148-11 Noise with the Village Administrator on August 4, 2014 for one man bands and acoustic music on the patio through the month of August on Fridays from 8 pm until 11pm; and

WHEREAS, there will be live music; and

BE IT RESOLVED, the Village Board does agree to allow the live music during the hours posted above and if allowed the noise must not surpass the decibel levels in Chapter 148.

The foregoing resolution was seconded by Trustee Kucewicz 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 – SEMINARS

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

Permission is hereby granted to Tony Fischione & Matt Fischione to attend the Inspecting Solar training on Sept 18, 2014 from 8:30 am until 4:30 pm at the Wyndham Garden Hotel, 5195 Main St, Buffalo, NY. The cost of the seminar is \$50 per person.

AND

**VILLAGE OF DEPEW
AUGUST 25, 2014**

Permission is hereby granted to Tony Fischione & Matt Fischione to attend the NYS Building Officials Conference on Sept 11, 2014 at the Chautauqua Suites Hotel and Expo Center, 215 West Lake Rd, Mayville, NY. The cost of the seminar is \$85 per person.

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

TREE/TRIMMING REMOVAL:

EMPLOYMENT APPLICATIONS: Police Matron – Christina Moore, Recreation – Katelynn Frawley

DEPARTMENT HEAD REPORTS: Building Dept June & July 2014, Lawn Mowing (see attached list for the DPW to mow the properties on the Aug 25th mowing list and charge the owners via their tax bill.

ON A MOTION by Trustee Kucewicz, seconded by Trustee Pecora, the department head reports and the mowing list were approved.

COMMITTEE REPORTS:

None

UNFINISHED AND OTHER BUSINESS

Mayor announced the Village received \$50,000 in grant money from Senator Gallivan's Office for insulation for the ice rink. That is \$100,000 in grant money received for the ice rink this year.

PUBLIC CONCERNS AND COMMENTS –

Dan Beutler – 26 Tyler – Library has been sold. Mark Aquino said it is under contract – being purchased by a church. Mr. Beutler complained about the bridge on Lincoln St not being repaired and there was old bond money available as the cost is about \$476,000. Dan said the bridge will not get fixed this year and the road might be closed. Village Attorney Aquino explained that the money could not be used for Lincoln St it is for the Forestream Bridge. Mr. Aquino said the engineer is reviewing the status of the bridge. Mayor explained that we do not have control over the bridges and he has been in contact with Supervisor Fudoli.

Ms. Kreutz – 72 S. Bellevue – wanted to know if there is no sidewalk how far can you walk on the grass before someone can say something to you. Stated she is getting harassed when she walks on property owned by a corrections officer. CEO Fischione explained it depends on the right of way and if she is threatened to call the police.

Joan Priebe – 15 Howard – wanted to know what our debt is. Village Administrator told her it was around \$5 million but to check the budget online for the exact amount.

Dave Burkhardt – 5 Autumn Lea – wants to know if anyone looked into the Town of Cheektowaga and Town of Lancaster to cover one of our slower shifts and when someone retires don't replace them. He wants the idea explored as the taxes can't keep being raised. Mayor explained they have already eliminated two positions and is not interested in the towns covering a shift.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Nolder the following claims are to be paid: General \$ 663,801.77, Sewer \$2,563.85, Capital Fund \$1,960.00 the motion was **CARRIED**.

ADJOURNMENT-

ON A MOTION BY Trustee Pecora, seconded by Trustee Kucewicz, the meeting was adjourned at 7:37 pm in memory of Bob Meyer (past Village Trustee for 12 years), Kathy Francis, wife of Chris Francis and daughter in law of Mel Francis, and Charles Caparaso, brother of Frank Caparaso, all whom have recently passed away. Moment of silence followed. The motion was **CARRIED**.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator