

MEETINGS: 16
NO. OF REGULAR: 14

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
November 13, 2018 7:00PM

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

ON A MOTION BY, Trustee Hamernik, and seconded by Trustee Jakubowski the October 22, 2018 Village Board Minutes were approved.

ON A MOTION BY, Trustee Peterson and seconded by Trustee Bukowiecki the Zoning Board Minutes of November 8, 2018 were accepted.

1. William Hughes – 529 Gould Ave – Erect a 4-foot chain link fence within the required front setback – granted side variance of 5 ft from Kokomo St. and front variance was not approved. Stipulation that it's verified that the 5ft from the side is on Mr. Hughes property.
2. Joseph Pawlak – 106 Laverack Ave. – Renew his expired area variance regarding the required setback for garage construction issued on April 13, 2017 – Granted for renewal as long as it is the same as the original application and any changes will have to have a new variance approved.
3. Jeff Kupka – 60 Preston St (Depew Boys and Girls Club) – Erect a fence on the adjacent vacant lot, he is requesting relief from corner lot setback requirements (requesting 5ft setback) – Tabled – updated survey needs to be done and given to Tony.

PUBLIC HEARING COMMENTS

NONE

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Peterson, the public hearing on the Moratorium on Totes was closed at 7:27PM

AGENDA ITEM COMMENTS

NONE

MORATORIUM ON SALE OF GARBAGE TOTES PENDING LOCAL LAW

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

WHEREAS, the Village allowed certain businesses to opt out of the initial tax payment for garbage totes, and

WHEREAS, the Village contract for garbage disposal limits the number of totes per address, and

WHEREAS, the Village has not set out a Village law or policy that follows the terms of the contract, and

WHEREAS, the Village wishes to be in compliance with the contract and to provide guidance to the residents and businesses as to those limitations, and

WHEREAS the Village needs a period of six (6) months to devise a local law that will be able to set a policy that complies with this and all future contracts for garbage and recycling disposal, now

BE IT RESOLVED, that for a period of six months from today's resolution there shall be a moratorium on the purchase and/or use of any new commercial or non-residential garbage and/or recycling totes, and

BE IT FURTHER RESOLVED that there shall be a moratorium on the purchases and/or use of more than two (2) garbage and one (1) recycling totes for any new residential users, and

BE IT FURTHER RESOLVED that during the moratorium period, no current users of Village garbage pickup, either commercial, non-residential or residential shall increase the number of totes used at their address, and

BE IT FURTHER RESOLVED, that the Board of Trustees shall take steps within that six month period to develop a garbage and recycling pickup policy for both commercial and residential locations within the Village of Depew.

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

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

APPOINT VILLAGE ADMINISTRATOR

Pursuant to Section 4-400 of Village Law, I, Mayor Jesse Nikonowicz, do hereby appoint Teresa Wachowiak 1604 Meadow Dr, Alden, NY 14004 to the position of Village Administrator, for the remainder of the current administrator term to expire at noon on the first Monday in April 2019, at a salary of \$59,243 per year.

The forgoing 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 DEPT OF PUBLIC WORKS MEO

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

Edward Mrozek - 366 Argus Dr, Depew, NY 14043
to the position of Public Works MEO effective November 13, 2018 at the rate of pay of \$27.69.

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

ACCEPT RESIGNATION – EMERGENCY MANAGER

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

BE IT RESOLVED, the resignation of Ryan Sheedy, Emergency Manager effective August 20, 2018 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 - Y
Trustee Peterson – Y
Mayor Nikonowicz - Y

APPOINT VILLAGE OF DEPEW EMERGENCY MANANGER

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

R.J. Nieman – 11 Krieger St, Depew, NY 14043
to the position of Emergency Manager effective November 13, 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 VILLAGE OF DEPEW DEPUTY EMERGENCY MANAGER

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

Galen Purpura – 205 Gould Ave, Depew, NY 14043
to the position of Deputy Emergency Manager effective November 13, 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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Code Enforcement Officer, Anthony Fischione to attend The Niagara Frontier Building Officials Education Conference on January 28-30, 2019 at the Millennium Hotel, 2040 Walden Avenue Cheektowaga NY 14225. The fee is \$275.00. Use of a village vehicle is authorized.

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE AUDITED FINANCIAL STATEMENTS ARE COMPLETED

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

BE IT RESOLVED, the Village Administrator is authorized to advertise that the Village of Depew Financial Statements for May 31, 2018 have been audited and are available to the public via our web page or in the Clerk/Treasurer's Office.

The foregoing resolution was seconded by Hamernik, and **CARRIED.**

AUTHORIZE ADMINISTRATOR TO ADVERTISE AUDITED FINANCIAL STATEMENTS ARE COMPLETED

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

BE IT RESOLVED, the Village Administrator is authorized to advertise that the Village of Depew Court Financial Statements for May 31, 2018 have been audited and are available to the public via our web page or in the Clerk/Treasurer's Office.

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

RETURN UNPAID TAXES TO COUNTY OF ERIE

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

BE IT RESOLVED, the report of the Village Administrator, showing that in accordance with Article 14, Section 1436, Paragraph 2 of the Real Property Tax Law, is returning to the County of Erie, Department of Finance the 2018-2019 unpaid Village Tax accounts together with the unpaid sewer account pursuant to verification and certification of the Board of Trustees, and also that as of November 1, 2018, has collected the sum of \$10,386,691.91, leaving a balance of \$265.554.45. In accordance with section 987 of Real Property Tax Law, the Village has imposed a fee of \$2.00 per parcel for the “Notice of Unpaid Taxes”; the Administrator has added \$524.00 to the balance, thereby leaving a balance of \$266.602.46, which has been transferred to Account A440, Due from Other Governments, for further collection on the Town/County bill, is hereby 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- Y
- 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 Central Hose Co #4 to use the North Side Fire Station for their Children’s Christmas Party on Sunday December 11, 2018 from 12:00PM – 4:00PM.

and

Permission is hereby granted to Central Hose Co #4. to use the North Side Fire Station for their Annual Installation on Saturday April 6, 2019 from 5:00PM – 12:00AM.

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

AUTHORIZE USE OF SENIOR CENTER FOR TRI-COMMUNITY FOOD PANTRY ANNUAL HOLIDAY PARTY

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

WHEREAS, the Tri-Community Food Pantry wishes to have their annual holiday party for members of our community,

BE IT RESOLVED, that the Tri-Community Food Pantry is given permission to utilize the Depew Senior Center for this party on Saturday, December 15, 2018 12:00PM-3:00 PM

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

PERMISSION TREE LIGHTING PARADE

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

BE IT RESOLVED, permission is hereby granted for the Annual Tree Lighting Parade including Fire Apparatus and Santa on Monday, December 3, 2018, beginning at approximately 6:10PM. The Depew Police Department who will provide the necessary traffic enforcement has approved the parade route.

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

EMPLOYMENT APPLICATIONS - DPW - Mathew Kurtowicz, Joseph Brown, Tyler Hoffhines, Thomas Mazurowski, Gary Cummings, Andrew Mrozek, James Lenartowicz, Derek Pugh, Gannon Cimenlo, John Gauthier, Paul Makowski

DEPARTMENT HEAD REPORTS - ON A MOTION BY, Trustee Hamernik, and seconded by Trustee Jakubowski, Building – Sept 2018 and Police – Sept 2018 report.

UNFINISHED AND OTHER BUSINESS

PUBLIC CONCERNS AND COMMENTS

Paul Sprada – 55 Argus Dr – Asked the representative from John Brusso’s office about the upcoming meeting at Como Park, if it regards all the County Parks or just Como Park. Was told it was a Master Plan meeting from 6PM – 8PM. Mayor stated it was for all County Parks.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Peterson seconded by Trustee Bukowiecki the following claims are to be paid: \$242,952.33 General, \$276.28 Sewer was accepted.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski seconded by Trustee Hamernik the meeting was adjourned with a moment of silence for Ziggy Kucewicz, father of former Mayor Robert Kucewicz and Veterans Day at 7:52 PM. The motion was **CARRIED**.

Respectfully submitted,

Melissa Dabb
Deputy Clerk