

MEETINGS: 19
NO. OF REGULAR: 17

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
January 14, 2019 7:00PM

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

ON A MOTION BY, Trustee Peterson, and seconded by Trustee Jakubowski the December 10, 2018 Village Board Minutes were approved.

ON A MOTION BY, Trustee Bukowiecki and seconded by Trustee Hamernik, the January 3, 2019 Planning Board Minutes were approved.

1. Lance Mauro representing Madison Manor Services LLC-10 Colony- requesting proposed installation of 2 stone structures and a metal fence 3 ft. west of existing sidewalk. Planning Board makes the recommendation to the Village Board to accept the site plans as submitted with the following stipulations
1. The concrete foundation needs to be 5 ft. from sidewalk setback
2. The fence needs a smooth top rail
3. This is subject to zoning board approval of the variance. Current zoning is R-1 Single Family Residential. Applicant withdrew his application 1-4-19
2. Daryl Martin Architect representing Mark's Auto Sale - 4587 Broadway- requesting approval of site plan to operate a used car dealership. Current zoning is C-2 Commercial. Planning Board makes the recommendation to the Village Board to table the site plans as recommended by the owner and architect until the new site plan is submitted.

AGENDA ITEM COMMENTS

Mr. Dave Burkhardt – 5 Autumn Lea Rd - asked about agenda items #6, Stipend and who was getting it and how much. Mayor responded for Judge Bumbalo, and it was a one time stipend, not a raise in pay. #13 Asked who was using the Senior Center and for what purpose, a party? Mayor said that it was a group the board authorized to use it to hold a meeting. #16 Asked what hydrant was being referred to on the agenda and the Mayor responded, right near you, on Vanderbilt. And that Erie County Water Authority installing.

ACCEPT RESIGNATION – CHIEF OF DEPEW POLICE DEPT.

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

BE IT RESOLVED, the resignation of Stanley Carwile, Chief of Depew Police Department effective February 8, 2019 is accepted.

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 - ABS
Trustee Peterson – Y
Mayor Nikonowicz - Y

ACCEPT RESIGNATION – COURT CLERK TYPIST

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

BE IT RESOLVED, the resignation of Court Clerk Typist Jennifer Culkowski effective January 18, 2019 is accepted.

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 - ABS
Trustee Peterson – Y
Mayor Nikonowicz - Y

APPOINT INSPECTORS OF ELECTION FOR 2019 VILLAGE ELECTION

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

BE IT RESOLVED, pursuant to Section 15-116 of the Village Election Law of the State of New York, the following Inspectors of Election are hereby appointed to serve at the specified amount of \$105.00/Chairman and \$90.00/Inspector per day for the General Village Election to be held on Tuesday, March 19, 2019. This list is from Erie County Board of Elections for 2018 Certified Inspectors and will be used to fill the positions and any alternate necessary to adequately run the elections.

See attached list.

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- ABS
Trustee Peterson - Y
Mayor Nikonowicz - Y

APPOINT VILLAGE OF DEPEW SENIOR CENTER CERAMIC INSTRUCTOR

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

Catherine Albee – 14 Strasmer Rd, Depew, NY 14043
to the position of Ceramic Instructor with the rate of \$12.00 per hour effective January 18, 2019

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

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

PROCLAMATION – DEPEW SCHOOL CHOICE WEEK

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

WHEREAS all children in Depew should have access to the highest-quality education possible; and,

WHEREAS Depew recognizes the important role that an effective education plays in preparing all students in Depew to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of Depew; and,

WHEREAS Depew is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS Depew has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Mayor Jesse Nikonowicz, do hereby recognize January 20-26, 2019 as Depew School Choice Week, and I call this observance to the attention of all of our citizens.

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

ONE TIME STIPEND

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

BE IT RESOLVED, that Acting Village Justice Paul Bumbalo, ESQ shall be paid a one-time stipend of \$1,000.00, which is not to be added as a wage increase, for extra duties undertaken in 2018 while Judge Gordon Willis was on leave.

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 - ABS
Trustee Peterson - Y
Mayor Nikonowicz - Y

MODIFY 2018/2019 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2018/2019 Budget in the following manner:

Revenues- Minor Sales – 4-2655– \$26.79
Expenditures – Electrical – Materials – 5-3020-0414- \$26.79 – Twin Village – Sheet Iron Recycling

Revenues – Minor Sales – 4-2655- \$11.20
Expenditures – Electrical – Materials – 5-3020-0414 - \$11.20- Twin Village – Wire & Aluminum

Revenues – Minor Sales – 4-2655- \$2,921.25
Expenditures – Electrical – Public Safety Equipment – 5-3020-0260 - \$2,921.25 – Rebate from NYSEG

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 - ABS
Trustee Peterson - Y
Mayor Nikonowicz - Y

AUTHORIZE MAYOR TO SIGN ENGINEERING 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;

WHEREAS, the Village of Depew would like to continue this Professional Engineering Service with the following fee changes for the calendar year 2019:

1. Increase the rate from \$130 to \$135
2. Standard rate of inspection to remain the same at \$115

NOW THEREFORE BE IT RESOLVED, that Mayor Jesse Nikonowicz is authorized to sign the Professional Engineering Service Agreement.

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 – ABS
Trustee Peterson - Y
Mayor Nikonowicz - Y

APPROVE OEM VEHICLE USE

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

WHEREAS, the Village of Depew Office of Emergency Services was established pursuant to section 23 of the Executive Law of New York State, and

WHEREAS, the office is staffed by volunteers whose duty it is to take appropriate actions to prevent or mitigate effects of hazards and be prepared to respond to and recover from them when an emergency or disaster occurs, and provide for the efficient utilization of all available resources during an emergency, and that these emergencies include but are not limited to responses to environmental emergencies, hazardous material emergencies and civil defense emergencies, and other natural and non-natural and man-made events that affect life, safety and property of Village residents and

WHEREAS, the Village has appointed Mr. Roy Nieman of 11 Krieger St, Depew, NY 14043 as Emergency Manager and Mr. Galen Purpura Jr, of 205 Gould Ave, Depew, NY 14043 Deputy Emergency Manager, who are required to respond to and coordinate responses to these various emergencies as they arise, and

WHEREAS, in the performance of their duties, the volunteer Emergency Manager and Deputy Emergency Manager act as Civil Defense Emergency vehicles pursuant to VAT 106A, as well as a Hazardous Materials Emergency vehicles pursuant to VAT 117-c and an Environmental Emergency Response vehicles pursuant to VAT 115D;

WHEREAS, the Village of Depew does not provide a municipally owned vehicle for use by Emergency Management personnel during the performance of their duties, however, the Village of Depew has determined that it would be desirable under section 1104 of the Vehicle and Traffic Law (VAT) of NYS for the volunteer Emergency Manager and Deputy Emergency Manager to install communications, warning and other equipment required pursuant to VAT 1104, to perform their official duties as emergency vehicles, therefore,

BE IT RESOLVED, that the Mayor does hereby authorize and designate the personally owned and equipped vehicles of Mr. Nieman and Mr. Purpura as “Authorized Emergency Vehicles” as defined under Sections 101, 106A, 115D and 117C of the New York State Vehicle and Traffic Law (NYS-VAT) at those times when conducting official Government business, and

BE IT FURTHER RESOLVED that the operators of said vehicles shall comply with the provisions and restrictions contained in Section 1104 of the NYS-VAT Law as it pertains to operation of an Authorized Emergency Vehicle, and

BE IT FURTHER RESOLVED that this authorization shall remain in effect during the entire term of their service appointment or until revoked or rescinded by the Mayor.

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 – ABS
Trustee Peterson – Y
Mayor Nikonowicz - Y

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the West End Fire Department to use the West End Fire Station for their children’s Christmas Party on December 16, 2018 from 2PM – 5PM and to use West End Fire Station for their adult Christmas party on December 22, 2018 from 7:00PM – Midnight.

And

Permission is hereby granted to the Hook & Ladder Co. #1 to use the Northside Fire Station on February 9, 2019 from 8:00AM – 9:00PM for a fundraiser.

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

PERMISSION – FIRE DEPARTMENT

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

WHEREAS, The Member of St. Johnsburg Fire Department invited the Southside companies to drill with them at the Niagara County Indoor Training Facility, 5574 Niagara St, Extension, Lockport, NY.

WHEREAS, this will allow them to use an indoor roof simulator which is similar to an actual house and have an indoor S.C.B.A maze that’s laid out like an actual house or garden style apartment. The layout will allow them to simulate rescuing a downed firefighter.

NOW THEREFORE, BE IT RESOLVED, The members of the Southside Companies are allowed to train with the Johnsburg Fire Department on January 24, 2019 from 6:30PM – 10:30PM. The truck will be out of service during this time.

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 -ABS
Trustee Peterson- Y
Mayor Nikonowicz - Y

APPROVE POLLING LOCATION

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

WHEREAS, the Village of Depew will have four election districts (1-4) covering the entire Village of Depew and the districts will be split up among the alphabet (registered voters last name).

BE IT RESOLVED, all voting for the Village election will be at the Village Hall, 85 Manitou St Depew in the senior center. Polls will be open from noon until 9:00 pm. The Village Administrator will send a certified copy of the resolution to the Board of Elections and also post the notice in the Depew Bee.

And

Whereas, a General Village Election for the Village of Depew will be held on Tuesday, March 19, 2019 for the following offices:

Village Mayor – Four Year Term
Village Trustee – Four Year Term
Village Trustee – Four Year Term

Therefore, be it resolved, that the Village Administrator is hereby authorized to have published in the Official Paper for the Village of Depew a listing of the Offices to be filled by the March 19, 2019 General Village Election.

And

Whereas, as in past years the residents of the Village of Depew must register with the Board of Elections to be able to vote in a Village of Depew Election.

Therefore, be it resolved, that the Village will not be holding a village registration day, however residents may register with the Erie County Board of Elections.

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 -ABS
Trustee Peterson -Y
Mayor Nikonowicz - Y

PERMISSION – USE OF SENIOR CENTER

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

Permission is hereby granted to the Tri-Community and DCAT (Depew Community Action Team) to use the Senior Center for an informational meeting on January 26, 2019 from 1:00 PM – 3:00 PM.

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

PERMISSION SEMINAR – FIRE CONFERENCE

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

BE IT RESOLVED, permission is hereby granted to Assistant Fire Chief Todd Rzeszutek and Captain of Central Hose #4 and Past Chief Scott Wegst to attend the 2019 FDIC International Conference on April 8-13, 2019 at The Indiana Convention Center in Indianapolis, Indiana. The fee is \$303.48 per person for Conference. Use of a village vehicle is authorized.

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

AMENDMENT OF THE PURCHASING POLICY OF THE VILLAGE OF DEPEW

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

WHEREAS, the Village of Depew enacted a purchasing policy in 1994 in order to be in conformity of General Municipal Law 104-b, and,

WHEREAS, the Purchasing Policy requires an annual review of the Policy; and

WHEREAS The Purchasing Policy of the Village of Depew and the General Municipal Law 104-b, both allow the Village to set forth any circumstances when, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will be in the best interest of the political subdivision or district therein, and

WHEREAS, it is necessary to document all such alternative proposals and quotations, and

WHEREAS, it would facilitate the Village Purchasing policy if the Village Trustees had more regular oversight of documentation of compliance with the bidding process, and

WHEREAS, it would facilitate the policy if annual review of the policy was given to and acknowledged by all department heads and employees that have purchasing duties and responsibilities,

NOW THEREFORE,

BE IT RESOLVED, that the Purchasing Policy of the Village of Depew shall be amended at part I, as follows:

“The Clerk/Treasurer or the Village Administrator in her capacity as Clerk/Treasurer shall be responsible for ensuring compliance with these policies, including obtaining appropriate bids, prior to issuing purchase numbers or purchase order forms.

The Clerk/Treasurer shall forward by email, a copy of the “Sample Telephone Log” (public works and purchase) and a copy of the “Written Quotation Sheet” (public works and purchase), to each Department Head no later than five (5) days after the annual reorganization meeting, and each Department Head shall acknowledge receipt.”

And it is

FURTHER RESOLVED, that the Purchasing Policy of the Village of Depew shall be amended at part IV (A)(6), by adding the following:

“A copy of the log of three (3) phone estimates or three (3) written estimates shall be forwarded to the Clerk/Treasurer prior to the purchase order number being issued.”

And it is

FURTHER RESOLVED, that the Purchasing Policy of the Village of Depew shall be amended at part IV (A)(10), by adding the following:

“The abstracts provided to the Trustees shall also include copies of the log of three (3) phone estimates or three (3) written estimates that were submitted for each expenditure.”

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 - ABS
Trustee Peterson - Y
Mayor Nikonowicz – Y

AUTHORIZE MAYOR TO SIGN PERMISSION – DOT

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

WHEREAS, DOT has requested permission to add a new, additional fire hydrant on Transit Road in the Village of Depew North of the Norfolk Southern Rail Road Bridge, at no cost to the Village for installation or supplies, and

WHEREAS, this hydrant will assist businesses located in the Village to continue to do business, employ workers and pay Village taxes, and

WHEREAS, the Village will pay the yearly contract fee with Erie County Water

WHEREAS, Village law requires that the Board of Trustees are responsible for granting or denying permission for additional fire hydrant within the Village,

NOW THEREFORE, BE IT RESOLVED, that permission is granted by the Board of Trustees and

Mayor Jesse Nikonowicz is authorized to sign any documents needed for the DOT to add a New Fire Hydrant on Transit Road North of the Norfolk Southern Rail Road Bridge,

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

Trustee Jakubowski - TABLE
Trustee Bukowiecki- TABLE
Trustee Hamernik - ABS
Trustee Peterson- TABLE
Mayor Nikonowicz - TABLE

EMPLOYMENT APPLICATIONS DPW – Matthew Green, Village Hall – Mark Morris

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Jakubowski and seconded by Trustee Peterson to approve department head reports: – Police Oct 2018 and Nov 2018, Building Dept Dec 2018
Police Chief Carwhile stated that he is retiring rather than just resigning. He thanked the board and department heads stating that we have a great group of people working together to better our community and that our Village is a great place to work and live.

UNFINISHED AND OTHER BUSINESS

PUBLIC CONCERNS AND COMMENTS: None

CLAIMS AND ACCOUNTS

ON A MOTION BY ON A MOTION BY Trustee Peterson seconded by Trustee Bukowiecki the following claims are to be paid: \$172,194.63 General, \$2,299.00 Sewer, \$975.00 Community Development, \$126,088.00 Capital was accepted.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski seconded by Trustee Bukowiecki the meeting was adjourned with a prayer for Past Mayor Art Domino, who is not feeling well at 7:35 PM. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak
Village Administrator