

MEETINGS: 10  
NO. OF REGULAR: 9

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**August 28, 2017 7:00PM**

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

**PUBLIC COMMENT**

John Charney – Depew Lancaster Chambers Official. Thank you from Lancaster Chambers on a very successful Founders Day. Official thank you was left. There was a lot of people and great energy. Next Founders Day – July 20<sup>th</sup> or 21<sup>st</sup> 2018.

Kevin GARASZ – 111Wenona St – There have been numerous accidents. I have a big issue with it. A 4 way stop at Wenona, Bloomfield, Kokomo and Warsaw would slow traffic down before someone gets killed.

**Public Safety Hearing**

Scott LaBounty – 61 Bloomfield – Reiterate what was already said. Would like to see a stop signs too and limit signs. If need to close street by Broadway that would be ok. Possibly Children At Play Signs. There was another rollover accident two weeks ago.

Terry – 23 Joseph – Village of Lancaster – Wes involved in the accident. It would be great if the Board could do something. Was heading toward Broadway. I could not see anything, could not see anything because of the trees and shrubbery. She had to keep moving up to see if anything was coming. There were also cars parked on the street which made it even harder to see. The residents are afraid for their kids. Anything that can be done. Kevin P said “hard to see”. Mayor said he was glad she was ok.

John ABRAHAM – 51 Bloomfield –Town of Lancaster – Been in house since 2010. There have been 10 accidents and 2 of them rollovers. We heard the crash and then screaming. Stated that the Mayor was on the scene right away with first responders. 4 way stop with stop all way signs on them.

Larry MAGIERA – 44 Argus Dr. – Traffic light by Antoinette’s, too long, drivers do not want to wait and speed down side streets. Southeast Works has vans going through daily. Timing was changed, but still too long. Mayor stated – will contact DOT to change it again. Meeting with Southeast works is set up.

John Parker - 66 Bloomfield – Accidents bad – Fire & PD do a great job. Cars travel 50 MPH. Kids can’t play. Mayor spoke to state about closing rd – village voted not to close. Discussed speed bumps, but would be a problem with plowing snow.

Jacob Klink - 41 Bloomfield Ave – Lived there three years. His car was totaled by someone on phone. Daughter called on store for the last accident. People were screaming. Also asked about stop sign by park. Board discussed putting in cross walks, right of way cross walks.

Paul Yates – 75 Bloomfield Ave – Agrees with everyone before him. There are no visible parking signs by businesses. People drive around school buses.

**PERMISSION TO SIGN – DEPEW FIRE DEPT**

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

**BE IT RESOLVED**, permission is hereby granted to Jesse Nikonowicz, Mayor to sign the board approval for the Village of Depew Fire Department incorporation.

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

## **RETRO WAGE PAYMENTS**

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

**BE IT RESOLVED**, that the Village Administrator is authorized to pay retro wage payments to the following non union employees at the rate increase of 1.5% for June 1, 2015 – May 31, 2016 and 2% for June 1, 2016 – May 31, 2017 and 2% for June 1, 2017 – July 24, 2017. The following titles are to be paid the retro due for the period above and their current salary adjusted for the wage increase: Confidential Clerk - Typist, Secretary to the Mayor, Clerk of Justice Court and PT Confidential Account Clerk Police.

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

## **REQUEST TO ACQUIRE - LAND BANK**

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

**WHEREAS**, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

**WHEREAS**, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

**WHEREAS**, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

**WHEREAS**, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

**WHEREAS**, the *Village of Depew*, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem; and

**WHEREAS**, BENLIC and the Village of Depew have entered into an agreement for the purpose of providing neighborhood stabilization and revitalization services, specifically the demolition of the current condemned residence at 511 Terrace; and

**NOW, THEREFORE, BE IT RESOLVED**, that *Village of Depew* hereby officially requests that BENLIC acquire the following property:

**511 TERRACE SBL# 104.70-2-2;** and

**BE IT FURTHER RESOLVED**, that the *Village of Depew* has attached the Acquisition Applications to this resolution; and

**BE IT FURTHER RESOLVED**, that the *Village of Depew* agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property including removal of motor vehicles upon BENLIC property by use of municipal emergency services (i.e. police and fire department); and be it further

**BE IT FURTHER RESOLVED**, in the event that after a period of one year from the date of BENLIC acquisition, BENLIC is unable to dispose of **511 Terrace** which are identified herein, BENLIC directs transfer to the **Village of Depew**, the **Village of Depew** agrees to accept a transfer of title of **511 Terrace** by quit claim deed;

**511 TERRACE SBL# 104.70-2-2**

**BE IT FURTHER RESOLVED**, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

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 Hamernik - Y  
Trustee Peterson- Y  
Mayor Nikonowicz - Y

**AUTHORIZE EMERGENCY ENCLOSURES PAYMENT**

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

**WHEREAS**, on August 8, 2017 emergency enclosures were performed at 59 Crane St. due to a fire making the structure unstable, and

**WHEREAS**, the property owner was aware that emergency enclosures were needed, but the emergency enclosures could not be made through the property owner, and

**WHEREAS**, the Board of Trustees was contacted to consent to and authorize the Village of Depew to make the necessary emergency enclosures to protect the community, and

**WHEREAS**, the Village incurred a cost of three hundred fifty and 00/100 dollars for the emergency enclosure,

**NOW, THEREFORE BE IT RESOLVED**, that Maureen Jerackas, Village Administrator, is authorized to send an invoice for the amount of \$350.00 to the property owner for the fee, and

**BE IT FURTHER RESOLVED**, that Maureen Jerackas, Village Administrator, can add this fee to the property taxes if the owner fails to pay this fee.

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 MAYOR TO SIGN MAINTENANCE AGREEMENT – IMPERIAL DOORS**

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

**WHEREAS**, the Village of Depew is currently utilizing Imperial Doors for the maintenance of the doors at the Village of Depew facilities;

**WHEREAS**, the Village of Depew would like to continue the Maintenance Contract for \$720.00 annual labor charge starting October 1, 2017 and ending September 30, 2018.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Jesse Nikonowicz is authorized to sign the maintenance contract renewal.

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- NYDOT SHARED SERVICES**

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

**WHEREAS**, The Village Board of the Village of Depew has determined that it is in the Village's best interest to enter into a shared services agreement with the NYDOT for the use of sharing services, materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties resources: and

**NOW THEREFORE BE IT RESOLVED**, that Mayor Jesse Nikonowicz is authorized to sign the shared services agreement between NYSDOT and The Village of Depew.

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 ADMINISTRATOR TO ADVERTISE – DPW LABORER**

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

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for a Full Time Laborer for the Department of Public Works.

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 Hamernik - Y  
Trustee Peterson - Y  
Mayor Nikonowicz - Y

**PERMISSION SEMINAR**

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

**BE IT RESOLVED**, permission is hereby granted to Village Administrator, Maureen Jerackas and Trustee Jakubowski to attend the Fall Training School on September 11 – 15, 2017 at The Saratoga Hilton, Saratoga Springs, NY. The fee is \$295 per person for the training school. Use of a village vehicle is authorized.

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

**AUTHORIZATION FOR MAYOR TO SIGN PURCHASE AGREEMENT FOR 570 GOULD AVENUE, DEPEW, NY**

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

WHEREAS, the executor of the estate of the last surviving trustee of the God’s New Covenant People Church has offered the church property, located at 570 Gould Avenue to the Village of Depew for One Dollar (\$1.00) plus the costs of the transfer, and

WHEREAS, the Village of Depew would like to explore the possibility of obtaining the property for Village use and development, and,

WHEREAS, the Village of Depew also wishes to protect its interest in rejecting the property if unforeseen environmental issues exist on the property, and

WHEREAS, the Agreement initially offered the Village a period of thirty (30) days to inspect the property and the Village felt they would not be able to complete all inspections and evaluations within that timeframe, and

WHEREAS, the executor is willing to change the timeframe for the Village to inspect the property to sixty (60) days from execution of the contract,

**BE IT RESOLVED**, that Mayor Jesse Nikonowicz is hereby authorized to sign the Agreement on behalf of the Village of Depew, with the change to a the contract to a sixty day (60) inspection period.

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

**ON A MOTION BY**, Trustee Jakubowski, pursuant to Open Meeting Law Section 105 we adjourn to executive session to discuss a personnel matter. The motion was seconded by Trustee Hamernik,  
The Executive Session Began: 7:44 PM and was adjourned with the meeting being called back to order at 9:38 PM

**PUBLIC CONCERNS AND COMMENTS**  
NONE

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Bukowiecki, seconded by Trustee Peterson, the following claims are to be paid: \$316,482.82 General, \$12,174.00 Community Development, \$800.00 Sewer, \$105,652.03 Capital Projects, \$435,108.85 Capital was **CARRIED**.

**ADJOURNMENT**

**ON A MOTION BY** Trustee Hamernik, seconded by Trustee Jakubowski, the meeting was adjourned a moment of silence for those impacted by the floods in Texas at **9:40 PM**. The motion was **CARRIED**.

Respectfully submitted,

Maureen Jerackas  
Village Administrator