

MEETINGS: 5
NO. OF REGULAR: 5

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
May 26, 2015**

ROLL CALL:

Trustee Hammer
Trustee Bukowiecki
Trustee Peterson
Trustee Kucewicz
Mayor Nikonowicz

ON A MOTION BY, Trustee Bukowiecki, and seconded by Trustee Hammer, the May 11, 2015 Village Board Minutes were approved.

ON A MOTION BY, Trustee Kucewicz, and seconded by Trustee Peterson, the May 14, 2015 Zoning Board Minutes were Accepted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Kim Partika – 213 Lou Ann Drive – Questioned Agenda item number 1. She asked about the seasonal workers for the DPW that were going to be appointed. Mayor Nikonowicz read off the names of the list. She asked why her son was taken off that list. She felt that he was a good worker did a good job and that this was just political. The mayor said that the final approval was his and any communications he received were not from anyone with authority to make the decision. She stated that her son went to the office to ask about the job and was told someone else received the job. She said he is a college kid who gave up other employment to work here. The Mayor said there are things that come with the job that I don't like, this morning was one of those things, but it is part of the job. She said then undo it. The Mayor said the people on the current list will be the ones appointed, your son is not on the list, and I am sorry.

APPOINT PT SEASONAL DPW

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

Samuel Carwile 58 Colony Street, Depew, NY 14043,
Peter Kranz, 87 Fairview Court, Depew, NY 14043,
Brandon Atlas, 46 West 5th Street, Depew, NY 14043,
Michael Kranz, 87 Fairview Court, Depew, NY 14043,
John Orlando, 5140 Transit Road, Depew, NY 14043
to the position of Seasonal Laborers Part Time at the Department of Public Works,
effective 6/01/2015, at \$13.00 per hour for 10 weeks.

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

Trustee Hammer - N
Trustee Bukowiecki -Y
Trustee Peterson - Y
Trustee Kucewicz - Y
Mayor Nikonowicz - Y

PERMISSION –WAIVE PERMIT FEE FOR ECSD- LATERAL REPLACEMENT PROGRAM

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

WHEREAS, The Erie County Sewer Districts – Lateral Replacement Program requested that they be exempt of the requirements of the Permit Fees, Chapter 76-20 of Village Law, in order for village resident to participate in the Lateral replacement program.

NOW, THEREFORE, BE IT RESOLVED, that permission is hereby granted to the Participants of the Lateral replacement program of the Erie County Sewer Districts that they may apply for their Permit Exempt of the fee.

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

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

Fire Department – Dismissal Process - TABLED

Trustee Kucewicz, offered the following resolution and it was TABLED for further discussion. The department is to meet with the village attorney to discuss.

WHEREAS, any person who is involuntarily removed from any of the Depew Volunteer Fire Companies or from the Depew Volunteer Fire Department is entitled to have the Companies and the Department follow the procedures set out in the by-laws and regulations of the Village of Depew Volunteer Fire Department before ordering an involuntary dismissal;

NOW, THEREFORE, BE IT RESOLVED that prior to such involuntary dismissal being completed, it shall be necessary for the Company or Department to forward to the Board of Trustees all records of the procedures and processes followed in the termination; and it is

FURTHER RESOLVED that the Board shall make the final determination on the dismissal.

This was seconded by Trustee Bukowiecki and duly put to a roll call vote which resulted in the following:

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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Tony Fischione, Code Enforcement Officer and Matt Fischione, Code Enforcement Officer, to attend the NFPA 25 & NFPA 13D Training on Tuesday July 7, 2015 at the All State Fire & Security, Buffalo New York. The cost of the seminar is free. Use of a village vehicle is authorized.

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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Tony Fischione, Code Enforcement Officer and Matt Fischione, Code Enforcement Officer, to attend the Floodplain Management trainings 2015/2016 on Tuesday June 16, 2015 at the Carlson Community Center Hall Mayville, New York. The cost of the seminar is free. Use of a village vehicle is authorized.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department for their Fill-the Boot Fundraising effort on June 1, 2015 from 3:30pm till 7:30 pm at various intersections in the Village. In the event of rain, the drive will be held on June 2, 2015.

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

Resolution in Support of the New York State Abandoned Property Neighborhood Relief Act of 2015

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

Whereas, throughout New York State, there are numerous vacant and abandoned homes, many of which are secured with delinquent mortgages (hereby known as Zombie Properties), and

Whereas, these properties result in a decline in real estate values and loss of property tax revenues to local governments resulting in a burden to the other taxpayers, and

Whereas, existing laws in New York State do not require lenders to maintain these properties until the lenders obtain a judgement of foreclosure and at times, lenders forgo pursuit of judgement so that they can avoid maintaining properties, and

Whereas, New York Attorney General Eric Schneiderman has proposed a bill known as the “Abandoned Property Neighborhood Relief Act of 2015” to take action to reduce the number of “Zombie” properties in the State and to force lenders to maintain these vacant and abandoned properties prior to foreclosure, and

Whereas, such legislation is pending in the State Senate (Senate Bill 4781) and State Assembly (Assembly Bill 6932) to establish the New York State Abandoned Property Neighborhood Relief Act of 2015, and

Whereas, there are a number of vacant and abandoned properties in the Village of Depew which are controlled by lenders and these homes fall into disrepair and become a blight on the neighborhood, and

Whereas, The Depew Village Board feels that the Village and its taxpayers would benefit greatly by the passage of the Abandoned Property Neighborhood Relief Act of 2015,

Now, Therefore, Be It Resolved, that the Depew Village Board hereby memorializes the State Senate and State Assembly, as well as Governor Andrew Cuomo to enact the Abandoned Property Relief Act of 2015, and

Be It Further Resolved, that the Village Administrator is hereby directed to forward certified copies of this resolutions to State Senator Tim Kennedy, State Senator Patrick Gallivan, State Assembly Member Angela Wozniak and Governor Andrew Cuomo

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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Officer Jeffrey Gorski, Officer Timothy Stranc and Officer James Wolfe to attend the Armorer's Glock Course on Thursday May 28, 2015 in Albion, New York. The cost of the seminar is \$250.00 each. Use of a village vehicle is authorized.

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

TREE TRIMMING/REMOVAL:

EMPLOYMENT APPLICATIONS RECEIVED: : Clerk - Jaclyn Mamon
Rec - Brandon Atlas, Amanda Dickinson, Thomas Fritton
DPW- Samuel Carwile, Andrew Mrozek, Jordan Partyka, Michael Kranz, Peter Kranz, Brandon Atlas, John Orlando, Thomas Mazurowski, Dennis Crawley Jr.

DEPARTMENT HEAD REPORTS: Depew Fire Department First Quarter 2015 Report, Code Enforcement April 2015 Report, Code Enforcement Lawn Cutting Report for DPW, Depew Police April 2015 Report,

ON A MOTION BY Trustee Peterson seconded by Trustee Bukowiecki the Department Head reports were accepted as presented.

COMMITTEE REPORTS: None

UNFINISHED AND OTHER BUSINESS: **ON A MOTION BY** Trustee Peterson seconded by Trustee Kucewicz the Lawn will be cut by the DPW and the bills assessed to the tax rolls of those properties.

PUBLIC CONCERNS AND COMMENTS

Terry Messcal – 36 Susan Drive - What are we hiring a clerk for? Mayor Nikonowicz replied these are just accepted applications and Mary one of our Clerks is retiring.

Judy Michaels – 6 Park Place - I received a letter about moving the cannon from veteran's park. What is the time table? She asked about the properties too. The mayor said the VFW has been sold. Mayor Nikonowicz said that knowing the cannon move would not be felt the same by all residents letters were sent to everyone from, East to Penora and Gould to Broadway. We will hold a discussion with residents about the move, possibly at the south side fire hall. The Veterans are to take on the cost of the move. The Mayor's Secretary is recording the resident's votes. She said her second question about community involvement was answered. She replied that she and her husband are in opposition of the move of the cannon. She has a hand out for the board which she gave to the administrator. The Administrator will distribute to the board and attach to the minutes. She also wanted to know even though she has had past issues with Veterans associations this has nothing to do with her objection. Moving surplus military equipment into an Olmsted park is something the board should think about.

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Ms. Sokoloski - 261 North Bryant Street- Traffic light at Broadway and Borden, it is not needed there but they could use a turn arrow in a different spot because of the traffic. The Police Chief said this is up to the state DOT and the Chief agrees with her. The Mayor said if she goes about making the proper contacts and needs assistance and we can help just let his office know.

Joan Priebe – 15 Howard –She asked if she needed a permit for her lateral if she replaced it. The Mayor said no and went on to explain the Lateral replacement program. This is a program for village residence who need their laterals replaced. When a developer builds in the area they will fix so many laterals, and we are waving the fee for their permits. This is so that our residents can take part in the program. She also wanted to compliment the parade. It was short, sweet and we had an excellent speaker. She asked what the Dismissal Process for the Fire Department was, she knows it was tabled. Mayor explained the board approves members but when people leave, specifically when people involuntarily leave, the board has no involvement at this time and we are working out a process with the attorney. Garage sale signs – they go up but they never come down, can the people be contacted? Can it be put in the paper? The fire marshal it was mentioned at the last meeting it was put back in the budget. Do assistant chiefs get a stipend for gas? Then they should do fire inspections too. The Fire chief reported that his assist chiefs all do fire inspections too. She stated the fire marshal gets to drive a car for free, gas, and a pension she thinks it is too much. It should be taken out. She figures these items are more than the Mayors Pay and the board should consider taking it out.

Joe Keefe – 9 Bloomfield Ave. He spoke about a Forestry Program stating the Ash trees are dying in Veteran's Park and so is one in his yard. There is a Grant for up to \$50,000 no match, most areas get 25,000. It cost \$350 to treat a tree. There is a study and all the trees come back. He thinks this is very important. He will provide this information to the board. (It was faxed in and attached)

Anita Peterson 54 Annette Dr.- Parking on both sides of the street when there was an Estate Sale and they needed to call the police multiple times Friday and Saturday because people could not get out because of the parking. This weekend there will be a street sale.

At this time we do not have a permit process for a garage sale unless you have more than 3 in a year then you will need a permit. The board will look into this.

Dale Nukenboker – 3164 Transit – Interim superintendent at no salary, where is the money going if not paid. Explained we are in the process of looking for a Superintendent with civil service and the pay is in the budget.

Dan Beutler – 26 Tyler – Garage sales in the village of Depew are exempt from the Town Permits. Is there an update on Lincoln St. Bridge? Electric lines need to be moved we are waiting reported the Mayor. For the Cannon move has any other place been proposed than Veteran's Park? The Veteran's committee proposed this to the village. He heard fireman's park. The mayor repeated they proposed Veteran's park. Mr. Butler asked about Lincoln and Walden if anything's new with that. No, but the Mayor will meet with Code enforcement to see what they can do.

Steve Hoffman – 16 Colony – He stated Nepotism runs high. What was done to the Kid was... He asked if they could find another spot for the kid. The mayor said there were possibly still openings in the rec department, and asked if he applied in that department. He then asked the Mayor who knocked this kid out. The Mayor said two were taken off the list and Samuel Carwile and another person to be added during the next board meeting. The other 4 people were the same. Then Steve went to the Fire Marshal he asked how the Mayor could justify the fire marshal's salary, when code enforcement did 440 inspections and the Marshal did 17. The mayor said I guess it depends on each person's perspective. He doesn't think that it is the salary divided by fire inspections, is the amount paid. I see it as compensating them for the 12 years of doing this service for the village.

He said do you know it is illegal to pay volunteers for their service. The Mayor said he will need to look into this. Steve said he asked for the resumes for the village Administrator. He was told he needed to FOIL them. He asked how many interviews he did. The Mayor said none as a board, the interviews were done by resume. It was done this way because of the short time frame between the time you're elected and the time you take office. In addition they were trying to reach a certain office to have questions answered about what positions they could fill which reduced that time further. The village Attorney touched on the FOIL comment stating that while you can FOIL the resume of a village employee you cannot get the resumes of applicants, however their names are in the village minutes. He asked Kathy about her background. She mentioned being an attorney for over 20 years, working with a town, doing zoning and working in many other areas of Law.

Kim Partyka – 213 Lou Ann Dr – You mentioned you have other jobs in the rec department for summer, the mayor said you could talk to the rec director after the meeting to see about open positions for your son.

Paul Sparada – 58 Argus – What is the Administrator going to send, a list of our abandoned properties? Kuciewicz said no it is to show our village supports them to hopefully get these laws past so we can get something done about these Zombie properties. Lancaster Town Band will be playing August 16th a Thursday in the Gazebo is the work on the Gazebo going to be done by then? Mayor Nikonowicz stated No, but Trustee Hammer has the information about the money for this and it is coming from the Lancaster IDA so we will be working with her to get this done. What is happening with the old Atlantis? Milton is working on fixing it up and making it into a dance studio and leasing it out. 6-8 weeks

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Judy Micheals – 6 Park place – what is this administrations philosophy on historic preservation. The mayor says it locks you in on money, but not against things. She stated she disagreed to a point. We can never have a historic district like our twin village. That can be very expensive. She asked that the board forward thinks to preserve the park and keep the only real piece of history our village has left. 1 of 50 communities with an Olmsted Stamp on it. This again is in her letter attached.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz, seconded by Trustee Hammer, the following claims are to be paid: Sewer \$2,894.95, General \$362,614.25, Capital \$365,509.20. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Peterson, seconded by Trustee Bukowiecki, the meeting was adjourned in memory of veterans' day and all fallen veterans at **7:38 pm**. The motion was **CARRIED.**

Respectfully submitted,

Maureen Jerackas
Village Administrator