

MEETINGS: 7  
NO. OF REGULAR: 6

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**June 27, 2016**

ROLL CALL: Trustee Jakubowski  
Trustee Bukowiecki  
Trustee Peterson  
Trustee Kucewicz  
Mayor Nikonowicz

**ON A MOTION BY**, Trustee Peterson, and seconded by Trustee Jakubowski, the June 13, 2016 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Kucewicz, and seconded by Trustee Bukowiecki, the June 9, 2016 Zoning Board Minutes were accepted.

1. Timothy & Lacy Christ- 32 Alys Drive West to permit them to construct a commercial kitchen in their residence to open and operate a chocolate processing facility and business. Denied

**ON A MOTION BY**, Trustee Kucewicz, and seconded by Trustee Bukowiecki, the June 23, 2016 Zoning Board Minutes were accepted.

1. Diane Schwarzkopf- 42 Norman Drive - replacement shed. Approved.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

Dan Beutler – 26 Tyler Street – Asked the format of the hearing. The mayor responded 5 min to give view. He asked if they would get an update first the mayor said yes. He said he believe the community meeting at the fire hall was an open firehouse meeting, he said that it did not day a wireless company would be there. The Mayor stated that meet and greet were held throughout the village less and less people were attending, if he did not do something the meeting would have only had two people from Lancaster other than the board. The board members had different views where to go with this and this way the board could hear what the company had to say. Kathy and the mayor discussed being transparent and bringing out so they could hear resident opinion. It was decided to do this at the last minute and Joe Ligamarie and the Fire chief were notified. The board was not aware this was being presented at the meeting. They discussed that the meeting met the criteria for a public meeting. Dan then spoke about the dangers of cell towers.

Linda Hammer – 34 Princeton – she asked about the way the mayor worded what the 5 min talk time was for. They discussed that there were 3 set locations DPW, Village Hall, Taylor Rd, the 4<sup>th</sup> one has been pulled at this time but they want to get things going to start SEQRA. She stated she was on the board and did not know anything about it either she was just handed papers. She stated a 40,000 dollar savings is not enough for a 9 million dollar budget.

Irv Reinig – 380 Columbia Avenue – He wanted to ask engineering questions, and wanted to know the plans. He believes it would be a disaster for our skies.

**PUBLIC HEARING**

Don Carpenter and Attorney Cory Auerbach– representing Upstate Towers and Blue Wireless – He was asked to come to keep the residence informed with updated information as they have moved location per resident feedback. They learned about our Code when they were looking to put a tower at a private location. Following the Code they stated looking at municipal owned land first. The Village consultant can speak to what the village would be getting with the deal. Municipalities need to do less than the law requires. The Village needs this because of lack of service. Federal Communication Standards; they have no coverage now. Local Zoning is not needed for telecommunications. The village cannot discriminate against providers. Cannot make decisions based on health concerns as this is not regulated. Municipalities review by planning board then to the village board. This comes with compensatory benefits. People don't notice them as Mr. Butler suggested earlier. The tower maps/ drawings

brought by the representatives were reviewed. 14 foot base and 3 feet top height 155 feet which is the FAA clearance on height, unless the municipality requires higher. The existing PD tower is 125 feet high as is the DPW so it will only increase 30 feet. Initially proposed at the West end it is now proposed off Taylor Dr. Near Harlequin and not so close to residents. The last location is beach Ave but this is way up in the air at this time and needs to get closer. Good benefits are offered.

Kris Keltching – 68 Irving Terrace – Where is Sheldon Beach. Don responded adjacent to rail yards. What height? Don - 155 feet unless the village needs more. This height is for all 3. This will help the village and upstate too. The repeater may need to be higher. The old tower was 125 feet. Data coverage and 3G vs 4LGTE was discussed, with the village needed up to date technology. The Wireless rep stated that his company is trying to work in the industry. Talked about west end and Brewster coming back on the table and they said no they were listening to the residents on that. He believes it is a small area for 4 towers.

Dave Burchardt – 5 Autumn Lee - It scares him that the rules cannot prevent, he wants to hear the benefits.

Dan Beutler – 26 Tyler – He said he would give the board Health risks first. He supplied a pile to the Administrator and wants them back. He want to know the dangers for the village employees that will be working near them. Is it worth having a problem to get a few cell phones? He read off one of the documents, He feels that a half mile away is transit Rd and it is putting residents in danger. We have dumps and other bad sites in the village, we don't need cell towers. They should go to Lancaster. West end needs to move away from a church.

Michael Bishop – 64 Olmstead Ave. – He asked about Code and historical buildings in relation to the tower. He doesn't support this, but feels the fire issues should be solved. He would GLADLY PAY MORE TAXES.

Dave Chevet – 20 Lincoln – Talked about health risks. FCC ruling on health risks Section 704 Cannot make decisions based on health risks. What other municipalities? West Seneca and Hamburg as just a couple and they get flat fees. Asked how long the companies have been in business. 13 years blue and 3 upstate towers. Discussed 3G and 4LTE and how they are upgrading and making improvements like all carriers. He felt Blue wires lacks in technology.

Joan Priebe – 15 Howard Lane – Who initiated this? Blue/upstate. The village is working with a consultant who? Joe Ligamarie from Technet and a resolution was passed Sept 14, 2015 to acquire his services. The resolution was read. Asked what the company rating was, he was not sure what she was asking, but said they were second class wireless and they are trying to build. She doesn't feel the village needs this or should build towers on the little land we have left.

Irv Reining – 380 Columbia – Existing towers are trim but the proposed are massive. What are you proposing to put on the tower? 3 carriers 10 feet apart village can have the top. How far away can people see it? Not specifically known but ¾ mile depending on trees, Don continued to explain that even though it is taller than a tree when you on the ground other trees block you view. He asked about towers that fall, it was explained that those were 400 feet broadcast towers and this will have a break point so they expect 50 feet, and this will be reviewed by an engineer.

Linnus Loose - 75 Olmstead - He asked about the fall zone 50/50 feet and the proposed locations that were repeated, he asked if Brewster is off the table Yes.

Joan Priebe – how many carriers on 1 tower – 4

Kris Keltching – 68 Irving Terrace – 4 carriers on top what about down. 5<sup>th</sup> could open it all depends on size. Everything is proposed for 4 carriers and the village, towers are not unlimited.

Phil Leone – 123 Madeline Lane – He asked about code and a fall zone. It was stated that planning may give administrative relief. Implied the code officer has control over tower decisions. The code officer enforces the code. Will astatic be part of planning?

Yes

Bernadette Paradowski – 3 Olmstead asked about their rating it is an A-

Dave Burchardt – will they have red blinking lights. No

Audrey Hammernick – 87 MaryLou – we have had cell towers in the village for years with no problem you cannot even notice. There are pros and cons to everything.

Gabby Miller – Asked if Joe Ligamarie could talk now so she can ask questions.

Joe Ligamarie – Technet Task Group – reviewed information with village employees. For Fire this would help with the IAMRESPONDING technology, pagers, cell phones, and cards for the computers in the trucks. Police uses Wi-Fi in the cars which Erie County provides today. The village has 3 hotspot tablets at 40.13 per. We will get 30

with unlimited nationwide data. The additional cells will be for the assistant fire chiefs, recreation director with data and trustees with Data. Internet service will include recreation, electrical building, 3 fire stations, and the old chiefs building in addition to the DPW and village hall. This will help improve our phone system. Annual savings \$17,119.44 projected \$38,164.28. This is if it just us and Blue Wireless if additional carriers \$200 per carrier per tower. \$600 per month per year for a total of \$28,800. Joe noted the going rate for tower rent is only \$10,000-\$12,000. While the village would be looking at \$66,000 in services and financial gain.

Dave Burchardt – 5 Autumn Lee - Asked about a contract

Kris Keltching – 68 Irving Terrace – Asked if data testing has been done. Don responded he has not but has speculated it will work. He asked if it will go out to RFP.

Gabby Miller – 61 Olmstead - Did blue wireless get a building permit? No because there was no formal application at this time. Are there plans? Same answer. Has a good faith effort...Asked and Answered. She asked about zoning as private residents need to do. She asked about what happens if the towers need to come down or the company goes bankrupt. They replied that they will have a bond, she asked how much. They said whatever is required which currently twice the cost of taking them down is. She asked if there was and ice fall down. She asked about the community meeting and why she wasn't notified. The Mayor said he would happily discuss that with her but she had the same notification as the board. She asked what Danny Neverath (Erie County Disaster Coordinator) had to do with this situation. Response was that Danny got together with Blue wireless. The mayor had spoken with Blue wireless and realized he did not understand everything involved. He spoke with the departments they were thrilled. Because the mayor did not understand they has Technet our IT provider in a meeting, and things grew because of our problems with communication. An example is fire dept. man down buttons don't always work in certain areas as well as the radios have issues. While we do not want to put the cart in front of the house, even Cheektowaga wants to put something on the tower.

Lenny Loose – 75 Olmstead – Asked for an explanation of the 2 different kinds of towers. Dan described the structures and said that mono poles are problematic and more can be done with the triangle structure.

Legislator Ted Morton – 92 Franklin St. – He stated he had previously seen a presentation of the new system for the fire department, it was very good. He doesn't want to give miss information because it was a while ago so he made numerous phone calls prior to the meeting trying to get pertinent information, he will update when they reply.

Irv Reining – 380 Columbia – mentioned his movement to dissolve the village and said they should make the contract short.

Kathleen McDonald - Village Attorney – She wanted residents to know that planning and zoning notices are put into the bee, so you will be notified if that occurs. There are still many layers that need to be gone through. Negotiations are not public and shouldn't be. Nothing was/is final because there are so many more layers.

Dan Beutler – 26 Tyler – were minutes taken at the community meeting. They were and they can be put up on the village web site. It is not believe the board needs to approve them, but Kathy will verify.

Kris Keltching – 68 Irving terrace – it is his opinion that we should instead negotiate \$20,000 per pole instead of the equipment.

Joan Priebe - why not negotiate with other carriers. No one else has come to the village.

### **APPOINT PT SUMMER RECREATION PROGRAM**

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz, do hereby appoint the following to the summer recreation program

Jacob Bicknell 55 Ashford Place Depew at a rate of \$9.00 per hour

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

Trustee Jakubowski -Y

Trustee Bukowiecki - Y

Trustee Peterson - Y

Trustee Kucewicz - Y

Mayor Nikonowicz - Y

## **APPOINT PT ASSISTANT CODE ENFORCEMENT OFFICER**

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz, do hereby appoint Ryan Paolella 66 Morrano Drive Depew, NY 14043 to the position of PT Code enforcement Officer, and effective July 5, 2016, at a full rate of 18.05 per hour.

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

Trustee Jakubowski -Y  
Trustee Bukowiecki - Y  
Trustee Peterson - Y  
Trustee Kucewicz - 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 Police Chief Stan Carwile to attend the 2016 NYSACOP Annual Training Conference on Sunday July 10<sup>th</sup> – Wednesday July 13<sup>th</sup>, 2016 at the Hyatt Regency Buffalo, New York. The cost of the seminar is \$250.00. Use of a village vehicle is authorized.

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

## **PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to the Depew Fire Department to have village trucks numbers 2, 3, 4, 1941, and car 9, in out of service mode, attend the Village of Lancaster Fourth of July Parade. Children with proper supervision on board will be allowed to ride on the trucks while in out of service mode during the parade.

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

## **EMPLOYMENT APPLICATIONS**

Recreation – Alyssa Kczakiewicz, Collin Kazmierczak

## **DEPARTMENT HEAD REPORTS**

**ON A MOTION BY**, Trustee Kucewicz, and seconded by Trustee Bukowiecki, the May 2016 Police, Building, and Fire Department reports were accepted.

DPW – Phil – Paving Streets  
Recreation – Jim – Opened the pool and had a record number of people, field trips are on the web.  
Fire is working on converting to the IAMRESPONDING software.

## **COMMITTEE REPORTS**

No reports.

## **UNFINISHED AND OTHER BUSINESS**

Trustee Peterson announce an electronics recycling day at Depew Schools.

## **PUBLIC CONCERNS AND COMMENTS**

John Hughey - Calumet - Unofficial Facebook Page, people do not know it is not official, she writes things to help her own agenda. It is not true and it's someone trying to twist things.  
Chief Wegst – He and his wife were blocked from the page and she did not even comment.  
Tony Scarfalo – 250 Calumet – Can't we do something to stop this. The mayor noted freedom of Speech. He asked about the village logo the attorney said only if Trade mark or copy write is used. Can we make the public aware? We could publicize if it was decided. He stated they slandered the fire dept. and was naming names. The village Attorney said to take it to an attorney, but not her because that is not part of her job. The board will take this into consideration.

Legislator Ted Morton – 92 Franklin Buffalo – Kiwanis is providing the labor for the electronics recycling and noted it is very important that people enter from the North.

Nick Mendez – 42 Babette – Police, DPW, Fire all do a good job. He loves the village and would hate to see it go. He choose to live in this village. If people don't like the Village MOVE.

## **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Bukowiecki, seconded by Trustee Kucewicz , the following claims are to be paid: General \$1,193,217.25, Capital Projects \$27,694.50, \$1,035.00 Community Development \$424.88 Sewer, Capital \$1,193,217.25, **CARRIED.**

## **ADJOURNMENT**

**ON A MOTION BY** Trustee Peterson, seconded by Trustee Jakubowski, the meeting was adjourned at **9:00 PM** in memory of Henry Nikonowicz brother of Mayor Nikonowicz, Frank Ott uncle of Jake and Joan Priebe and victims of the West Virginia Flooding with a moment of silence to follow. The motion was **CARRIED.**

Respectfully submitted,

Maureen Jerackas  
Village Administrator