

MEETINGS: 19  
NO. OF REGULAR: 19

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**January 8, 2024 7:07 PM**

ROLL CALL: Trustee Hamernik -PR  
Trustee Ziemba – PR  
Trustee Kraft - PR  
Deputy Mayor Adolf - PR  
Mayor Peterson - PR

**ON A MOTION BY**, Trustee Ziemba and seconded by Trustee Hamernik, the minutes of the December 11, 2023 village board meeting were approved.

**ON A MOTION BY**, Deputy Mayor Adolf and seconded by Trustee Kraft, the minutes of the November 2, 2023 Planning Board Meeting minutes were approved.

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 Farell 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:**

N/A

**AUTHORIZE MAYOR TO SIGN PROPOSAL**

Deputy Mayor Adolf 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 Ziemba and duly put to a roll call vote which resulted in the following:

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

### **AUTHORIZE MAYOR TO SIGN COUNSEL FEE AGREEMENT**

Trustee Ziemba, 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 Deputy Mayor Adolf and duly put to a roll call vote which resulted in the following:

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

### **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 - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

### **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 - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

### **PERMISSION – FIRE DEPARTMENT**

Trustee Ziemba, 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 Kraft and duly put to a roll call vote which resulted in the following:

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

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

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

Trustee Kraft 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 Deputy Mayor Adolf and duly put to a roll call vote which resulted in the following:

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

**SEQR Type II Determination** (Phase 8)

Deputy Mayor Adolf 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 Kraft and duly put to a roll call vote which resulted in the following:

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

#### **AUTHORIZE MAYOR TO SIGN PROPOSAL**

Trustee Kraft 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 Deputy Mayor Adolf and duly put to a roll call vote which resulted in the following:

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

#### **PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

Trustee Ziemba, 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 Hamernik, and **CARRIED**

## **EMPLOYMENT APPLICATIONS**

### **DEPARTMENT HEAD REPORTS – Dec 2023 & 2023 year - POLICE**

Captain Curr, Police Department: 12525 complaints or calls for service in 2023, 362 accidents, 51 injury accidents, 6 pedestrians involved in accidents, and 4 bicycles. For December alone; 1060 complaints, 29 accidents – probably mostly weather related. Right before Holidays we hired new recruits in various states of preparedness, one already attended the academy and will go for a refresher, two recruits that graduated back in December are underway in field training program and will have three attending academy starting on January 22.

Chief Musielak: For 2023, 372 calls. Only two calls for the first week, kind of down from where we usually are but it will end up picking up at some point but we'll be ready. The new utility vehicle is making good progress. The chassis is ordered, just waiting for that to be delivered before they start building the body, hoping to possibly take delivery sometime in late fall this year. With snow on the horizon, make sure your vents are all clear.

Sam Alba, Village Attorney: Don't want to steal Trustee Adolf's thunder but looking to create a small fee to have a dumpster in a residential and a separate small fee for commercial dumpsters, some other municipalities have done this throughout New York State and using their examples as a guide post. Don't want to steal Trustee Kraft's thunder on her initiative that doesn't need a local law for that is still in the works and still some Article 7 cases kicking around.

Mayor Peterson: Key to note that the dumpster law is more about the time limit sitting in someone's residential driveway as an example. RJ & Galen aren't here today but they are posting on our Facebook about upcoming wind episode so if you have any issues or concerns, check out our Facebook.

Deputy Mayor Adolf: It isn't a way for a municipality to grab pennies, but more of a means to hold the resident accountable for the time they allow the dumpster to sit on their lot.

Ken Pyc, DPW Superintendent: Not too much, one of the biggest things with snow plowing is for people to keep their garbage cans off the streets and keep it on the grass. We started cutting and trimming trees and with the snow, keep your sidewalks and hydrants clear.

Kevin Ferguson: Big hockey tournament coming in called the Cup, all day Friday and Saturday, had about 17 lights out in the rink, DPW and George and Electric got everything back in order, didn't lose any ice. Learn to skate we have 35 signed up for this session, next session 32 and open skate we have about 30 to 40 every Saturday and Sunday so that is going very well.

Kate Zaganiaczyk, Code Enforcement: Slow start to the year – not a lot of people building in January, a lot of Plumbing permits are coming in for renewal, going to work together with Legal and Andrew on the dumpster fee schedule and work with DPW to streamline the grass issues coming in spring and summer.

Trustee Ziemba: Congratulations Brian, everything you can do to keep the residents safe is appreciated on my end. For the residents, the Northeast Southtowns home hazardous waste group that I'm a part of, has a plan coming in March and April to fund 50% of a composter, so I'll keep you updated on the details.

Trustee Hamernik: Wanted to let everyone know that possibly in April 2024 we will be having the grand opening of our community center.

Trustee Kraft: Welcome Chief Musielak. We are going to be implementing a program to help those in our community that are unable to get to their driveways and sidewalks for

snow removal. We are going to try to pair those residents with volunteers and hopefully we can stay on top of snow removal, especially on the sidewalks. Not a lot of details yet, hopefully by next meeting.

Mayor Peterson: The City of Pittsburg does it – they call it snow angels. Perhaps break Village into 5 quadrants, have guidelines on who would receive the service, and pair them up volunteers in the Village in the same quadrant. It's an ambitious program, going to see if we can't get at least the footprint down this year. Janelle is working on it with me as well as Trustee Hamernik.

Deputy Mayor Adolf: Congratulations Chief, welcome aboard. Pull out your calendar's April 27<sup>th</sup> is the Arbor Day celebration for the Village of Depew, we will be handing out trees again and looking forward to residents to show up and greenify our community.

Village Administrator Grzankowski: We did put out on our Facebook page and have handouts for those who don't have Facebook our Calendar of Events listing out all our events we have planned out so far – the Summer Concert Series starting a week earlier and skipping the Fourth of July, we are still determining bands, but had great feedback from our food vendors already signing up and wanting extra days. Definitely going to have other events than those that are listed on there.

Mayor Peterson: Just to show you how widespread our concert series has gotten, we are evaluating someone from Long Island that is interested in playing here – a John Fogerty cover band. We have spent a couple of years trying to get this band to Founder' Day and this year are successful – on Friday, our lead band is Strictly Hip, featuring the music of Tragically Hip, and of course the Nerds will be on Saturday. And I'll share that the Village of Lancaster is celebrating their 175<sup>th</sup> anniversary that that's the entire week from I believe it's the 30<sup>th</sup> to the 6<sup>th</sup>, many events over there, we are laying low – that is why there is no concern.

Trustee Hamernik: April 8<sup>th</sup> is the eclipse and we are going to have a very big festivities in the Village of Lancaster, along with a chicken bbq and a band and everything. Just watch for everything to come.

### **PUBLIC COMMENTS:**

Elizabeth Brinkworth, Assemblymember Monica Wallace's Office: Governor will give State of State Address tomorrow, be sure to sign up for our Newsletter, Assemblymember Wallace marked in this year's budget to prioritize funding that ensures that those with developmental disabilities are properly cared for. Assemblymember Wallace's bill was signed into law that permits employees of public utility companies to have access to certain restroom facilities without being a paying customer. Assemblymember Wallace had the honor of receiving an honorary doctorate degree of Humane letters from D'Youville and gave the commencement address to the nursing students, Physician's Assistants and Nurse Practitioners. Assemblymember Wallace initiated a letter to FEMA asking FEMA to amend its rules for providing emergency funding to local governments that experience severe snowstorms and nearly three dozen colleagues in the Assembly and Senate signed on to this letter.

Dave Burkhardt, 5 Autumn Lea: Had question in regard to the Planning Board meeting to for 56 Columbia – what type of property is it and why the minutes were on this agenda. Asked if our heaters in the rinks are checked every year with problems that were at Holiday Rinks. Voiced concern about switching everything to electric and everyone should contact Monica Wallace about their concerns.

### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Deputy Mayor Adolf and seconded by Trustee Ziemba the following claims are to be paid: \$274,523.46 General, \$12,059.00 Community Development, \$859.00 Sewer, \$17,273.94 Capital Projects for a total \$304,715.40 was **CARRIED.**

### **EXECUTIVE SESSION**

At 7:50pm Deputy Mayor Adolf made a motion to enter executive session to discuss a labor and legal matter, Trustee Kraft seconded.

At 8:30pm Deputy Mayor Adolf made a motion to exit out of executive session, Trustee Kraft seconded.

No decisions were made.

**ADJOURNMENT**

**ON A MOTION BY** Trustee Ziemba and seconded by Trustee Hamernik the meeting was adjourned with a moment of silence for Robert Schulty, 25-year member of Hook & Ladder at 8:30 PM.

Respectfully submitted,

Regina Grzankowski  
Village Administrator