MEETINGS TO DATE: 24
NO. OF REGULARS: 22

AGENDA
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
March 11, 2019 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Greg McClain- The Vine

NOTIFICATION OF FIRE EXITS

ROLL CALL:
   Trustee Jakubowski -
   Trustee Bukowiecki -
   Trustee Hamernik-
   Trustee Peterson -
   Mayor Nikonowicz –

APPROVE VILLAGE BOARD MINUTES – February 25, 2019

PUBLIC COMMENT – AGENDA ITEMS ONLY
   1. Accept – Resignation
   2. Appoint – Court Clerk Typist
   3. Authorize – Sign GHD
   4. Permission – Advertise Reorganization Meeting
   5. Permission – Advertise Canvass the Vote
   6. Permission – Advertise Tentative Budget
   7. Permission – Advertise Tax Cap Override
   8. Approve – Reorganization Meeting
  10. Approve – Residency Waiver
  11. Approve – Tote Buy back
  12. Approve – Fire – Out of Village Training
  13. Approve – Fire - Parties
  14. Employment Application – Rec – Jacob Maciejewski, Michael Steffens, Tessa Zajac, DPW or REC – Austin Pyc,
  15. Department Head Reports
  16. Unfinished and Other Business
  17. Public Concerns and Comments
  18. Claims and Accounts
  19. Adjournment
ACCEPT RESIGNATION – MAYOR’S SECRETARY

Trustee_____________, offered the following resolution and moved for its adoption:

BE IT RESOLVED, the resignation of Linda Gangloff, Secretary to Mayor Jesse Nikonowicz effective March 22, 2019 is accepted.

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

Trustee Jakubowski -
Trustee Bukowiecki -
Trustee Hamernik -
Trustee Peterson –
Mayor Nikonowicz -
RESOLUTION

March 11, 2019

APPOINT FULL TIME COURT CLERK TYPIST VILLAGE HALL

Pursuant to Section 4-400 of Village Law, I, Mayor Jesse Nikonowicz, do hereby appoint

Linda Gangloff – 3063 George Urban Blvd. Upper, Depew, NY 14043

to the position of Full Time Court Clerk Typist Village Hall at the rate of $20.12 per hour effective March 25, 2019.

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

Trustee Jakubowski -
Trustee Bukowiecki -
Trustee Hamernik -
Trustee Peterson -
Mayor Nikonowicz -
RESOLUTION
March 11, 2019

AUTHORIZE MAYOR TO SIGN SERVICE AGREEMENT - GHD

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

WHEREAS, the Village of Depew is currently utilizing GHD 285 Delaware Ave. Suite 500 Buffalo, NY 14202 for Engineering Services in the village of Depew;

NOW THEREFORE BE IT RESOLVED, that Mayor Jesse Nikonowicz is authorized to sign the Professional Engineering Services Proposal for the Phase 5 Sewer Evaluation Survey - Engineering Planning Grant #82540

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

Trustee Jakubowski -
Trustee Bukowiecki -
Trustee Hamernik -
Trustee Peterson -
Mayor Nikonowicz -

VILLAGE OF DEPEW BOARD MEETING
March 11, 2019
Agenda Item # 3
__ Approved ___ Denied
RESOLUTION
March 11, 2019

AUTHORIZE ADMINISTRATOR TO ADVERTISE REORGANIZATION MEETING

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

The Administrator is authorized to advertise for the reorganization meeting to take place on Monday April 1, 2019 at 7:00 pm.

The foregoing resolution was seconded by Trustee ____________ and **CARRIED**.

Trustee Jakubowski -
Trustee Bukowiecki -
Trustee Hamernik -
Trustee Peterson -
Mayor Nikonowicz -

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VILLAGE OF DEPEW
BOARD MEETING
March 11, 2019
Agenda Item # 4

___ Approved ___ Denied
RESOLUTION

March 11, 2019

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR CANVASS THE VOTE MEETING

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

The Administrator is authorized to advertise for a Canvas the Vote meeting to take place on Wednesday March 20, 2019 at 7:00 pm.

The foregoing resolution was seconded by Trustee ____________ and CARRIED.

Trustee Jakubowski -
Trustee Bukowiecki -
Trustee Hamernik -
Trustee Peterson -
Mayor Nikonowicz -

VILLAGE OF DEPEW
BOARD MEETING
March 11, 2019
Agenda Item # 5

___Approved ___Denied
RESOLUTION

March 11, 2019

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING
FOR TENATIVE 2019-2020 BUDGET

Trustee__________, offered the following resolution and moved for its
adoption:

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise
for public hearing for the tentative 2019 - 2020 budget to take place on Monday April 8,
2019 at 7:00 PM in the council chambers.

The forgoing resolution was seconded by Trustee__________, and CARRIED.
AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING TAX CAP OVERRIDE – LOCAL LAW 1 OF 2019

Trustee__________, 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 March 25, 2019 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 1 of 2019 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent
It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority
This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override
The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability
If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date
This local law shall take effect immediately upon filing with the Secretary of State.

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

Trustee Jakubowski-
Trustee Bukowiecki -
Trustee Hamernik-
Trustee Peterson -
Mayor Nikonowicz -

VILLAGE OF DEPEW
BOARD MEETING
March 11, 2019

Agenda Item# 7
___Approved ___Denied
PERMISSION – To Hold the Annual Reorganization Meeting

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

BE IT RESOLVED, the Annual Reorganization Meeting of the Village of Depew will be held on Monday, April 1, 2019 at 7PM.

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

Trustee Jakubowski –
Trustee Bukowiecki –
Trustee Hamernik –
Trustee Peterson –
Mayor Nikonowicz –

VILLAGE OF DEPEW
BOARD MEETING
March 11, 2019

Agenda Item #8

__Approved ___Denied
AMENDMENT TO THE VILLAGE CODE, SECTION 198, SOLID WASTE

Trustee ________, 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 February 11, 2019 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the amendment to Section 198, SOLID WASTE of the Code of the Village of Depew, and

WHEREAS, all persons were given an opportunity to speak for or against this amendment to the Village Code;

WHEREAS, the proposed Village Code to be amended is as follows:

1. That Section 198 of the Code of the Village of Depew, titled “SOLID WASTE” shall be amended as follows:

Section 198-2 Definitions. shall be amended as by inserting in alphabetical order the following:

That portion of

“NON-RESIDENTIAL UNITS” that states

“or a building containing more than eight units.”

shall be amended to say

“or a building containing more than four units.”

“SMALL COMMERCIAL UNITS.

For purposes of solid waste disposal, a “small commercial unit” shall be those businesses in the Village which have wastes in similar quantities and types as a residential unit.”

and

The heading “UNITS” shall be amended to be “RESIDENTIAL UNITS.”, and the definition shall be placed alphabetically in Definitions, with the following amendment:

One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes, in a building with no more than four (4) separate such units. This shall apply to those units that contain only one building on a single tax parcel.

2. That Section 198-3 shall be replaced in its entirety as follows:

“Totes.

Recycling Totes shall be 65 or 95 gallon wheeled carts designated by a green lid or other color as determined by the Village.”
Garbage Totes shall be 65 or 95 gallon wheeled carts designated by a black lid or other color as determined by the Village.

All Totes shall be purchased directly through the Village, at a cost to be determined by the Village of Depew. Upon payment of the Totes cost or fee by the Residential unit or the Small Commercial unit, the Totes shall become the property of the unit purchaser.

Only residential units and small commercial units are entitled to purchase totes to be used by the Village contracted garbage collector. All Residential Units and Small Commercial Units shall be entitled to own from 1-3 Garbage Totes and/or 1-2 Recycling Totes but in no case shall a residential or commercial unit own more than 4 total Totes.”

3. All other portions of Section 198 of the Village Code, not affected by this amendment, shall remain in full force and effect.

4. Out of compliance business units shall have ninety (90) days to be in compliance before the penalties imposed in Section 198-14 shall be effective regarding these changes.

5. Effective date: This amendment to the Village Code shall take effect immediately This amendment to local law shall take effect immediately upon filing with the Secretary of State, and shall be added to the text of the Village Code thereafter.

NOW THEREFORE, BE IT RESOLVED, this amendment to Village Code 198, SOLID WASTE, as set forth above, is hereby adopted.

The forgoing resolution was seconded by Trustee ________, and CARRIED.

Trustee Jakubowski -
Trustee Bukowiecki -
Trustee Hamernik -
Trustee Peterson -
Mayor Nikonowicz –

VILLAGE OF DEPEW
BOARD MEETING
March 11, 2019
Agenda Item # 9

__Approved ___Denied
RESOLUTION  

WAIVER OF RESIDENCY FOR VILLAGE OF DEPEW POLICE CHIEF  

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

WHEREAS, Village of Depew Policy Manual section 402 states that  
"Residency Requirement. Elected Officials and Department Heads must be residents of the Village of Depew unless a waiver, permitted by law, is granted by the Village Board."

and  

WHEREAS, the Village Board of Trustees recently voted to confirm the Mayors appointment of Jerome Miller as Chief of Police at the January 28, 2019 Village Board meeting, and  

WHEREAS, Jerome Miller resides at 62 Pheasant Run Road, Lancaster, NY which is outside the Village, and  

WHEREAS, Jerome Miller had resided within the Village of Depew for the majority of his years as an employee of the Village Police Department, and  

WHEREAS, Jerome Miller’s residence is in a contiguous town that does not impair his ability to be available and respond as the Chief of Police, and  

WHEREAS, the Board of Trustees feels that Jerome Miller is the best candidate for Chief of Police and is able to perform his duties even residing in the neighboring town of Lancaster,  

NOW, BE IT RESOLVED that the Board of Trustees grants a waiver to Jerome Miller to live outside of the Village of Depew, as long as his residence remains at the current Lancaster address or a closer location, and  

The forgoing resolution was seconded by Trustee ________, and CARRIED.

Trustee Jakubowski -  
Trustee Bukowiecki -  
Trustee Hamernik -  
Trustee Peterson -  
Mayor Nikonowicz –
RESOLUTION
March 11, 2019

VILLAGE TOTE BUYBACK

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

WHEREAS, the Board of Trustees of the Village of Depew has amended the Code of the Village of Depew, Section 198, SOLID WASTE, to limit the number of Totes available to any residential or small commercial unit (hereinafter the Unit) to 1-3 Garbage totes and 1-2 recycling totes, but no more than a total of 4 totes per unit, and

WHEREAS, there are Units that currently possess and/or use more than the new legal limited number of garbage totes, now therefore

BE IT RESOLVED, the Village is authorized to notify the Units out of compliance with the new Village Code, Section 198, that they will have 90 days to come into compliance, and

BE IT FURTHER RESOLVED, that for Business Units that have totes in excess of the new Village limit, the Village is authorized to offer to buy back up to four (4) totes in good and usable condition as determined by the Village Department of Public Works at a cost of $40.00 per tote, if a request is made by the Business Unit and within the 90 day compliance period.

The forgoing resolution was seconded by Trustee __________, and CARRIED.

Trustee Jakubowski -
Trustee Bukowiecki -
Trustee Hamernik -
Trustee Peterson -
Mayor Nikonowicz -
PERMISSION – FIRE DEPARTMENT

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

WHEREAS, Depew Fire Department West End Fire Dept Rescue #7 would like permission to drive the truck to the U Crest Fire Department, 255 Clover Pl, Cheektowaga, NY 14225 on Saturday March 2, 2019 at 8:00 AM and Tuesday March 5, 2019 at 6:00 PM for an extrication class.

WHEREAS, the overview and the safety portion of the class will be at U Crest Fire Hall and then the truck will be going to the hands-on portion of the course which will be held at LKQ Buffalo Auto Parts, 40 Hopkins St, Buffalo, NY. The hands-on portion will take place on the same dates.

And

WHEREAS, Depew Fire Department Engine #6 would like permission to drive the truck to the Elma Fire Department, 2945 Bowen Rd, Elma, NY 14059 on Saturday March 23, 2019 at 8:00 AM to 5:00 PM for an Emergency Vehicle Operators Course.

THEREFORE, BE IT RESOLVED: All of the above foregoing resolution was seconded by Trustee ___________ and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski -
Trustee Bukowiecki -
Trustee Hamernik -
Trustee Peterson -
Mayor Nikonowicz -

VILLAGE OF DEPEW
BOARD MEETING
March 11, 2019

Agenda Item # 12

___Approved ___Denied
PERMISSION – DEPEW FIRE DEPT

Trustee___________ offered the following resolution and moved for its adoption:

Permission is hereby granted to Aetna Hose Co to use the Southside Fire Station for their Company Installation Dinner Saturday April 6, 2019 from 5:00 PM–Midnight.

and

Permission is hereby granted to Aetna Hose Co to use the Southside Fire Station for the Annual Chicken BBQ on Saturday June 1, 2019 from 10:00 AM–10:00 PM.

and

Permission is hereby granted to Aetna Hose Co. to use the Southside Fire Station for their Children’s and Adult Christmas Party on Saturday December 7, 2019 from 10:00AM – Midnight.

All of the above foregoing resolutions was seconded by Trustee ___________ and  
CARRIED.