



MEETINGS TO DATE: 23  
NO. OF REGULARS: 23

### AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
March 28, 2016 7:00PM

#### ROLL CALL:

Trustee Jakubowski  
Trustee Bukowiecki  
Trustee Peterson  
Trustee Kucewicz  
Mayor Nikonowicz

#### PLEDGE OF ALLEGIANCE

INVOCATION – Rev Galen Purpura for St. John’s Lutheran

#### NOTIFICATION OF FIRE EXITS

APPROVE VILLAGE BOARD MINUTES March 14, 2016

APPROVE PLANNING BOARD MINUTES March 3, 2016

1. C & S Engineers, Inc. on behalf of Burgio & Campofelice, 2475 George Urban Boulevard- To develop the 19.27 acre site at 2475 George Urban Boulevard with a new 185,000 square foot warehouse building with employee parking and truck loading docks. The current zoning is M-1 Light Industrial. Tabled

#### PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Public Hearing – Local Law 1
2. Appoint Zoning Board Member
3. Adopt Local Law
4. Authorize Administrator to Advertise - Public Hearing Local Law 2
5. Authorize Administrator to Advertise - Public Hearing Local Law 3
6. Authorize Match Engineering Planning Grant
7. Authorize Mayor - Sign Engineering Agreement
8. Permission to attend school – Trustee
9. Permission Lancaster LHS Carnival Kids Steel Orchestra
10. Permission Lancaster Town Band
11. Permission Senior Center
12. Employment Applications: PD – Michael Petritz  
REC – Marisa Gosderk, Jessica Leach, Jacob Mlodozeniec, Daniel Mlodozeniec, John Mietus
13. Department Head Reports: Police Feb. 2016 report
14. Committee Reports:
15. Unfinished and Other Business
16. Public Concerns and Comments
17. Claims and Accounts
18. Adjournment

Village of Depew  
Notice of Public Hearing

Please take notice that the Village of Depew Board of Trustees passed a resolution at their March 14, 2016 Village Board meeting to conduct a public hearing in the Council Chambers of the Depew Municipal Building, 85 Manitou St, Depew NY on Monday March 28, 2016 at 7:00 pm.

The purpose of this hearing is to consider Local Law 1 of 2016 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, 2016 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, 2016 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, firm 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.

At said hearing all persons so desiring shall have the opportunity to be heard.

Maureen Jerackas  
Village Administrator

RESOLUTION

MARCH 28, 2016

**APPOINTMENT TO THE ZONING BOARD OF APPEALS**

I, Mayor Jesse Nikonowicz, pursuant to Village Law 7-712 (8) hereby appoint Paul Sprada 58 Argus Dr. Depew NY 14043, to the position of Member of the Zoning Board Appeals for a the remainder of the term. Said term to expire at noon on Monday, April 6, 2020, at a salary of \$16.00 per variance.

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

Trustee Jakubowski -  
Trustee Bukowiecki -  
Trustee Peterson -  
Trustee Kucewicz -  
Mayor Nikonowicz -

VILLAGE OF DEPEW  
BOARD MEETING  
MARCH 28, 2016  
**Agenda Item # 2**

Approved  Denied

**ADOPT LOCAL LAW #1 OF 2016 – TAX CAP OVERRIDE**

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 24, 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 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

**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:

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, 2016 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, 2016 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 following resolution was seconded by Trustee \_\_\_\_\_, and duly put to a roll call vote which resulted in the following:

- Trustee Jakubowski-
- Trustee Bukowiecki -
- Trustee Peterson -
- Trustee Kucewicz -
- Mayor Nikonowicz -

VILLAGE OF DEPEW BOARD MEETING MARCH 28, 2016
Agenda Item # 3
<input type="checkbox"/> Approved <input type="checkbox"/> Denied

**AUTHORIZATION TO ADVERTISE LOCAL LAW**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

WHEREAS, The Village Planning Board is composed of 5 members, and,  
 WHEREAS, The Village Planning Board has had to cancel or postpone meetings due to absences, resignation and conflicts of interest of Board Members, and,  
 WHEREAS, The Village wishes to provide for alternate members of the Village Planning Board who may act in the place of members who are absent for any reason, and  
 WHEREAS, the Village Law of the State of New York section 7-718 (16) allows for the appointment of alternate Planning Board members by the Board of Trustees through a local law to that effect;

BE IT RESOLVED,

1. That the Village Administrator is authorized to advertise for a public hearing to be held on a law to be established by the Village of Depew as follows:

**LOCAL LAW NUMBER 2: ESTABLISHMENT AND APPOINTMENT OF ALTERNATE MEMBER OF PLANNING BOARD OF APPEALS**

1. The Village Board of Trustees hereby establishes one (1) position of Alternate Planning Board of Appeals member for the purposes of substituting for a member if the member is unable to attend due to vacation, illness, conflict of interest, resignation or any other reason;
2. The alternate member shall be appointed by the Mayor, subject to the approval of the Board of Trustees for a term established by the board of trustees;
3. After appointment of an alternate member, the Chairman of the Planning Board of Appeals shall designate the alternate member to substitute for the absent member, and such designation shall be for one specific meeting only, but may be renewed on a meeting by meeting basis; When so designated the alternate member shall possess all of the powers and responsibilities of such member of the board; Such designation shall be entered into the minutes of the at the initial Planning Board of Appeals meeting at which the substitution is made.
4. All provisions relating to Planning Board of Appeals training, continuing education, attendance, conflict of interest, compensation for individual meetings attended, eligibility, vacancy in office, removal and service on other boards, shall also apply to the alternate member.

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

Trustee Hammer  
 Trustee Bukowiecki  
 Trustee Peterson  
 Trustee Kucewicz  
 Mayor Nikonowicz

<p>VILLAGE OF DEPEW          BOARD MEETING          MARCH 28, 2016</p> <p>Agenda Item # 4</p> <p>___Approved ___Denied</p>
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**AUTHORIZATION TO ADVERTISE LOCAL LAW**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

WHEREAS, The Village Zoning Board is composed of 5 members, and,  
 WHEREAS, The Village Zoning Board has had to cancel or postpone meetings due to absences, resignation and conflicts of interest of Board Members, and,  
 WHEREAS, The Village wishes to provide for alternate members of the Village Zoning Board who may act in the place of members who are absent for any reason, and  
 WHEREAS, the Village Law of the State of New York section 7-712 (1) allows for the appointment of alternate Zoning Board members by the Board of Trustees through a local law to that effect;

BE IT RESOLVED,

1. That the Village Administrator is authorized to advertise for a public hearing to be held on a law to be established by the Village of Depew as follows:

**LOCAL LAW NUMBER 3: ESTABLISHMENT AND APPOINTMENT OF ALTERNATE MEMBER OF ZONING BOARD OF APPEALS**

1. The Village Board of Trustees hereby establishes one (1) position of Alternate Zoning Board of Appeals member for the purposes of substituting for a member if the member is unable to attend due to vacation, illness, conflict of interest, resignation or any other reason;
2. The alternate member shall be appointed by the Mayor, subject to the approval of the Board of Trustees for a term established by the board of trustees;
3. After appointment of an alternate member, the Chairman of the Zoning Board of Appeals shall designate the alternate member to substitute for the absent member, and such designation shall be for one specific meeting only, but may be renewed on a meeting by meeting basis; When so designated the alternate member shall possess all of the powers and responsibilities of such member of the board; Such designation shall be entered into the minutes of the at the initial Zoning Board of Appeals meeting at which the substitution is made.
4. All provisions relating to Zoning Board of Appeals training, continuing education, attendance, conflict of interest, compensation for individual meetings attended, eligibility, vacancy in office, removal and service on other boards, shall also apply to the alternate member.

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 Peterson  
 Trustee Kucewicz  
 Mayor Nikonowicz

<p>VILLAGE OF DEPEW          BOARD MEETING          MARCH 28, 2016</p> <p>Agenda Item # 5</p> <p>___Approved ___Denied</p>
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**Authorization and Appropriation of Local Match (20% local match)**

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

**BE IT RESOLVED**, that the Village authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the village of Depew Engineering Study for the comprehensive evaluation of I/I within the sewer collection system. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to be the Mayor shall not exceed \$78,000 based upon a total estimated maximum project cost of \$178,000.00. The Mayor may increase this local match through the use in kind services without further approval for the Village of Depew.

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 Peterson -  
Trustee Kucewicz -  
Mayor Nikonowicz -

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2016

**Agenda Item # 6**

\_Approved \_\_\_ Denied

**AUTHORIZE MAYOR TO SIGN ENGINEERING SERVICES AGREEMENT**

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

**WHEREAS**, Engineering services are needed for an I/I study

**WHEREAS**, GHD, 285 Delaware Ave, Suite 500, Buffalo, NY 14202, is the villages current Engineering services provider

**NOW THEREFORE BE IT RESOLVED**, that Mayor Jesse Nikonowicz, is authorized to sign the Professional Engineering Services Agreement in relation to NYSDEC/ EFC Planning Grant #55086

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 Peterson -
- Trustee Kucewicz -
- Mayor Nikonowicz -

<p>VILLAGE OF DEPEW          BOARD MEETING          March 28, 2016          Agenda          Item #7</p> <p>__Approved __Denied</p>
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RESOLUTION

March 28, 2016

**PERMISSION SEMINAR**

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

**BE IT RESOLVED**, permission is hereby granted to Kevin Peterson, Village Trustee, to attend the New York Conference of Mayors on Sunday May 1 through Tuesday May 3, 2016 in Saratoga, NY. The cost of the school is \$275.00. Use of a village vehicle is authorized.

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

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2016

Agenda Item # 8

\_\_\_Approved \_\_\_Denied

RESOLUTION

March 28, 2016

**PERMISSION – LANCASTER TOWN BAND**

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

Permission is hereby granted to the Lancaster High School Carnival Kids Steel Orchestra to use Veterans Park Gazebo on Thursday July 28, 2016.

Permission is also granted for use of electric power and use of restrooms at the Southside firehall.

The foregoing resolution was seconded by Trustee \_\_\_\_\_ and **CARRIED.**

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2016  
Agenda Item # 9

\_\_ Approved \_\_ Denied

RESOLUTION

March 28, 2016

**PERMISSION – LANCASTER TOWN BAND**

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

Permission is hereby granted to the Lancaster Town Band to use Veterans Park Gazebo on the following date for their 71<sup>th</sup> concert series on Thursday, July 14<sup>th</sup> and August 4, 2016

Permission is also granted for use of electric power and use of restrooms at the Southside firehall.

The foregoing resolution was seconded by Trustee \_\_\_\_\_ and **CARRIED.**

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2016  
Agenda Item # 10

\_\_ Approved \_\_ Denied

RESOLUTION

March 28, 2016

AUTHORIZE USE OF SENIOR CENTER FOR BOY SCOUTS

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

WHEREAS, the Boy Scout of America Pack 500 has a normal meeting place, and

WHEREAS, their normal meeting place is not available on an occasion, and

WHEREAS, the Boy Scouts would like to use the Senior Center for this specific meeting; now

BE IT RESOLVED, that the Boy Scouts of America Pack 500 is given permission to utilize the Depew Senior Center for a meeting on Friday, April 15, 2016 from 6 to 8:30PM

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

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2016  
**Agenda Item # 11**

\_\_\_Approved \_\_\_Denied