

MEETINGS: 11  
NO. OF REGULAR: 10

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
September 12, 2016**

**INVOCATION** was performed by Pastor Christopher Baldwin of The Vine Church.

**ROLL CALL:** Trustee Jakubowski  
Trustee Bukowiecki  
Trustee Peterson  
Deputy Mayor Kucewicz  
Mayor Nikonowicz - Absent

**ON A MOTION BY**, Trustee Jakubowski, and seconded by Trustee Bukowiecki, the August 22, 2016 Village Board Minutes were approved.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

Dan Beutler – 26 Tyler Street – Said he’s glad that a Village resident was getting hired for the position at the Recreation Department. Is the request for assistance with NYSDOT in conjunction with Cheektowaga or with Lancaster also?

Deputy Mayor Kucewicz – The NYSDOT is a separate request from this board. There is one that we are all doing together, but this one is the Village request.

Dan Beutler – 26 Tyler Street – Will this be including moving of sewers, he thought it was for removing of 3 bridges and widening Transit Road.

Deputy Mayor Kucewicz – There are a lot of things on the table right, but unfortunately the funding is not on the table yet. This is a request to make sure we have the funding to do all the things we need in regards to Transit Road.

Dan Beutler – 26 Tyler Street – While you were Mayor (Bob Kucewicz), they held a hearing at Depew Schools, the road was an open path and he would request from this Board to express to our congressman, because they are the ones that shot it open and the money went south.

Deputy Mayor Kucewicz – Everything was engineered for it originally, then somewhere along the line, the then governor took it off the table, and we got shot down on that. It was totally engineered, and we went back after them, but we definitely need to get together again. We will continue, and go after the towns to help us with that.

**APPOINT PART TIME LABORER – RECREATION**

Pursuant to Section 4-400 of Village Law, I Deputy Mayor Robert Kucewicz, do hereby appoint Kevin Fusani, 343 Canton Street, Depew, NY 14043 to the position of Part Time Laborer, effective September 13, 2016 at a rate of 10.92 per hour.

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

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

**ADOPT LOCAL LAW #4 OF 2016 – Emergency Services Cost Recovery**

Trustee Peterson, 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 August 22, 2016 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 Emergency Services Cost Recovery to the Village Law of the State of New York section 106-10.

**WHEREAS**, all persons were given an opportunity to speak for or against this local law;

**WHEREAS**, the proposed local law to be adopted is as follows:

1. Program Established.

The Village hereby establishes a cost recovery program which allows the Village to be reimbursed, to the extent legally permissible, by those utilizing emergency services provided by the Fire Department. The fees are established in the fee schedule in part 2.

2. Fee Schedule.

The following fee schedule shall apply to the Fire Department cost recovery program established in paragraph 1 of this chapter.

A. Hazard control/Cleanup, minor: \$145.00

1. Minor spill control
2. Fire hazard precautions
3. Scene safety
4. Battery disconnects
5. Debris Cleanup

B. Hazard control/ Cleanup, major: \$360.00

1. Significant spills resulting from tank leaks or ruptures
2. Major fire hazard precautions
3. Vehicle stabilization procedures
4. Vehicle disentanglement.

C. Heavy Rescue Service: \$585

1. Patient extrication procedures requiring the use of hydraulic, pneumatic or electric power tools.
2. Multiple patient removal and/or treatment that requires extended on scene time and extra personnel.

D. Hazmat Response.

1. Hazardous material control/ standby: \$400.00 to \$1,050.00
  - a. Incidents involving commercial trucks, vans and motor carriers
  - b. Large amounts of spilled or released product.
  - c. Requires extra personnel and equipment response for an extended period of time.
2. If a DEC number is issued for a spill, the responsible party will be billed directly (not the auto insurance) for the actual costs, including costs to other departments and agencies. In this situation, if there is a need for other types of service, then the auto insurance agency may be billed also.

E. Fire Suppression.

1. Motor vehicle fire suppression and extinguishment \$150.00
  - a. Auto Fires
  - b. Heavy equipment fires.
  - c. Auto fires requiring extinguishment with foam or wetting agent shall include the \$150.00 fee listed in this part, plus reimbursement for replacement of commodities or equipment used or damaged up to \$200-\$2,000.
2. Fire extinguishment in structures
  - a. Fire extinguishment in a structure that requires foam or wetting agent will include reimbursement for replacement value of agents or commodities used or damaged from \$200 up to \$5,000.
  - b. Fire Extinguishment in a commercial structure that requires foam or a wetting will include reimbursement for replacement value of any agents or commodities used or damaged from \$500 up to \$5,000.

3. Equipment repair or replacement
  - a. Structure or auto fires that as a result of firefighting operations cause damage to equipment, apparatus, and personal protective equipment shall be billed the actual cost of replacement or repair to the insurance agency.

3: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

**NOW THEREFORE, BE IT RESOLVED**, this local law is hereby adopted.

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

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

#### **AUTHORIZE ADDITION TO STREET INVENTORY**

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

**WHEREAS**, the Village of Depew Department of Public works, has a street inventory for village streets;

**WHEREAS**, the DOT has reviewed the Street inventory and found portions that need to be added;

**NOW THEREFORE BE IT RESOLVED**, that the street inventory will be increased .2 miles for A Street, from Broadway to the dead end and 1.17 miles on Terrace from the dead end to Calumet Street

**BE IT FURTHER RESOLVED**, that the Village will maintain and are legally responsible for these portions of streets, as they are a public right of way.

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  
Deputy Mayor Kucewicz - Yes  
Mayor Nikonowicz - Absent

#### **AUTHORIZE MAYOR TO SIGN JUSTICE COURT GRANT APPLICATION**

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

**WHEREAS**, the State of New York Unified Court System is offering a Justice Court Assistance Program with grants available up to \$30,000 and Judge Willis would like to apply for this program,

**BE IT RESOLVED**, Mayor Jesse Nikonowicz and the Board of Trustees hereby approve this application and Mayor Jesse Nikonowicz is authorized to sign the Justice Court Assistance Program Grant Application.

The following 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  
Deputy Mayor Kucewicz - Yes  
Mayor Nikonowicz – Absent

**AUTHORIZE MAYOR TO SIGN IMPERIAL DOOR CONTROLS, INC**

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

**WHEREAS**, the Village of Depew has utilized Imperial Door Controls Inc. for our automatic door services;

**NOW THEREFORE BE IT RESOLVED**, that Mayor Jesse Nikonowicz is authorized to sign the one year agreement in the amount of \$720.00.

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

Trustee Jakubowski - Yes  
Trustee Bukowiecki - Yes  
Trustee Peterson - Yes  
Deputy Mayor Kucewicz - Yes  
Mayor Nikonowicz – Absent

**PERMISSION SEMINAR**

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

**BE IT RESOLVED**, permission is hereby granted to Phillip Fleck, Superintendent - DPW, to attend the NYCOM Public Works Training on Sunday October 16 – Wednesday October 19 in Geneva, NY. The cost of the school is \$255.00. Use of a village vehicle is authorized.

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

**PERMISSION SEMINAR**

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

**BE IT RESOLVED**, permission is hereby granted to Ryan Paoella, Code Enforcement Officer, to attend the Code Enforcement Basic Training Program October 11-13, November 29- December 1, and December 19 -21 in Cheektowaga, NY. The Seminar is no charge. Use of village vehicles is authorized.

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

**REQUEST FOR ASSISTANCE AND FUNDING**

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

**WHEREAS**, the Depew Village Board has reviewed the minutes of a meeting between Depew Mayor Jesse Nikonowicz; New York State Department of Transportation representatives (Region 5) Darrell F. Kaminski P.E., Regional Director; Patrick Meredith, Assistant Commissioner; Ramsey E. Kahi, P.E.; Sanjyot S. Vaidya P.E.; Lynn Marinelli on behalf of Empire State Development and local business owner Marc Shuttleworth on behalf of Depew business property owners along NYS Route 78 (Transit Road) Between Gould Avenue and Walden Avenue in the Village of Depew; and

**WHEREAS**, The Village Board has determined that DOT infrastructure investments made to adjacent sections of Transit Road, while improving the roadways, brought other public safety concerns to this section of Transit Road; and

**WHEREAS**, the Village Board has expressed their concern that emergency responders are unable to safely and quickly navigate this corridor, particularly in peak transportation times. This section lacks adequate turning lanes and shoulders, and does not allow for other vehicles to move over in order for emergency vehicles to pass, further slowing response time and ultimately endangering the health and well-being of residents; and

**WHEREAS**, the Village Board also expressed concern that inadequate space on the road forces plowed snow onto the adjoining sidewalks, causing slippery and dangerous conditions both on the sidewalk and in the road, further endangering the health and welfare of pedestrians and requiring additional maintenance effort and expense to the Village; and

**WHEREAS**, The Village Board has also expressed their concern with the ingress and egress of various businesses along this corridor that is hampering economic activity.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Depew request assistance and funding from the NYSDOT (Region 5), Governor Andrew Cuomo, and Empire State Development for infrastructure improvements currently being proposed, including expansion of the current roadway, to resolve public safety concerns, promote commerce and improve walkability in the Village of Depew.

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

Trustee Jakubowski - Yes  
Trustee Bukowiecki - Yes  
Trustee Peterson - Yes  
Deputy Mayor Kucewicz - Yes  
Mayor Nikonowicz – Absent

Deputy Mayor Kucewicz – Requested that we send this resolution to the following: Federal, State, Lancaster, Cheektowaga, Governor Cuomo & Erie County (Erie County added later in the meeting) in regards to this matter.

### **EMPLOYMENT APPLICATIONS**

None.

### **DEPARTMENT HEAD REPORTS**

Recreation – James Ramsey – The Cheektowaga sports court that was set up in the ice rink made over \$10,000 and went off without a hitch. The pools are now closed for the season. They are in the process of making ice and the rink will open on Sunday. The Erie County Mobile Library that visited Fireman’s Park went fantastic and will be visiting the Boys and Girls Club over the winter months.

Code Enforcement – Anthony Fischione – None.

### **COMMITTEE REPORTS**

Deputy Mayor Kucewicz – Attended the Annual Depew Fire Department Inspection dinner this past Saturday. He would like to publicly thank & congratulate the following firefighters on their accomplishments:

Jim Nusall – 45 years of service  
John Garbacz – 45 years of service  
Bob Brotz – 55 Years of Service

Also, a reminder that Central Hose #4 Company is having their annual Polish Dinner this Saturday, September 17<sup>th</sup> at the Northside Fire Hall. Tickets are still available.

Trustee Peterson – Wants to thank Mayor Nikonowicz & Village Trustee's for the support of the mobile food pantry. Nine – ten pallets of food was distributed to approximately 100 residents of Depew and Lancaster. They will be in the Senior Center parking lot the 1<sup>st</sup> Saturday of every month, with the exception of December & January, where they will be held inside the Depew Senior Center.

## **UNFINISHED AND OTHER BUSINESS**

None.

## **PUBLIC CONCERNS AND COMMENTS**

Phil Thomson – 29 Caroline Lane – Questioned when the vote will be had in regards to dissolving Depew. He has many concerns. Is there a time limit on how long petitioners can collect signatures? If it comes to a vote will a meeting be held to say what residents will be gaining and vice versa?

Deputy Mayor Kucewicz – There is no time limit on the petitions. At this time nothing has been submitted by the petitioners.

Trustee Peterson – On October 6, 2016, NYCOM Attorney representative Wade Beltramo will be here for a meeting to go over any questions and concerns in regards to Village Dissolution. He is an unbiased party and has been involved in many Village's across the state, and will show both sides. The meeting place will be announced on the Village website along with the Depew Bee.

Chris Kelchin – 68 Eagle Terrace – It was reported in the Bee that the fire truck damage was \$9000.00, does that come out of the taxpayers pocket or what is the process involved?

Scott Wegst – Fire Chief – Gave an example of a fire at Casey's Salvage from the other day, and they have already made contact with Casey to see how they are going to go about getting paid.

Chris Kelchin – 68 Eagle Terrace – So the initial hit will come out of the taxpayer dollars, and then will be put back after it goes through insurance?

Scott Wegst – Fire Chief – If the insurance company deems it. The fire at Broadway and Calumet, we submitted \$2600.00 for the cost of the foam, but they never covered it.

Chris Kelchin – 68 Eagle Terrace – So just any kind of insurance claim, some may be covered and some may not.

Scott Wegst – Fire Chief – Confirmed that was correct.

Emily Thompkinson – 672 Terrace Boulevard – Runs St. Lawrence Spa out inside of Shannon Connors Fitness on Transit Road. She would like to walk to work, but feels as though as it's unsafe, but sees that everyone agrees that is it not really safe. She is here with the sister and friend of Marianne Annibali, who was hit on Walden Avenue last week. The expansion of Transit Road will be a wonderful thing, but stated that a speed limit change on Walden Avenue going towards Transit might be helpful. The speed limit is 40 and if it was lowered to 30 it may enhance the image of Depew to make it a little more of a friendly Village. Business owners like herself are more than willing to get involved.

Deputy Mayor Kucewicz – We are working on Transit Road, Walden is a State Highway, and will bring to their attention that you think the speed is too fast there.

Dan Beutler – 26 Tyler Street – Questioned the progress on the Quonset hut.

Tony Fischione – Code Enforcement – There has been some progress, the attorneys have been in discussion, but obviously our attorney is not here to speak. Photos were sent to the DEC and were also sent to Erie County's Water Quality Committee, which he believes will spur some action, but as of right now we have not heard a response unless Kathleen has heard something. Things are going back and forth but he himself has not heard about the next step yet.

Dan Beutler – 26 Tyler Street – Do they still have the same 30 barrels?

Tony Fischione – Code Enforcement – The DEC is who told them that there are 30 barrels left, but himself and Mayor Nikonowicz went there personally and confirmed there are more than 30 barrels, probably around 50 or so left.

Dan Beutler – 26 Tyler Street – The roof has a hole in it, the rains were heavy the other night, is there any leakage out of there?

Tony Fischione – Code Enforcement – Yes, those were some of the photos that he forwarded to the DEC, they wanted evidence that petroleum products were leaving the site.

Dan Beutler – 26 Tyler Street – Did the photos confirm that?

Tony Fischione – Code Enforcement – The rainbows were flowing.

Dan Beutler – 26 Tyler Street – Does it flow down Lincoln Street?

Tony Fischione – Code Enforcement – No, it actually flows down Walden Avenue.

Eric Mucha – Moved back to Depew and years ago in 2000 there was a comprehensive plan, are there any plans in the works to update it at this time?

Deputy Mayor Kucewicz – Not immediately, no, but we can sit down and discuss over a cup of coffee any ideas you have. You were a City Planner, so we can see if we can utilize your area of expertise. Plans in the works to get schedules to matched up in order to meet next week.

Paul Sprada – 58 Argus Drive – Wanted to thank Phil Fleck at DPW for all the crosswalk striping throughout the Village, in particular the ones at Argus & Krieger he did after it was mentioned after the last meeting. It was promptly done the very next day. He is also very happy about the striping of the double yellow line down French Road from Transit to OLBS School, which ironically happened to be the anniversary of the fatal accident that happened last year involving Carol Dion. He also wanted to thank Trustee Peterson for the 3 concerts that were held this summer at Veterans' Park and hopes we will continue them this summer. In particular the Carnival Kids.

Trustee Peterson – We are working on it and interviewing new talent as we speak. The Carnival Kids are already signed.

The Carnival will be playing from 11-1 at the grand opening of the expanded parking lot for the Lancaster Library. Spoke about the Zombie properties, and received 2 letters and wanted to pass copies of them along to the Village Administrator & Building Department. One letter was from Ocwen Loan Servicing and the other was from NYS Department of Financial Services, both in regards to 47 Argus Drive. The State is trying to do as much as they can.

Deputy Mayor Kucewicz – They aren't doing as much as they can if the Legislature doesn't approve what goes through. There was talk for the last 3 year of laws going through that would help us, not completely solve the problem, but help us with the problem, but both times they were shot down. He believes the banking industry has some very good lobbyists.

Trustee Peterson – Questioned Tony how many houses we have on the list?

Tony Fischione – Code Enforcement – The legislation did go through this time, he thinks in takes full affect in December, maybe the 22<sup>nd</sup>? Through the Department of Finance, we can start hitting them up for as much as \$500 per day for failure to comply, Compliance in terms of property maintenance. They no longer can just hold the mortgage, but it forces them to maintain upkeep on the properties that are confirmed vacant. This legislation will help us a little more than it has in the past. At least now we can force them to maintain and make repairs.

Trustee Peterson – Do you know what the process will be for this?

Anthony Fischione – Code Enforcement – It will be the notification process but it forces them to notify us about a property that may be coming up for foreclosure. He explained the process for notification in regards to the NYS Property Maintenance Code, and how we must wait until the grass reaches 10 inches. Every day that we can prove then being non-compliant, we can hit them for \$500 a day. It's not so much for the grass, but more for deteriorating roofs and such.

Gabrielle Miller – 61 Olmstead Avenue – Would like to report the good news that 40 Olmstead is no longer a zombie house and has been demolished. It looks so much better, they are very happy. Requested that we send a copy of the resolution for the request for assistance and funding from NYSDOT to Erie County also. Boys and Girls Club looks fantastic, and they do offer it for rent if anyone is looking.

Phil Thomson – 29 Caroline Lane –What has to be done to get a sidewalk repaired? He has tried for 3 years and Tony knows about it, but he’s not putting the blame on him. It’s a huge hazard.

Tony Fischione – Code Enforcement – Ryan Paoella will be sending out appearance tickets in regards to the property and to get a judgement.

Deputy Mayor Kucewicz – Once it goes to court and we get a judgment, the DPW will go over and replace the sidewalk and it will be billed on their tax bill.

### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Peterson, seconded by Trustee Bukowiecki, the following claims are to be paid: General \$175,043.74, Community Development \$7,345.11, Sewer \$1,110.62, Capital Projects \$19,059.98, Total Amount \$202,559.45, **CARRIED.**

### **ADJOURNMENT**

**ON A MOTION BY** Trustee Jakubowski, seconded by Trustee Peterson, the meeting was adjourned at **7:57 PM** on honor of all the first responders, volunteers and victims of 9/11 with a moment of silence to follow. The motion was **CARRIED.**

Respectfully submitted,

Carmi Poss  
Deputy Clerk