



MEETINGS TO DATE: 16

NO. OF REGULARS: 14

AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW

October 28, 2024 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION -

NOTIFICATION OF FIRE EXITS

ROLL CALL: Trustee Ziemba
Trustee Kraft
Deputy Mayor Adolf
Mayor Peterson

Proclamation by Cheektowaga Supervisor Brian Nowak honoring Village of Depew Trustee Audrey Hamernik

ACCEPT VILLAGE BOARD MEETING MINUTES: OCTOBER 15, 2024

ACCEPT ZONING BOARD MEETING MINUTES June 27, 2024

1. New Energy Equity, 4293 Broadway, requesting 6 feet of relief from the required 30-foot setback, approved.
2. Dennis and Suzanna Pollutro, 47 Stewart Dr, to construct a driveway 4.5 feet past the 5 feet allowed in front of the principal dwelling, approved.

ACCEPT PLANNING BOARD MEETING MINUTES September 5, 2024

1. Celtic Industries on behalf of Jim Murphy GMC Buick, 3000 Walden, final submission to construct a pole barn, approved.
2. DPW, 200 Rutherford St., to construct a pole barn to be used as a salt shed, approved.
3. Keith McFadden, 4976 Broadway, Special Use Permit for equipment/tool/rental/sales with exterior display/storage, approved.
4. Keith Gillogly, 233 Columbia Ave, concept for subdivision of land, approved.

ACCEPT ZONING BOARD MEETING MINUTES: September 12, 2024

1. Brian Frankenberger of 5 Jane Lane, requesting relief to construct a shed within the 5 foot required setback. Approved
2. Craig M. Spear of 19 Lackawanna Ave, requesting relief to construct a fence within 5 feet of the right-of-way. Approved
3. Jason Freier of 3244 Walden Ave, requesting a Special Use Permit for keeping of non-domesticated animals (goat) Approved
4. David Simpkin of 99 Harvard Ave, requesting relief to construct a driveway that projects greater than 5 feet in front of the principal dwelling. Approved.
5. Christopher and Desiree Benoit of 46 Jane Ln, requesting relief to install a back-up generator within the required 5 foot setback. Approved.
6. Justin Palmer and Rebecca DiPasqua of 66 Lee St, requesting relief to construct a driveway within the required 3 foot setback. Approved

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Approve – Election Polling Place
2. Permission – Fire Membership
3. Permission – Jr. Fire Membership
4. Permission to Sign – CDBG Grant- Cheektowaga Side
5. Permission to Sign – CDBG Grant – Lancaster Side
6. Appoint – Rec Department
7. Appoint – Police Lieutenant
8. Permission – Fire Department
9. Approve – Longevity Payments
10. Appoint – Part Time Court Officers

11. Approve – Demolition 163 Kieffer Ave
12. Approve- Demolition 29 S. Warsaw
13. Employment Applications: COURT: Branden Purpura, James Honeck, Dale Adamski
14. Department Head Reports
15. Unfinished and Other Business
16. Public Concerns and Comments
17. Claims and Accounts
18. Adjournment

RESOLUTION

October 28, 2024

APPROVE POLLING LOCATION

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

WHEREAS, the Village of Depew will have four election districts (1-4) covering the entire Village of Depew and the districts will be split up among the alphabet (registered voters last name).

BE IT RESOLVED, all voting for the Village election will be at the Village Hall, 85 Manitou St, Depew in the senior center. Polls will be open from 12:00 PM until 9:00 PM. The Village Administrator will send a certified copy of the resolution to the Board of Elections and also post the notice in the Depew Bee.

And

WHEREAS, a General Village Election for the Village of Depew will be held on Tuesday, March 18, 2025 for the following offices:

Village Trustee – Four Year Term

Village Trustee – Four Year Term

Village Justice – Four Year Term

THEREFORE, BE IT FURTHER RESOLVED, that the Village Administrator is hereby authorized to have published in the Official Paper for the Village of Depew a listing of the Offices to be filled by the March 18, 2025 General Village Election.

And

WHEREAS, as in past years the residents of the Village of Depew must register with the Board of Elections to be able to vote in a Village of Depew Election.

THEREFORE, BE IT FURTHER RESOLVED, that the Village will not be holding a village registration day, however residents may register with the Erie County Board of Elections.

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

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

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024

Agenda Item # 1

___Approved ___Denied

RESOLUTION

October 28, 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 physical:

Cayuga Hose Co. #3

Josh Sudyn

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

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

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024
Agenda Item # 2

__Approved __Denied

RESOLUTION

October 28, 2024

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT – JUNIOR
FIREFIGHTER PROGRAM**

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 junior firefighter program pending the passing of his physical:

Junior Firefighter
Hook and Laddar #1

Joseph McPartlan

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

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

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024
Agenda Item # 3

 Approved Denied

RESOLUTION

October 28, 2024

**AUTHORIZE MAYOR TO SIGN COMMUNITY DEVELOPMENT BLOCK
GRANT SUBRECIPIENT AGREEMENT 2024**

Trustee _____ offered the following resolution and moved for its adoption:

BE IT RESOLVED, that Mayor Kevin Peterson, is authorized to sign, submit, and execute a contract with the Community Development Block Grant for the following project(s) upon approval of ECCDBG-Project Ranked:

Sidewalk replacement and Senior Center expenses in the Village of Depew, Town of Cheektowaga.

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

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

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024
Agenda Item # 4

 Approved Denied

RESOLUTION

October 28, 2024

**AUTHORIZE MAYOR TO SIGN COMMUNITY DEVELOPMENT BLOCK
GRANT SUBRECIPIENT AGREEMENT 2024**

Trustee _____ offered the following resolution and moved for its adoption:

BE IT RESOLVED, that Mayor Kevin Peterson, is authorized to sign, submit, and execute a contract with the Community Development Block Grant, for Erie County, for the following project(s) upon approval of ECCDBG-Project Ranked:

Sidewalk replacement in the Village of Depew, Town of Lancaster.

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

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

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024
Agenda Item # 5

 Approved Denied

RESOLUTION

October 28, 2024

APPOINT REC

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson do hereby appoint the following for employment to the Recreation Department to be effective October 16, 2024.

Cashier / Rink Guard
Kasia Ziolkowski

Cashier
Addison Grimm
Alyson Overholt

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

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

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024
Agenda Item # 6

 Approved Denied

RESOLUTION

October 28, 2024

APPOINT POLICE LIEUTENANT

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint

Aleksander Wojciechowicz

to the position of Police Lieutenant from the Civil Service Exam #75-618 list effective November 3, 2024.

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

Trustee Ziemba -

Trustee Kraft -

Deputy Mayor Adolf -

Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024
Agenda Item # 7

__Approved __Denied

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department for Engine 1, Engine 2, Engine 3, & Ladder 5 to go to evening drill on Tuesday, October 29th at the Cheektowaga Fire Academy located on Broadway in the Town of Cheektowaga from 6:30 pm till 9:30pm.

And

Permission is hereby granted to the Depew Fire Department for Engine 4 to go to the BEFO/IFO State course on Tuesday, October 29th at the Tonawanda Fire Academy located on Fire Tower Road in the Town of Tonawanda from 6pm to 10pm.

And

Permission is hereby granted to the Depew Fire Department for the use of Engine 6 & Rescue 7 to go to the Buffalo Fire Museum on Tuesday, November 5th from 6:30pm to 9:30pm.

And

Permission is hereby granted to the Depew Fire Department for the use of Engine 1, Antique 41, & Car 9 with the Fire boat on Saturday, November 30th for the Christmasville Parade in the Village of Lancaster from 5pm to 9pm.

And

Permission is hereby granted to the Depew Fire Department Hook & Ladder Company #1 for use of the Southside Fire Station on Saturday, January 11th, 2025 for a holiday party from 5pm until 11pm.

The foregoing resolution was seconded by Trustee _____ and **CARRIED.**

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024
Agenda Item # 8

__Approved __Denied

RESOLUTION

October 28, 2024

APPROVE LONGEVITY PAYMENTS

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

WHEREAS, the Employee Handbook requires longevity payments to non-union personnel to be approved by the Village Board;

BE IT RESOLVED, longevity payments, as per the current budget, for the 2024-2025 be approved for the following:

Sarah Hinsken - \$1025.00
Melissa Dabb - \$1025.00
Cory Skok- \$1350.00
John Thomson -\$ 1350.00
Ken Pyc -\$1975.00

These payments will be paid to the employees the first payroll after this resolution is passed.

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

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

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024
Agenda Item # 9

___Approved ___Denied

RESOLUTION

October 28, 2024

APPOINT PROVISIONAL PART TIME COURT OFFICERS

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint:

James Honeck

And

Branden Purpura

And

Dale Adamski

to the position of Provisional Part Time Court Officer effective October 30, 2024 at the salary listed in the budget. Once the results are posted and the list is established from an upcoming promotional exam, they must be reachable. If not, they will be removed from the position within 60 days in accordance with Erie County Civil service rules.

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

Trustee Ziemba -

Trustee Kraft -

Deputy Mayor Adolf -

Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
October 28, 2024
Agenda Item # 10

___Approved ___Denied

DEMOLITION OF 163 KIFFER AVENUE, DEPEW, NY 14043

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

WHEREAS, under Village Law Section 81-4 the Village Board has received an Investigation and Report of the Code Enforcement Officer offering the opinion that the building located at 163 Kieffer Avenue, Depew NY 14043 is such an unsafe building,

WHEREAS, the following unsafe conditions exist at the property located at 163 Kieffer Avenue, Depew NY 14043, as determined by a report made by or caused to be made by the Code Enforcement Officer as of the 2nd day of October 2024 and Re-inspected on the 24th day of October 2024.

- _____ A. The interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- ___x___ B. The building, exclusive of the foundation, shows 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- ___x___ C. The building has improperly distributed loads upon the floors or roofs or in which the same is overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- ___x___ D. The building has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Depew.
- ___x___ E. The building has become or are so dilapidated, decayed, unsafe, or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare to those living therein.
- _____ F. The building has light, air and sanitation which are inadequate to protect the health, morals, safety, or general welfare of humans who live or may live therein.
- ___x___ G. The building has inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.
- _____ H. The building has parts thereof which are so attached that they may fall and injure members of the public or property.
- ___x___ I. The building, because of its condition, is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Depew.

x

J. The building exists in violation of any provision of the New York State Uniform Fire Prevention and Building Code.

 x

K. The building or structure remains vacant and unattended continuously for a period of one year or longer without adequate safeguards to prevent unauthorized entry.

WHEREAS, the building cannot be safely repaired under Village Law Section 81-5, and therefore must be demolished instead. The owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such an unsafe building as shown by the records of the Receiver of Taxes or of the County Clerk is responsible for demolition of the unsafe building. However, if "the person so notified to comply with said order of the Village Board and after the hearing, the Village Board shall provide for demolition and removal of such building or structure either by Village employees or contract," per Village Law Section 81-9.

NOW, THEREFORE, BE IT

RESOLVED, that the Village Board approves of demolition of the property located at 163 Kieffer Avenue, Depew NY 14043, and

RESOLVED, that subsequent to the passage of this Resolution and prior to demolition, notice will be served to the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of Taxes or of the County Clerk per Village Law Sections 81-6, 81-7, and 81-8, and

RESOLVED, that a public hearing shall be held before the Village Board no less than 5 days after notice of demolition if served, and

RESOLVED, that the expenses of such demolition will be charged against the land on which it is located and shall be assessed, levied and collected.

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

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

VILLAGE OF DEPEW
BOARD MEETING
OCTOBER 28, 2024

Agenda Item # 11

Approved __ Denied __

DEMOLITION OF 29 S WARSAW ST, DEPEW, NY 14043

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

WHEREAS, under Village Law Section 81-4 the Village Board has received an Investigation and Report of the Code Enforcement Officer offering the opinion that the building located at 29 S. Warsaw St. Depew NY 14043 is such an unsafe building,

WHEREAS, the following unsafe conditions exist at the property located at 29 S. Warsaw St. Depew NY 14043, as determined by a report made by or caused to be made by the Code Enforcement Officer as of the 20th day of September 2024 and Re-inspected on the 24th day of October 2024.

- _____ A. The interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- _____ B. The building, exclusive of the foundation, shows 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- _____ C. The building has improperly distributed loads upon the floors or roofs or in which the same is overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- ☒ D. The building has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Depew.
- ☒ E. The building has become or are so dilapidated, decayed, unsafe, or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare to those living therein.
- _____ F. The building has light, air and sanitation which are inadequate to protect the health, morals, safety, or general welfare of humans who live or may live therein.
- _____ G. The building has inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.
- _____ H. The building has parts thereof which are so attached that they may fall and injure members of the public or property.

- ☒ I. The building, because of its condition, is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Depew.
- ☒ J. The building exists in violation of any provision of the New York State Uniform Fire Prevention and Building Code.
- ☒ K. The building or structure remains vacant and unattended continuously for a period of one year or longer without adequate safeguards to prevent unauthorized entry.

WHEREAS, the building cannot be safely repaired under Village Law Section 81-5, and therefore must be demolished instead. The owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such an unsafe building as shown by the records of the Receiver of Taxes or of the County Clerk is responsible for demolition of the unsafe building. However, if "the person so notified to comply with said order of the Village Board and after the hearing, the Village Board shall provide for demolition and removal of such building or structure either by Village employees or contract," per Village Law Section 81-9.

NOW, THEREFORE, BE IT

RESOLVED, that the Village Board approves of demolition of the property located at 29 S. Warsaw St. Depew NY 14043, and

RESOLVED, that subsequent to the passage of this Resolution and prior to demolition, notice will be served to the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of Taxes or of the County Clerk per Village Law Sections 81-6, 81-7, and 81-8, and

RESOLVED, that a public hearing shall be held before the Village Board no less than 5 days after notice of demolition is served, and

RESOLVED, that the expenses of such demolition will be charged against the land on which it is located and shall be assessed, levied and collected.

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

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

VILLAGE OF DEPEW
BOARD MEETING
OCTOBER 28, 2024

Agenda Item #12

Approved __ Denied __