

MEETINGS: 16
NO. OF REGULAR: 15

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
November 28, 2016**

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

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Bukowiecki, the November 14, 2016 Village Board Minutes were approved.

ON A MOTION BY, Trustee Kucewicz, and seconded by Trustee Peterson, the November 3, 2016 Planning Board Minutes were approved individually.

1. Donald Hoefler of WM Schutt Associates - Sefar - 111 Calumet- expansion of parking lot/ snow storage area. Accept with stipulations.
2. Christopher Wood, P.E. - Varma Enterprises, Inc. - 3941 Broadway- redevelopment as a single story retail project consisting of approximately 4,400 sq. ft. including Tim Horton's with a drive-through and parking spaces. Accept with stipulations.
3. Charles Johnston - vacant lot at the end of Burkhardt Avenue- parking. Accept with stipulations.
4. Robert Fronckowiak of Cryo- Wellness of America, LLC. - Marotta & Marotta Corp. - 6301 Transit Road- for proposed interior alterations and also installing a liquid Nitrogen tank on the south exterior side of the building. Accept with stipulations.
5. Daryl Martin of Daryl Martin Architect P.C. and Christopher Wood- Mark Kolkiewicz - 4510 Broadway- for proposed 8 unit family dwelling adjacent to the current multi-family building, with intent to add more in the future. The Planning Board makes the recommendation to the Village Board to accept the concept plans as submitted with stipulations.

PUBLIC COMMENT – AGENDA ITEMS ONLY

None

PUBLIC HEARING

Timothy Heins – 172 Lavarack – Who decides? Mayor -The board votes. Are you trying to give it to Erie County? The Police Chief responded that the village had a law because the county wide program was not set, now there is a county wide program and they just want to rescind the law we had as we were the only ones that had a law. If passes the county and the Sheriffs will enforce. They will no longer pay the village they will pay the county.

ON A MOTION BY, Trustee Bukowiecki, and seconded by Trustee Jakubowski, the public hearing was closed at 7:08PM.

REPEAL OF VILLAGE CODE CHAPTER 165. PAWNSHOPS AND SECONDHAND DEALERS

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

WHEREAS, the Board of Trustees enacted a local law on 6/11/2012 relating to regulating pawnshops and secondhand dealers within the borders of the Village of Depew, and

WHEREAS, the Erie County Legislature on December 17, 2015 passed legislation titled “A Local Law, Regulating Pawnbrokers, Secondhand Dealers, Jewelry, Precious Metals and Coin Exchange Dealers”, which was signed on January 4, 2016 by the County Executive and adopted on January 11, 2016 as local law no. 1 of the year 2016; and

WHEREAS, the Erie County Local Law will provide a uniform countywide reporting program that will track and assist in the recovery of stolen property throughout the entire county, including within the Village of Depew, and

WHEREAS, the Village of Depew wishes to allow the countywide program to be enforced within the borders of the Village,

BE IT RESOLVED,

Chapter 165 of the Local Laws of the Village of Depew, "Pawnshops and Secondhand Dealers, is hereby repealed in its entirety, effective immediately.

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

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

AUTHORIZE MAYOR TO SIGN ERIE COUNTY SNOW REMOVAL CONTRACT

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

WHEREAS, the County of Erie and the Village of Depew would like to enter into a Intermunicipal Snow Removal and Ice Control Agreement for the period 2016-2017;

WHEREAS, the Village of Depew will be paid by the County of Erie \$3,818.99 per lane mile for the 2016-2017 snow season, \$3,933.56 per lane mile for the 2017-2018 snow season and \$4,051.57 for the 2018-2019 snow season with the Village having to remove snow and ice on 3.56 lane miles;

BE IT RESOLVED, Mayor Jesse Nikonowicz is authorized to sign the Intermunicipal agreement with Erie County for the snow and ice removal and the Village Administrator is authorized to invoice the County for the two payments due the Village for the contract each year.

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

APPROVE LEAVE OF ABSENCE REQUEST

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

WHEREAS, Kenneth Mazurek, Motor Equipment Operator, has requested a leave of absence due to medical necessity for a period of one month starting November 17, 2016 to December 17, 2016, without pay, per Article 16 Section 2 of the CSEA Local 1000 AFSCME, AFL-CIO;

WHEREAS, Maureen Jerackas, Village Administrator and Philip Fleck, DPW Superintendent, has approved his request;

NOW THEREFORE BE IT RESOLVED, the Village Board approves the period of leave stated above.

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

AUTHORIZE USE OF SENIOR CENTER FOR TRI-COMMUNITY FOOD PANTRY ANNUAL HOLIDAY PARTY

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

WHEREAS, the Tri-Community Food Pantry wishes to have their annual holiday party for members of our community,

BE IT RESOLVED, that the Tri-Community Food Pantry is given permission to utilize the Depew Senior Center for this party on Saturday, December 17, 2016 11:00AM-2:00 PM

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

PERMISSION –WAIVE PUBLIC SKATE FEES

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

WHEREAS, the Depew Recreation Department has requested permission to waive the admission fee for Public Skating on Monday December 5, 2016 in conjunction with the Depew Tree Lighting.

NOW, THEREFORE, BE IT RESOLVED, that permission is hereby granted to the Recreation Director to waive the admission fee for Public Skating on Monday, December 5, 2016 from 7:00PM – 9:00 PM in conjunction with Depew Tree Lighting, and

BE IF FURTHER RESOLVED, that the Village Administrator will forward a copy of this resolution to the Village Recreation Director with the wishes of the Village Board for an enjoyable and successful Family Skating Event.

The forgoing resolution was seconded by Trustee Kucewicz and **CARRIED**.

PERMISSION TREE LIGHTING PARADE

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

BE IT RESOLVED, permission is hereby granted for the Annual Tree Lighting Parade including Fire Apparatus and Santa on Monday, December 5, 2016, beginning at approximately 6:10PM. The Depew Police Department who will provide the necessary traffic enforcement has approved the parade route.

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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to all the members of the Planning and Zoning boards to attend the Planning and Zoning meeting December 6, 2016 and January 10, 2017 at the Orchard Park Municipal Building in Orchard Park, New York. There is no cost for attendance to the seminar. Use of a village vehicle is authorized.

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

CONSENT TO APPLY AND RECEIVE OUT OF DISTRICT SEWER SERVICE

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

WHEREAS, Varma Enterprises has made a proposal to the Depew Planning Board to develop the property located at 3941 Broadway Avenue, in the Village of Depew, and

WHEREAS, after reviewing that proposal the Planning Board did approve the plans for development, and the Village Board of Trustees did approve the Planning Board minutes as to that development, and

WHEREAS, there are no sewer lines in the vicinity of the proposed project, but there exist sewer lines a short distance to the west of the proposed development that are in Erie County Sewer District #1, which Varma enterprises would be able to tie into for development of this project, and

WHEREAS, Varma Enterprises has submitted an application to Erie County Environment and Planning, Division of Sewer management, as well as an out of district request to Erie County Sewer District #1, to be able to tie into that sewer line, and

WHEREAS the consent of the Village of Depew is required as a condition of approval, now therefore

BE IT RESOLVED, that the Board of Trustees of the Village of Depew agrees to allow Varma Enterprises to connect the proposed project 3941 Broadway Avenue, in the Village of Depew to the sewer lines of Erie County Sewer District #1; and

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

ADOPT RECORDS RETENTION POLICY

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

BE IT RESOLVED, By the village Board of the Village of Depew that *Records Retention and Disposition Schedule MU-1*, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

- (a) only those records will be disposed of that are described in *Records Retention and Disposition Schedule MU-1* after they have met the minimum retention periods described therein;
- (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

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:

Depew Hose Company #1

Chadd Nowak 57 Brewster Street. 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 Depew Hose Company #1 to use the Northside Fire Hall for their Annual Christmas Party on Saturday December 17, 2016 from 4PM till Midnight.

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

EMPLOYMENT APPLICATIONS

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Bukowiecki, and seconded by Trustee Jakubowski, the Police Department reports for October 2016, were accepted.

Recreation – Getting ready for the tree lighting December 5, 2016 6-9PM with free public skate, cookies, hot chocolate, and hay rides.

Police –Read October 2016 report

Code – None

Fire – Thanked the board for allowing the coloring contest, the children really enjoyed this. Watch your neighborhood trucks will be out in their areas visiting with Santa clause.

Phil – South Ellington and South Belleview Sewer project 1-1.5 weeks. Cost covered by CDBG. If you see smoke coming from the system do not worry it is only steam.

No need to call about leaves we cover the entire village every week. Should be done the 2-3rd week of December. Snow Plow equipment is ready. December will also start tree trimming.

COMMITTEE REPORTS

None.

UNFINISHED AND OTHER BUSINESS

None.

PUBLIC CONCERNS AND COMMENTS

Audrey Hamernik – 87 Marylou Lane – DPW is doing a great job picking up leaves.
Matt Walters – Lancaster Councilman – 21 Central Ave – Has been coming to the board meetings for a year. He is in charge of the Library so he wanted to mention the Mobile library was at the boys and girls club. Bob took credit for that as he met with the team for that and had the mobile library at our park for a few weeks over the summer and then at the boys club. He also noted that he has followed up and not only have residents told him this was well received so has the library staff.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz, seconded by Trustee Bukowiecki, the following claims are to be paid: \$161,255.86 General, \$2,663.07 Community development, \$5916.05 Sewer, \$15,677.00 Capital Projects, \$185,511.98 Capital
CARRIED.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski, seconded by Trustee Peterson, the meeting was adjourned in memory of Donald “The Butch” Palmer, skate sharpener at the rink and bat boy for The Bisons at **7:31 PM**. The motion was **CARRIED**.

Respectfully submitted,

Maureen Jerackas
Village Administrator