

MEETINGS: 6
NO. OF REGULAR: 5

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
May 23, 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 May 9, 2016 Village Board Minutes were approved.

ON A MOTION BY, Trustee Kucewicz, and seconded by Trustee Peterson, the May 5, 2016 Planning Board Meeting Minutes were approved.

1. Joseph Mancini DBA: PJ Cools - 6160 Transit Road- to create an outdoor/exterior dining. The current zoning is C-2 Shopping Center District. Accept with stipulations.
2. 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 196,000 square foot warehouse building with employee parking and truck loading docks. The current zoning is M-1 Light Industrial. Accept with stipulations.
3. Michael Adolf representing ADCO Management, LLC - 476 Terrace Blvd.- convert a 3 bedroom residential unit in an existing 7 unit building into two 1 bedroom apartments for a total of 8 units. Accept with stipulations.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dan Bulter – asked about agenda items 5, 12,13. The administrator explained the changes in 12 and 13 are for the year we are currently in and they are different types of adjustments.

Irv Reining – 380 Columbia – Commented on the 98% Equalization for Lancaster. He also asked when the tax bills will be mailed. The administrator stated May 31st.

Pat Simmons – 4 Karen Lane – Asked about Permission to sign Garbage. The mayor explained the bidding process and that modern, our current vendor was the lowest bidder again. She was not happy about having to fill out 3 pages of paper work to continue her Porter service. The mayor explained that it was being abused and we were asked to put procedures on it. Additionally it is not a service the village pays for our contractor does it kindly without payment, but there are limits. She asked if she will need to fill out the paperwork again. The mayor stated every contract renewal.

Gabby Miller – 61 Olmstead – Asked about #9 and the length of the road in total. She asked what the permission to sign insurance was for. The mayor stated Liability, Fire and Workers comp. She asked what department the pending litigation had to do with. Kathy explained it was not a department it was an application, but not for a job. Fuller comments about this topic could not be made by the village. She asked what the difference between 12 and 13 was. The administrator explained that 13 was to account for a revenue and increase an expense due to the specific type of revenue like a donation. 12 was to balance lines specific lines usually within their own account.

Pat Simmons – 4 Karen Lane – She cannot hear, she wants a microphone at the new stand so she can hear she will even pay for it. The mayor and the Board to follow up.

Paul Sparada – 58 Argus – How many people for agenda items 1 and 2. DPW is 4, and rec is 31. He asked what was being built on the Ridgeway property. It was noted that he would have to come to the board if he wanted to build however the land is too small.

Sal Orasella – 176 Barnabus Dr – asked if he could do 18. It was noted not until we got to that point.

Dave Burkhardt – 5 Autumn Lee – asked if the applicants on the Agenda were residents. It was stated that they were unsure at the moment but they are only applicants.

Trustee Jakubowski discussed moving he podium.

APPOINT PT SEASONAL DPW

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

Kevin Fusani, 343 Canton Street, Depew, NY 14043,
Andrew Mrozek, 66 Green Terrace, Depew, NY 14043,
Brandon Atlas, 46 West 5th Street, Depew, NY 14043,
Michael Kranz, 87 Fairview Court, Depew, NY 14043,
to the position of Seasonal Laborers Part Time at the Department of Public Works, effective 6/06/2016, at \$13.00 per hour for 10 weeks.

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 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

See attached List

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

ADOPT LOCAL LAW #2 OF 2016 – Planning Board Alternate

Trustee Bukowiecki, 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 May 9, 2016 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 ESTABLISHMENT AND APPOINTMENT OF ALTERNATE MEMBER OF THE PLANNING BOARD the Village Law of the State of New York section 7-718 (16)

WHEREAS, all persons were given an opportunity to speak for or against this local law;

WHEREAS, the proposed local law to be adopted is as follows:

Section 1: The Village Board of Trustees hereby establishes one (1) position of Alternate Planning Board 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;

Section 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;

Section 3: After appointment of an alternate member, the Chairman of the Planning Board 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 meeting at which the substitution is made.

Section 4: All provisions relating to Planning Board 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.

Section 5: Effective date -This local law shall take effect immediately upon filing with the Secretary of State.

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.

The following 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

ADOPT LOCAL LAW #3 OF 2016 – Zoning Board Alternate

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 May 9, 2016 at 7:05 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law authorizing ESTABLISHMENT AND APPOINTMENT OF ALTERNATE MEMBER OF THE ZONING BOARD the Village Law of the State of New York section 7-712 (1)

WHEREAS, all persons were given an opportunity to speak for or against this local law;

WHEREAS, the proposed local law to be adopted is as follows:

Section 1: 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;

Section 2: The alternate member shall be appointed by the Mayor, subject to the approval any other reason;

of the Board of Trustees for a term established by the board of trustees;

Section 3: 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.

Section 4: 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.

Section 5: Effective date -This local law shall take effect immediately upon filing with the Secretary of State.

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.

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

AMEND AGENDA ITEM #1 OF APRIL 29, 2016 - ADOPT 2016-2017 BUDGET

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

WHEREAS, the NYS Department of Taxation and finance has a calculation for Equalization rates;

AND WHEREAS, in the current tax year for the 2016-17 budget, the equalization rate for the Village of Depew inside the Town of Lancaster is 98% and the Village of Depew in the Town of Cheektowaga is 100%

AND WHEREAS, the Total Assessed Value of 100% was used to calculate one item of the 2016-17 budget, where instead of the Equalized Full Value of 98% is the accurate valuation for that item on page 1 titled Taxable Full Valuation;

AND WHEREAS, this change DECREASES the 2016-2017 taxable rate per \$1,000 on the Cheektowaga rate from 12.114022 to \$12.022456 per \$1000 and the Lancaster rate from 12.361247 to \$12.267812 per \$1000 of assessed value;

AND WHEREAS, the levy has not been changed by the correction of this taxable rate;

NOW, BE IT RESOLVED, that the amended portion of Agenda item #1 of April 29, 2016 shall read as follows;

the Budget for the Village of Depew for the fiscal year 2016/2017 is hereby **ADOPTED** with a tax rate of \$ 12.022456 per thousand for residents on the Cheektowaga portion of Depew and \$12.267812 per thousand for residents on the Lancaster portion of Depew.

The following 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 Peterson - Y
Trustee Kucewicz - Y
Mayor Nikonowicz - Y

AWARD BID – VACANT LAND – RIDGEWAY ST

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

WHEREAS, the Village of Depew sought bids for the sale of surplus property on Ridgeway St. –Portions of Parcels 104.24-2-16, 104.24-2-17, 104.24-2-18, 104.24-2-19, 104.24-2-20, 104.24-2-21, 104.24-2-22, (40' x 210')

WHEREAS, bids were opened on Wednesday May 11, 2016 at 10:00 am in the Council Chambers, and

WHEREAS, there was one bid and it met the Village requirement for a minimum bid, based upon a recent appraisal,

NOW THEREFORE BE IT RESOLVED, that the bid in the amount of \$8,000 from Joseph Memminger, 23 Ridgeway St. Depew be accepted for the 8,400 sq. ft. parcel owned by the Village of Depew on Ridgeway St. north of the creek, and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign all necessary paperwork for the transfer of the property.

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 Peterson-Y
Trustee Bukowiecki - Y
Trustee Kucewicz – Y
Mayor Nikonowicz –Y

PERMISSION TO SIGN – WASTE COLLECTION & DISPOSAL

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

WHEREAS, the Village of Depew sought bids for the Collection, Hauling and processing of Mixed Municipal Solid waste, Bulk Waste and Recyclables, and

WHEREAS, the low bidder was Modern Corporation in the amount of \$110.41 per unit and \$42.50 per ton for Mixed Municipal solid waste and \$0.00 for processing recyclables;

BE IT RESOLVED, Mayor Jesse Nikonowicz is authorized to sign the agreement with

Modern Corporation
4746 Model City Road
Model City, NY 14107

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 MAYOR TO SIGN AGREEMENT –U & S SERVICES

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

BE IT RESOLVED, that Mayor Jesse Nikonowicz, is authorized to sign an agreement with U & S Services Inc, 95 Stark Street, Tonawanda, NY 14150 beginning May 1, 2016 for a service agreement to cover the equipment and service calls for the CPU units, peripheral equipment, field panels and software associated with the Village heating and air conditioning systems at a cost of \$6,073.00 per year.

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 INTER- MUNICIPAL AGREEMENT WITH TOWN OF CHEEKTOWAGA

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

WHEREAS, the Village is currently owns and maintains the North portion of Keicher Rd Depew, New York 14043 which is approximately 600feet by 26feet wide, which is located in the Town of Cheektowaga portion of the Village of Depew, , and;

WHEREAS, the Town of Cheektowaga, owns and maintains the remaining portion of Keicher Rd. which extends to the dead end and is located outside the Village of Depew and solely within the Town;

WHEREAS, said entire roadway needs construction; and

WHEREAS, both the Town and Village have available manpower, machinery and equipment to provide said construction services; and

WHEREAS, the Town and Village are desirous of entering into a municipal cooperation agreement to reconstruct said road; and

WHEREAS, the Village Board has duly authorized an agreement with the Town for the purpose of entering into this agreement for said street and roadway reconstruction work by terms of the contract; and

WHEREAS, the town and village will each pay half of the \$9,600 total cost of materials and outside labor.

NOW THEREFORE BE IT RESOLVED, that Mayor Jesse Nikonowicz, is authorized to sign the Agreement with the Town of Cheektowaga, New York, for the street reconstructive costs and services for Keicher Rd..

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 Peterson - Y
Trustee Kucewicz - Y
Mayor Nikonowicz - Y

PERMISSION TO SIGN – INSURANCE

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

WHEREAS, the Village of Depew received an unsolicited quote on the Village's insurance, including Village of Depew comprehensive coverage; and the Depew Fire Department comprehensive coverage policies; and Worker's Compensation insurance; and

WHEREAS, the Village of Depew asked for additional quotes including their current company to requote those insurances; and

WHEREAS, the lower quote, which also appears to have several areas of perceived better coverage for the Village and the Fire Department was Britt, VFIS, and PERMA package through Scott Danahy Naylor Co. and WNY Insurance Agency;

BE IT RESOLVED, Mayor Jesse Nikonowicz or the appropriate Department head is authorized to sign the agreement with:

Scott Danahy Naylor Co.
300 Spindrift Dr.
Williamsville, NY 14221

And

WNY Insurance Agency
93 Diane Drive
West Seneca, NY 14224

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

MODIFY 2015/2016 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2015/2016 Budget in the following manner:

See attached spreadsheet with budget transfers.

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

MODIFY 2015/2016 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2015/2016 Budget in the following manner:

Revenues - Other Classified 4-2770 \$150.00
Expenditures - Fire - Materials 3410-414 \$150.00 –Tim Hortons

Revenues - Other Classified 4-2770 \$500.00
Expenditures - Police Dept - Education Officers 3120-471 \$500.00 – NOCO

Revenues – Misc 4-2655 \$42,000.00
Expenditures – Land Purchase 1940-200 \$42,000.00 - Sale of Land

Revenues – State Aid Other 4-3830 \$3500.00
Expenditures – Justice – contractual services 1130-435 - \$3,500.00 JCAP Grant

Revenues – State Aid Other 4-3830 \$4,799.97
Expenditures – Fire – Protective Equipment 3410-402 - \$4,799.97 AED Grant

Revenues – Misc 4-2655 \$17,463.52
Expenditures – Fire – Protective Equipment 3410-402 - \$2,195 Auction
Expenditures –Electrical – Materials 3020.414 - \$283.43 Auction
Expenditures – Clerk – Contractual Services – 1410.434 \$380.09 Auction
Expenditures – DPW – Snow Chemical – 5142.415 \$14,605.00 Auction

Village of Depew May 23, 2016

Revenues – Misc 4-2655 \$6,288.00

Expenditures – DPW – Snow Chemical – 5142.415 \$6,288 Salt

Revenues – Misc 4-2655 \$45,500

Expenditures – Police – Contractual Services – 3120.435 \$45,500 Auction

The following 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 Peterson - Y

Trustee Kucewicz - Y

Mayor Nikonowicz - Y

EMPLOYMENT APPLICATIONS: : DPW – Kenneth Butler, Code – Valeri Pepi, Sales/Marketing -Michael Hamilton, Recreation – Thomas Fritton, Kevin Stevens, Jennifer Freeman, Bridget Herod,

DEPARTMENT HEAD REPORTS: Police Department April 2016, Fire Department Report Jan-May 2016

ON A MOTION BY Trustee Peterson seconded by Trustee Kucewicz the Department Head report was accepted as presented.

Recreation – The pool cover is coming off.

COMMITTEE REPORTS : None

UNFINISHED AND OTHER BUSINESS :

PUBLIC CONCERNS AND COMMENTS

Sal Orsella – 176 Barnabus Dr. – Can we do something about NYSEG not cutting there Grass. He has done it for years but now is unable. Kathy stated there is a state law that says they do not have to and that is why he may not have received help with this in the past, however the board would see if they could try to get them to cut the grass.

Dave Burkhardt – 5 Autumn Lee – Caseys parking near the street again, can it be looked into further. The village will be following up with legal action as there contact is not working with them.

Dan Butler – 26 Tyler – Asked about Walden/Linclon Tony and Kathy stated that it was still in the hands of the DEC but Kathy will try to follow up every two weeks. They need to do the remediation the village cannot afford to pay for it.

Joan Priebe – 15 Howard – Asked what the debt limit was for the village. The administrator said that we do not have a number but we are scored yearly and we are not even to the half way point yet. She asked what the alternate planning and zoning's terms will be. The mayor stated the terms will come with the appointments. She asked about medical insurance and stated again that people pay between \$30 and \$100 per pay period (26 weeks) for insurance and thought that was too low. Stated it should be negotiated. Also that wouldn't it be good if they all paid the same amount. She asked when the parade starts. The fire chief stated 10:15 by the vine.

Gabby Miller- 61 Olmstead – asked about the PBA signs that are around town. The police stated he talked to the vice president about it today. She said it is over 48 hours and it says to fine \$50.00 and privileges should be revoked. This is setting precedence. The mayor and Code have already discussed changing the request to include a location. She asked if there were any cell tower updates. The mayor stated at the moment they have not found an alternate location for the Northside so it has been pulled for now. They have an alternate site by Taylor road for the West end. They will also have a public hearing in June for further comments.

Paul Sparada – 58 Argus – He was concerned about the dead trees in the park. The mayor stated while a few trees were taken down this year it will not be to later this year or next for the rest to come down. He talked about the benches around the park as well as a plaque needing to be cleaned and sealed. Additionally the picnic tables are unusable due to the bees. He suggested new tables. The mayor said he looked into it and they would need to be custom, they don't even make the size lumber needed. He asked about drainage, while the mayor explained it was looked into he said he would ask Phil to talk about it at the next meeting. He asked if the grass would be

Village of Depew May 23, 2016

mowed by concert time. The mayor stated that is what the part time seasonal will be doing starting June 6th. He comment on the quality of the bands that would be playing in the park. He asked about the grass at 47 Argus, Tony asked if it was still vacant. Mowing list will be at the next meeting.

Gabby Miller – She wanted to follow up from the last meeting with the information for the sale of land on Colony Street. Kathy said the parcel was too small to go out to bid. West steer she also sighted. It was noted that West street was not sold it was purchased back because our road was on it.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz, seconded by Trustee Bukowiecki, the following claims are to be paid: Sewer \$5353.72, General \$213,086.61, Community Development \$5,908.50, Capital Projects \$ 9,848.93 Capital \$231,856.26. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski, seconded by Trustee Peterson, the meeting was adjourned in memory of Laura Eckert mother in law of Electrician George DelCont Jr., Grandmother of Electrician George DelConte III fiancé of Clerk Typist Carmi Poss, And former Supervisor of Cheektowaga Ken Meyers, and Mary Nortertomas Mother in Law of Spence Sojak DPW at **8:20 pm.** The motion was **CARRIED.**

Respectfully submitted,

Maureen Jerackas
Village Administrator