

MEETINGS: 16
NO. OF REGULAR: 15

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
November 27, 2017 7:00PM

ROLL CALL: Trustee Jakubowski - Y
Trustee Bukowiecki -Y
Trustee Hamernik - Y
Trustee Peterson - Y
Mayor Nikonowicz – Y

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Hamernik, the November 27, 2017 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hamernik, and seconded by Trustee Bukowiecki, the November 2, 2017 Planning Board minutes were approved.

- 1 .Apex Consulting, Survey & Engineering Services -Elmar Industries, Inc. - 200 Gould Avenue-for site plan review approval. Accept with stipulations.
2. Daniel Baccari-Architect- Licata Automotive Service and Sales- 3160 Walden Avenue- for site plan review approval for an addition and new storage. Tabled

ON A MOTION BY, Trustee Peterson, and seconded by Trustee Bukowiecki, the November 9, 2017 Zoning Board Minutes were accepted.

1. Elmar Industries Inc.-200 Gould Avenue- relief of .1 ft. for the rear setback and 9.1 for the front setback. The Zoning Board approved the variance.

PUBLIC COMMENT

NONE

EMPLOYEE BENEFITS PFL

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

WHEREAS, the Village of Depew has voluntarily included the benefit of short term disability for certain employees, though not required by New York State Law, and

WHEREAS, New York State has now informed The Village that those municipalities that voluntarily provide Short Term Disability Benefits may, but are not required to, voluntarily provide Paid Family Leave Benefits, as an addition to the Short Term Disability Benefits, beginning on January 1, 2018, and

WHEREAS, the Board of Trustees feels that it provides its employees with a fair and generous paid time off benefit and the addition of PFL benefits would cause an undue hardship to the Village,

NOW, BE IT RESOLVED that the Board of Trustees chooses to continue only the Short Term Disability Benefits WITHOUT the addition of Paid Family Leave, and

BE IT FURTHER RESOLVED, that by December 1, 2017, the Village Administrator shall notify both the Village Employees and the New York State Workers' Compensation Board, of the Village Board Decision that it will not be providing Family Leave Benefits.

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

Trustee Jakubowski - y
Trustee Bukowiecki – y
Trustee Hamernik - y
Trustee Peterson – y
Mayor Nikonowicz – Y

PERMISSION SEMINAR - ADMINISTRATOR

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

BE IT RESOLVED, permission is hereby granted to Maureen Jerackas, Village Administrator to attend the NYS GFOA Annual Conference on Tuesday March 20 thru Friday March 23, 2018 at the Albany Marriott Hotel in Albany, NY. The cost of the Conference is \$225.00. Use of a village vehicle is authorized.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to West End Hose Co to use the West End Fire Station for their Children’s Christmas Party on Sunday December 17, 2017 from 2:00PM – 5:00PM.

and

Permission is hereby granted to West End Hose Co. to use the West End Fire Station for their Adult Christmas Party on Saturday December 23, 2017 from 7:00PM – 1:00AM.

and

Permission is hereby granted to Depew Hook and Ladder Co to use the Southside Fire Station for their Annual Holiday Party on Saturday January 13, 2018 from 5:00PM – 12:00AM.

and

Permission is hereby granted to Depew Hook and Ladder Co to use the Northside Fire Hall for their annual Hook & Ladder Co #1 Tool Raffle on Saturday February 10, 2018 from 12:30PM – 6:00PM.

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

EXECUTIVE SESSION

ON A MOTION BY, Trustee Hamernik, pursuant to Open Meeting Law Section 105 we adjourn to executive session to discuss a pending litigation of an employment matter for a particular person. The motion was seconded by Trustee Peterson.

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

The Executive Session Began: 7:10 PM and was adjourned with the meeting being called back to order by Mayor Nikonowicz at 7:49 PM

AUTHORIZATION TO SIGN AGREEMENT RESOLVING A DISPUTED EMPLOYMENT MATTER

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

WHEREAS, the Village of Depew previously preferred charges pursuant to Section 75 of the New York State Civil Service Law against a village employee, charging that village employee with misconduct and incompetence in connection with his/her employment with the Village (“Charges”); and

WHEREAS, the Village retained outside legal counsel to represent the Village in connection with a hearing to be held pursuant to Section 75 of the Civil Service Law on the Charges preferred against a village employee; and

WHEREAS, the Mayor appointed a hearing officer to preside over the hearing to be held pursuant to Section 75 of the Civil Service Law on the Charges preferred against a village employee; and

WHEREAS, legal counsel for the Village and the particular village employee against whom the Charges were preferred have reached agreement to settle the matter in dispute without resorting to a hearing; and

WHEREAS, entering into the negotiated settlement in lieu of proceeding to a hearing under Section 75 of the Civil Service Law will result in a cost savings to the Village; and

NOW, BE IT RESOLVED, that Mayor Jesse Nikonowicz has permission to sign the agreement negotiated with a particular person to resolve a disputed employment matter.

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 Hamernik - Y
- Trustee Peterson – Y
- Mayor Nikonowicz - Y

ACCEPT RESIGNATION – SUPERINTENDENT

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

BE IT RESOLVED, the resignation of Phillip Fleck, Superintendent of the department of public works, effective November 25, 2017 is accepted.

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

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

EMPLOYMENT APPLICATIONS - DPW – Christian Peterson

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Bukowiecki, the Building Dept – October 2017 report was approved

DPW -John – Still picking up leaves. Plow trucks are ready.

Jim – Rec – Tree lighting next Monday 12/4/2017. Canned good or \$1 for food bank for open skate 7-9.

Code – Not In attendance

Police Chief – No Report

Fire – none

UNFINISHED AND OTHER BUSINESS

Kevin Peterson – Tax Taskforce - Wade to present - Tomorrow 11/28/2017 in Chambers, 2:30PM.

Corrections on Zoning .1 & 9.1 were made (it was read 1 and 2.9)

PUBLIC CONCERNS AND COMMENTS

David BURKHARDT – 5 Autumn Lea Rd. – Asked why the hotel cost was not in resolution for training. The Administrator explained that has always been in the resolution as cost of seminar only, but let him know the hotels cost is currently unknown but usually cost around \$150 per night and this particular seminar includes most meals.

Courtney Ball from Monica Wallace was in attendance

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Peterson, seconded by Trustee Bukowiecki, the following claims are to be paid: \$1,151,334.96 General \$927.06 Sewer, \$1,243.50 Capital Projects, \$1,153,505.52 Capital was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski, seconded by Trustee Hamernik, the meeting was adjourned with a Happy Holidays at **7:58 PM**. The motion was **CARRIED**.

Respectfully submitted,

Maureen Jerackas
Village Administrator