

MEETINGS: 10
NO. OF REGULAR: 10

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
September 14, 2015**

ROLL CALL:

Trustee Hammer
Trustee Bukowiecki
Trustee Peterson
Trustee Kucewicz
Mayor Nikonowicz

ON A MOTION BY, Trustee Bukowiecki, and seconded by Trustee Peterson, the August 24, 2015 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hammer, and seconded by Trustee Kucewicz, the August 6, 2015 Planning Board Minutes were approved as follows

1. B.R. Machineworks, Inc., 3005 Walden Avenue- to operate a machine shop within the existing building located in a C-2 zone. Machining/Metal work requires M-1 zoning. Planning Board recommends to the Village Board to accept the site plan as submitted.

ON A MOTION BY, Trustee Bukowiecki, and seconded by Trustee Kucewicz, the September 10, 2015 Zoning Board Minutes were Accepted as follows

1. Carolyn E. Kerce - , 241 Gould Avenue, to permit her to rebuild a rear vestibule on the west side of home with less than the required side setback (current vestibule is encroaching on right of way). Zoning tabled till 9-24-2015 meeting.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Dan Butler – 26 Tyler – Please Elaborate on Number 6 DEC Consent Order. The Village Attorney Replied that this was a remediation plan which includes things such as the Darwin/Argus Project which was negotiated to a lower fine. It started at 25,000, and the fine was reduced to a payable amount of \$5,000 and the remainder is held if we are not following the plan. Final Budget Adjustments number 3? He was given a copy.

Joan Preibe – 15 Howard Lane – Can I get a Synopsis of 4 and 5? The Mayor replied that there are some communication issues in the village for police and fire, which also exists in other towns and villages. Blue Wireless has been reaching out to these municipalities to make deals about communications and bring income into the village. We need someone who specializes in this area to negotiation. Dimmig Contract is for economic development in the area between the Bridges, the M1- areas on a map. So they can see how it could be developed if it was opened up. How Much? \$1,500.00

Paul Sparada – 58 Argus – 3322 Walden, What is the next step after the resolution is passed? The Attorney replied that it is in the resolution. The owner will have things he is required to do in a specific timeline and if he doesn't meet that the village can move forward which is also noted in the resolution. Is this a part of Brown field areas. I Don't think it is.

RE-APPOINT FULL TIME CLERK-TYPIST – VILLAGE HALL

Pursuant to Section 4-400 of Village Law, I Mayor Jesse Nikonowicz, do hereby re-appoint Carmi Poss, 320 Olmstead Avenue, Depew NY 14043 to the position of Full Time Clerk-Typist, effective September 21, 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

**CONDEMNATION OF PROPERTY LOCATED AT 3322 WALDEN AVENUE,
DEPEW, NY AND ORDER FOR DEMOLITION**

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

WHEREAS, the property located at 3322 Walden Avenue, Depew, NY 14043 is owned, of record by Peter J. Kremer, who is known to reside at 21 Eastwood Avenue, Depew, NY 14043, and,

WHEREAS, upon inspection by the Village of Depew code enforcement officer, Anthony Fischione, the property located at 3322 Walden Avenue, specifically being an arched building with two connected additions, hereinafter known as “the Quonset hut” or “the property” was found to be in such a state of disrepair as to be uninhabitable and a potential danger to the community, and posted such notice upon the property on July 15, 2013, and,

WHEREAS, the Village of Depew by the Building Inspector/ Code enforcement office made many attempts to work with the owner to have him repair and/or make the Quonset hut in compliance with the code, and

WHEREAS, the property continued to be in non-compliance with Depew Village building code and continued to remain uninhabitable, so that the Village then brought Peter J. Kremer into Village of Depew Justice Court in August 2013, to attempt to enforce compliance, and

WHEREAS, on January 21, 2014 the Depew Fire Marshal and Fire Inspector made an interior and exterior inspection of the Quonset hut and reported that the structure contained many fire hazards, chemical spillage and storage, and safety concerns within the buildings, and

WHEREAS, a visual inspection was performed of both the interior and exterior of the Quonset hut, on January 21, 2014 by Conestoga-Rovers & Associates, as Engineers for the Village of Depew, and that it was reported that there was deterioration of the roof deck with partial collapse as well as bent frames and deterioration of exterior wall coverings, and

WHEREAS, it appears that no efforts have been made by the owner to bring the Quonset hut into compliance or to secure it in a way so that safety issues are addressed, and

WHEREAS, notice was given to the Owner by certified mail August 10, 2015 and receipt acknowledged by his signature on August 12, 2015 that a public hearing would be held at the Depew Village Hall on August 24, 2015, regarding condemnation of his property at 3322 Walden Avenue, and

WHEREAS, notice of the public hearing on the condemnation of 3322 Walden Avenue was published in the Depew Bee prior to the public hearing, and

WHEREAS, the public hearing on condemnation of the property was held on August 24, 2015, that there was no appearance by the owner, Peter Kremer and public comments supported condemnation of the structure at 3322 Walden Avenue,

WHEREAS, the Board of Trustees of the Village of Depew has received and reviewed all of the reports cited herein,

BE IT RESOLVED, that the Board of Trustees of the Village of Depew finds that the building known as the Quonset hut, located at 3322 Walden Avenue, Depew, NY is unsafe and dangerous, and that is so dilapidated, decayed, unsafe and unsanitary to the health, safety and general welfare of the people of the Village of Depew, and that it is no longer in a condition where it can be safely and adequately repaired; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Depew now orders that the Quonset hut located at 3322 Walden Avenue, Depew, NY shall be demolished and removed by the owner, Peter Kremer, and

BE IT FURTHER RESOLVED that Notice is be served upon Peter Kremer in compliance with Sections 81-6 and 81-7 of the Code of the Village of Depew (hereinafter

Code) and filed with the Erie County Clerk's office pursuant to Section 91-8 of the Code, and

BE IT FURTHER RESOLVED that Peter Kremer shall commence demolition within 30 days of service of notice and shall complete such demolition with 60 days of such notice, as set forth in Section 81-6 (d) of the Code, and

BE IT FURTHER RESOLVED, that if the owner Peter Kremer fails to demolish and make safe the property located at 3322 Walden Avenue, Depew, NY, within 60 days of service of Notice, then the Village of Depew is authorized to schedule and complete demolition of the Quonset hut pursuant to Section 81-9 of the Code, and

BE IT FURTHER RESOLVED that all expenses incurred by the Village in connection with the demolition, including the cost of removing the building, shall be assessed against the land on which such building is located, 3322 Walden Avenue, Depew, NY, and shall be levied and collected after the expense has been incurred.

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

MODIFY 2014/2015 BUDGET

Trustee Bukowiecki, 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 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

AUTHORIZE MAYOR TO SIGN AGREEMENT - TECHNET

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

WHEREAS, the Village of Depew is currently looking to negotiate a deal with Blue Wireless.

WHEREAS, the Village of Depew has made an agreement to use Technet as a contractor to negotiate the deal in the amount of \$2,160.00

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

AUTHORIZE MAYOR TO SIGN AGREEMENT – DIMMING / EDS

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

WHEREAS, the Village of Depew is currently in need of a study and consulting of the economic development of the M1 areas

WHEREAS, the Village of Depew has made an agreement for these services with EDS in the amount of \$1,500.00.

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

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

AUTHORIZE MAYOR TO SIGN AGREEMENT - DEC

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

WHEREAS, the Village of Depew is currently under an Order by the NYSDEC

WHEREAS, the Village of Depew has negotiated terms with the assistance of the village engineer, Dave Britton

WHEREAS, the Village Attorney has negotiated fine modification from \$25,000.00 to a total \$11,500.00, with a payable penalty of \$5,000.00.

NOW THEREFORE BE IT RESOLVED, that Mayor Jesse Nikonowicz is authorized to sign the DEC Consent Order

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 MAYOR TO SIGN PENFLEX AUTHORIZATION FORM FOR 2014 SERVICE AWARD PROGRAM

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

BE IT RESOLVED, that Mayor Jesse Nikonowicz, is authorized to sign the 2015/2016 Service Fee agreement to Penflex, Inc for the purpose of administering the 2015/2016 Service Award Program for Depew Firefighters.

The foregoing 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

PERMISSION SEMINAR

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

BE IT RESOLVED, permission is hereby granted to Phil Fleck, DPW Superintendent, to attend NYCOM Public Works Training on Sunday, October 25, 2015 thru Wednesday October 28, 2015 in Cooperstown, NY. The cost of the Seminar is \$1,500. Use of a village vehicle is authorized.

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Hook and Ladder Co. #1 to use the Southside Fire Hall from 6:00 am to midnight on Saturday, October 3, 2015 for a wine tasting party.

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

PERMISSION – MEMBERSHIP DEPEW FIRE DEPARTMENT

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

BE IT RESOLVED, membership is hereby granted to the following in the Depew Fire Department pending the passing of his physical:

West End Hose Company #6

Robert Lennox
54 Royal Palm Drive
Cheektowaga., NY 14225

The forgoing resolution was seconded by Trustee Peterson, and **CARRIED**

PERMISSION – MEMBERSHIP DEPEW FIRE DEPARTMENT

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

BE IT RESOLVED, membership is hereby granted to the following in the Depew Fire Department pending the passing of his physical:

Central Hose Company #4

Jamie Gavin
202 Calument St.
Depew, NY 14043

The forgoing resolution was seconded by Trustee Hammer, and **CARRIED**

PERMISSION – MEMBERSHIP DEPEW FIRE DEPARTMENT

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

BE IT RESOLVED, membership is hereby granted to the following in the Depew Fire Department pending the passing of his physical:

Central Hose Company #4

John J Gavin
202 Calument St.
Depew, NY 14043

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

PERMISSION – MEMBERSHIP DEPEW FIRE DEPARTMENT

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

BE IT RESOLVED, membership is hereby granted to the following in the Depew Fire Department pending the passing of his physical:

Central Hose Company #4

Carson Kristner
540 French Rd.
Depew, NY 14043

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

ON A MOTION BY Trustee Kucewicz seconded by Trustee Peterson the Board Entered into executive Session to discuss collective bargaining negotiations at 7:28PM.

ON A MOTION BY Trustee Kucewicz seconded by Trustee Peterson the meeting was called to order at 8:07PM by Mayor Nikonowicz

EMPLOYMENT APPLICATIONS RECEIVED:

: Rec – Daniel Berchou, Mark Owen, Shane Dembowski, Michael Green, Thomas Hessel, Jeffrey Schuler, Shane Dembowski, Laura Ann Schreiber, Stephen Gosciak, Thomas Kendall, Christina Moore DPW- Peter Kranz

DEPARTMENT HEAD REPORTS: Phil reported that the DPW was stripping crosswalks, PD submitted July and August 2015 which the Chief reviewed, Code did not report, Fire reported responding to the fatal accident on French, the Burger King Fire, having the annual Department Inspection including honoring multiple people for their years of service. October is fire prevention month, anyone who would like a presentation for a kids group or anything please let them know.

ON A MOTION BY Trustee Peterson seconded by Trustee Hammer the department head reports are approved

COMMITTEE REPORTS: None

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

PUBLIC CONCERNS AND COMMENTS

Dan Butler – 26 Tyler –Lincoln St., The County has to do something, water line inspection? The Mayor Stated that they were already spoke to about breaking the noise ordinance, the site was also a bit disorderly and they were spoke to about that. About the issue of not notifying the Olmstead residents of the water shut off. DOT date changed from the 17th to the 29th . He stated that He saw on the news about the trains and the fire training, The Mayor spoke about the Fire Department’s training with the railroads and understanding the plaques and such. Casey’s place the truck keeps moving closer and closer to the street. Tony will check tomorrow.

Joan Priebe - 15 Howard – Thank the Mayor and Superintendent, She feels the light at the end of the way for her driveway. She feels we need another truck just not at this time. She also thinks they should consider consolidating fire halls. We do not need 3 halls and 6 companies. We have to consolidate. No one is looking into it. The DPW and the PD are the Backbone. We should not be so selfish. Trustee Peterson asked “which fire hall would you close?” She said she did not know but it was not her expertise.

Ron Machjewieski – 24 Keibler – Studies are good on paper but do not always make sense in reality. You have to see what the study is trying to prove. What about if Transit road, George Urban flooded and Walden are flooded, we need all three halls, please read the rebuttal.

Mayor Nikonowicz has been meeting with Mr. Burton and will have those discussions with him. The Mayor said he is not afraid to have those discussions.

Dan Butler – 26 Tyler – I would like a copy of the Rebuttal.

Anita Peterson – 54 Babette Drive – You cannot look at one component, you look at all directions. Make Wise Choices, if you close West end fire hall then you are dependent on Cheektowaga coming, right now when you call 911 only Depew comes.

Paul Sparada – 58 Argus – Thanked Phil for painting the lines at Krieger and all the lines. The Mayor also commented that we received the additional 5,000 from the Lancaster IDA for the Gazebo in the Veteran’s Park so the project will be covered.

Dan Butler – 26 Tyler – Mayor Macintosh and others talks go to dissolving the village of Depew we need to look at it. School taxes are not bad here but they are on the Cheektowaga side. Let’s all vote for Linda, without people like her we will get stonewalled. I read the report it did not say get 2 ASAP. You have 3 contracts going on right now, where are we going to get the money think about it gentleman and ladies.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hammer, seconded by Trustee Kucewicz, the following claims are to be paid: Sewer \$2392.04, General \$237,951.28, Capital projects \$174,208.29 Capital \$414,551.61. **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Peterson, seconded by Trustee Bukowiecki, the meeting was adjourned in memory of Joe Sapolla and the Dion Family at **8:31 pm**. The motion was **CARRIED.**

Respectfully submitted,

Maureen Jerackas
Village Administrator