

MEETINGS: 14
NO. OF REGULAR: 13

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
October 24, 2016**

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

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Bukowiecki, the October 11, 2016 Village Board Minutes were approved.

ON A MOTION BY, Trustee Bukowiecki, and seconded by Trustee Jakubowski, the October 5, 2016 Zoning Board Minutes were accepted.

1. Tom Straus - Broadway Driving Range/ Green Acres Ice Cream- 4367 Broadway- 18'x30' pole barn type construction for storage of his Green Acres Ice Cream Truck attached to the existing maintenance building. Accept with Stipulations

ON A MOTION BY, Trustee Peterson, and seconded by Trustee Bukowiecki, the October 13, 2016 Zoning Board Minutes were accepted.

1. Jason Cane- 33 Martin Court- erect a 6ft. fence with the finished side facing the neighboring property. Denied

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dan Butler – 26 Tyler – What is local law #5 and there purpose. Mayor replied with Green Terrace No parking anytime on the East side of the street which came by resident petition, Hanwell Place No Parking on the North side of the street; Penora Street No Parking on the west side, from in front of number 348 to the corner of Broadway/Bloomfield; Sable Palm Dr. switch the no parking side. These changes are for traffic and safety concerns. Fire Truck which one is for sale. The mayor replied old engine 3 which is out of service for a broken pump.

The Mayor announced council member Matthew Walter from Lancaster was in attendance.

PUBLIC HEARING - CDBG

No Comments

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Peterson, the public hearing was closed at 7:03PM.

PUBLIC HEARING - PARKING LOCAL LAW #5

No Comments

ON A MOTION BY, Trustee Bukowiecki, and seconded by Trustee Jakubowski, the public hearing was closed at 7:06PM

**AUTHORIZE MAYOR TO SIGN CONTRACT WITH ERIE COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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

WHEREAS, the Village Board of the Village of Depew desires to enter into a contract with Erie County Community Block Grant Program (ECCDBG) for the following projects listed in order of their ranking of priority by the Depew Village Board:

1. 2017-2018 Terrace, St. Mary's Sidewalk Rehabilitation \$130,000
2. 2017-2018 Cloyes, Bryant and Miller Sanitary Sewers and Manhole Remediation \$170,000

WHEREAS, the Village Board of the Village of Depew deems it in the public interest to authorize the Mayor of the Village of Depew to sign, submit and execute contracts with Erie County for CDBG funded projects upon approval of the CDBG for the aforementioned projects.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Depew hereby authorizes the Mayor of the Village of Depew to sign, submit and execute contracts with Erie County for CDBG funded projects upon approval of CDBG for the following projects, listed in order of their ranking priority:

1. 2017-2018 Terrace, St. Mary's Sidewalk Rehabilitation \$130,000
2. 2017-2018 Cloyes, Bryant and Miller Sanitary Sewers and Manhole Remediation \$170,000

BE IT FURTHER RESOLVED, that the Village Administrator forward a certified copy of this resolution to ECCDBG, Erie County Consortium.

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

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

ADOPT LOCAL LAW #5 OF 2016 – Amend Parking Restrictions

Trustee Jakubowski, 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 October 24, 2016 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the amendment to local law Section 240, subdivision 9 of the Laws of the Village of Depew, and

WHEREAS, all persons were given an opportunity to speak for or against this local law;
WHEREAS, the proposed local law to be amended is as follows:

- 1. Section 240 of the Laws of the Village of Depew, “Vehicle and Traffic”, subdivision 9, “Parking, Standing and Stopping Restrictions” shall be amended as follows.**

Green Terrace No parking anytime on the East side of the street;

Hanwell Place No Parking on the North side of the street;

Penora Street No Parking on the west side, from in front of number 348 to the corner of Broadway/Bloomfield;

Sable Palm Dr. deleting “No parking anytime on the east side between its intersection with the north curblineline of George Urban Boulevard and the north Village line” and replacing it with “No parking anytime on the west side

between its intersection with the north curblineline of George Urban Boulevard and the north Village line..”

2. All other portions of Section 240, subdivision 9, not affected by this amendment shall remain in full force and effect.
3. Effective date: 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 Local Laws thereafter

NOW THEREFORE, BE IT RESOLVED, this amendment to local law 240, subdivision 9 is hereby adopted.

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

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Kucewicz - Absent
Mayor Nikonowicz – Y

APPOINT PT WINTER RECREATION PROGRAM

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

See attached List

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

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Kucewicz - Absent
Mayor Nikonowicz – Y

APPOINT PUBLIC SAFETY DISPATCHER PT

Pursuant to Section 4-400 of Village Law, I ,Mayor Jesse Nikonowicz, hereby appoint Kevin Przybyl, 17 Old Orchard Common, Lancaster, NY 14086 to the position Public Safety Dispatcher PT in the Police Department effective October 25, 2016 at a salary of \$15.55 per hour.

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

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Kucewicz - Absent
Mayor Nikonowicz – Y

ACCEPT RESIGNATION – Zoning Board Chair

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

BE IT RESOLVED, the resignation of George Bauer, as Zoning Board Chairman, effective October 5, 2016 is accepted.

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

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Kucewicz - Absent
Mayor Nikonowicz – Y

APPOINTMENT TO THE ZONING BOARD OF APPEALS

I, Mayor Jesse Nikonowicz, pursuant to Village Law 7-712 (8) hereby appoint Patrick Delany 244 Seabert Ave. Depew NY 14043, to the position of Member of the Zoning Board Appeals for a term to expire at noon on the first Monday in April 2018, 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 - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Kucewicz - Absent
Mayor Nikonowicz – Y

AUTHORIZE MAYOR TO SIGN LVAC AGREEMENT

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

WHEREAS, the Village of Depew utilizes Lancaster Volunteer Ambulance Corp for ambulance service to its residents;

NOW THEREFORE BE IT RESOLVED, that Mayor Nikonowicz is authorized to sign the Agreement extension between LVAC and the Village of Depew for ambulance service for the period of January 1, 2016 to December 31, 2020.

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

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Kucewicz - Absent
Mayor Nikonowicz – Y

AUTHORIZE A MANDATORY REFERENDUM DISSOLUTION

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

WHEREAS, the Village received a petition for dissolution initiated by residents of the Village; and

WHEREAS, the petition was review and validated by the Village Clerk and the mandatory number necessary to require a referendum on the issue was certified; and

WHEREAS, the Village Board must call for and set a date for a referendum according to New York General Municipal Law section 777 (2) and 780(1);

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Depew, call for the mandatory referendum on dissolution of the village of Depew to take place at Depew Village Hall's Senior Center 85 Manitou Street on Tuesday, January 17, 2017 from noon to 9PM.

BE IT FURTHER RESOLVED, the Ballot shall read:

Shall the Village of Depew be Dissolved?

- Yes
- No

BE IT FURTHER RESOLVED, that the Village Administrator has permission to advertise the referendum.

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

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Kucewicz - Absent
Mayor Nikonowicz – Y

SPECIAL USE PERMIT TO KEEP CHICKENS

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

WHEREAS, Ann Krajewski, 74 Main Street, Depew has applied for a permit to keep no more than 10 chickens in her backyard. If approved there would be stipulations of no roosters, coup must be maintained as to not create an odor for the neighbors and village code must be followed regarding noise and property maintenance.

BE IT RESOLVED, a special use permit is hereby APPROVED to Ann Krajewski, 74 Main Street, Depew, to keep chickens on the premises for the period of one (1) year with a fee of \$150.00.

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

Trustee Jakubowski - N
Trustee Bukowiecki - N
Trustee Peterson - N
Trustee Kucewicz - Absent
Mayor Nikonowicz – N

AWARD BID- 2016 Sewer Project

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

BE IT RESOLVED, that upon the recommendation of the Village Engineer, the bid for the 2016 Sewer Project from the bid opening on October 18, 2016 in the bid amount of \$104,400.00 be awarded to:

United Survey Inc.
25145 Broadway Ave
Oakwood, OH 44146

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

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Kucewicz - Absent
Mayor Nikonowicz – Y

MODIFY 2016/2017 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2016/2017 Budget in the following manner:

Revenues – Other Classified 4-2770 \$7,109.45
Expenditures – Fire – Personal Protective Equip 3410-402 - \$4,000.00
Expenditures – Fire - Materials 3410-414 - \$3,109.45 Ins Recovery

Revenues – Other Classified 4-2770 \$1340.00
Expenditures – Fire - Materials 3410-414 - \$1340.00 Ins Recovery

Revenues - Other Classified 4-2770 \$150.00
Expenditures - Fire - Materials 3410-414 \$150.00 –Ametek

Revenues - Other Classified 4-2770 \$150.00
Expenditures - Fire - Materials 3410-414 \$150.00 –People Inc.

Revenues – Other Classified 4-2770 \$1815.85
Revenues – Other Classified 4-2770 \$253.15
Expenditures – Central Garage- Equip Repair 1640-453 - \$2069.00 Ins Recovery

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

Trustee Jakubowski - Y
Trustee Bukowiecki - Y
Trustee Peterson - Y
Trustee Kucewicz - Absent
Mayor Nikonowicz – Y

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – SALE FIRE TRUCK

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

BE IT RESOLVED, the Village Administrator is authorized to advertise for bids for the sale of the 1985 Pierce Pumper Truck declared surplus at the October 11, 2016 board meeting.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department to drive the winners of their open house drawing to school from the child's home.

Children will be buckled and in proper safety seats.

The truck will be out of service during the duration of the ride.

No lights or sirens will be used during the ride to the school.

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

EMPLOYMENT APPLICATIONS

1. Rec – Emily Scibetta, Melissa Green, Arcadio Alfaro, Sydney Zajac, Jenna Donati, Sarah Bzibziak, Jeremy Kisloski, Daniel Spoor PD - Kevin Przybyl, Daniel Chudy

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Peterson, the Department Head reports, Police September 2016, Building September 2016 were accepted.

Recreation – Getting ready for the tree lighting December 5, 2016

Police – Read his report and announced that the police department was participating in a fundraiser growing beards for a cancer minded charity. The winner of the best beard will pick the specific charity.

Code - None

Fire – Read his summary report. New pumper is in service.

Phil – None

COMMITTEE REPORTS

None.

UNFINISHED AND OTHER BUSINESS

None.

PUBLIC CONCERNS AND COMMENTS

Dan Butler – 26 Tyler – Walden and Lincoln update? The mayor said that Erie County auctioned off the property. The village would like to see the sale stopped. If sold DEC must restart as would the village. How many Barrels left inside? The mayor said aprox 40. The attorney added that they had the DEC look at the oil running out of the building. He asked when it would be in compliance. Kathleen reviewed what she was doing with the DEC. He asked about across the street from Lincoln on Walden. The mayor did not have an update. Kevin asked to whom the

property was sold. The administrator noted she would have to look it up. The attorney said the property was sold at tax auction. If it goes through the person will be immediately noticed and they will be fined.

Lewis Heltman – 235 Olmstead Ave – Questioned asked if the vote will cost tax payers more money. The mayor responded yes. Huh they had this done to save money but it will cost more. Paul Sprada – 58 Argus – asked about a \$250,000 dollar grant to combat Zombie homes. The mayor said he would have to look into it and the qualifications. 47 Argus update – 2 people from the bank were there. Electric company turned off the electric because there was a 5 year bill. The house has a Sump pump. The shrubs have now been fixed and hauled away, he is happy with how it looks. He said they are missing 3 no parking signs on their street. Trustee Peterson said Tony has indicated with the change in the \$500.00 fines there has been movement on about 9 homes. The Mayor said 20 houses have been sold including 2 to the land bank.

THE VILLAGE BOARD MADE PERSONAL STATEMENTS ON THE POSSIBLE DISSOLUTION

Trustee Bukowiecki – He promised to work to do what is best for the Village. He is staying true to the village. He will try his hardest to keep the Village of Depew the Village of Depew!

Trustee Jakubowski – His main driving force in becoming a trustee was to do the best he could as a voice for the residents. He is 100% in favor of keeping the Village of Depew.

Trustee Peterson – He did not grow up in the village. He moved here and decided to build a house here when he could have lived anywhere. He knew his tax amount. No one should get to tell his family where to live. He will vote NO to dissolution.

Mayor Nikonowicz – He wants to clarify for people the board did not call for this action or cause this action, this was resident lead.

Mayor Nikonowicz – This is his home and is definitely NOT in favor of dissolving the Village of Depew.

Village Attorney – With that all said the board will do all the legal steps. They will all do their jobs to uphold the law.

Chief Carwile – He grew up in Michigan, lived all over. He chose to settle here with his wife. This is the best community he has ever lived in and he wants to keep it that way.

Chief Wegst – He is very vocal, He loves serving his community. Our services are superior. He loves the village. He will vote NO!

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Bukowiecki, seconded by Trustee Peterson, the following claims are to be paid: General \$305,455.13, Community Development \$1,578.00 Sewer \$2,071.17 Capital Projects \$23,416.44, Capital \$332,520.74,
CARRIED.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski, seconded by Trustee Peterson, the meeting was adjourned at **7:50 PM**. The motion was **CARRIED**.

Respectfully submitted,

Maureen Jerackas
Village Administrator