

MEETINGS: 6
NO. OF REGULAR: 5

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
May 28, 2019 7:00PM**

ROLL CALL: Trustee Jakubowski - Here
Trustee Stempniak - Here
Trustee Hamernik - ABS
Trustee Voll - Here
Mayor Peterson—Here

ON A MOTION BY, Trustee Voll, and seconded by Trustee Stempniak, the May 13, 2019 Village Board Minutes were approved.

ON A MOTION BY, Trustee Stempniak and seconded by Trustee Voll, the May 23, 2019 Zoning Board Minutes were accepted.

1. Kevin E. Kegler. – 36 Park Place to erect an accessory structure (shed) which will encroach the required setback for a corner lot as required by the village ordinance. He is requesting a 5-foot setback.

PUBLIC COMMENT

Mr. Walter, of WNY Food Carts in Lancaster spoke prior to the public hearing and said that the language in the Local Law would prohibit food trucks from conducting business and that the Village is discriminating again food trucks vs. brick and mortar businesses. Informed the board that he knows of many Villages being sued over this very issue. He urged the board to table the adoption until further research can be on other case law's. He also offered to bring or send the Village Attorney the case law for his review.

The Public Hearing for the Mobile Food Vendor Law started at 7:20PM and ended at 7:30PM. The Village Code Enforcement Officer gave a brief over-view of the local law as it was written. Village Attorney Alba said that our local law was designed using Springville's and Lancaster's version and that he did not see a reason to prolong the adoption of the Village's.

RESOLUTION

May 28, 2019

ADOPT LOCAL LAW #2 OF 2019 – MOBILE FOOD VENDOR LAW

Trustee Stempniak, 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 May 28, 2019 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to hereby adopt a local law for Mobile Food Vendors.

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

Trustee Jakubowski – Y
Trustee Stempniak -Y but wants case law to amend @ 6/10
Trustee Hamernik - ABS
Trustee Voll - Y Same as Erica, tried not to burden them.
Mayor Peterson – Y

DEPARTMENT OF PUBLIC WORKS PROMOTION

I, Kevin Peterson, do hereby appoint the promotion from MEO – Motor Equipment Operator

Ron Hottum, 70 Dean Rd, Depew, NY 14043
Jim Spinella, 51 Liberty St. Depew, NY 14043

to the position of HEO - Heavy Equipment Operator at a rate of \$28.80 effective June 1, 2019.

The forgoing nomination was acted upon in the following manner by the Board of Trustees:

Trustee Jakubowski -Y
Trustee Stempniak -Y
Trustee Hamernik - ABS
Trustee Voll - Y
Mayor Peterson – Y

APPOINT PT SEASONAL DPW

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint

Jeff Banasik, 39 Tyler St., Depew, NY 14043
Austin Pyc 42 Rogers Dr. Depew, NY 14043
Christopher Wild, 33 Southwest Pkwy, Lancaster, NY 14086

to the position of Seasonal Laborers Part Time at the Department of Public Works, effective at \$14.00 per hour for 10 weeks, subject to passing the pre-employment testing.

The forgoing nomination was acted upon in the following manner by the Board of Trustees:

Trustee Jakubowski - Y
Trustee Stempniak -Y
Trustee Hamernik - ABS
Trustee Voll - Y
Mayor Peterson – Y

APPOINT PT SEASONAL ELECTRICAL DEPARTMENT

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint

Matthew Wagner - 27 Armond Ln, Depew, NY 14043
Mitchel DelConte - 74 Madeira Drive, Depew, NY 14043

to the position of Seasonal Laborer Part Time at the Electrical Department at \$14.25 per hour beginning June 1, 2019 for 10 weeks.

The forgoing nomination was acted upon in the following manner by the Board of Trustees:

Trustee Jakubowski - Y
Trustee Stempniak -Y
Trustee Hamernik - ABS
Trustee Voll - Y
Mayor Peterson – Y

AUTHORIZE MAYOR TO SIGN MAINTENANCE AGREEMENT – FREED MAXICK

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

WHEREAS, the Village of Depew would like to use Freed Maxick, 424 Main St, Buffalo, NY 14202 for \$185 per hour, plus out of pocket expenses and travel time for consulting services relating to the Clerk/Treasurer's general ledger transactions and related reconciliations. The amount of the consulting services is not to exceed \$3,000 without board approval.

NOW THEREFORE BE IT RESOLVED, that Mayor Kevin Peterson is authorized to sign the Freed Maxick Agreement.

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

Trustee Jakubowski - Y
Trustee Stempniak - Y
Trustee Hamernik – ABS
Trustee Voll - N – too many questions, just go it.
Mayor Peterson - Y

AUTHORIZE GHD TO SEND REPORT

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 Kevin Peterson authorizes GHD to send the Phase 4 draft report to NYSDEC.

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

Trustee Jakubowski - Y
Trustee Stempniak - Y
Trustee Hamernik – ABS
Trustee Voll – Y
Mayor Peterson – Y

PERMISSION – FIRE DEPARTMENT

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

WHEREAS, the Fire Chief is given permission to use the Chief's Truck with lights and sirens to drop a student off at Depew Middle School on June 4, 2019 at 7:30 AM.

BE IT RESOLVED, that the Jaime Nusall is hereby authorized to proceed to take the requested chief truck out of service for the above described reasons.

THEREFORE, BE IT RESOLVED: The above foregoing resolution was seconded by Trustee Voll and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski - Y
Trustee Stempniak - Y
Trustee Hamernik
Trustee Voll - Y
Mayor Peterson - Y

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department for their Fill-the Boot Fundraising effort on June 3, 2019 from 3:30pm till 6:30 pm at various intersections in the Village.

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Voll, 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:

West End Hose #6

Teddy Sosa – 200 Rehm Rd, Depew, NY 14043

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 Stempniak -Y
Trustee Hamernik -ABS
Trustee Voll - Y
Mayor Peterson – Y

EMPLOYMENT APPLICATIONS – Rec – Ava Kendierski, John Mietus, Colin Brunecz, Village Hall – Marilyn Roscoe

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Stempniak, and seconded by Trustee Hamernik, the department head reports were approved.

Fire – Chief Nusall gave a report of dept activity for the month.

DPW – Flushing and doing the camera work on sewer lines is underway. Day to day operations are always ongoing. Cold patching and road paving are being completed and getting schedule for next month. The MS4 Muni. Storm water Report is available for review in the Clerk’s office.

REC – Rec Director Ferguson let the public know of new activities going on at Fireman’s park this year and when they get a few dry days, will give a face lift to Fireman’s Park.

TONY – The code dep’t has been extremely busy with general calls, permits, C of O’s. He also wanted the public to know that during the smoke testing the Village is currently undertaking, that if smoke gets into your home, you need to contact him immediately as that shows a malfunction in your plumbing that needs immediate attention.

ADMIN –

POLICE – Chief Miller gave a synopsis of his department and also let the public know that the Dep’t bike patrols are out and the public is very receptive to them being very approachable. Also explained the changes in patrol cars coming in the future

UNFINISHED AND OTHER BUSINESS

PUBLIC CONCERNS AND COMMENTS

Terry Muskal spoke to the board to let them know that twice, in the past week or two he called the DPW to request tree branches that had fallen in his yard be removed. He had them placed at the curb and each time, the DPW guys were at his house within 2 hours, did a fantastic job cleaning up and removing the debris. He highly praised Debbie, the clerk for her knowledge, professionalism and over-all nice speaking voice and said it was his pleasure to deal with them all and thanked them.

Jamie Rozicki, 128 Cheryl Lane, Depew asked the board for their help resolving an issue he has behind his house with a ditch that runs along his property. He has contacted the golf course owner who told him it as not their responsibility and to call the Town of Cheektowaga. He then called them who told them it was no longer their responsibility and to call the Village. Ken Mazurek explained that the Village does not own that property, the owners of the golf course or the address of the property, who is the Town of Cheektowaga would be responsible. Mayor Peterson promised to get in touch with Cheektowaga to see if the Village can help him resolve the issue.

Paul Sprada, 58 Argus Drive. Speaking of food trucks, today is National Hamburger Day, just thought he’d tell everyone. He has a concern on Argus that the last two houses at the corner of the street constantly park on the no parking side of the street and though the Village could contact them to give them a warning. He thinks it is a safety hazard. Also asked the DPW if they will be supplying equipment or manpower when Como Lake starts getting dredged on July 1st. Mayor Peterson believes that he did commit some equipment to this project and will follow up with the legislator.

Mr. Sprada asked about the 125th anniversary plans for the Village and selling not only wine but microbrews as well. Mayor Peterson explained that it has been discussed and that the committee plans on buying at least a double order of both. Also Antoinettes wants to make a commemorative chocolate bar for the festivities and more plans are forthcoming at each meeting everyone attends.

Another concern Mr. Sprada has is the viaduct on Transit Rd and that it is and has been for years, an eye sore. Said E. Aurora got there's fixed, why can't we? Trustee Jakubowski said he was part of the effort to get this remedied to no avail. Got pushed back and forth between the State and the Railroad and never got a response. Mayor Peterson explained that it is out of our hands and control but that he will look into it.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Voll, seconded by Trustee Stempniak, the following claims are to be paid: \$79,337.29 General, \$800.00 Sewer, \$23,500.00 Capital Projects \$103,636.47 Capital was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee, seconded by Trustee, the meeting was adjourned with a statement about keeping Audrey Hamernik in our prayers, she is at St. Joe's at **8:20 PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak
Village Administrator