

MEETINGS: 22
NO. OF REGULAR: 22

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
March 14, 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 February 22, 2016 Village Board Minutes were approved.

ON A MOTION BY, Trustee Kucewicz, and seconded by Trustee Bukowiecki, the February 25, 2016 Zoning Board Minutes were accepted as follows.

1. Kimberly Schillinger-30 Zurbrick Road requesting to erect and accessory structure (trellis). Zoning Board has tabled this variance till the March 10, 2016 meeting.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dan Buetler -26 Tyler – Questioned the Firefighters points for service, Stating 2 last meeting and 2 more this meeting. He asked how many points each person needed. The Mayor stated that the board was looking at guidelines after doing the research. Trustee Peterson read the letters sent to the board and spoke about the guidelines they are hoping to make. The Fire Chief sited medical reasons for these requests. Dan stated he believed this was never done before. The administrator stated that it has been. It was added that it doesn't happen often. Dan was happy this board was reviewing and giving the detail.

Gabrielle Miller – 61 Olmstead Ave. – Asked about the training costs and training locations for the Administrator. The mayor replied that the current Administrator is under budget and has spent less this year then the previous administrator, with 12 years, spent more in her last full fiscal year. He also noted the training is for various areas, not just accounting.

Chris Kelehan – 68 Eagle Terrace – Asked about how the points system works. Trustee Peterson responded 50 points a year and after 5 years vested for retirement at age 62. They discussed guidelines again. Chris pointed out the board is just following historical practices. He asked that the board but the same work into Blue wireless.

Audrey Hammernick – 87 MaryLou Lane – Her husband was a firefighter and this works out to less than ten cents an hour. We are lucky to have this service.

Mayor Nikonowicz announced Ted Morton's presence.

AUTHORIZE SERVICE AWARD POINTS

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

WHEREAS, the Village of Depew Fire Department has requested that Anthony Rogacki have his points brought up to 50 for the 2015 calendar year from the 41 points he had earned;

NOW THEREFORE BE IT RESOLVED, that the Village Board authorizes the 9 additional points be credited to Anthony Rogacki due to medical reasons.

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

Trustee Jakubowski -Y
Trustee Bukowiecki- Y
Trustee Peterson - Abstained
Trustee Kucewicz -Y
Mayor Nikonowicz -

AUTHORIZE SERVICE AWARD POINTS

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

WHEREAS, the Village of Depew Fire Department has requested that Norb J Rzeszutek have his points brought up to 50 for the 2015 calendar year from the 30 points he had earned;

NOW THEREFORE BE IT RESOLVED, that the Village Board authorizes the 20 additional points be credited to Norb J Rzeszutek due to medical reasons.

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

Trustee Jakubowski- Y
Trustee Bukowiecki - Y
Trustee Peterson- Abstained
Trustee Kucewicz - Y
Mayor Nikonowicz - Y

AUTHORIZE MAYOR TO SIGN PENFLEX AUTHORIZATION FORM FOR 2015 SERVICE AWARD PROGRAM

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

BE IT RESOLVED, that Mayor Jesse Nikonowicz and Board of Trustees are authorized to sign the 2015 Service Award Program Administration Form and after the 30 day period forward to Penflex, Inc for the purpose of administering the 2015 Service Award Program for Depew Firefighters.

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 Peterson - Y
Trustee Kucewicz - Y
Mayor Nikonowicz - Y

AUTHORIZE ADMINISTRATOR TO ADVERTISE PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR THE YEAR 2016/2017

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

BE IT RESOLVED, that the Village Administrator is authorized to advertise for a public hearing on the Tentative Budget for the Year 2016/2017, to be held on April 11, 2016 at 7:00 PM in the Village of Depew Council Chambers.

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING
TAX CAP OVERRIDE – LOCAL LAW 1 OF 2016**

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

Be It Resolved, the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday March 28, 2016 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 1 of 2016 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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 Peterson - Y
Trustee Kucewicz - Y
Mayor Nikonowicz - Y

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Maureen Jerackas, Village Administrator, to attend the New York Association of Local Government Records Officers Annual Conference on Sunday June 5 through Tuesday June 7, 2016 in Callicoon, NY. The cost of the school is \$60.00. Use of a village vehicle is authorized.

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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Maureen Jerackas, Village Administrator, to attend the New York State Association of Tax Receivers and Collectors Annual Conference on Sunday June 12 through Wednesday June 15, 2016 in Lake Placid, NY. The cost of the school is \$100.00. Use of a village vehicle is authorized.

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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Phil Fleck, DPW Superintendent, to attend the Cornell Local Roads Spring 2016 Training on Tuesday March 29, 2016 in Wyoming County. The cost of the school is \$50.00. Use of a village vehicle is authorized.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to Hook and Ladder Co. No 1 to use the Southside Fire Station on June 18, 2016 from 8AM until 9PM, for their company's annual chicken BBQ.

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

EMPLOYMENT APPLICATIONS RECEIVED:

ANY – Aaron Barr, REC – Carol Brunner, Jacob Bicknell, DPW – Andrew Mrozek, David Adamberger

DEPARTMENT HEAD REPORTS:

Building Department: February 2016 report

ON A MOTION BY Trustee Bukowiecki, seconded by Trustee Jakubowski, department head reports were accepted.

COMMITTEE REPORTS: None

UNFINISHED AND OTHER BUSINESS: None

PUBLIC CONCERNS AND COMMENTS

George Bauer – 219 Enez – Asked about the replacement for the zoning board, because a meeting was canceled. Interviews are scheduled.

Gabrielle Miller – 61 Olmstead - Asked why her appointment needed to be done by resolution but her resignation has not been. It was noted that only certain resignations need to be done by board resolution, and her resignation was not one of them. She also asked about an item discussed at the Feb 11 meet and greet having to do with Erie County and the police vehicle computers from the police cars. The Chief stated that the County currently pays for this, but said they were told no longer, funding only good til 2017 (aprox 30X6). The money had come from a grant. This was discussed at the Chief of Police meeting, they tried to talk to the legislators about the cost. The Chief took cards out of cars that are not used much to reduce costs. The Chief stated that Blue wireless will give free air cards if we proceed with them which is significant for us. Not all

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villages have that deal. Likewise the grant money and we take this because it is good for the village. The Chief also stated that internet cost will be covered, and this is needed for all facets of Police business. These would be without a funding end date like the Grant, same with internet. He additionally stated that the county gives free things but then turns it over to us eventually to maintain and pay for the project. Computers in the car were provided in the county we pay for them now \$5,000. We just did it for \$30,000. A tower on George Urban Blvd with the repeater on it the police and fire will be able to hear inside of Wegmans and Quebecor and other areas in that part of town. If someone is in trouble and we cannot hear we cannot help them. The new radios purchased years ago helped, but it is still reliant on the repeater. Gabby asked if the towers were a done deal. The Mayor replied No, not close. She wants further thought due to Blue wireless's bad reputation, what would happen if they are no longer free. Consider Property value decrease of 20% which she said she verified with relators and assessor's office.

Chris Kelehan – 68 Eagle Terrace – He questioned Lincoln and Walden. It was stated that the DEC served Mr. Kramer, and we received a notice March 8, 2016 that the DEC will be taking over. Chris stated that he was talking about across the street. The mayor stated the DEC is testing the ground water. The Ground water is said to be “not unsafe” they are treating it before it goes to the sewer. Tony and Phil have been there. Tony stated the Engineer can better answer questions and he has the number. It was also noted that the issue are not the same as where all the trees came out. Chris then questioned Fleet Boss. The mayor stated it cost over 16,000 and the savings was mostly said to be fuel costs. The mayor did a webinar with the company and had the calculations done. The GPS is still in the vehicles. Chris asked about the Union Negotiations, the Mayor stated PBA is current and the blue and white collar will start in April. Asked about the number of Attorney's working on the contracts, the mayor stated 1 labor attorney. Chris asked if there is a repeater on an existing tower. The chief said no. Chris stated that if blue wireless moves out we would be stuck with the towers and the bill. The village attorney stated that if we do not renew they will need to remove them.

Linnus Loose-75 Olmstead – He asked about the fall zone for the tower planned for Brewster. He talked about village land off of Warner. The code enforcement officer commented and he stated that nothing is finalized and we cannot do 180 feet anyways because of the airport. Tony also stated he has not received application to planning board. They would still need to go through the process, nothing is final.

Chris Kelehan – 68 Eagle Terrace – We are bringing all of this because of what was in the bee. He said Tony makes sense, this is pending; however, the communication in the paper could be better because it said pending contract. Kathy said the talks that happened were about finance and that is what pending contracts are about, these had nothing to do with specific locations. He asked if they can get a copy of the negotiations. Mayor Nikonowicz stated that he can follow up with tech net task group for the findings. The mayor also the board submitted ideas for alternate locations, but nothing is a done deal. We do listen to what you say. Chris said thank you.

Gabrielle Miller – 61 Olmstead – asked about who selected the 4 proposed sites. The attorney stated that they choose properties by location on village property that could most help fire and PD. As the mayor stated they are looking at other sites and they need to discuss this further with blue wireless. People can comment at meetings about this. She asked the mayor about the last meeting when he talked about why blue wireless was not on the agenda. She asked who ran the meet and greet. It was her. She asked why she was not notified. He apologized if she felt disrespected but there was no intent.

Scott Wegst – 925 Sherwood Ct. – He has been coming to board meetings for a long time. Other towers have gone up. He has never seen public concern like this, why now in 10 years. They were never talked about like these.

Dave Burckhardt – 5 Autumn Lee – Planning board talked about limiting towers.

Gabrielle Miller – 61 Olmstead – they are smaller and non-residential. Questioned village code. The mayor stated they needed to do the financials first and then move on.

Dan Beutler – 26 Tyler – he remembers 5 or 6 hearings and no one came. They looked into all the details for each in the planning board. Recommendations were made to move to Burckhardt because the fall zone was too close. He asked where we go if they need to go in other areas. Meeting at the fire hall was not done right. Jesse said this is not a done deal. He asked why it was not said in previous meetings. He asked about property values. The mayor said there will be more meetings. Kathy brought up that these are all pre-meetings and it still needs to go through planning board. He asked that things be announced in board meetings first.

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Paul Sprada – 58 Argus – National PI day and Einstein’s Birthday. Asked about the status of the boys and girls club. Code enforcement stated they needed to get the paperwork in and have a final inspection. He asked about Transit Rd Status, the mayor stated that Senator Gallivan asked for 10 Million to be put aside for this project. Paul directed a question to Ted Morton about the Como lake park and if it will be done this year. Ted replied that they have a plan now to permanently solve the problem and expects it to take 3 years; however he will get back to the board with more information.

Gabrielle Miller – 61 Olmstead Ave – DPW did we have a sewer problem? Phil stated it just affected one area, the resident called blockage in the main line, they jetted and took care of it. Feb 11th meeting \$926 was said to be the internet savings.

Dan Beutler – 26 Tyler – stated Wed. at 6:30 there would be a drug seminar at SS Peter and Paul RC Church the new Center Pointe Community.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz, seconded by Trustee Bukowiecki, the following claims are to be paid: General \$379,696.40 Community Development \$8,020.00 Sewer \$5,780.77, Capital Projects \$12,600.00 Capital \$406,097.17. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Peterson, seconded by Trustee Jakubowski, the meeting was adjourned at **8:16 pm**. The motion was **CARRIED.**

Respectfully submitted,

Maureen Jerackas
Village Administrator