

MEETINGS: 5  
NO. OF REGULAR: 5

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
May 29, 2018 7:00PM**

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

**ON A MOTION BY**, Trustee Hamernik, and seconded by Trustee Jakubowski, the May 14, 2018 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Peterson, and seconded by Trustee Bukowiecki the May 10, 2018 Zoning Board Minutes were approved.

1. R&D Contracting Inc - property located at 250 Columbia Avenue- a use variance to allow a two-family residential building to be constructed in an R-1 Single family district.  
- approved

**ON A MOTION BY**, Trustee Jakubowski, and seconded by Trustee Hamernik the May 24, 2018 Zoning Board Minutes were approved.

1. 49 Green Terrace - erect an accessory structure (shed) less than five feet from the property line as required by the Village Ordinance – Accept with Stipulations

**PUBLIC COMMENT**

Matt Walter — Town of Lancaster Councilman– asked about food truck permission for use at our concerts without needed permit on the concert day only. Yes

**IN ATTENDANCE**

Dan Gniewecki– John Bruso’s office  
Courtney Ball – Monica Wallace’s office

Shadow program winners –  
Rhegan Zubler Student Mayor  
Jason Glinski Student Trustee  
Sarah Rolling Student Judge/Attorney  
Hala Saleh Student Fire Chief  
Delilah Torres Student Police Chief

**APPOINT FULL TIME COURT CLERK TYPIST VILLAGE HALL**

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz, do hereby appoint

Jennifer Culkowski – 247 Argus Dr. Depew, NY 14043

to the position of Full Time Court Clerk Typist Village Hall at the full rate of \$20.62 per hour effective June 18, 2018.

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

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

**APPOINT – FIRE MARSHALL**

Pursuant to Section 4-400 of the Village Law, I Mayor Jesse Nikonowicz hereby nominate Jamie Nusall, 274 Terrace Blvd, Depew, NY 14043 for the position of Fire Marshall, for a term of Two (2) years, said term to begin May 1, 2018, and expire the first day of May 2020, at a salary to be determined by the salary schedule for the budget for the ensuing year.

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

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

**APPOINT PT SEASONAL ELECTRICAL DEPARTMENT**

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz, do hereby appoint

Matthew Wagner 27 Armond Ln, Depew, NY 14043

to the position of Seasonal Laborer Part Time at the Electrical Department at \$14.00 per hour beginning June 1, 2018 for 8 weeks.

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

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

**APPOINT PT SUMMER RECREATION PROGRAM**

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz do hereby appoint the following to the summer recreation program

See attached List

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

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

**APPOINT ZONING BOARD MEMBER**

Pursuant to Section 4-400 of Village Law, I, Mayor Jesse Nikonowicz do hereby appoint Jamie Ertel to the Village Zoning Board, said term to expire at noon on the first Monday of April 2023, at a salary of \$16 per variance.

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

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

**APPOINT ZONING BOARD CHAIR**

Pursuant to Section 4-400 of Village Law, I, Mayor Jesse Nikonowicz do hereby appoint Patrick Delaney to the Village Zoning Board Chair, said term to expire at noon of the first Monday of April 2022, at a salary of \$16 per variance.

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

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

**APPROVE LEAVE OF ABSENCE REQUEST**

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

**WHEREAS**, Gary Cummings, Part Time Code Enforcement Officer has requested a leave of absence due to medical necessity until to July 15, 2018, without pay, per Article 16 Section 2 of the CSEA Local 1000 AFSCME, AFL-CIO;

**WHEREAS**, Maureen Jerackas, Village Administrator, 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 Hamernik - Y
- Trustee Peterson- Y
- Mayor Nikonowicz - Y

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING –  
ADOPT INTER-MUNICIPAL COMPREHENSIVE MASTER PLAN**

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

**WHEREAS**, the Village of Depew, the Village of Lancaster and the Town of Lancaster have held public meetings and have worked together to propose a “Comprehensive Master Plan” for the development of these municipalities in a cooperative manner, and

**WHEREAS**, the Town of Lancaster, as the lead agency, has submitted the plan to Erie County, as required by General Municipal Law § 239-m, and has received no objections to the plan, and

**WHEREAS** the Town of Lancaster has already held hearings and adopted the Comprehensive Master Plan, and has done an environmental review as required by SEQRA, and

**WHEREAS**, Board of Trustees of the Village of Depew is now considering the adoption of that revised Comprehensive Master Plan; and

**WHEREAS**, the Village Board believes that it is of critical importance to obtain input from the public; now

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for public hearing on the Inter-municipal Comprehensive Master Plan, to be held on June 11, 2018 at 7:00pm in the Village Hall, prior to the regular meeting, and

**BE IT FURTHER RESOLVED**, the draft revised Comprehensive Master Plan shall be made available for public review in the office of the Village Clerk and shall be posted on the Village website.

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 CONTRACT WITH ERIE COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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

**WHEREAS**, the Village Board of the Village of Depew desires to enter into a contract with Erie County Community Block Grant Program (ECCDBG) for the following projects listed in order of their ranking of priority by the Depew Village Board:

1. 2018-2019 Manitou, Hawro, and Terrace Sidewalk Rehabilitation \$100,000

**WHEREAS**, the Village Board of the Village of Depew deems it in the public interest to authorize the Mayor of the Village of Depew to sign, submit and execute contracts with Erie County for CDBG funded projects upon approval of the CDBG for the aforementioned projects.

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Depew hereby authorizes the Mayor of the Village of Depew to sign, submit and execute contracts with Erie County for CDBG funded projects upon approval of CDBG for the following projects, listed in order of their ranking priority:

1. 2018-2019 Manitou, Hawro, and Terrace Sidewalk Rehabilitation \$100,000 .

**BE IT FURTHER RESOLVED**, that the Village Administrator forward a certified copy of this resolution to ECCDBG, Erie County Consortium.

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 Hamernik - Y  
Trustee Peterson - Y  
Mayor Nikonowicz - Y

**AUTHORIZE MAYOR TO SIGN COMMUNITY DEVELOPMENT BLOCK  
GRANT SUBRECIPIENT AGREEMENT 2018**

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

**WHEREAS**, federal regulations require that a subrecipient agreement be executed between the Town of Cheektowaga and the Village of Depew in order for the Town to disburse Community Development Block grant funds to the Village from the 2018 Program Year budget,

**NOW THEREFORE BE IT RESOLVED**, that Mayor Jesse Nikonowicz, is authorized to execute a Subrecipient Agreement with the Town of Cheektowaga, as required by federal regulations at 24 CFR, Section 570.503, whereby such Agreement specifies the federal regulations governing the Community Development Block Grant program and the program activities to be carried out in the Village with Community Development Block Grant funds from the 2018 Program Year.

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

**SPECIAL USE PERMIT TO KEEP CHICKENS**

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

**WHEREAS**, Timea Braun, 308 Olmstead Ave, Depew has applied for a permit to keep no more than 2 chickens in her backyard. If approved there would be stipulations of no roosters, coup must be maintained as to not create an odor for the neighbors and village code must be followed regarding noise and property maintenance.

**BE IT RESOLVED**, a special use permit is hereby approved to Timea Braun 308 Olmstead Ave, Depew, to keep chickens on the premises for the period of one (1) year with a fee of \$150.00.

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

- Trustee Jakubowski- N
- Trustee Bukowiecki- N
- Trustee Hamernik- N
- Trustee Peterson-N
- Mayor Nikonowicz- N

**MODIFY 2017/2018 BUDGET**

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

**BE IT RESOLVED**, the Administrator is hereby authorized to modify the 2017/2018 Budget in the following manner:

Revenues – Other Classified - 4-2770 – \$700.00  
Expenditures – Clerk – Contractual Services – 5-1410-435 - \$700.00 – 0 B St.

Revenues – Minor Sales, Other Misc – 4-2655- \$44.16  
Expenditures – Street Signs – 5-5110-412 - \$44.16 - Reimbursement

The following 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

**ADJUST 2017/2018 BUDGET**

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

**BE IT RESOLVED**, the Administrator is hereby authorized to adjust the 2017/2018 Budget in the following manner:

See attached spreadsheet with budget transfers.

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

<b>AMOUNT</b>	<b>FROM ACCOUNT</b>	<b>From Account Name</b>	<b>TO ACCOUNT</b>	<b>To Account Name</b>
\$2,000	10-5-3410-250	Fire - Comp Equipment	10-5-3410-452	Fire - Repairs to Truck
\$2,000	10-5-3410-402	Fire - PPE	10-5-3410-452	Fire - Repairs to Truck
\$12.00	10-5-1490-471	DPW - Education & Training	10-5-1490-470	DPW - Travel
\$2,000	10-5-8140-406	DPW - Sewer - Pipes, Grates	10-5-8560-414	DPW - Trees - Materials

\$1,000	10-5-5110-481	Street Maint - Black top / stone	10-5-5110-425	Street Maint - Tools, Paint, ETC
\$3,800	10-5-8140-452	Sewer - Repair to Equipment	10-5-1640-453	Central Garage - Repair to Equip
\$17,000	50-5-8120-100	Sanitary Labor	50-58120-200	Sanitary Equipment

**PERMISSION – VETERANS PARK CONCERTS**

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

Permission is hereby granted to Terry Buchwald to use Veterans Park Gazebo on Thursday June 28, 2018. And

Permission is hereby granted to The Buffalo Touch to use Veterans Park Gazebo on Thursday July 5, 2018. And

Permission is hereby granted to The Carnival Kids Steel Orchestra (CKSO) to use Veterans Park Gazebo on Thursday July 12, 2018. And

Permission is hereby granted to The Ramblin’ Lou Family Band to use Veterans Park Gazebo on Thursday July 19, 2018. And

Permission is hereby granted to The Lancaster Town Band to use Veterans Park Gazebo on Thursday July 26, 2018. And

Permission is hereby granted to Hit N Run to use Veterans Park Gazebo on Thursday August 2, 2018. And

Permission is also granted for use of electric power and use of restrooms at the Southside firehall.

The foregoing resolution was seconded by Trustee Hamernik and CARRIED.

**PERMISSION - FOOD TRUCKS & SUMMER CONCERT SERIES**

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

Permission is hereby granted Thai Me Up Food Truck, Green Acres Ice Cream Truck, Lloyd’s Taco Truck, Cheesy Chick Food Truck, and WNY Food Cart to operate in Veteran's Park during the Terry Buchwald concert on June 28, 2018.

And

Permission is hereby granted to Polish Villa II Truck, Loose Cannon Food Truck, Sweet Lisa’s Cakes & Dessert Truck, WNY Food Cart and The Blend Food Truck to operate in Veteran's Park during the Buffalo Touch concert on July 5, 2018.

And

Permission is hereby granted to Thai Me Up Food Truck, Lloyd’s Taco Food Truck, Great Aussie Bite Food Truck, Chef’s Food Truck and The Blend Food Truck to operate in Veteran ' s Park during The Carnival Kids Steel Orchestra concert on July 12, 2018.

And

Permission is hereby granted to Lloyd's Taco Truck, Cheesy Chick Food Truck, Frank’s Gourmet Hot Dog Food Truck, and Sweet Lisa’s Cake & Dessert Truck to operate in Veteran's Park during the Ramblin Lou Family Band concert on July 19, 2018.

And

Permission is hereby granted to Thai Me Up Food Truck, Green Acres Ice Cream Truck, Cheesy Chick Food Truck, Loose Cannon Food Truck, and WNY Food Cart for The Lancaster Town Band concert on July 26, 2018.

And

Permission is hereby granted to Polish Villa II Food Truck, Chef's Food Truck, Great Aussie Bite Food Truck, Green Acres Ice Cream Truck and The Blend Food Truck during the Hit N Run concert on August 2, 2018.

And

Permission is hereby granted to any other trucks that may need to replace one of the named trucks to operate during concert in Veteran's Park concert series. The foregoing resolution was seconded by Trustee Peterson and **CARRIED**.

### **PERMISSION – DEPEW FIRE DEPT**

Trustee Hamernik, 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 5, 2018 from 3:30pm till 6:30 pm at various intersections in the Village.

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

### **PERMISSION FIRE REIMBUREMENT**

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

**WHEREAS**, the Village of Depew had passed a resolution on January 22, 2018 authorizing then Chief Scott Wegst and Chief Rzeszutek to attend a FDIC Training seminar on behalf of the Depew Fire Department, and for payment of \$575.00 toward the cost of the Seminar; and

**WHEREAS**, the Depew Fire Department also contributed \$300.00 to both Past Chief Wegst and Chief Rzeszutek for their attendance at the seminar; and

**WHEREAS**, the Village of Depew received vouchers from Past Chief Wegst and Chief Rzeszutek to reimburse meals and lodging for the FDIC Training Seminar; and

**WHEREAS**, the Village of Depew has not previously paid these expenses in the past five (5) years, and makes no policy for future reimbursement, but will continue to authorize reimbursement on a case by case basis with pre-authorization of expenses by the Board of Trustees; and

**WHEREAS**, the Village of Depew has reviewed the request for payment of expenses for the meals and lodging for the FDIC Training Seminar which occurred during the 2017 – 2018 fiscal year, and has chosen to make reimbursement for some requested costs;

**NOW, BE IT RESOLVED**, that the policy of the Village of Depew shall continue to be that all reimbursement for expenses for Fire Department training and seminars shall be by request prior to such training or seminars, and on a case by case basis with prior authorization by the resolution of the Board of Trustees, and

**BE IT FURTHER RESOLVED** that the Village Administrator shall reimburse Chief Rzeszutek \$84.08 for meals, and

**BE IT FURTHER RESOLVED** that the Village Administrator shall reimburse Past Chief Wegst \$1, 083.70 for meals and lodging, and

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 – part of vote to see they get paid so they are not delayed - Y

Mayor Nikonowicz - Y

## **PERMISSION TO PURCHASE COMPRESSOR – DPW**

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

**WHEREAS**, John S. Wojcik, Supt. of Public Works request permission to purchase a Compressor from

NJPA pricing contract # 52015  
George & Swede Sales & Service  
7155 Big Tree Rd.  
Pavilion, NY 14525

**BE IT RESOLVED**, that permission is hereby **GRANTED** to John Wojcik to purchase a Compressor for an amount not to exceed \$20,806.50

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 Hamernik- Y  
Trustee Peterson - Y  
Mayor Nikonowicz - Y

**EMPLOYMENT APPLICATIONS** – Electrical – Matthew Wagner, Village Hall – Kenneth Kucewicz, REC – Douglas Norton, Arcadio Alfaro, Arianna Dommell, Peter Borgosz, Collin Kazmieczak, Sarah Steiner, DPW – Gary Erhardt.

### **DEPARTMENT HEAD REPORTS**

**ON A MOTION BY**, Trustee Hamernik, and seconded by Trustee Jakubowski, Police – April 2018 reports.

Fire –

DPW – Thank purchase of compressor, Retire 1984, Will carry on work as season goes on  
REC – Open 24<sup>th</sup> Pool and playground 25<sup>th</sup>

TONY –

Police – Speed sign out on Hanwell, will go around village. Thanked his student Police chief.

ADMIN –

### **UNFINISHED AND OTHER BUSINESS**

NONE

### **PUBLIC CONCERNS AND COMMENTS**

Melanie Nowicki – 11 South Warsaw St. – Lost an oldest citizen this year – 93 years old – fell down flight of steps. PD helped make the removal safe. Warsaw & Liberty pitch black. Want Liberty St and S. Warsaw light fixed. Has been a self-proclaimed PITA to Tony & Kevin and this year. Magruders parking lot Cleaned up and new roof. She chooses to stay in Depew because she loves it. Came from West Seneca. Says Depew captured the heart. Anyone could come in area and not be able to see there.

Timea Braun – 308 Olmstead Ave – Chicken- she took time to put together research of material. Mayor lines nearby – he spoke residents and they were not be favor, some very much oppose. Mayor said we are not a farming community. Trustee Peterson – There have been 3 or 4 cases not approved and previous boards have not approved. His dogs would be going nuts at the chickens. He wouldn't want chickens next to them. She understands past precedence in her situation large property with 6-foot fence. Could she apply in the future? She could apply again.

Paul Sprada – 58 Argus Dr – Master Plan, noticed Cheektowaga not in the plan. Mayor – this was paid via grant written by the town and it included the villages inside the town..



Mayor said he also spoke with Cheektowaga. #14 Concerts – Kevin did a great job with breaking a record w/six concerts & Founders day a 2 day event. Complemented John on park for Memorial Day.

Matt Walters – Town of Lancaster Councilman - Thanked for inclusion of Town Of Lancaster in Memorial Day event.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Peterson, seconded by Trustee Bukowiecki, the following claims are to be paid: \$53,525.05 General, \$2,216.36 Sewer, \$18,694.49 Capital Projects, \$74,435.90 Capital was **CARRIED**.

**ADJOURNMENT**

**ON A MOTION BY** Trustee Hamernik, seconded by Trustee Jakubowski, the meeting was adjourned at **8:23 PM**. The motion was **CARRIED**.

Respectfully submitted,

Maureen Jerackas  
Village Administrator