

# Village of Depew, NEW YORK

*"The Village of Unparalleled Opportunity"*

MEETINGS TO DATE: 19  
NO. OF REGULARS: 19

## AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
January 8, 2024 7:00PM

PLEDGE OF ALLEGIANCE  
INVOCATION -  
NOTIFICATION OF FIRE EXITS

ROLL CALL: Trustee Hamernik  
Trustee Ziembra  
Trustee Kraft  
Deputy Mayor Adolf  
Mayor Peterson

APPROVE VILLAGE BOARD MEETING MINUTES – December 11, 2023  
APPROVE PLANNING BOARD MEETING MINUTES – November 2, 2023

1. Bradley Kyler on behalf of Herbal IQ Dispensary, for the property located at 6061 Transit Rd, Suite 6055, Depew, NY 14043. The following matters to be reviewed: They are requesting the following: To apply for a special use permit for a cannabis retail business. Approved.
2. Bohler Engineering and Landscape Architecture on behalf of O'Reilly Auto Parts Store, for the property located at 6140 Transit Rd, Depew, NY 14043. The following matters to be reviewed: They are requesting the following: For concept plan of site development for 6140 and 6142 Transit Rd for a new commercial Auto Parts store. Approved.
3. Karen Farrell on behalf of the owners of the property located at 56 Columbia Ave, Depew, NY 14043. The following matters to be reviewed: They are requesting the following: To sub divide parcel 56 Columbia Ave as per Chapter 260, §260-10(C). Approved.

## PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Permission to Sign – Nussbaumer & Clarke Proposal
2. Permission to Sign – Nash Connors P.C
3. Appoint – Fire Marshall
4. Appoint – Planning Board Member
5. Approve – Fire – Out of Village Training
6. Appoint – Seasonal Rec
7. Authorize – Depew Warner Rd SEQR
8. Authorize – SEQR Phase 8
9. Permission to Sign – Firefly
10. Permission – Fire Membership
11. Employment Applications – Village Hall – Ellen Pfeil, Nicole Campbell
12. Department Head Reports – Police – Dec 2023 & 2023 Annual
13. Unfinished and Other Business
14. Public Concerns and Comments
15. Claims and Accounts
16. EXECUTIVE SESSION
17. Adjournment

RESOLUTION

January 8, 2024

**AUTHORIZE MAYOR TO SIGN PROPOSAL**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

**BE IT RESOLVED**, that Mayor Kevin Peterson, is authorized to sign the proposal from Nussbaumer & Clark, Inc, 3556 Lake Shore Rd, Suite 500, Buffalo, NY 14219 for the professional engineering services for the Walden Transit Sewer Improvement project (PHASE 5 CAP).

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kraft -  
Deputy Mayor Adolf -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024  
Agenda Item # 1

☐ Approved ☐ Denied

RESOLUTION

January 8, 2024

**AUTHORIZE MAYOR TO SIGN COUNSEL FEE AGREEMENT**

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

**WHEREAS**, the Village of Depew would like to utilize the services of Nash Connors P.C. for a legal matter,

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is authorized to sign the agreement between the Village of Depew and Nash Connors P.C. effective December 28, 2023.

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kraft -  
Deputy Mayor Adolf -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024

Agenda Item # 2

\_\_Approved \_\_Denied

RESOLUTION

January 8, 2024

APPOINT – FIRE MARSHALL

Pursuant to Section 4-400 of the Village Law, I Mayor Kevin Peterson hereby nominate Brian Musielak for the position of Fire Marshall at a salary to be determined by the budget.

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kraft -  
Deputy Mayor Adolf -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024

*Agenda Item # 3*

☐ Approved ☐ Denied

RESOLUTION

January 8, 2024

**APPOINT PLANNING BOARD MEMBER**

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin Peterson do hereby appoint Steven Socha to the Village Planning Board, said term to expire at noon on the first Monday of April 2025, at a salary of \$50 per meeting.

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kraft -  
Deputy Mayor Adolf -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024  
Agenda Item # 4

\_\_\_Approved \_\_\_Denied

RESOLUTION

January 8, 2024

PERMISSION - FIRE DEPARTMENT

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

**WHEREAS**, Depew Fire Department would like permission use of Engine 2 for training outside the village at Twin District Fire Company, 4999 William St, Lancaster, NY 14086 on Monday, January 8, 2024 from 6:30 PM till 9:30 PM.

**THEREFORE, BE IT RESOLVED:** The above foregoing resolution was seconded by Trustee \_\_\_\_\_ and duly put to a roll call vote which resulted in the following:

Trustee Hamernik -  
Trustee Ziembra -  
Trustee Kraft -  
Deputy Mayor Adolf -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024

Agenda Item # 5

\_\_\_Approved \_\_\_Denied

RESOLUTION

January 8, 2024

**APPOINT WINTER REC SEASONALS – RETRO APPOINTMENT**

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson do hereby appoint the following for the winter employment to the Recreation Department with a start date of November 25, 2023.

Tyler Williams

The forgoing nominations were acted upon in the following manner by the Board of Trustees:

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kraft -  
Deputy Mayor Adolf -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024  
**Agenda Item # 6**

☐ Approved ☐ Denied

RESOLUTION

January 8, 2024

**SEQR Type II Determination** (Warner Road Culvert Replacement)

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

**WHEREAS**, the Village of Depew is considering improvements to correct deficiencies in the Village infrastructure for conveyance of stormwater runoff and improve overall system reliability and service to the Community; and

**WHEREAS**, pursuant to sections 617.5(c)(1), 617.5(c)(2) and 617.5(c)(6) under SEQR, this project is a Type 2 Action as it involves the maintenance, repair and replacement in kind of existing stormwater infrastructure with no substantial change to the overall existing drainage conveyance system.

**NOW THEREFORE BE IT RESOLVED**, that as a Type 2 action under SEQR, the project has been found categorically to not have significant adverse impacts on the environment and no further review under SEQR is required.

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kraft -  
Deputy Mayor Adolf -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024  
Agenda Item # 7

\_\_Approved \_\_Denied



RESOLUTION

January 8, 2024

SEQR Type II Determination (Phase 8)

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

**WHEREAS**, the Village of Depew (Village) is currently under an Order of Consent with the New York State Department of Environmental Conservation (NYSDEC) to address sanitary sewer overflows (SSOs) in the Village's sanitary sewer collection system; and

**WHEREAS**, the Village completed the Phase 8 Sanitary Sewer Evaluation Survey (SSES) in Sewershed 2 to identify potential corrective actions; and

**WHEREAS**, the Village of Depew Board of Trustees is considering various improvements to correct sewers system defects and reduce inflow and infiltration; and

**WHEREAS**, the Board of Trustees is seeking funding assistance under the New York State Cleanwater State Revolving Fund, and is, therefore subject to environmental review obligations required to participate in the funding program; and

**WHEREAS**, pursuant to sections 617.5(c)(1), 617.5(c)(2) and 617.5(c)(6) under SEQR, this project is a Type 2 Action as it involves the maintenance, repair and replacement in kind of existing sewer infrastructure with no substantial change to the existing sanitary sewer collection system.

**NOW THEREFORE BE IT RESOLVED**, that as a Type 2 action under SEQR, the project has been found categorically to not have significant adverse impacts on the environment and no further review under SEQR is required.

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kraft -  
Deputy Mayor Adolf -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024  
Agenda Item # 8

\_\_Approved \_\_Denied

RESOLUTION

January 8, 2024

**AUTHORIZE MAYOR TO SIGN PROPOSAL**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

**BE IT RESOLVED**, that Mayor Kevin Peterson, is authorized to sign the amended agreement with FireFly Admin Inc., who provides the actuary and third-party administrative and payment services for the Village of Depew's Length of Service Award Program (LOSAP).

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kraft -  
Deputy Mayor Adolf -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024  
Agenda Item # 9

\_\_Approved \_\_Denied

RESOLUTION

January 8, 2024

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

Trustee \_\_\_\_\_, 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 their physicals:

Depew Hook & Ladder Co. #1  
Cody W. Burnett

Depew Hose Co #1  
Alexander J. Nobles

Move up from the DFD Jr Firefighter to Aetna Hose Co #2  
Aaron Ziccardi

The following resolution was seconded by Trustee \_\_\_\_\_, and **CARRIED**

VILLAGE OF DEPEW  
BOARD MEETING  
January 8, 2024

**Agenda Item # 10**

\_\_Approved \_\_Denied