

MEETINGS: 23  
NO. OF REGULAR: 22

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**March 26, 2018 7:00PM**

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

**ON A MOTION BY**, Trustee Peterson, and seconded by Trustee Jakubowski , the March 12, 2018 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Bukowiecki and seconded by Trustee Hamernik, the March 1, 2018 Planning Board Minutes were approved.

1. James Martin – 185 Calumet St. – Subdivide the parcel. Accept with stipulations.
- 2 Licata's Auto Service & Sales - 3160 Walden Avenue – Site Plan Scheme B - Accept with stipulations

**PUBLIC COMMENT**

NONE

**PUBLIC Hearing Local Law 2 of 2018**

**ON A MOTION BY**, Trustee Jakubowski, and seconded by Trustee Peterson, the public hearing on Local Law #2 of 2018, Tax Cap was closed at 7:10PM

**ADOPT LOCAL LAW #2 OF 2018 – TAX CAP OVERRIDE**

Trustee Bukowiecki, 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 March 26, 2018, at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

**WHEREAS**, all persons were given an opportunity to speak for or against this local law; **NOW THEREFORE, BE IT RESOLVED**, this local law is hereby adopted.

The local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2018 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

The following 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

**ADOPT LOCAL LAW #1 OF 2018 –EMERGENCY REIMBURSEMENTS**

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

**WHEREAS**, on September 12, 2016 the Village passed Local Law #4 of the Village Code, which was an amendment to the Village Code Section 106 relating to FIRE SAFETY, and

**WHEREAS**, that law allowed for the cost recovery for certain services, equipment and products used by the Depew Fire Department in emergency services, and

**WHEREAS**, since the inception of that law it has become clear that certain types of services of the Fire Department and certain means of enforcing the law were unintentionally not included in the original draft of the law, and

**WHEREAS**, the Village Board of Trustees wishes to include all types of incidents that are responded to by the Depew Fire Department in the cost recovery program, and to receive adequate compensation, when available, for all items which must be repaired or replaced due to the emergency services provided,

**BE IT RESOLVED**, the Village Board hereby adopts the Local Law 106-10 as follows:

1. **Section 106 of the Laws of the Village of Depew, “Fire Safety”, subdivision 10, “Emergency Services Cost Recovery” “1. Program Established.” shall amend the last sentence “The fees are established in the fee schedule in part 2” as follows:**
  - a. The fees are established in the fee schedule in part 2.
  - b. All invoices for such fees shall be sent by the Village Clerk or her designee, and shall state prominently on the invoice that: a) all fees billed shall be due and payable within 90 days of the invoice date; b) all fees not paid within 90 days of the invoice shall be subject to a late fee of 10%; c) if not paid within 120 days, shall be subject to credit agency reporting or collection by all legal means.
2. **Section 106 of the Laws of the Village of Depew, “Fire Safety”, subdivision 10, “Emergency Services Cost Recovery” “2.E.3.a. “Equipment repair and replacement” shall be amended in its entirety as follows:**
  - a. Structure or auto fires, motor vehicle accidents, and site cleanups that, as a result of any necessary fire department operations, cause damage to equipment, apparatus, and personal protective equipment shall be billed the actual cost of replacement or repair to the insurance agency.
3. All other portions of Section 106, subdivision 10, not affected by this amendment, shall remain in full force and effect.

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

**AUTHORIZE MAYOR TO SIGN PENFLEX AUTHORIZATION FORM FOR 2017 SERVICE AWARD PROGRAM**

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

**BE IT RESOLVED**, that Mayor Jesse Nikonowicz and Board of Trustees are authorized to sign the 2017 Service Award Program Administration Form and after the 30 day period forward to Penflex, Inc for the purpose of administering the 2017 Service Award Program for Depew Firefighters.

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

**AUTHORIZE MAYOR TO SIGN SERVICE AGREEMENT - GHD**

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

**WHEREAS**, the Village of Depew is currently utilizing GHD 285 Delaware Ave. Suite 500 Buffalo, NY 14202 for Engineering Services in the village of Depew;

**NOW THEREFORE BE IT RESOLVED**, that Mayor Jesse Nikonowicz is authorized to sign the Professional Engineering Service Amendment Proposal for the Phase 2 CAP Project.

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 Hamernik - Y  
Trustee Peterson – Y  
Mayor Nikonowicz - Y

**AUTHORIZE - SCHOOL SAFETY**

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

**WHEREAS**, the security of schools and the students within is of the utmost importance, and

**WHEREAS**, a disturbing and growing trend in the United States has seen a rise in school-based violence, and

**WHEREAS**, our municipalities and school districts often lack the available resources to retain School Resource Officers within all of our buildings, and

**WHEREAS**, School Resource Officers serve many roles for schools including but not limited to: providing law enforcement and investigation, developing crime prevention programs, training and securing school personnel, establishing a working relationship with school and students, assisting students in conflict resolution, and being positive role models; and

**WHEREAS**, the New York State Senate has already adopted its School Safety Package of legislation which includes Gallivan S.7810-A, S.7811, S.1144-A, and S.7791, which would create funding opportunities for school districts to provide Resource Officers, as well as adjust earning limitations and Peace Officer status for retired police officers.

**NOW THEREFORE BE IT RESOLVED**, that the Association of Erie County Governments does support the School Safety Package, specifically Gallivan S.7810-A, S.7811, S.1144-A, and S.7791~ and asks the honorable members of the New York State Assembly and the Governor of the State of New York to follow in the New York State Senate's example and include funding for these necessary programs in this year's budget and provide our schools this valuable resource and security. And

**FURTHER BE IT RESOLVED**, that these mandated safety programs be fully funded by New York State with specific, additional resources so as to not negatively, financially impact existing valuable education programs.

**BE IT RESOLVED**, that a certified copy of this resolution be forwarded to Honorable Governor Andrew M. Cuomo, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader John Flanagan, Leader of Independent Democratic Caucus Jeffrey Klein, Honorable Democratic Conference Leader Andrea Stewart-Cousins, Honorable Majority Leader of the Assembly Joseph Morelle, Honorable Minority Leader of the Assembly Brian Kolb, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.

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

#### **PERMISSION – VETERANS PARK**

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

Permission is hereby granted to Christ The Holy Servant Church for the use of Veteran's Park for an Easter Egg Hunt of Saturday March 24, 2018 8:00 AM until 2:00 PM.

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

#### **PERMISSION SEMINAR**

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

**BE IT RESOLVED**, permission is hereby granted to Trustee Hamernik and Attorney Kathleen McDonald to attend the NYCOM's 109<sup>th</sup> Annual Meeting on May 6-8, 2018 at The Saratoga's Gideon Putnam Hotel in Saratoga Springs, NY. The fee is \$285.00 per person for the conference. Use of a village vehicle is authorized.

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

#### **PERMISSION 5 K RACE and LIVE MUSIC WITH A BEER TENT**

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

**WHEREAS**, St. Martha's Parish requested permission to hold their 5K Race on Friday May 4, 2018 starting at 6:00 PM.

**WHEREAS**, said race route and traffic enforcement will be authorized by the Police Department.

**WHEREAS**, traffic enforcement will be provided by the Depew Fire Department.

**WHEREAS**, there will be a beer tent with music from 4:30 PM -10:30 PM on St. Martha's grounds.

**BE IT RESOLVED**, the race is approved. The race will last about one hour.

**BE IT FURTHER RESOLVED**, the Chief of Police must be provided the list of security officers and their credentials at least two weeks prior to the event. The Fire Department must approve site and Village code must be adhered to. The Tent Structure Permit needs to be applied for and the application fee will be waived.

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

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

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

**WHEREAS**, John Hughey V was previously with our Explorer Program and we are happy that he wishes to continue to become a member of Aetna Hose Company.

**NOW, BE IT RESOLVED**, membership is hereby granted to the following in the Depew Fire Department:

**AETNA HOSE COMPANY**

John Hughey V – 208 Calumet St. Depew, NY 14043

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** – Rec – Bridget Herod, Sydney Zayes, Carolyn Steffens, Michael Wolford, Andres Pyc, Ana Pyc, Henry Hanson, Courtney Hout, Samuel Carwile, Paul Carwile, Alyssa Kranz, Melissa Green, Village Hall – Robert Murawski Jr, Ricky Smith, DPW –Christopher Wild

**DEPARTMENT HEAD REPORTS**

**ON A MOTION BY**, Trustee Peterson, and seconded by Trustee Jakubowski, the Police – February 2018 report was accepted

- Fire – abs
- POLICE – abs
- DPW – Renovating picnic tables at Vets Park, Met with Town of Lancaster to use paving machine. We will supply trucks for them. Met with Cheektowaga for shared services to use stump grinder & materials. \$0.50 per square, \$0.38 this year, but need to wait till they open their bid. Sewer Work with bid process, maybe able to piggy back bid.
- REC – Easter Egg Hunt went well. Mobile Library – 2<sup>nd</sup> & 4<sup>th</sup> Friday in July and 2<sup>nd</sup> Friday in August in Fireman’s Park.
- TONY – Recall – Kidde Smoke Alarms – Sept 2016 – Oct 2017 -kidde.com for information
- ADMIN –

**UNFINISHED AND OTHER BUSINESS**

**ON A MOTION BY**, Trustee Bukowiecki, and seconded by Trustee Hamernik the January 2018 minutes for the Tax Task Force was approved.

**PUBLIC CONCERNS AND COMMENTS**

Paul Sprada – 58 Argus Dr. – John Wojcik is an unbelievable person. It will be good for the concerts. What is Tax Cap? We pass it yearly, in case of error.

Mayor to follow up with Dave Burkhardt – GHD – letters do not stand for anything.

Matt Walter – 21 Central Ave – Book mobile will stop at Boys & Girls Club.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Peterson, seconded by Trustee Bukowiecki, the following claims are to be paid: \$188,991.66 General, \$1,437.84 Sewer, \$11,083.76 Capital Project, \$201,513.26 Capital was **CARRIED**.

**ADJOURNMENT**

**ON A MOTION BY** Trustee Jakubowski, seconded by Trustee Hamernik, Have a Happy Easter at **7:36: PM**. The motion was **CARRIED**.

Respectfully submitted,

Maureen Jerackas  
Village Administrator