

MEETINGS: 4
NO. OF REGULAR 4
NO. OF SPECIAL MEETINGS: 0

MINUTES
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
MAY 14, 2007

ROLL CALL: Trustee Dillemoth
Trustee Fusani
Trustee Hammer
Trustee Keefe
Trustee Maryniewski
Trustee Monti
Mayor Alberti

ON A MOTION BY, Trustee Keefe, and seconded by Trustee Fusani, the April 23, 2007, Village Board Minutes were approved.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Monti, the Zoning Board Minutes of May 7, 2007 were accepted.

ON A MOTION BY, Trustee Fusani, and seconded by Trustee Monti the Board went into Executive Session at 7:35 p.m. to discuss litigation matters.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Monti the Board came out of Executive Session at 7:54 p.m.

Mayor Alberti read the following statement:

“Good evening, welcome to tonight’s Village Board Meeting.

I have initiated a new format at our meetings the past month which allows me the opportunity to address issues that I feel are important to our community, and to you our residents. I hope that in doing so it keeps you informed of the work we are doing as a Board and answers some of the concerns you may have.

You have notice the blue candle on the podium tonight, as well as candles in the front windows. The candles are illuminated in honor of C.O.P.S. which is the acronym for Concerns of Police Survivors. Last year, 133 American Police Officers gave their lives in the line of duty. C.O.P.S. addresses the needs of these family survivors.

This week May 13th through May 19th has been established as Law Enforcement Recognition Week. This is a special opportunity for everyone to honor those men and women who protect and serve our community.

We are fortunate to have a great group of individuals in our local Police Department, headed by Chief Tom Domino and Captain Mark Mediak. The Detective Bureau, under the direction of Detective Steve Lehman worked very diligently recently to apprehend two youth who had written bomb threats at Depew High School. So during the week if you have the opportunity, thank a Police Officer for the great job they do.

In keeping with this theme, let me advise everyone that Tuesday Aug 7, 2007, our local Police Department will sponsor “National Night Out: from 5 p.m. until 9 p.m. in Firemen’s Park. Patrolman Dan Garry is chairman of this year’s event. Traditionally, we have a very large group in attendance for this highly successful event. More information will be coming in the next few weeks.

For residents who shared their concern about the halting of contaminated soil removal from the Walden Avenue/Transit Road Area, I have written to Congressman Tom Reynolds asking him for help in asking EPA to continue with the soil removal while attempting to determine which businesses may be responsible for the cost of clean-up.

I also have written a letter of concern to Congressman Brian Higgins regarding the condition of the four railroad bridges that cross over Transit Road. In addition to bringing attention to the fact they are in dire need of being painted, I enclosed pictures

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showing the disintegrated concrete and exposed rebar, questioning if they are structurally safe for pedestrian and vehicular traffic. It is my contention that the railroads are responsible for the maintenance to these structures as homeowners are for their property.

Another area of concern to many of you is the location and sale of 321 Columbia Avenue, the former site of the Depew Public Library. I have written to Supervisor Robert Giza, of the Town of Lancaster advising him that the building has been vacant since December 2005 and after being a vacant property for a year, reverts back to the original R-1 zoning. Whoever purchases the building must conform to Village of Depew Zoning Codes and Laws. The village is not in favor of spot zoning and this is an important issue that should be brought to the attention of perspective buyers.

New web site is up and running. Thanks to Tim Michaels. Anyone with new pictures should email them to info@villageofdepew.org. Finally, a reminder that this Saturday, May 19th is Clean-up Depew Day. Anyone interested in helping to clean up our village is invited to assemble here at the Municipal Building by 9 a.m. for their assigned work area. At noon everyone will return to the Municipal Building for lunch. Students of government or confirmation classes who have community service requirements may bring in the necessary paperwork and it will be signed during lunch. Tammy Roll is chairman of this community event and had done a great job getting the word out and obtaining help from businesses. Thank you Tammy for all your work and effort. It is nice to have people like you come forward and volunteer to make their community a better place.

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Irv Reining – 380 Columbia Ave- create position – what is it for? Mayor answered that it is for a person already performing the work and not having the title.
2. Casey Kliszak- 497 Rowley Rd – Dump permit – who is it for – owner’s name. Are the hours going to be restricted to level the fill? Wozniak spoke regarding the noise ordinances.
3. Dave Burkhardt – 5 Autumn Lea – I hear the train whistles is that a noise issue. Wozniak – safety issue must blow.

OPEN PUBLIC HEARING – DRAFT STORM WATER MANAGEMENT PLAN

Elizabeth C. Melock, Village Administrator, read legal notice announcing Public Hearing.

Mayor Alberti read a brief summary about the Storm Water Management Plan and opened the floor to public comments. The only comments were from John Wojcik, Supr. of Public Works about the Plan. Copies of the Plan are in the Clerk’s office for any interested parties.

ON A MOTION BY, Trustee Hammer, seconded by Trustee Maryniewski, the public hearing was closed at 8:20 p.m.

AUTHORIZE MAYOR TO SIGN TAX WARRANT

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

BE IT RESOLVED, pursuant to Section 1426 of the Real Property Tax Law, the Village Administrator Elizabeth C. Melock is hereby directed to collect the taxes levied in the Warrant, annexed thereto, signed by Mayor Alberti.

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

Trustee Dillemoth -	Yes	Trustee Keefe -	Yes	Mayor Alberti -	Yes
Trustee Fusani -	Yes	Trustee Maryniewski -	Yes		
Trustee Hammer -	Yes	Trustee Monti -	Yes		

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APPOINT DPW TEMPORARY SEASONAL EMPLOYEES

Pursuant to Section 4-400 of Village Law, I Barbara A. Alberti, hereby appoint the following:

Jonathan Wilson
5963 Transit Road
Depew, NY 14043

Kurt Diesfeld
67 Norman Drive
Depew, NY 14043

at \$11.00 per hour and upon completion and passing of pre-employment physicals and drug and alcohol testing.

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

Trustee Dillemoth -	Yes	Trustee Keefe -	Yes	Mayor Alberti -	Yes
Trustee Fusani -	Yes	Trustee Maryniewski -	Yes		
Trustee Hammer -	Yes	Trustee Monti -	Yes		

AUTHORIZE MAYOR TO SIGN PENFLEX SERVICE AWARD FORM

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

BE IT RESOLVED, that Mayor Barbara A. Alberti, is authorized to sign the 2006 Service Award Program Administration Form and forward to Penflex, Inc for the purpose of administering the 2006 Service Award Program for Depew Firefighters.

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

Trustee Dillemoth -	Yes	Trustee Keefe -	Yes	Mayor Alberti -	Yes
Trustee Fusani -	Yes	Trustee Maryniewski -	Yes		
Trustee Hammer -	Yes	Trustee Monti -	Yes		

CREATE POSITION

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

BE IT RESOLVED, that the position of Computer Support Technician, with the duties and responsibilities as set forth in the job specifications of the Erie County Civil Service, is hereby created.

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

Trustee Dillemoth -	Yes	Trustee Keefe -	Yes	Mayor Alberti -	Yes
Trustee Fusani -	Yes	Trustee Maryniewski -	Yes		
Trustee Hammer -	Yes	Trustee Monti -	Yes		

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AWARD BID – BREATHING AIR COMPRESSOR

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

WHEREAS, the Village of Depew sought bids for the breathing air compressor for the Fire Department,

WHEREAS, bids were opened on Wednesday May 2, 2007 at 11 am in the Council Chambers, and

WHEREAS, the low bidder was Breathing Air Resources.

BE IT RESOLVED, that upon the recommendation of Chief Peter Michaels, the bid for the breathing air compressor be awarded to:

Breathing Air Resources
537 Fillmore Ave.
Tonawanda NY 14150

BE IT FURTHER RESOLVED, the Village Administrator is authorized to pay Breathing Air Resources the amount of \$21,959.94.

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

Trustee Dillemath -	Yes	Trustee Keefe –	Yes	Mayor Alberti -	Yes
Trustee Fusani -	Yes	Trustee Maryniewski -	Yes		
Trustee Hammer -	Yes	Trustee Monti -	Yes		

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – GENERATOR

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

BE IT RESOLVED, that the Village Administrator is authorized to advertise for bids for a generator to power the entire Village Hall.

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – DPW EQUIPMENT

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

BE IT RESOLVED, that the Village Administrator is authorized to advertise for bids for a two salt trucks and a skyworker for the Department of Public Works.

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

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AUTHORIZE BENEFITS UNDER FIREFIGHTER'S SERVICE AWARD PROGRAM

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

WHEREAS, the following fireman has met all necessary requirements under the Depew Fire Department's Service Award Program;

BE IT RESOLVED, the Village does hereby approve the Service Award benefit entitlement to the following participant as stipulated under said program.

Effective March 1, 2007 at a monthly rate of \$160.00:

Richard H. Futch
2471 Keller Road
Ashville, NY 14710

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

Trustee Dillemoth -	Yes	Trustee Keefe -	Yes	Mayor Alberti -	Yes
Trustee Fusani -	Yes	Trustee Maryniewski -	Yes		
Trustee Hammer -	Yes	Trustee Monti -	Yes		

APPROVE DUMPING PERMIT – THOMAS R MITTNER

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

WHEREAS, Thomas R. Mittner 2079 Thompson Rd Clarence NY 14031, has applied for a Dumping Permit for a 25 acre vacant parcel he owns behind 470 & 496 Rowley Rd.

NOW THEREFORE BE IT RESOLVED, a Dumping Permit is hereby **GRANTED** with the following conditions:

- 1) Documentation must be provided where the fill is coming from and that the fill material has been tested and does not contain any contaminants.
- 2) Fill must be leveled monthly.
- 3) No concrete or construction debris – clean fill only.
- 4) Roadway must be kept clean.
- 5) Dumping & grading must occur only Monday –Friday, excluding holidays and between the hours of 8 a.m. and 5:30 p.m. only. No dumping or grading will be done on holidays.
- 6) No more than 2,000 cy for the season.
- 7) Permit ends December 31, 2007.

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

Trustee Dillemoth -	Yes	Trustee Keefe -	Yes	Mayor Alberti -	Yes
Trustee Fusani -	Yes	Trustee Maryniewski -	Yes		
Trustee Hammer -	Yes	Trustee Monti -	Yes		

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AUTHORIZE YEAR END BUDGET TRANSFERS

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

BE IT RESOLVED, that the Administrator is hereby authorized to adjust and amend the 2006/2007 General, Sewer, Capital and Community Development Fund Budgets; and to reconcile and amend all appropriations and revenue accounts to actual as of May 31, 2007 and make adjustments to encumbrances and accounts payable.

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

Trustee Dillemoth -	Yes	Trustee Keefe -	Yes	Mayor Alberti -	Yes
Trustee Fusani -	Yes	Trustee Maryniewski -	Yes		
Trustee Hammer -	Yes	Trustee Monti -	Yes		

CHANGE BOARD MEETING

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

BE IT RESOLVED, that the May 28, 2007 Village board Meeting is changed to May 29, 2007 due to the Memorial Day Holiday.

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

PERMISSION TO ATTEND NATIONAL FLOOD INSURANCE PROGRAM

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

Permission is hereby granted to Mike Wozniak to attend the Intermediate Workshop on the National Flood Insurance Program on Thursday May 24, 2007 at the Town of Wheatfield Community Center in Tonawanda. There is no cost for the seminar.

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

PERMISSION TO HOLD MEMORIAL DAY PARADE

Trustee Maryniewski, 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 28, 2007, 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 Fusani, and **CARRIED**.

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PERMISSION TO HOLD 10K RACE

Trustee Monti, 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 30th Annual 10K Race on Wednesday, July 4, 2007 starting at 9:00 AM.

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Keefe, 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 their physical:

DEPEW HOSE CO. #1

Corey Park, 27 Michele Dr. Depew NY 14043
Christopher J. Whipkey, 254 Olmstead Ave. Depew NY 14043

CAYUGA HOSE

Matthew Marshall, 4745 Broadway Depew NY 14043

The following resolution was seconded by Trustee Fusani, and **CARRIED**

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to:

Depew Fire Department for use of the South Side Fire Station on Sunday May 20th from 10 a.m. to 2 p.m. for a Fire Prevention Open House Day.

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

TREE TRIMMING/REMOVAL

30 Wyandotte St., 22 Michele Dr.

EMPLOYMENT APPLICATIONS

Recreation – Jillian Karp, Mitchell Gabner, Holly Hubert, Ronald Cuahonte, Hayley Pickett, Sarah Reger, Christine Moore, David Balus, General – Dennis Abbey, DPW Summer Help – Kurt Diesfeld, Police Dispatcher – Sandra Lodowski

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Fusani, seconded by Trustee Hammer, the Department Head Reports were accepted as presented – Clerks – April 2007, Treasurer's March & April 2007 – **CARRIED**.

BUILDING APPLICATIONS AND REPORTS

ON A MOTION BY, Trustee Monti, seconded by Trustee Keefe, the Building Applications and Reports were accepted as presented with the cost of the boarding the

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back door of 100 Main St. to be added to this year's tax roll. Matt brought up the grass at 52 JFK. DPW does not have the staff to maintain this parcel. The Board will decide what to do with the yard.

REPORT OF VILLAGE ATTORNEY – Explained he has 6 petitions involving assessment challenges that he is working on right now.

REPORT OF VILLAGE ENGINEER – No report

COMMITTEE REPORTS

Solid Waste Committee- Trustee Keefe spoke about the Board meeting with the DEC & EPA regarding the consent orders on the sanitary sewers. Also announced that the Board is exploring the possibility of merging the sewers with Erie County. Announced that May 29th at 5:30 p.m. the Board will be meeting with Erie County to find out what is entailed.

Trustee Hammer wanted to reiterate that Clean Up Depew Day is this Saturday May 19th from 9 a.m. to 12 p.m. and we meet at the Village Hall.

UNFINISHED AND OTHER BUSINESS

None

PUBLIC CONCERNS AND COMMENTS

1. Irv Reinig – 380 Columbia Ave – commended Trustee Keefe on looking into turning over sewers to Erie County. Long Range Senior Plan – new roof put on last winter wants to know when the engineer's bill will be split between DPW & seniors and boiler room part. Village Administrator explained that will be completed with the year end adjustments about the third week in June.
2. Dave Burkhardt – 5 Autumn Lee – Correspondence #14 – Dawson Field is the school charging. Mayor Alberti explained we were waiting to hear from Depew School if we could charge \$25 for use of the field since we do not own it yet we maintain it. Trustee Monti said the fee is minimal compared to other areas.
3. Peter Michaels – Fire Chief – open burning is illegal. 1st offense a warning, 2nd offense – person will be sited.
4. Irv Reinig – 380 Columbia Ave – What is the cost initially to maintain the field. Trustee Monti said that these fees will offset the cost. Mayor Alberti said the costs were in the thousands and if we can not charge then we will turn the diamond back to the school. Irv wanted this \$25 revisited and come up with a fair and reasonable charge.

CLAIMS AND ACCOUNTS – 2007 – 23

ON A MOTION BY, Trustee Fusani, seconded by Trustee Keefe, the following claims are to be paid, General \$145,506.84, Sewer \$7,407.64, and **CARRIED**.

ADJOURNMENT

ON A MOTION BY, Trustee Monti, seconded by Trustee Maryniewski, the meeting was adjourned at **8:55 PM** in memory of State Trooper David Brickhoffer and in honor of all law enforcement personnel.

Respectfully submitted,

Elizabeth C. Melock
Village Administrator