

MEETINGS: 23  
NO. OF REGULAR: 23

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
March 28, 2016**

**ROLL CALL:**

Trustee Jakubowski  
Trustee Bukowiecki  
Trustee Peterson  
Trustee Kucewicz  
Mayor Nikonowicz

**ON A MOTION BY**, Trustee Bukowiecki, and seconded by Trustee Jakubowski, the March 14, 2016 Village Board Minutes were approved.

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

1. C & S Engineers, Inc. on behalf of Burgio & Campofelice, 2475 George Urban Boulevard- To develop the 19.27 acre site at 2475 George Urban Boulevard with a new 185,000 square foot warehouse building with employee parking and truck loading docks. The current zoning is M-1 Light Industrial. Tabled

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

Dan Buetler -26 Tyler – Were the applicants on the Agenda village residents. PD said no and recreation did not know. He asked if Depew residents were first, and Jim stated definitely however last year he could not get enough for the summer program.

Gabrielle Miller – 61 Olmstead Ave. – Asked about what date and paper was the local law listed. The Bee and Julie from the Bee sited the March 17<sup>th</sup> Edition.

Paul Sprada – 58 Argus - what are the dates for the town band. July 14 and August 4<sup>th</sup> with the Lancaster school Steel Orchestra on July 28<sup>th</sup>. GOOD NEWS

**PUBLIC HEARING – LOCAL LAW 1-2016**

Dave Burckhardt – 5 Autumn Lee – Asked what the increase was. It was stated that the budget that was out was only the Administrators and it still has to be reviewed by the board. He also asked about the local law. Trustee Kucewicz explained that we have passed this law for the last few years even if we did not go over the tax cap. While he expects to have to go over the cap this year as many other municipalities will be doing. Chris Kelechen – 68 Eagle Terrace – When will it be time to ask questions about the budget. Trustee Kucewicz said at the budget hearing, and we will take questions by the line. The Administrator notes the public hearing will be April 11, 2016.

**ON A MOTION BY** Trustee Kucewicz, seconded by Trustee Peterson, the public hearing was closed at 7:14.

**APPOINTMENT TO THE ZONING BOARD OF APPEALS**

I, Mayor Jesse Nikonowicz, pursuant to Village Law 7-712 (8) hereby appoint Paul Sprada 58 Argus Dr. Depew NY 14043, to the position of Member of the Zoning Board Appeals for the remainder of the term. Said term to expire at noon on Monday, April 6, 2020, at a salary of \$16.00 per variance.

The foregoing 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

**ADOPT LOCAL LAW #1 OF 2016 – TAX CAP OVERRIDE**

Trustee Kucewicz 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 24, 2014 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

**WHEREAS**, all persons were given an opportunity to speak for or against this local law; **NOW THEREFORE, BE IT RESOLVED**, this local law is hereby adopted.

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 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 Peterson - Y
- Trustee Kucewicz - Y
- Mayor Nikonowicz - Y

**AUTHORIZATION TO ADVERTISE LOCAL LAW**

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

**WHEREAS**, The Village Planning Board is composed of 5 members, and,  
**WHEREAS**, The Village Planning Board has had to cancel or postpone meetings due to absences, resignation and conflicts of interest of Board Members, and,  
**WHEREAS**, The Village wishes to provide for alternate members of the Village Planning Board who may act in the place of members who are absent for any reason, and  
**WHEREAS**, the Village Law of the State of New York section 7-718 (16) allows for the appointment of alternate Planning Board members by the Board of Trustees through a local law to that effect;

BE IT RESOLVED,

1. That the Village Administrator is authorized to advertise for a public hearing to be held on a law to be established by the Village of Depew as follows:

**LOCAL LAW NUMBER 2: ESTABLISHMENT AND APPOINTMENT OF ALTERNATE MEMBER OF PLANNING BOARD OF APPEALS**

1. The Village Board of Trustees hereby establishes one (1) position of Alternate Planning Board of Appeals member for the purposes of substituting for a member if the member is unable to attend due to vacation, illness, conflict of interest, resignation or any other reason;
2. The alternate member shall be appointed by the Mayor, subject to the approval of the Board of Trustees for a term established by the board of trustees;
3. After appointment of an alternate member, the Chairman of the Planning Board of Appeals shall designate the alternate member to substitute for the absent member, and such designation shall be for one specific meeting only, but may be renewed on a meeting by meeting basis; When so designated the alternate member shall possess all of the powers and responsibilities of such member of the board; Such designation shall be entered into the minutes of the at the initial Planning Board of Appeals meeting at which the substitution is made.
4. All provisions relating to Planning Board of Appeals training, continuing education, attendance, conflict of interest, compensation for individual meetings attended, eligibility, vacancy in office, removal and service on other boards, shall also apply to the alternate member.

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

**AUTHORIZATION TO ADVERTISE LOCAL LAW**

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

WHEREAS, The Village Zoning Board is composed of 5 members, and,  
WHEREAS, The Village Zoning Board has had to cancel or postpone meetings due to absences, resignation and conflicts of interest of Board Members, and,  
WHEREAS, The Village wishes to provide for alternate members of the Village Zoning Board who may act in the place of members who are absent for any reason, and  
WHEREAS, the Village Law of the State of New York section 7-712 (1) allows for the appointment of alternate Zoning Board members by the Board of Trustees through a local law to that effect;

BE IT RESOLVED,

2. That the Village Administrator is authorized to advertise for a public hearing to be held on a law to be established by the Village of Depew as follows:

**LOCAL LAW NUMBER 3: ESTABLISHMENT AND APPOINTMENT OF ALTERNATE MEMBER OF ZONING BOARD OF APPEALS**

5. The Village Board of Trustees hereby establishes one (1) position of Alternate Zoning Board of Appeals member for the purposes of substituting for a member if the member is unable to attend due to vacation, illness, conflict of interest, resignation or any other reason;

6. The alternate member shall be appointed by the Mayor, subject to the approval of the Board of Trustees for a term established by the board of trustees;
7. After appointment of an alternate member, the Chairman of the Zoning Board of Appeals shall designate the alternate member to substitute for the absent member, and such designation shall be for one specific meeting only, but may be renewed on a meeting by meeting basis; When so designated the alternate member shall possess all of the powers and responsibilities of such member of the board; Such designation shall be entered into the minutes of the at the initial Zoning Board of Appeals meeting at which the substitution is made.
8. All provisions relating to Zoning Board of Appeals training, continuing education, attendance, conflict of interest, compensation for individual meetings attended, eligibility, vacancy in office, removal and service on other boards, shall also apply to the alternate member.

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

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

Trustee Kucewicz , 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 for the comprehensive evaluation of I/I within the sewer collection system. 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 be the Mayor shall not exceed \$78,000 based upon a total estimated maximum project cost of \$178,000.00. 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 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

**AUTHORIZE MAYOR TO SIGN ENGINEERING SERVICES AGREEMENT**

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

**WHEREAS**, Engineering services are needed for an I/I study

**WHEREAS**, GHD, 285 Delaware Ave, Suite 500, Buffalo, NY 14202, is the villages current Engineering services provider

**NOW THEREFORE BE IT RESOLVED**, that Mayor Jesse Nikonowicz, is authorized to sign the Professional Engineering Services Agreement in relation to NYSDEC/ EFC Planning Grant #55086

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 - 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 Kevin Peterson, Village Trustee, to attend the New York Conference of Mayors on Sunday May 1 through Tuesday May 3, 2016 in Saratoga, NY. The cost of the school is \$275.00. Use of a village vehicle is authorized.

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

**PERMISSION – LANCASTER HIGHSCHOOL STEEL ORCHESTRA**

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

Permission is hereby granted to the Lancaster High School Carnival Kids Steel Orchestra to use Veterans Park Gazebo on Thursday July 28, 2016.

Permission is also granted for use of electric power and use of restrooms at the Southside firehall.

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

**PERMISSION – LANCASTER TOWN BAND**

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

Permission is hereby granted to the Lancaster Town Band to use Veterans Park Gazebo on the following dates for their 71<sup>st</sup> concert series on Thursday, July 14<sup>th</sup> and August 4, 2016

Permission is also granted for use of electric power and use of restrooms at the Southside firehall.

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

**AUTHORIZE USE OF SENIOR CENTER FOR BOY SCOUTS**

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

WHEREAS, the Boy Scout of America Pack 500 has a normal meeting place, and

WHEREAS, their normal meeting place is not available on an occasion, and

WHEREAS, the Boy Scouts would like to use the Senior Center for this specific meeting; now

BE IT RESOLVED, that the Boy Scouts of America Pack 500 is given permission to utilize the Depew Senior Center for a meeting on Friday, April 15, 2016 from 6 to 8:30PM

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

**EMPLOYMENT APPLICATIONS RECEIVED:**

PD – Michael Petritz REC – Marisa Gosderk, Jessica Leach, Jacob Mlodozienec, Daniel Mlodozienec, John Mietus

**DEPARTMENT HEAD REPORTS:**

Police 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**

Chris Kelehan – 68 Eagle Terrace – Asked for the Tech net information that he asked for at the last meeting. Mayor Nikonowicz stated that he was advised by the Attorney that he cannot give the information out yet because it is an ongoing contract, but it will be available before the public hearing.

Gabrielle Miller – 61 Olmstead Ave. – Asked why the budget was not available on the 21<sup>st</sup>. The Mayor stated that we were misinformed and believed it did not go out until after the board revised the budget. When we found that to be incorrect they were printed and available the next day. She asked about the date it was done, and while Kathy stated that I could be handed in on the 20<sup>th</sup> as long as the clerk was available that day, the budget was completed on the 18<sup>th</sup>.

Dan Buetler – 26 Tyler – March 16<sup>th</sup> went to community Hope night. Scott Hossfeld a Depew Police detective was there, which was very good. He wanted to comment that only 1 board member was there. Trustee Kucewicz corrected him and stated that 3 were there but they sat separately. The Chief read a letter from the Drug task force thanking him for a good job and participation in the program. The Chief also stated that the PD would start carrying Narcan once they are all trained in the coming weeks. This is being provided for free from the Department of Health due to the epidemic. The Chief also stated he had full confidence in LVAC, and all victims were found when it was too late to assist. Dan made a comment that was unclear, he was asked what it meant and he did not clarify.

The Mayor reminded everyone that everyone on the board is to be shown respect.

Audrey Hammernick – Planning Board – Commented about the wonderful Easter Egg hunt and all the employees and members of the board that did so much work to make it nice. She said it really went over well, Thank you! Trustee Jakubowski commented on the wonderful cookies Audrey put together with the children, and the Mayor Thanked Tops for their donation of supplies.

Paul Sprada – 58 Argus – Announced Councilmen Matt Walter from the Town of Lancaster was in attendance.

The Mayor also announced Bob Brandon from Senator Kennedy’s office was in attendance.

The Chief read a letter about the traffic studies being done at Transit/ French and Broadway/Borden. It appears we will get a turning signal at Broadway and Borden.

Dave Burkhardt – 5 Autumn Lee – asked about a no trucks on French sign. The Chief stated while the village has asked a number of times, but it is up to the county.

Gabrielle Miller – 61 Olmstead - Asked if there were any updates on cell tower locations or any other information and the mayor replied no.

Paul Sprada – 58 Argus – Asked for traffic to be watched in his area and it was done and he noticed many tickets have been written.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Kucewicz, seconded by Trustee Jakubowski, the following claims are to be paid: General \$177,303.40 Sewer \$199.96, Capital Projects \$232,106.00 Capital \$409,609.36. **CARRIED.**

**ADJOURNMENT**

**ON A MOTION BY** Trustee Bukowiecki, seconded by Trustee Peterson, the meeting was adjourned at **7:45 pm**. The motion was **CARRIED.**

Respectfully submitted,

Maureen Jerackas  
Village Administrator