

MEETINGS: 6
NO. OF REGULAR: 5

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
June 13, 2016

INVOCATION was performed by Father David Borowiak of St. Phillip the Apostle Church.

ROLL CALL: Trustee Jakubowski
Trustee Bukowiecki
Trustee Peterson
Trustee Kucewicz
Mayor Nikonowicz

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Bukowiecki, the May 23, 2016 Village Board Minutes were approved.

ON A MOTION BY, Trustee Kucewicz, and seconded by Trustee Peterson, the May 26, 2016 Zoning Board Minutes were accepted.

1. Joseph Momot- 0 South Kokomo Street to permit him to construct a new single family home on a non-conforming lot. Approved
2. Kevin Nowak- 328 Olmstead Ave. to permit him to increase a non-conforming use by adding 1 residential unit. Tabled
3. Michael Adolf- 476 Terrace Boulevard - to permit him to increase a non-conforming use by adding a dwelling with insufficient parking. Approved

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dan Beutler – 26 Tyler Street – Asked the how many part-time seasonal Recreation employees are being hired tonight.

James Ramsey – Recreation Director – responded that six employees are being added.

Gabrielle Miller – 61 Olmstead – Questioned the last meeting minutes (#10 Permission to Sign Insurance). When does the insurance go into effect?

Kevin Peterson – Insurance goes into effect on June 1, 2016.

Gabrielle Miller – Asked why the permission from the boot drive was being voted on tonight when the fundraiser had already taken place on June 6, 2016? She asked if permission was given to the Fire Department from NYS to have in the street, was it a problem during rush hour traffic, and questioned safety?

Mayor Nikonowicz – The entire Board was polled before the event and all agreed it was ok, and voting on it tonight was just a matter of technicality.

Stan Carwile – Police Chief – The Police Department was notified of the Boot Drive and given a map of the Fire Department collection locations. He said the Boot Drive was not a concern because it is the same as the Buffalo News doing their Kid's Day Fundraiser's. The Drive went without incident.

Gabrielle Miller – Asked how much money was made during the Boot Drive and if a Fire Department Treasurer report is available to residents? Questioned where the money goes when the Fire Department goes door to door, or sends donation requests via mail.

Fire Chief Scott Wegst – Responded that a Fire Department Treasurer report is available to the public via FOIL requests to the Fire Department. He also explained that the Fire Department's entire Fire Prevention Program, which entirely is funded by their fundraisers. During the Boot drive they took extra precautions and safety was their highest priority. They added warning lights, approved safety vests and signs to help aid in the added safety.

APPOINT PT SUMMER RECREATION PROGRAM

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz, do hereby appoint the following to the summer recreation program

See attached List

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

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING FOR CELL TOWERS (UPSTATE TOWER AND BLUEWIRELESS)

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for public hearing to discuss Cell Towers on Village Land, specifically Upstate Towers/ Blue Wireless to take place on Monday June 27, 2016 at 7PM in the council chambers.

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – SIDEWALKS Warsaw, Bloomfield, Calumet; SIDEWALKS AND SEWERS in the S. Bellevue, S. Ellington, S. Cayuga area

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for bids for the Community Development Sidewalk Improvement Project (Lancaster Side), date will be set once the bid package is completed.

ALSO, BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for bids for the Community Development Sidewalk/Sewer lining Improvement Project (Cheektowaga side), date will be set once the bid package is completed.

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

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

PERMISSION OUTDOOR MUSIC

Trustee Jakubowski, 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 May 25, 2016 for one man bands and acoustic music on the patio through the months of June - August on Fridays (excluding July 1st and August 5th for a total of 9 Fridays) from 7 pm until 10pm; 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 Bukowiecki and duly put to a roll call vote which resulted in the following:

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

DPW GRASS CUTTING

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

WHEREAS, the village is encountering numerous vacant and foreclosed homes in the village and orders to remedy have been issued to the property owner on record;

WHEREAS, the high grass is a nuisance to neighbors and attracts rodents;

BE IT RESOLVED, permission is granted for the Department of Public Works to mow any village property that is not mowed by the due date on the order to remedy and the cost of said mowing(s) will be attached to the village tax bill for that property.

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

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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Tony Fischione, Code Enforcement Officer, to attend the Erosion and sediment Control Workshop for the WNY Stormwater Coalition MS4 Staff on June 28, 2016 in Cheektowaga, NY. The Seminar is no charge. Use of village vehicles is authorized.

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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Scott Wegst, Fire Chief, to attend the NYS Association of Fire Chiefs Conference on Friday June 17, 2016 in Verona NY. There is no cost of entrance to the village. Use of a village vehicle is authorized.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department for their Fill-the Boot Fundraising effort on June 6, 2016 from 3:30pm till 7:00 pm at various intersections in the Village.

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

PERMISSION – MEMBERSHIP DEPEW FIRE DEPARTMENT

Trustee Kucewicz, 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 his physical:

Depew Hose Company #1

Edward Nowak
113 Olanta Street
Depew, NY 14043

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

PERMISSION – MEMBERSHIP DEPEW FIRE DEPARTMENT

Trustee Bukowiecki, 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 his physical:

Depew Cayuga Hose Company #3

Edward Kolb
38 Rogers Drive
Depew, NY 14043

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

PERMISSION – MEMBERSHIP DEPEW FIRE DEPARTMENT

Trustee Peterson, 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 his physical:

Depew Central Hose Company #4

Anthony Logowski
84 Crane Street
Depew, NY 14043

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

PERMISSION – MEMBERSHIP DEPEW FIRE DEPARTMENT

Trustee Jakubowski, 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 his physical:

Depew Central Hose Company #4

Scott Wenneman
384 Olmstead Ave
Depew, NY 14043

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

EMPLOYMENT APPLICATIONS

Recreation Department – DPW – Andrew Gee, Code Enforcement – Daniel Dombrowski, Recreation – Andrew Garbacz, Anastasia Snuszka, Sarah Bagley

DEPARTMENT HEAD REPORTS

DPW – Phil Fleck – None.

Recreation – James Ramsey – Getting ready for their season to begin. The Pools open on June 26, 2016. This year the Erie County Mobile Library will be visiting Fireman’s Park on July 8th & 22nd, and August 12th from 11am – 2 pm (free of charge). All information will be updated on the webpage and flyer are available to take home.

Kevin Peterson added that the following concerts will take place at Veteran’s Park at 7:30pm. On July 14th is the Lancaster Town Band, July 28th Carnival Kids Steel Orchestra, and August 4th is the Lancaster Town Band again.

Code Enforcement – Anthony Fischione – None.

COMMITTEE REPORTS

No reports.

UNFINISHED AND OTHER BUSINESS

None.

PUBLIC CONCERNS AND COMMENTS

Dave Burkhardt – 5 Autumn Lea – Wanted to compliment the Recreation Department. His family rented the shelter at Fireman’s Park. Everything was clean and the grass was cut. His family complimented him on picking that location.

Joan Priebe – 15 Howard Lane – She confirmed that she was the one starting the petition for referendum to dissolve the Village. She spoke about how the Departments do a great job, but the Village’s resources are limited. It’s hard to keep the taxes down and keep people happy. She feels it’s time to let the people decide. Towns will have better resources, and Governor Cuomo says that Villages have become obsolete. Government has changed. She said the Village should want find out what the people really want.

Dan Beutler – 26 Tyler Street – Questioned what is going on with 3322 Walden Avenue?

Kathleen McDonald – Village Attorney – Answered that the DEC has told us that over 200 barrels of materials have already been removed and that only 10 remain. After speaking with Tony Fischione it was confirmed that there are more than 10 barrels remaining. She will be contacting the DEC on Wednesday morning, and requesting them to send a letter to sign off that the project is complete so we can move forward.

Dan Beutler – What action will happen after the DEC is complete?

Kathleen McDonald – After the DEC is done, the Village will put the Demolition of the Building out to bid. After the Bid is accepted and the Building is demolished, the bill will be added to that parcel's tax bill. She expects the cost to be equal or exceed the cost of the property.

Dan Beutler – Spoke to Phil Fleck and told him the steam shovel at Lincoln and Elliot is finally gone.

Dan Beutler – Questioned what is going on with the DEC and the Creeks?

Mayor Nikonowicz – At the next Village Pre-Board Meeting, a representative from the DEC will be here to speak for a half hour regarding the levies on Cayuga Creek and the new mapping.

Dan Beutler – Will Blue Wireless be presenting at the pre-meeting or the regular Board Meeting? Will the 5 minute time limit for comments be extended for this special hearing, as he has many questions?

Mayor Nikonowicz – The hearing will be at the regular Board meeting and the 5 minute limit stands.

Gabrielle Miller – 61 Olmstead Avenue – Would like an update in the legal costs for the labor attorney who is doing contract negotiations, and other matters such as litigation regarding police and a fire department member, or is our Village Attorney taking care of those matters? Wanted to know if there are rules for Fire Department members who are on Worker's Compensation or disability, as to what they may or may not do? She inquired as to where Maureen was, and if it was training where it was and what the training was for. Questioned the FOIL request she received for the information on the PO Box that the Village opened. She has banking contacts at M & T that say having a PO Box at the Post Office location on William Street is not necessary, and she would like to see paperwork on that.

Mayor Nikonowicz – Said that Maureen was indeed in training and it was at Lake Placid. The training was the one that they approved at the last Village Board Meeting but did not have the info in front of him at this time.

Irv Reinig – 380 Columbia Avenue – Spoke about the Referendum for dissolution petition. The petition is only calling for a referendum. In 2009 a law was enacted to allow voters to have a say. The intent is not to say the Village is bad, except there is increased debt and an increase in taxes. He thinks the Board should sign the petitions to give the voter's a chance to decide.

Irv Reinig – It was reported at the last meeting why the tax rate was changed at the last meeting was because the assessed values in Lancaster went to 98%. He went back and looked at the tentative budget submitted in March and there were 2 different tax rates, one for Cheektowaga and one for Lancaster, the difference was the 98%. When the adopted budget was passed there were again 2 different tax rates for Lancaster and Cheektowaga and the difference was 98%, so he was not sure why that statement was made. It appears to him that the tax levy was not correct in the adopted budget. Asked the Board to go back and look at the tentative budget.

Irv Reinig – Asked where the Village stands with the Depew Landfill several meeting back, and Village was supposed to look into it. He questioned if anyone had done so.

Mayor Nikonowicz – Explained how there are 2 landfills, the one that Irv was speaking about was the DPW property where they used to burn refuse. The one up the road is near Twin Village Salvage and that is not the one we are speaking about. The remediation work where the DEC completed work is going to be buried at the DPW site. The remainder beyond Cayuga Creek heading West, going to build an access road further up on Broadway back to Creek and remove the remainder of the contaminated material to a landfill somewhere else.

Irv Reinig – His question was what is the Cost?

Mayor Nikonowicz – Funding is being done by the superfund, whether or not they come back at the Village, we do not have an answer for that. They do have a right to do it though. They do not have an answer yet.

Irv Reinig – Has anyone inquired recently about this?

Mayor Nikonowicz – Yes, but haven't gotten an answer yet.

Irv Reinig – Did they indicate the cost to date and what they expect final cost to be?

Phil Fleck – DPW Superintendent - We do not have that information yet.

Len Loos – 75 Olmstead Avenue – What are the new Cell Tower locations?

Mayor Nikonowicz – The sites removed from the list are the West End Fire Hall Locations, and Olmstead Avenue. Instead of the West End we are looking at a location at the end of Taylor Road. The new site for Olmstead is not available because it is still in the works, but it will be near another cell tower and away from houses.

Christ Kelchlin – 68 Eagle Terrace – Wanted to thank the Fire Department for putting the flag at half-staff in honor of the Orlando tragedy, and requested Village Hall have the same courtesy. Is there information that can be shared in regards to Blue Wireless? Where there any environmental studies done? Questioned whether the Village has plans to have other carriers present? Such as he does when getting a quote for things such as a garage roof?

Mayor Nikonowicz – Spoke about the position of the antennas on the tower, that the Village will have priority on the top, blue wireless will have on and there will be 2 more. Blue wireless is the only one that approached the Village, Dan Nevereth said that Blue Wireless was the best carrier for our blackout issues. Blue Wireless met with the Police and Fire.

Gabrielle Miller – Read a letter that was addressed to her and dropped off at her home on behalf of Lisa Mills, 88 A Street. She is requesting that a dead end sign be moved to the beginning of the street so people stop driving all the way down and then have to turn around.

Joan Priebe – 15 Howard Lane – Questioned if the Board had answered any of Gabrielle Miller's questions that she asked before?

Mayor Nikonowicz – The issue with the sign on A Street has been addressed. He also told Ms. Miller that if she gives him a list of her questions, he will answer them before the next Board Meeting and she is more than welcome to read the answers off at the next meeting.

Paul Sprada – 58 Argus Drive – Wants to make everyone aware that the Boys and Girls Club are having an open house on Wednesday.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz, seconded by Trustee Bukowiecki, the following claims are to be paid: General \$278,540.73, Capital Projects \$2,107.50, Total Amount \$280,648.23, **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Peterson, seconded by Trustee Jakubowski, the meeting was adjourned at **7:51 PM** on honor of the Tops on Rehm Road's grand re-opening tomorrow, and in honor of the Orlando Victims with a moment of silence to follow. The motion was **CARRIED.**

Respectfully submitted,

Carmi Poss
Deputy Clerk