

MEETINGS: 15
NO. OF REGULAR: 14

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
November 14, 2016**

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

ON A MOTION BY, Trustee Kucewicz, and seconded by Trustee Peterson, the October 24, 2016 Village Board Minutes were approved.

Father Dave Borowiak read a metal he had honoring veterans and gave stars to all the veterans in the room.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Ted Morton and Bob Brandon were in attendance.

Dave Burkhart – 5 Autumn Lee – He asked about Norfolk Southern. The mayor explained that the bridge next to village hall was being replaced by the railroad and we need to close our road. Dave asked if we had anything on transit road, the Mayor said no.

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

Mia Sugg 22 West 5th Street Depew, NY 14043 At \$9.75 per hour

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 - Y
Mayor Nikonowicz - Y

APPOINT PUBLIC SAFETY DISPATCHER PT

Pursuant to Section 4-400 of Village Law, I ,Mayor Jesse Nikonowicz, hereby appoint Tiffany Walters 121 Bissell Ave Depew, NY 14043 to the position Public Safety Dispatcher PT in the Police Department effective November 15, 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 - Y
Mayor Nikonowicz – Y

APPOINT COURT OFFICER PT

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz, do hereby appoint Zachary Amborski 21 Caroline Lane Depew NY 14043 to the position of Court Officer Part-time, effective November 15, 2016, at a salary of \$14.00 per hour. This appointment is from the Depew Residency civil service list.

The forgoing 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 - Y
- Mayor Nikonowicz - Y

RETURN UNPAID TAXES TO COUNTY OF ERIE

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

BE IT RESOLVED, the report of the Village Administrator, showing that in accordance with Article 14, Section 1436, Paragraph 2 of the Real Property Tax Law, she is returning to the County of Erie, Department of Finance the 2016-2017 unpaid Village Tax accounts together with the unpaid sewer account pursuant to verification and certification of the Board of Trustees, and also that as of November 3, 2016, she has collected the sum of \$9,696,537.34 which is 96% of the original amount (including petitions and payments in lieu) of \$10,119,918.42 leaving a balance of \$423,381.08 and, in accordance with section 987 of Real Property Tax Law, the Village has imposed a fee of \$2.00 per parcel for the “Notice of Unpaid Taxes”; the Administrator has added \$588.00 to the balance, thereby leaving a balance of \$423,969.08, which has been transferred to Account A440, Due from Other Governments, for further collection on the Town/County bill, is hereby 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 - Y
- Mayor Nikonowicz - Y

CANCEL VILLAGE BOARD MEETING DATE

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

BE IT RESOLVED, the Village Board Meeting scheduled for Monday, December 26, 2016 is hereby cancelled.

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

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 \$150.00
- Expenditures – Fire - Materials 3410-414 - \$150.00 PV Management LLC

Revenues – Other Classified 4-2770 \$300.00
Expenditures – Fire - Materials 3410-414 - \$300.00 George Urban Associates

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

Revenues - Minor Sales Other Misc 4-2655 \$150.00
Expenditures - Fire - Materials 3410-414 \$150.00 –Helping Hands Day Care

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 - Y
Mayor Nikonowicz - Y

AWARD BID –Sale Fire Truck

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

WHEREAS, the Village of Depew sought bids for the sale of the old E3 1985 Pumper,

WHEREAS, bids were opened on Thursday, November 10, 2016 at 11:00 am in the Council Chambers,

WHEREAS, the highest bidder plans on using the truck for parades in Florida and would like the logos left on the truck

NOW THEREFORE BE IT RESOLVED, that the bid in the amount of \$3,000.00 from Michael Sundburg c/o Tracy Sundburg Sr. Olmstead Ave. Depew be accepted for the 1985 Pierce Arrow Rescue Pumper (E3) owned by the Village of Depew.

BE IT FURTHER RESOLVED, that the logos will be left on the truck for parade use, however Depew will be removed from the logo.

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

APPROVE DISABILITY PENFLEX

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

Whereas the Village sponsors the Depew Fire Department Service Award Program for current and former active volunteer firefighters of the Depew Fire Department; and,

Whereas participant Chester Dziadosz has applied to be paid a Total and Permanent Disability Benefit from the Service Award Program; and,

Whereas Mr. Dziadosz is currently employed by the Village of Depew as a dispatcher; and,

Whereas the Village currently retains Penflex, Inc. to assist the Village with the administration of the Service Award Program; and,

Whereas Village Officials have reviewed Mr. Dziadosz's application with Penflex, Inc., and have jointly determined that Mr. Dziadosz has satisfactorily documented that he sustained a total and permanent disability as described in the Plan Document and Article 11-A of the New York State General Municipal Law; and,

Whereas as part of the determination, the Village recognizes that Mr. Dziadosz is totally and permanently disabled from the occupation he pursued prior to sustaining his disability, and he is now able to work for the Village as a dispatcher due to the nature and requirements of the job; and,

Whereas Mr. Dziadosz's disability prevents him from being an active volunteer firefighter of the Depew Fire Department in the future;

Whereas as administrator of the Service Award Program, the Village Board of Trustees must formally approve Mr. Dziadosz's application and award him a Total and Permanent Disability Benefit;

Now, therefore, be it Resolved, that the Village Board of Trustees:

1. Awards Chester Dziadosz a Total and Permanent Disability Benefit from the Depew Fire Department Service Award Program as described in the Plan Document, effective the date this resolution is approved.
2. Authorizes that copy of this resolution be provided to Penflex, Inc.
3. Authorizes Penflex, Inc. to take the steps necessary to calculate the benefit owed to Mr. Dziadosz and process the distribution.

The foregoing 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 AGREEMENT – L.C. Witford

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

WHEREAS, L.C. Whitford needs to replace the existing railroad bridge in the Village of Depew, and

WHEREAS, Sanilac Street which is owned by the Village of Depew needs to be temporarily closed in the area of the railroad bridge from Nov. 1, 2016 to Nov. 23, 2016 in order for L.C. Whitford to have access to the property, and

WHEREAS, the Village Police and Fire Departments have been consulted and have determined that alternate routes are available for Police and Fire protection, and

WHEREAS, alternate convenient routes are available for motorists and nearby residents, and notice of the detour will be posted,

NOW THEREFORE BE IT RESOLVED, that Mayor Jesse Nikonowicz is authorized to sign the agreement allowing the closing of the Village Street.

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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Anthony Fischione and Ryan Paolella, Code Enforcement Officers, to attend the Building Officials Education Conference January 23-25, 2017 in Cheektowaga, NY. The Seminar is \$275.00 each. Use of village vehicles is authorized.

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE DISSOLUTION REFERENDUM

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

BE IT RESOLVED, the Village Administrator is authorized to advertise for the Mandatory Village of Depew Dissolution Referendum.

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE AUDITED FINANCIAL STATEMENTS ARE COMPLETED

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

BE IT RESOLVED, the Village Administrator is authorized to advertise that the Village of Depew Financial Statements for May 31, 2016 have been audited and are available to the public via our web page or in the Clerk/Treasurer's Office.

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING – RECIND PAWN SHOP LAW

Trustee Peterson, 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 rescinding the Pawn Shop Law to be held on Monday, November 28, 2016 at 7:00 pm.

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:

Cayuga Hose Company

Nicholas Kaznawski 133 Darwin Dr. Depew, NY 14043

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 – DEPEW FIRE DEPT

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

Permission is hereby granted to West End Hose Company #6 to use the West End Fire Station on December 4, 2016 from noon till 5PM, for their Children's Christmas Party.

AND

Permission is hereby granted to West End Hose Company #6 to use the West End Fire Station on December 17, 2016 from 7PM til 1AM, for their Adult Christmas Party.

AND

Permission is hereby granted for the Depew Fire Department to use Engine 3, Old Engine 41, Ladder 5, and Rescue 7 on Saturday November 26, 2016 for the Village of Lancaster Christmasville Fire Truck Parade. Nonmembers are allowed to ride on the truck during the parade and the trucks will be considered out of service during the parade.

AND

Permission is hereby granted to Depew Central Hose Company #4 to use the Northside Fire Hall for their Annual Children's Christmas Party on Sunday December 11, 2016 from noon till 4PM.

AND

Permission is hereby granted to Depew Hook and Ladder to use the Southside Fire hall for their Annual Tool Raffle on Saturday February 11, 2017 from 9:00am till Midnight. Permission is further granted for signs for this event to be placed on village property.

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

EMPLOYMENT APPLICATIONS

1. Rec – Mia Sugg

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Bukowiecki, and seconded by Trustee Jakubowski, the Building Department October 2016, DPW October 2016, Fire Department September and October 2016,2016 were accepted.

Recreation – Getting ready for the tree lighting December 5, 2016 6-9 with free public skate

Police –.None

Code – Change smoke detector battery and check for expired units

Fire – None

Phil – None

Parking Ban lifted until November 22,2016

COMMITTEE REPORTS

None.

UNFINISHED AND OTHER BUSINESS

None.

PUBLIC CONCERNS AND COMMENTS

Maureen Minio – 196 S. Bryant – She said her neighbor said 4639 Broadway was sold and wanted to know if it is true. Tony stated the Landbank took it over and plans to rehab the unit. She asked why some resolutions have a vote and others do not. The mayor stated that some resolutions require individual votes while other you can just do the all in favor.

Sarah Capen – 5910 Transit - She talked about the issues she and her neighbors that live in the trailer park on transit by Tim Horton's have with their land lord. Sewer issues and freezing pipes as well as Tim Horton's shaking their houses in the middle of the night. She requested the close from 10PM to 6AM. She left contact information and was introduced to the code enforcement officer. She stated this was her first complaint made to the village.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz, seconded by Trustee Bukowiecki, the following claims are to be paid: General \$317,883.67, Sewer \$11032.81 Capital Projects \$443,286.34, Capital \$772,202.82, **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Peterson, seconded by Trustee Jakubowski, the meeting was adjourned in memory of Virginia Saur former village clerk and Joan Carlson who not only worked in the justice department but was wife of former chief Jack Carlson, Aunt of Current Chief Wegst, and longtime Ladies Auxiliary Member of Engine #1 at **7:30 PM.** The motion was **CARRIED.**

Respectfully submitted,

Maureen Jerackas
Village Administrator