

MEETINGS: 20
NO. OF REGULAR: 18

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

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

ON A MOTION BY, Trustee Peterson, and seconded by Trustee Hamernik the January 14, 2019 Village Board Minutes were approved.

AGENDA ITEM COMMENTS

Mr. Paul Sprada, asked about the Motion for a public hearing on garbage. Mayor explained it is not to renew the contract, just to hear input on code changes for totes. Mr. Sprada heard at Lancaster’s Board Meeting that their contractor for recycling will not pick up glass bottles any longer. He found that odd. Village Attorney said she believes that pertains to colored glass only.

APPOINT NEW POLICE CHIEF

Pursuant to Section 4-400 of Village Law, I, Mayor Jesse Nikonowicz do hereby appoint Jerome Miller, 62 Pheasant Run, Lancaster, NY 14086 to the position of Depew Police Chief at a salary of \$116,000 per year effective January 29, 2019.

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

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

ACCEPT RESIGNATION – Planning Board Member

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

BE IT RESOLVED, the resignation of Antonia Murray -Wojciechowicz, as Planning Board Member, effective immediately 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 – ABS
Trustee Bukowiecki – Y
Trustee Hamernik -Y
Trustee Peterson –Y
Mayor Nikonowicz- Y

APPOINT PLANNING BOARD MEMBER

Pursuant to Section 4-400 of Village Law, I, Mayor Jesse Nikonowicz do hereby appoint Robert Murawski, 491 French Rd, Depew, NY 14043 to the Village Planning Board, said term to expire at noon on the first Monday of April 2020, at a salary of \$50 per meeting.

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

Trustee Jakubowski - ABS
Trustee Bukowiecki - Y
Trustee Hamernik - Y

Trustee Peterson – Y
Mayor Nikonowicz - Y

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING –
CHANGES TO VILLAGE CODE, SECTION 198, SOLID WASTE**

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

WHEREAS, the Village enacted a six month moratorium on the sale of totes on November 12, 2018 for the purpose of amending the Village Code, Chapter 198, Solid Waste, and

WHEREAS, the Village discussed possible resolutions to bring the Village Code into compliance with the contracts for solid waste disposal, at a pre-Board meeting on January 14, 2019, and

WHEREAS, those discussions resulted in consensus on the terms and issues needed to amend the Village Code,

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for public hearing to be held on February 11, 2019 at 7:00pm regarding the following resolution for amendments to Section 198 of the Code of the Village of Depew:

1. That Section 198 of the Code of the Village of Depew, titled “SOLID WASTE” shall be amended as follows:

Section 198-2 Definitions. shall be amended as by inserting in alphabetical order the following:

“SMALL COMMERCIAL UNITS.

For purposes of solid waste disposal, a “small commercial unit” shall be those businesses in the Village which have wastes in similar quantities and types as a residential unit.”

and

The heading “UNITS” shall be amended to be “RESIDENTIAL UNITS.”, and the definition shall be placed alphabetically in Definitions.

2. That Section 198-3 shall be replaced in its entirety as follows:

“Totes.

Recycling Totes shall be 65 or 95 gallon wheeled carts designated by a green lid or other color as determined by the Village.

Garbage Totes shall be 65 or 95 gallon wheeled carts designated by a black lid or other color as determined by the Village.

All Totes shall be purchased directly through the Village, at a cost to be determined by the Village of Depew. Upon payment of the Totes cost or fee by the Residential unit or the Small Commercial unit, the Totes shall become the property of the unit purchaser.

Only residential units and small commercial units are entitled to purchase totes to be used by the Village contracted garbage collector. All Residential Units and Small Commercial Units shall be entitled to own from 1-3 Garbage Totes and/or 1-2 Recycling Totes but in no case shall a residential or commercial unit own more than 4 total Totes.”

3. All other portions of Section 198 of the Village Code, not affected by this amendment, shall remain in full force and effect.

4. Effective date: This amendment to the Village Code shall take effect immediately, and shall be added to the text of the Village Code thereafter.

The forgoing resolution was seconded by Trustee Bukowiecki, and **CARRIED**.

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

AUTHORIZE MAYOR TO SIGN PERMISSION – ECWA

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

WHEREAS, ECWA has requested permission to add a new, additional fire hydrant on Walden & Vanderbilt in the Village of Depew 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, this hydrant will be installed to satisfy NFPA 18.5.3 (2) of the 2015 fire code requirement of 500 ft max between hydrants at time of water improvement project.

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 ECWA to add a New Fire Hydrant on Walden Ave. and Vanderbilt Ave,

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

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

Authorization for Mayor to sign Grant Agreement

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

BE IT RESOLVED, that the Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Depew’s obligation under the Engineering Planning Grant Agreement.

The foregoing resolution was seconded by Trustee Peterson₂ and duly put to a roll call vote which resulted in the following:

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

Authorization and Appropriation of Local Match (20% local match)

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

BE IT RESOLVED, that the Village authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Village of Depew Engineering Study (Phase 5) involving the evaluation of inflow and infiltration sources within the Village sanitary sewer collection system associated with Sewershed No. 4. Under the Engineering Planning Grant Program,

this local match must be at least 20% of the total project cost. The maximum local share appropriated, subject to any changes agreed to by the Mayor, shall not exceed \$25,000 based upon a total estimated maximum project cost of \$125,000.00. The Mayor may increase this local match through the use in kind services without further approval for 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- ABS
Trustee Bukowiecki - Y
Trustee Hamernik - Y
Trustee Peterson – Y
Mayor Nikonowicz - Y

VILLAGE OF DEPEW SSES PHASE 5 TYPE 2 SEQR

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

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED that the Village of Depew hereby determines that the proposed SSES Phase 5 is a Type 2 action in accordance with 6 NYCRR Section 617.5(c)(24) which constitutes information collection, including basic data collection and research; water quality and pollution studies, traffic counts, engineering studies; surveys; subsurface investigations; and soils studies that do not commit the agency to undertake, fund or approve any Type 1 or Unlisted action; and is therefore not subject to further review under 6 NYCRR Part 617.

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

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

EMPLOYMENT APPLICATIONS – Senior Center – Catherine Albee, DPW – Brendan Bruce

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Bukowicki and seconded by Trustee Peterson to approve department head reports: – Building Dept – two end of year 2018 reports

UNFINISHED AND OTHER BUSINESS

PUBLIC CONCERNS AND COMMENTS: N/A

CLAIMS AND ACCOUNTS

ON A MOTION BY ON A MOTION BY Trustee Peterson seconded by Trustee Bukowiecki the following claims are to be paid: \$234,854.00 General, \$869.12 Sewer, \$585,007.34 Capital was accepted.

ADJOURNMENT

ON A MOTION BY Trustee Hamernik seconded by Trustee Peterson, the meeting was adjourned with a moment of silence for past Mayor Nitelli at 7:25 PM. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak
Village Administrator