

MEETINGS: 20
NO. OF REGULAR: 20

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
January 22, 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, Deputy Mayor Adolf and seconded by Trustee Ziemba, the minutes of the January 8, 2024 village board meeting were approved.

Public Comment Agenda Items Only:

NA

ACCEPT RESIGNATION – PART TIME RECREATION CLERK

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

BE IT RESOLVED, the resignation of Part time recreation clerk, Marie Fleck, effective January 10, 2024 is accepted.

The foregoing resolution was seconded by Trustee 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

MODIFY 2023/2024 BUDGET

Deputy Mayor Adolf, offered the following resolution and moved for its adoption:

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2023-2024 Budget in the following manner:

1. Revenues – 10.4.2680 – Insurance Recoveries - \$37184.00
Expenditures 10.5.3120.298– Police Cars -\$37184.00
2. Expenditures 10.5.3120.298 – Police Cars 67694.00
3. Expenditures 10.5.3120.107 – Call in Overtime 67694.00

The following 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

BOND RESOLUTION

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

A BOND RESOLUTION, DATED JANUARY 22, 2024, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PHASE 8) IN RESPONSE TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ORDER ON CONSENT NO. R9-20140128-1, AT AN ESTIMATED MAXIMUM COST OF \$2,231,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,231,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, the Village of Depew, Erie County, New York (the “Village”) has entered into a Consent Agreement with the New York State Department of Environmental Conservation (DEC) to remediate issues related to the discharge of sewer system overflow; and

WHEREAS, such DEC agreement requires that the Village undertake sewer system monitoring, repair, remediation and reconstruction in order to avoid civil fines and penalties; and

WHEREAS, the Village Board of Trustees of the Village desires to undertake a capital improvements project (Phase 8) for the reconstruction of and construction of improvements to the Village Sewer System; and

WHEREAS, the Village intends to apply for grant funds from the New York State Environmental Facilities Corporation.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1 The Village is hereby authorized to undertake a certain sewer system capital improvements project being undertaken in response to a New York State Department of Environmental Conservation Order on Consent No. R9-20140128-1, such work to generally consist of (but not be limited to) the installation of a cured-in-place pipe (“CIPP”) lining system for approximately 28,500 linear feet of sanitary sewer pipe, manhole rehabilitations, replacement of defective sanitary sewer pipe, point repairs to sanitary and storm sewer pipes, replacement and installation of sewer pipe and various restoration work, as well as other improvements as more fully identified in (or contemplated by) a report dated September 2, 2022 that was prepared by GHD in connection with the project, all of the foregoing to include all preliminary work and necessary equipment, materials, apparatus and related site work and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$2,231,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$2,231,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, any grant funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the purpose is a class of objects or purposes described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized including, but not limited to, authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Village Treasurer is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Village officials and the Village's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance

Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Village Clerk.

SECTION 13. The Village determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) is required.

SECTION 14. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 15. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 16. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 17. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

SECTION 18. This Resolution is effective immediately pursuant to Section 36.00(a)(5) of the Local Finance Law.

* * * *

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

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

AYES:
5

NOES:
0

ABSENT:
0

The foregoing resolution was thereupon declared duly adopted.

EMPLOYMENT APPLICATIONS: NA

DEPARTMENT HEAD REPORTS – October 2023 – January 2024 – Building Dept.

PUBLIC COMMENTS:

Elizabeth Brinkworth, Assemblymember Monica Wallace's office: Assemblymember Wallace is in Albany again to commence this legislative session – Committee hearings she had last were Consumer Affairs and Protection, Governmental Operations and Transportation. This week she has Judiciary and this week is also the start of budget hearings with the Governor releasing her executive proposal, the assembly then takes to the stage their numerous budget hearings that last a few hours, just to gauge what local district needs are as well as Statewide and Regional needs. This week we are going to we're going to have Health which is tomorrow at 10:00 uh then Wednesday is going to be Transportation at 10:00 and public protection at 10:00 a.m. so we'll be staying tuned to see what local agencies are looking for in terms of funding on the state level, statewide grants so on and so forth. The constituent survey is up and live on our website if easier you can just Google Monica Wallace and her government web page will pull up. We're looking for feedback on a variety of issues there's also an opportunity to type in if there's like something you do not see on our survey we have like about 13 questions on there so we definitely encourage anyone if there's something you're passionate about or would like to see in the state budget or state policy or a certain bill pass feel free to use that form as a way to communicate to our office. We're moving various bills, a lot of reintroductions have happened. One of the bills being assembly Bill 1474 which relates to academic credit for veterans with regards to credit for SUNY colleges uh these credits would be in particular for course work that veterans had to take uh for service as well as military training. It's currently in higher education and with that if constituents have any issues, unemployment, SNAP, HEAP feel free to give our office a call or if they have questions on the legislative process or what is in the budget feel free to reach out. Buffalo Museum of Science is reaching out to partners in government about the eclipse, 143rd District, specifically Depew will be the main hub of the eclipse, you can view it for an additional 10 to 15 seconds. The county is taking certain measures for the amount of people coming to the area. There are a lot of initiatives to prepare people and make sure they have the tools to view the eclipse safely.

Trustee Hamernik: The Chamber is having an event that day, with a chicken BBQ to benefit DCAT- all kind of activities for kids, right downtown in the parking lot or down in the park, a bandstand and music. Working on a coupon booklet for the merchants.

Don Bielefeld, Code Enforcement: Biggest thing is snow removal, if people can get their sidewalks clear and corner intersections, any snow plow drivers out there need to file for a permit, it's \$25 a vehicle.

Ken Pyc, DPW Superintendent: To add to that, keep your garbage cans off the road. Other than that, just busy plowing and salting.

Mayor Peterson: Excellent work, your guys are always tremendous, Rec as well Fire, Police.

Kevin Ferguson, Recreation Director: Last week we had a very large hockey tournament, called the Cup – AAA teams came in from all over the place – it went well. Open skate and Learn to Skate going very well.

Chief Musialek, Fire Department: Year to date, 16 calls, for January 2024. From Saturday January 13 to Monday January 15 the Fire Department was on standby for a continuous 38 hours, due to weather, thankfully only had two calls during that time. We also went back on standby on Wednesday, January 17 as well for four hours due to lack of visibility so a total of 42 hours with a total of 42 firefighters during that period of time. We went out twice to do hydrants, if you're in a neighborhood and if you have a

hydrant in front of your house or business please try to help us out and please try to help your neighbors, there are people that are unable to shovel their doorways out and their walkways, and that would assist us and EMS. We did have a mutual aid structure fire today we responded to with Lancaster on Robert Drive off Como Park Blvd. A structure fire of an apartment complex, displaced quite a few residents, and damaged about 12 apartments. We were able to make some rescues, I'm proud to say our crew from Ladder 5 did save two adults and two cats and a pitbull that were on a second story balcony that were unable to get down the hallway because of heavy smoke. We did remove them down the ground ladder to safety, I'm very proud of them. We did have one injury – one of our firefighters had a hand injury and went to the hospital and is doing okay – just keep them in your thoughts and prayers.

Captain Norek, Police Department: We have four new recruits that started the police academy, three will be graduating in June and the other one will be done in two weeks and start his field training.

Sam Alba, Village Attorney: Don't have much of anything, very busy day, lots of people calling me to talk about other departments who did everything absolutely right from what I can tell.

Trustee Kraft: I wish we could have gotten our snow angel program up and running before the storm, I think it gave us a good idea of what to expect and what to make sure to implement in the future. We still have a couple of things to work out.

Mayor Peterson: Happy Birthday Trustee Hamernik. We have our new Bee writer Sean Birmingham. These all right let me just get on the soap box for just a minute here um these events like this with the snow put a lot of people tax their jobs a little bit tax the public tax the I'm talking about not taxing I'm talking about just the stress and the amount of work that has to go into is enormous and uh what I'm going to say is is that we do our very best to get the information out as to whether or not there's a driving van whether or not the trash is going to be picked up, DPW information uh we rely on social media. Okay, you don't some of the comments and questions and phone calls and emails from people that are just absolutely taking to a different level trash pickup is not life threatening, it can't become somebody's ignition point when it comes to trying to communicate with somebody here in the village they all work hard and nobody should have to feel like they have to listen to somebody using a bunch of swear words just not being very pleasant on the other end. Yes, perhaps your trash got missed we'll do our best to rectify that, if your tote gets run over by a DPW plow call we'll understand the problem and we'll resolve the problem it doesn't require two paragraphs its just not uh it's not helpful to understand how the the trash thing works um you need to look at the schedule. The schedule has been posted on our Facebook page had it here some place and it's got all the streets on it so you should be able to figure it out you don't need to have a Facebook account in order to get the information just access to the internet, most cell phones today have that if you don't have it for some reason maybe a neighbor, maybe a family member um can help you out with that. We will get the information out as soon as possible driving bands most times the driving bands instituted by the county I think very little time is going to be something that the Village is going to do because we sit in two towns and trying to coordinate a driving band in the Town of Cheektowaga and the Town of Lancaster, not very effective I like to think that over the last four years we've had great communication with the town of Cheektowaga, the Town of Lancaster, the Village of Lancaster we've all tried to communicate whether or not we're lifting a ban or if we have a ban or if we're doing a trash pickup whatever it might be this couple of snowstorms it worked out to be the same way we had some great communication we'll try and get the information out as best we can. Just take it down a notch when it comes to things like that we all pay taxes everyone up here pays taxes, we all pay taxes to get our snow plowed and we get the um the trash picked up and all of that uh to the point of people with the sidewalks yes there's a lot of snow and some are unable to get that done hopefully you help your neighbor out a little bit and know Trustee Kraft is working on a snow angel thing may not happen this year it's a big project but we'd like to see if we can help out those who can't. I don't think any of our employees um deserve to be the butt of some somebody's anger. We try and take care of our own when it comes to the trash, Ken's assistant Debbie we have her as the focal point for and Regina focal point for anybody that has an issue with trash we encourage you not to call Casella customer service which is out in Vermont, I mean what do the people in Vermont know about the village of the Depew? Nothing but our local people will be glad to take that we keep track of all the issues so that we have an

understanding of what Casella is doing every week in our Village, we think that's important um so I'll get off the soapbox just everybody let's just try and you know be compassionate a little bit here. Everybody's going through the same thing nobody's escaping anything, we're all dealing with the same issues.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Ziembra and seconded by Trustee Kraft the following claims are to be paid: \$303,131.74 General, \$59.00 Sewer, for a total \$303,190.74 was **CARRIED.**

ADJOURNMENT

ON A MOTION BY Deputy Mayor Adolf and seconded by Trustee Kraft the meeting was adjourned at 7:38 PM.

Respectfully submitted,

Regina Grzankowski
Village Administrator