

MEETINGS: 8
NO. OF REGULAR: 8

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
July 27, 2015

ROLL CALL:

Trustee Hammer
Trustee Bukowiecki
Trustee Peterson
Trustee Kucewicz
Mayor Nikonowicz

ON A MOTION BY, Trustee Peterson, and seconded by Trustee Bukowiecki, the June 22, 2015 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Kucewicz, the June 4, 2015 Planning Board Minutes were approved as follows

1. George Bauer 219 Enez Drive- special use permit was denied.

ON A MOTION BY, Trustee Peterson, and seconded by Trustee Kucewicz, the July 2, 2015 Planning Board Minutes were approved as follows

1. Michael and Debra Duszynski- 31 Domino Court- special use permit- granted with stipulations
2. Kenneth and Theresa Diehl- 34 Olmstead Avenue- special use permit- granted with stipulations
3. Nickolas Marcezin (Twin Village Recycling)- 4153 Broadway- granted with requirements
4. Upstate Cellular (Verizon)- 2086 George Urban Blvd./ 651 Dick Road- withdrawn till a future date
5. Bella Vista Group- vacant land on George Urban Blvd.- tabled with stipulation
6. Ed Abdallah- (Jim's Automotive)- 6267 Transit Road- granted as presented

Items 1 and 2 called for a roll call vote both the same

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

Motions carried

Items 3,5,6 were carried unopposed

ON A MOTION BY, Trustee Bukowiecki, and seconded by Trustee Hammer, the July 13, 2015 Zoning Board Minutes were Accepted as follows

1. Barbara Bohlen- 11 Michelle Drive- shed- approved
2. Thomas Neth (Chris Neth- son)- 200 Marrano Drive- Driveway extension- approved

PUBLIC COMMENT – AGENDA ITEMS ONLY

Joan Priebe – 15 Howard –What is the CPA firm for the Ice rink. The Mayor responded it was a separate CPA firm to look into if the ice rink is profitable or can even sustain itself. Grants and spending a lot of money on dehumidification and insulation were decisions the board has to make and they want to be informed. How Much? Zero dollars

Mr. Burkhardt – 5 Autumn Lee – He asked about the properties in the Land Bank. He was informed that the Land Bank will obtain these properties to refurbish them and the village will need to pay the closing cost and maintain the snow and grass until sold, however we can recover some or all of that money when sold. The properties are picked if the Land Bank feels they can recoup their money. This is if the Land Bank takes these properties.

Dan Butler – 26 Tyler – He asked about the budget adjustments. The administrator replied that the budget adjustment for fire is to increase their monitor budget due to some pagers they sold. The 2014/2015 adjustment are the same ones made every year at this time to balance out the year and it takes funds that have excess monies and appropriates it to funds that are deficient.

Paul Sparada – 58 Argus – On the July 2nd meeting why some yes and some no? Trustee Kucewicz answered. #1 had to do with wanting to store more items outside of the building and #2 had to do with having a truck parked at a residence.

APPOINT PT SUMMER RECREATION PROGRAM

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz, do hereby appoint Frank Trotta, 27 Lackawanna Ave. Depew, NY 14043 to the summer recreation program at a rate of \$10.00 per hour starting July 6, 2015.

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

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC RE-HEARING-DEMOLITION PROPERTY

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for public re-hearing to be held on August 24, 2015 at 7:00pm in regards to the unsafe building conditions, per Chapter 81 of the Village Code, with respect to the structure located at 3322 Walden Ave. Depew, NY 14043 SBL# 104.38-5-8 owned by Peter Kremer, 21 Eastwood Pkwy. Depew, NY 14043. A notice will be sent to the owner on record of the property as per required per this chapter. The structure has been deemed unsafe per the Code Enforcement Officer and the Village Board. Any incurred costs to the Village will be levied onto the Village tax bill for the parcel.

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

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

MODIFY 2014/2015 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2014/2015 Budget in the following manner:

See attached spreadsheet with budget transfers.

The following resolution 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

MODIFY 2015/2016 BUDGET

Trustee Bukowiecki, 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:

Increase Budgeted Revenues – Minor Sales- 10-4-2655- \$750.00 – Sale of Fire Dept. Pagers

Increase Budgeted Expenses – Fire Dept – Monitors – 5-3410-250 - \$750.00

The following resolution was seconded by Trustee Hammer, 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

SPECIAL USE PERMIT

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

WHEREAS, George Bauer, of 219 Enez Drive has requested a Special Use Permit on property located at 219 Enez to allow him to park his commercial box truck with a maximum gross vehicular weight of 17,999 lbs. in the driveway, and,

WHEREAS, the Depew Planning Board has reviewed said application on June 4, 2015 and the Depew Village Board has reviewed the minutes of the Planning Board meeting, including all public comments, now

BE IT RESOLVED, a Special Use Permit is hereby granted to George Bauer, 219 Enez Drive for the purpose of parking his commercial box truck with a maximum gross vehicular weight of 17,999 lbs. in his driveway.

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

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

REQUEST TO ACQUIRE - LAND BANK

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

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an inter-municipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal

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and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the Depew Municipality, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT RESOLVED, that Depew Municipality hereby officially requests the BENLIC acquire the following properties:

#1	6232 Transit Road	93.13-7-9
#2	33 Donna Court	93.17-11-1

; and be it further

RESOLVED, that the Depew Municipality has completed the requested Standardized Inspector's Reports and Maintenance, Disposition and Reuse Plans (SIR/MDR plans) each property listed above and has attached the SIR/MDR plan to this resolution; and be it further

RESOLVED, that the Depew Municipality agrees to reimburse Erie County for the cost associated with foreclosure of this property; and be it further

RESOLVED, that the Depew Municipality agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property; and be it further

RESOLVED, that The Village of Depew hereby agrees to the terms and conditions of the BENLIC Pay it Forward Policy, adopted September 19, 2014 and that pursuant to section 1610 of the New York Not-for Profit Corporation Law will remit to BENLIC 50% of real taxes collected for a period of five years on all of the parcels identified herein for which, upon disposition of the parcel, net proceeds are negative

#1	6232 Transit Road	93.13-7-9
#2	33 Donna Court	93.17-11-1

;and be it further

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the Cities of Lackawanna and Tonawanda.

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

AUTHORIZE CPA FIRM

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

WHEREAS, the Village of Depew needs an audit of the Ice Rink to be performed.

WHEREAS, quotes were requested from 3 different firms

WHEREAS, Drescher & Malecki LLP, 3083 William Street Suite 5, Cheektowaga, NY 14227 proposed procedures at no charge

NOW, THEREFORE, BE IT RESOLVED that Mayor Jesse Nikonowicz is authorized to sign the agreement with Drescher& Malecki LLP

And

NOW, THEREFORE, BE IT RESOLVED that the firm Drescher & Malecki LLP, is to represent the Village of Depew in an audit for the Village Ice Rink.

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

BE IT RESOLVED, permission is hereby granted to Maureen Jerackas, Village Administrator, to attend the NYCOM fall Training School on Sept 28th-Oct. 2, 2015 at in Lake Placid, NY. The cost of the seminar is \$285.00. Use of a village vehicle is authorized.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department to have the old Engine 41 attend the St. Mary's High School car show on August 8, 2015.

AND

Permission is hereby granted to Central Hose Company #4 to use Engine 4 for the Erie County Fair on Friday August 14, 2015 from 8:00am to 10:00pm.

AND

Permission is hereby granted to Central Hose Company #4 to use the Northside Fire Station on Saturday September 27, 2015 from 8:00am to 10:00pm for their annual polish dinner fundraiser. Also to place advertisement signs for their annual polish dinner on Village Property.

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

AUTHORIZE MAYOR TO SIGN COPIER FAX

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

WHEREAS, the Village of Depew is currently utilizing Copier Fax Business Technologies Inc. 465 Ellicott St. Buffalo 14203 for the Equipment, Service and Supplies in the Village of Depew facilities;

WHEREAS, the Village of Depew would like to continue with these services for \$538.61 per month with a 48 month agreement starting August 1, 2015.

NOW THEREFORE BE IT RESOLVED, that Mayor Jesse Nikonowicz is authorized to sign the Lease Agreement.

The foregoing resolution was seconded by Trustee Kucewicz 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

EMPLOYMENT APPLICATIONS RECEIVED:

Rec – Frank Trotta PT Clerk- Loretta Stalker, Susan Soper, Barbara Wojdyla, Samuel Sabia, Frank Valo DPW- Michael Montour Any- Gary Grzywna, Brandon Krantz

DEPARTMENT HEAD REPORTS: ON A MOTION BY Trustee Kucewicz, seconded by Trustee Bukowiecki dept. head reports were approved.

PD submitted their May and June reports

No individual department head reports this meeting due to a large department head meeting later this week.

COMMITTEE REPORTS: None

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

PUBLIC CONCERNS AND COMMENTS

Dan Beutler – 26 Tyler –Bridges on Lincoln when will that start? The Superintendent replied he believed August 6th. Over doses on Heroin, there were 3 in the last month. He was a former Drug counselor. What is the board doing? Trustee Kucewicz asked to meet with him to see if he had any recommendations. Wanted to talk about the places on Walden Ave going into the city across from Autumn Lee, including the Jets ski place with all of the boats and the bushes that look so bad. He was on the board and they didn't have permission to do this. The Mayor stated that he is aware that code enforcement has been working on this situation.

Mr. Burkhardt- 5 Autumn Lee – He added he was also on the planning board, that boats were never supposed to be there more than 24 hours. Also if you walk west on Walden the walkway is very narrow and it needs to get cleaned up. The superintendent will look into this, although it may be the DOT.

Gabrielle Miller - 61 Olmstead Avenue – 40 Olmstead is an abandoned residence by the playground and she had a petition which she presented to the board for review. Code enforcement states that the property owners have been notified.

Daniel Strohmenger – 285 Terrace - He had a petition to add stop signs to Terrace Blvd, because people use it as a cut through and speed down the street. This needs to happen before they hit the stop sign at firemen's park, which then they roll through. The mayor said he would ask the chief to step up patrols in the meantime while they look into this request.

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Ms. Tomaselo – 100 Elmwood – The piece of street between Elmwood and West. She asked about the Status of Breck Street. The village Attorney responded that she made an offer to Joe. He said that the owner was out of town, and would make a counter offer when she returned. Village was to pay survey and closing costs in the offer. She asked about having the road closed. The village Attorney said that they could close off their property. They asked if the village could close it off before their property and the superintendent said he would look into putting up barriers.

Pat Simmons – 44 Karen - Thank you for finally denying the special use permit for Enez. It was a long battle for the zoning and planning.

Paul Sparada – 58 Argus – He asked about the tire slashing. The Police Chief stated that they believed that they had apprehended the individuals involved by an officer on detail overnight. He stated that Renee’s Bakery was broken into. The Chief stated it was under investigation.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz, seconded by Trustee Hammer, the following claims are to be paid: Sewer \$8,777.67, General \$998,744.61, Fixed Asset \$287,703.54 Capital \$1,295,225.82. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Peterson, seconded by Trustee Bukowiecki, the meeting was adjourned in memory of Henry Wick Past Judge at **7:55 pm**. The motion was **CARRIED.**

Respectfully submitted,

Maureen Jerackas
Village Administrator