

MEETINGS: 22
NO. OF REGULAR: 22

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
February 26, 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 February 12, 2024 village board meeting were approved.

ON A MOTION BY, Deputy Mayor Adolf and seconded by Trustee Kraft, the minutes of the December 7, 2023 Planning Board Meeting were approved.

Public Comment Agenda Items Only:

Brian Musielak, 46 Stewart Dr: Pleasure working with Chief Miller, he will be sorely missed, and enjoy retirement.

Paul Sprada, 58 Argus Dr: Had question about the Tax Cap.

Stan Carwile, 58 Colony: Congratulated Chief Miller on his outstanding career.

APPROVE AUCTION RESULTS

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

BE IT RESOLVED, that the results from Auctions International online auction ending 1-15-2024 totaling \$78,915 are approved as follows:

Lot 1: 2021 Dodge Durango Police Interceptor/SUV	\$22,100 Scott Syracuse
Lot 2: 2008 Peternbilt PB340 Salt Spreader Truck	\$27,500 Rick Rusiniak
Lot 3: 2008 Peterbilt PB 340 Swenson Salter Truck	\$28,000 Rick Rusiniak
Lot 4: TrailFX #RBV03B Black Running Boards	\$150.00 Scott Syracuse
Lot 5: Luber Finer #5234 Oiler Filter Unit	\$105.00 Scott Syracuse
Lot 6: 4 – Goodyear 12r22.5 Heavy Duty Truck Tires -	\$680.00 Alfred Thompson
Lot 7: Viking Boat Co. 12” Aluminum Boat and Trailer	\$380.00 Edward Browne

The following 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 VILLAGE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING FOR THE TAX CAP OVERRIDE – LOCAL LAW #1 OF 2024

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

BE IT RESOLVED; the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday March 11, 2024 at 7:00 PM in the Council Chambers, Village Hall, 85 Manitou St, Depew, NY 14043. The purpose of this hearing is to consider Local Law 1 of 2024 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

ACCEPT RETIREMENT – CHIEF OF POLICE

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

BE IT RESOLVED, the retirement of Chief of Police Jerome Miller from the Village of Depew Police Department effective Thursday, March 14, 2024 is accepted.

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 ALTERNATE PLANNING BOARD MEMBER

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin Peterson do hereby appoint Cathy Ganci Sunderlin as the Alternate Planning Board Member, said term to expire at noon on the first Monday of April 2024, at a salary per the budget.

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

EMPLOYMENT APPLICATIONS

DEPARTMENT HEAD REPORTS

PUBLIC COMMENTS:

Elizabeth Brinkworth, Assemblymember Monica Wallace's Office: Assemblymember Wallace is in Albany advocating for the 143rd District as budget hearings ended and now it's negotiation. Assemblymember Wallace put out her newsletter regarding carbon monoxide and fire safety protocols for the district and legislation she is looking forward to passing. The UB School of Management is offering free income tax assistance for those with an income below \$60000, can call for information. Assemblymember Wallace is pushing currently assembly bill 8899 that is accompanied by Senate bill 4433 looking to amend election law for poll workers. Congratulations to Chief Miller on his retirement.

Karen Howard, Senator Patrick Gallivan's Office: Congratulations Chief.

Kathryn Zaganiaczyk, Code Enforcement: at least 8 new businesses looking to open in the Village since the beginning of the year – a couple things going on in the plaza at Dick & George Urban. Good time to start cleaning up the winter messes and get ready for grass cutting season. Have processed about 60 building permits year to date so far.

Chief Musielak: Calls for February, 18 year to date 49. This afternoon, had a call to rear of Casey's, 60x60 field fire from a power line that fell. Able to mitigate the electricity and extinguish the fire. Firefighters did a great job, had help of Lancaster Village also. Utility truck project is a little a head of schedule, if goes right, should take delivery in early fall. Radio project/communications to improve our radios is going forward with the grant money we obtained, thanks to Past Chief Scott Wegst and some others. Recently lost Past Chief Kenneth Balzer, he had over 25 years of service to the Fire Department, he did a great job and was a good Chief, served our department and Village well. Had a lot of smoke detector and CO detector activations – check the batteries, should change them every six months and check the expiration dates.

Sam Alba, Legal: It's been a pleasure working with Chief Miller. First time working on the other side with the Police Department and you were a good teacher, very patient, very helpful, we ran the first red flag hearing in Erie County and without your encouragement we wouldn't have done it. Its been great working with you, congratulations.

Recreation Department (read by Regina Grzankowski): Rec department budget wish list is in, open skate still going strong, strong summer plans in progress with lifeguards and park attendants – rink will close out April 13th. We still have ice scheduled into March. Summer activities include volleyball, kickball, two coed softball leagues, lacrosse, with new basketball court would like to run some clinics.

Trustee Ziemba: Would like to thank Chief Miller for sitting next to me and tolerating me these past three years, thank you for everything you did to keep our residents safe.

Deputy Mayor Adolf: Thank you Chief, we appreciate you, it's not the easiest job in the world, your undertaking doesn't go unnoticed and we really appreciated what you have done.

Chief Miller: I have had an incredible 35-year career in law enforcement that began in June of 1989. I began my journey as a correction officer at the Sing Sing Correctional Facility. It took me eight years to get back to western NY and just in time to accept a position with the Depew Police Department in February 1997. The opportunities this village gave me – Detective, Lieutenant, administrative Lieutenant, and Chief, has bypassed any goals or dreams I had in 1997. I am truly thankful for all the village has given me and I hope I have provided the community with the professional service that they deserve.

I have devoted the last five years of my life to improving this department. With the assistance of Mayor Peterson, the Village board, Captain Norek and Captain Curr, we accomplished so much. Together, we have provided a path for success for the next administration and the foundation that will sustain this department for years.

I wish everyone the best of luck in their future and much success. It's been my honor to serve this village and its residents for the past 27 Years. God bless and thanks for all your support over the years! Closing: We have had 2010 calls for service so far this year.

We continue to have people stealing property from unlocked cars, so please lock them up. Thanks everyone, again, for all your support over the years

Stan Carwile, 58 Colony: Asked Board for some assistance with sidewalk replacement. Has been trying for 3 years to replace sidewalk but they say the job is too small. Heard Town of Amherst has program to assist with sidewalk replacement, maybe look at what the Town of Amherst has done. Have called 20 plus contractors and job is too small or have to pay more because of the small job. Trustee Hamernik offered a solution that worked at her residence with leveling. Mayor Peterson will look into what he has, understand if there were more homes in a concentrated area it would be more attractive to contractors. Sam Alba referenced that he also works for the Town of Amherst and they deny claims for sidewalks, that the residents have to fix them themselves, but would not surprise him that neighbors got together and worked something out but doesn't think it's something officially from the Town.

Paul Sprada, 58 Argus Drive: Questioned one of the auction items, the boat from the Fire Department. Chief Musielak stated the boat came from the Police Department to the Fire Department, has been used in past.

CLAIMS AND ACCOUNTS

ON A MOTION BY Deputy Mayor Adolf and seconded by Trustee Ziemba the following claims are to be paid: \$1,560,766.67 General, \$2,558.87 Sewer for a total \$1,563,325.54 was **CARRIED**.

EXECUTIVE SESSION

At 7:48pm Trustee Hamernik made a motion to enter executive session to discuss a personnel, labor and legal matter, Deputy Mayor Adolf seconded.

At 9:30pm Trustee Hamernik made a motion to exit out of executive session, Deputy Mayor Adolf seconded.

No decisions were made.

ADJOURNMENT

ON A MOTION BY Trustee Ziemba and seconded by Trustee Kraft the meeting was adjourned with a moment of silence for former fire Chief of the West End, Kenneth Balzer at 9:31 PM.

Respectfully submitted,

Regina Grzankowski
Village Administrator

