

MEETINGS: 13  
NO. OF REGULAR: 12

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
October 11, 2016**

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

**ON A MOTION BY**, Trustee Peterson, and seconded by Trustee Jakubowski, the September 26, 2016 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Bukowiecki, and seconded by Trustee Kucewicz, the September 22, 2016 Zoning Board Minutes were accepted.

1. Allen Baker- 42 Hanwell Place- Store commercial equipment on property. Denied
2. Barclay Damon, LLP on behalf of Up State Tower Co. LLC.- 0 Gould Avenue- to request a setback variance for the location of a communication tower within 500ft of a church property. Approved

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

Paul Sparada – 58 Argus – What is the Permission to sign DOT about? The Mayor explained that it was for a project on transit where they will be moving our sewer drains and light poles as they work at widening the road. He asked about the side walk bid resolution. The Mayor replied it would be rebid in the spring however we did not get HUD approval in time for this year. He asked about Longevity. The mayor explained it had to do with how many years a person worked for the village and it corresponds to the closest unit. Paul stated that he thought Longevity was out dated.

**APPROVE LONGEVITY PAYMENTS**

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

**WHEREAS**, the Employee Handbook requires longevity payments to non union personnel to be approved by the Village Board;

**BE IT RESOLVED**, longevity payments, as per the current budget, for the 2016-2017 be approved for the following:

Jacki Federowicz - \$1125  
Maureen Jerackas - \$0  
Melissa Barr - \$900  
Linda Gangloff - \$0  
Margie Burzynski- \$450  
Phillip Fleck - \$1,452.70  
Kenneth Kaczmarek - \$1525  
Stanley Carwile - \$ 1350

These payments will be paid to the employees the first payroll in November 2016.

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 -Y  
Mayor Nikonowicz - Y

**AUTHORIZATION FOR MAYOR TO SIGN AGREEMENT WITH UPSTATE CELLULAR AND/OR BLUE WIRELESS**

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

WHEREAS, the Village of Depew had previously hired a negotiator to negotiate terms favorable to the Village for the placement of cellular towers on Village owned property, and,

WHEREAS, the personnel from Upstate Cellular/Blue Wireless have also publicly stated to the Planning and Zoning Board that they would additionally take down the existing cellular towers located at the Depew Village Hall, 85 Manitou Street, Depew, NY and Depew Department of Public Works, located at 200 Rutherford Pl., Depew, NY, and

Whereas the existing cellular tower at those two locations are wholly owned by the Village of Depew,

BE IT RESOLVED, that Mayor Jesse Nikonowicz is hereby authorized to sign the Agreement with Upstate Cellular/Blue Wireless on behalf of the Village of Depew, along with an addendum that binds Upstate Cellular/Blue Wireless to the removal of existing towers with the proceeds from any sale of scrap metal to be retained by the Village.

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

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

**NEGATIVE DECLARATION RELATING TO THE ENVIRONMENTAL IMPACT OF THE THREE PROPOSED CELLULAR TOWER FOR BLUE WIRELESS**

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

WHEREAS, the Village of Depew Planning Board has previously reviewed the individual applications of Upstate Cellular and Blue Wireless to place 150 ft. cellular towers on properties located behind Village Hall, 85 Manitou St., Depew, NY; the Village Department of Public Works, located at 200 Rutherford Pl., Depew, NY and Village property located at the end of Taylor Road, and

WHEREAS, The Planning Board has recommended approval of the application for each of the three cell towers,

BE IT RESOLVED, the Board of Trustees and Mayor hereby make a declaration that regarding the cellular tower to be located behind Village Hall, there is NO substantial evidence that the project may have a significant effect on the environment, and

BE IT RESOLVED, the Board of Trustees and Mayor hereby make a declaration that regarding the cellular tower at the Village Department of Public Works (DPW), there is NO substantial evidence that the project may have a significant effect on the environment, and

BE IT RESOLVED, the Board of Trustees and Mayor hereby make a declaration that regarding the cellular tower at the Village property located at the end of Taylor Road, there is NO substantial evidence that the project may have a significant effect on the environment, and

**BE IT RESOLVED**, that the Board of Trustees issues a negative declaration for all three properties.

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

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

**AUTHORIZE MAYOR TO SIGN CONSULTING AGREEMENT – Utility Savings Audit**

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

**WHEREAS**, the Village of Depew currently received Gross Receipt Tax and Franchise Fees as Revenue; and

**WHEREAS**, the Village of Depew would like to have these Revenues Audited to see if there have been underpayments.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Jesse Nikonowicz is authorized to sign a Consulting agreement with Computel Consultants for this service with a one-time Forty Percent saving recovered fee.

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 - Y  
Mayor Nikonowicz - Y

**PERMISSION TO SIGN DOT**

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

**WHEREAS**, the New York State Department of Transportation proposed the construction, reconstruction, or improvement of Highway Project – NY Route 78 (Transit Rd.) Terrace Boulevard to George Urban Boulevard including the removal of Bin 7030220, Village of Depew Town of Cheektowaga and Town of Lancaster Erie County, Pin 5812.50 and

**WHEREAS**, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the Sanitary Sewer / Manhole & Street Lights improvements pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

**WHEREAS**, the service life of the relocated and or replaced utilities has not been extended, and

**WHEREAS**, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED, That the Village of Depew approves of Sanitary Sewer / Manhole & Street Lights improvements and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Depew will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED, that Mayor Jesse Nikonowicz has the authority to sign, with the concurrence of the Village Board, any and all documentation that may become necessary as a result of the project as it relates to the Village of Depew, and

BE IT FURTHER RESOLVED, that the Clerk of the Village of Depew is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

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 –Y  
Mayor Nikonowicz – Y

#### **MODIFY 2016/2017 BUDGET**

Trustee Bukowiecki, 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:

See attached spreadsheet with budget transfers.

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

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

#### **MODIFY 2016/2017 BUDGET**

Trustee Peterson, 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 \$600.00  
Expenditures - Fire - Materials 3410-414 \$600.00 –Tim Hortons

Revenues - Misc 4-2655 \$235.77  
Expenditures – Recreation 7020-402 \$235.77 – Village Shirts

Revenues – Other Classified 4-2770 \$630.00  
Expenditures – Fire – Materials 3410-414 - \$630.00 Casey’s Salvage

Revenues – Other Classified 4-2770 \$3,100.00

Expenditures – Fire – Grounds Maintenance 3410-450 - \$3,100.00 Ins Recovery

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

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a Public Hearing regarding Federal Community Development Block Grant Funding Projects in the Village of Depew to be held on Monday, October 24, 2016 at 7:00 pm.

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

**AUTHORIZE VILLAGE ADMINISTRATOR TO ADVERTISE FOR VILLAGE ELECTION**

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

**WHEREAS**, a General Village Election for the Village of Depew will be held on Tuesday, March 21, 2017 for the following offices:

Village Trustee -	Four Year Term
Village Trustee -	Four Year Term
Village Justice -	Four Year Term

**THEREFORE, BE IT RESOLVED**, that the Village Administrator is hereby authorized to have published in the Depew Bee a listing of the Offices to be filled by the March 21, 2017 General Village Election.

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

**REJECT BID- 2016 SIDEWALK CDBG AND PERMISSION TO ADVERTISE REBID**

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

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, all the bids for the 2016 Sidewalk CDBG Project from the bid opening on August 18, 2016 are being rejected.

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for bids (rebids) for the 2016 Community Development Sidewalk Improvement Project (Cheektowaga side and Lancaster side), date will be set for early spring once the bid package is completed.

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

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

## **DECLARE SURPLUS PROPERTY**

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

**BE IT RESOLVED**, the Department of Public Works has a 1996 Sweeper, a 2004 Chipper, a Vibratory Tamper, and the Fire Department has a 1985 Pierce Pumper Truck (E3) that are surplus and are due to be traded in, sold or auctioned off in the near future.

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

Trustee Jakubowski - Y

Trustee Bukowiecki-Y

Trustee Peterson-Y

Trustee Kucewicz -Y

Mayor Nikonowicz - Y

## **EMPLOYMENT APPLICATIONS**

None.

## **DEPARTMENT HEAD REPORTS**

**ON A MOTION BY**, Trustee Kucewicz, and seconded by Trustee Bukowiecki, the Department Head reports, Police August 2016, Fire August 2016, and DPW September 2016 were accepted.

Recreation – Quiet, public skate starts next week

Police – None

Code - None

Fire – Open house went well. New pumper is here.

Phil – None

## **COMMITTEE REPORTS**

None.

## **UNFINISHED AND OTHER BUSINESS**

None.

## **PUBLIC CONCERNS AND COMMENTS**

The Mayor noted Bob Brandon from Senators Kennedy's office was in attendance. He did not have a comment.

Maureen Minial – 196 Bryant St. – She has lived here for 48 years. She is thankful for the board and the friends of Depew. She only knew about the dissolution vote because of signs. She found out about the NYCOM meeting because of a sign and went. She is not just satisfied with her services but she is happy with her services. She is willing to pay higher taxes for it. She is not happy with the town, but she wanted to keep things positive so she moved on. She said Love it or Leave it. Leave it, please for those that love it.

## **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Kucewicz, seconded by Trustee Peterson, the following claims are to be paid: General \$76,070.00, Sewer \$3,978.62, , Total Amount \$80,048.62, **CARRIED**.

## **ADJOURNMENT**

**ON A MOTION BY** Trustee Bukowiecki, seconded by Trustee Jakubowski, the meeting was adjourned at **7:24 PM**. The motion was **CARRIED**.

Respectfully submitted,

Maureen Jerackas  
Village Administrator