

MEETINGS: 22
NO. OF REGULAR: 20

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
February 11, 2019 7:00PM

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

ON A MOTION BY, Trustee Peterson, and seconded by Trustee Bukowiecki the January 28, 2019 Village Board Minutes were approved.

AGENDA ITEM COMMENTS

Gabby Miller questioned agenda item #3, does not think it is fair to residents to allow others to return their old totes for full reimbursement according to the buy-back program. Thinks that they should not be able to receive the buy back on totes that are spray painted, broken, chipped, etc. She stated that a resident would not be able to do the same thing and would have to purchase a replacement. Mayor Nikonowicz stated that it doesn't affect residents in that manner and Village Attorney McDonald stated that we will not buy back broken totes in the buy back. Ms. Miller said that the resolution does not state that. The Mayor said the board discussed the event that if there were issues at the public hearing on this issue, the board was willing to table the 2 motions until all issues are resolved. Ms. Miller stated that the CEO has been bringing this issue up for many years, she knows, because she was at the pre-board work sessions and heard him. How come the board is just now addressing this issue instead of listening to a licensed individual who told them this years and years ago. Attorney McDonald explained that she has only been here for 3 years, not several and that the contract was newly signed one year ago when this issue did surface. And since then, the board is taking the necessary measures to address the issue now.

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Hamernik, the public hearing on solid waste was closed at 7:10 PM.

AMENDMENT TO THE VILLAGE CODE, SECTION 198, SOLID WASTE

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

WHEREAS, the Board of Trustees of the Village of Depew, New York held a public hearing on February 11, 2019 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the amendment to Section 198, SOLID WASTE of the Code of the Village of Depew, and

WHEREAS, all persons were given an opportunity to speak for or against this amendment to the Village Code;

WHEREAS, the proposed Village Code to be amended is as follows:

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: That portion of

"NON-RESIDENTIAL UNITS" that states

"or a building containing more than eight units."

shall be amended to say

"or a building containing more than four units."

"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, with the following amendment: One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes, in a building with no more than four (4) separate such units.

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

NOW THEREFORE, BE IT RESOLVED, this amendment to Village Code 198, SOLID WASTE, as set forth above, is hereby adopted.

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

Trustee Jakubowski - Tabled
Trustee Bukowiecki - Tabled
Trustee Peterson - Tabled
Trustee Hamernick - Tabled
Mayor Nikonowicz - Tabled

VILLAGE TOTE BUYBACK

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

WHEREAS, the Board of Trustees of the Village of Depew has amended the Code of the Village of Depew, Section 198, SOLID WASTE, to limit the number of Totes available to any residential or small commercial unit (hereinafter the Unit) to 1-3 Garbage totes and 1-2 recycling totes, but no more than a total of 4 totes per unit, and

WHEREAS, there are Units that currently possess and/or use more than the new legal limited number of garbage totes, now therefore

BE IT RESOLVED, the Village is authorized to notify the Units out of compliance with the new Village Code, Section 198, that they will have 90 days to come into compliance, and

BE IT FURTHER RESOLVED, that the Village is authorized to offer to buy back those totes that are in excess of the new limit per Unit, at the cost for which they were purchased, at the request of the Unit and within the 90 day compliance period.

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

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

AWARD BID- 2019 Fire Dept. Rescue Tools

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

BE IT RESOLVED, that upon the recommendation of the Village Fire Chief / Fire Department, the bid for the Fire Dept Rescue Tools from the bid opening February 7, 2019 in the bid amount of \$62,550.00 be awarded to:

Empire Emergency Apparatus, Inc
3995 Lockport Rd.
Niagara Falls, NY 14302

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

Authorization for Mayor to sign Grant Agreement

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

BE IT RESOLVED, that Mayor, Jesse Nikonowicz, is authorized to execute a Broker Agreement with the Evans Insurance Agency and any other documents and instruments necessary to bring about the brokering 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- Y
Trustee Bukowiecki-Y
Trustee Hamernik- Y
Trustee Peterson- Y
Mayor Nikonowicz – Y

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to The Depew Fire Department to use the Depew Senior Center for a safe driving course for members and their families, which will allow them to save on their car insurance on Saturday March 30, 2019 from 8:00 AM–3:00 PM.

And

Permission is hereby granted to The Hook and Ladder Company #1 to use the Southside Fire Station for their annual Chicken BBQ on Saturday June 15, 2019 from 5:00 AM–7:00 PM.

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

PERMISSION – VILLAGE EMPLOYEES

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

Permission is hereby granted to The Village of Depew Employees to use the Depew Senior Center for a safe driving course for employees who drive village vehicles, which will allow them and the village to save on their auto insurance premiums on Monday February 25, 2019 from 8:00 AM–3:00 PM.

And

Permission is hereby granted to The Village of Depew Employees to use the Depew Senior Center for a safe driving course for village employees and their families, which will allow them to save on their auto insurance on Wednesday February 27, 2019 from 5:00 PM–11:00 PM.

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

EMPLOYMENT APPLICATIONS – Rec – Chase Rudecki

DEPARTMENT HEAD REPORTS

ON A MOTION BY, Trustee Hamernik and seconded by Trustee Jakubowski to approve department head report: Building – January 2019

UNFINISHED AND OTHER BUSINESS

PUBLIC CONCERNS AND COMMENTS:

Mr. Steve Hoffman, former Police Officer and Mayor, and Saints Organization member asked if the board has addressed the improprieties going on at the Recreation Dept. Attorney McDonald stated that because it is a personnel matter, the board is not at liberty to discuss it with him. He continued to ask if there is an investigation going on at this time and once again Attorney McDonald said, again, we cannot discuss this issue with you. Mr. Hoffman wanted to know if all other board members were fully aware of the claims and investigation. Ms. McDonald stated that yes, there is a current investigation ongoing and once all the facts and information is gathered we will involve all of the board members. Mr. Hoffman said so that means the trustees are on an as needed to know basis at this time. Ms. McDonald reiterated what she had just told him. He then asked if anyone was investigating the improprieties at the Pro Shop at the rec department. He said the person running that is not an employee so the board should be able to answer him. The Mayor stated that he is not. Mr. Hoffman said that with the seriousness of the improprieties, the entire board should know and it should be being investigated. The Mayor thanked him for expressing his feeling.

Mr. Hoffman then asked if the porn material allegation is being investigated and figures that the board is once again on an need to know basis.

He then told the entire board that the tote program was a good call and even when he was the Mayor the small commercial businesses were abusing it back then, so good call everyone.

Ms. Gabby Miller questioned whether the totes that were lent to the Village of Lancaster for one of their special events were returned and the Mayor said not yet, but they will be.

She then asked Trustee Bukowiecki how long he has been an active member of the fire department and the number of calls he goes to. Trustee Bukowiecki said he was not yet 18 when he joined and at the time was active into sports. He does not remember the number of calls he went on. She said the Engine one runs a lot of calls and for him to claim in his campaign that he is a member isn't very clear.

CLAIMS AND ACCOUNTS

ON A MOTION BY ON A MOTION BY Trustee Bukowiecki seconded by Trustee Peterson the following claims are to be paid: \$173,244.60 General, \$2,340.12 Sewer was accepted.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski seconded by Trustee Hamernik, the meeting was adjourned with a moment of silence for Don Lynch at 7:35 PM. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak
Village Administrator