

MEETINGS: 25  
NO. OF REGULAR: 24

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**March 25, 2024 7:03 PM**

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

APPROVE VILLAGE BOARD MEETING MINUTES – March 11, 2024  
ACCEPT ZONING BOARD MEETING MINUTES – January 11, 2024

1. Bohler Engineering and Landscape Architecture on behalf of O'Reilly Auto Parts Store, for the property located at 6142 Transit Rd, Depew, NY 14043, of Chapter 260, §260-34(E)(1), requesting relief from 49 parking space requirement, to be allowed 35 parking spaces for an auto parts store and of Chapter 260, §260-37(E)(pylon)(2), to be allowed to erect a Pole/Pylon sign, requesting relief from maximum facial area permitted of 80 square feet, proposed sign would be 150 square feet – GRANTED

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

**Public Comment Agenda Items Only:**

Paul Sprada, 58 Argus Dr: Questioned where the sidewalks are going, mentioned that they had did part of his street a few years ago, wondering if they were ever going to finish it. Mayor Peterson explained the areas from Terrace to Boys & Girls Club to Transit, Easton from Terrace to Litchfield, Litchfield from Terrace to Broadway, Wenona from Bloomfield to Broadway and on the Cheektowaga side around Fireman's Park.

The Public Hearing was opened at 7:15 PM by Trustee Hamernik and seconded by Trustee Kraft

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for a public hearing for the tentative 2024 - 2025 budget to take place on Monday March 25, 2024 at 7:00 PM in the council chambers, 85 Manitou St, Depew, NY 14043

Public Comment for Tentative Budget:

Paul Sprada, 58 Argus: Reminded Board of bond for utility truck for Fire Department and the new dispatch center, he asked if the Village applied for any grants for those projects? Asked if there was any discussion of eliminating the longevity pay – feels it is outdated.

Deputy Mayor Adolf: There was some discrepancy with our grant writers about the grant, but Legislator Todaro helped contribute.

Mayor Peterson: Erie County through Legislator Todaro covered \$140,000 of the \$300000, and the work was done pretty much internally with Ken's help, George's help in Electric and the people at Technet.

Paul Sprada: Asked if there was any discussion of eliminating the longevity pay – feels it is outdated. Doesn't know if any other municipalities do it.

Administrator Grzankowski: Longevity is in the current contracts – nothing that can be removed in this budget, still 2 years on the contracts.

Mayor Peterson: You'll have more years of longevity pay because the Unions will fight tooth and nail for it

Trustee Ziemba: I service a lot of public sector contracts and the majority of them have some type of longevity in them. It may fluctuate. It's not always going to be high. We lost three long-term people in the police department recently, those longevity bonuses will be gone and the people that replace them will be starting out fresh so it can be high one year and it can go down the year next year it fluctuates. We haven't negotiated any increases to those to those benefits at the at the levels are at.

Dave Burkhardt, 5 Autumn Lea: Questioned if it was available before, he hasn't had time to study it. Questioned why the budget for engineering services for this year was for \$120,000 but last year was \$91,000 and \$90,000 the year before. Questioned the State mandate that affordable housing is going to have to be built in every town, questioned whether it will affect Depew at all as he thinks we have affordable housing.

Mayor Peterson: NYS law for Villages with a June 1<sup>st</sup> to May 31<sup>st</sup> is March 20<sup>th</sup>.

Administrator Grzankowski: We have an increase in projects and we rely on our engineering to do them, with our DEC consent order, the Marrano Drive culvert project that we have coming up, and two additional culverts. They are the engineering for all our Planning and Zoning, so we have increased projects and increased costs.

Deputy Mayor Adolf: Dave was here from our engineering firm and was able to reiterate to us tonight that the culvert project is all grant covered so we have that covered, just saying it's not an from the project perspective but because we are doing so many great projects, we need their services to help us.

Don Bielefeld, Code Enforcement: We don't really have any room for a brand new project.

Don Bielefeld, Code Enforcement: What the government is talking about is as subsidized housing or low-income housing, they are talking about larger projects, other than on Broadway, we don't really have a lot of real estate left to put something like that. If someone wants to come forward, we'd be happy to help them with it, as of right now, there is nothing that came to our office.

Mayor Peterson: We can't be very active in trying to attract that, we just don't have the property to sell or make available.

The Public Hearing was closed at 7:25 PM by Trustee Hamernik and seconded by Trustee Kraft.

### **Village of Depew Resolution of the Board of Trustees**

*In the matter of approving the 2023 certified points*

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

**WHEREAS**, the Village is the sponsor of a Length of Service Award Program (LOSAP) on behalf of the Depew Fire Department in accordance with Article 11-A of the New York State General Municipal Law (GML); and

**WHEREAS**, as required by GML § 219-a(2)(c), the Depew Fire Department has submitted the attached list, certified under oath, of active members of the Fire Department, indicating those volunteers who earned at least fifty points during 2023 to qualify for service credit; and

**WHEREAS**, the certification made by the Fire Department includes a statement that the points recorded on the attached list have been tabulated in accordance with the Point System adopted by the Village to be in effect during calendar year 2023, and to the best of the knowledge of the Fire Department, is a true and accurate reflection of the activities performed by the active members; and

**WHEREAS**, GML § 219-a(2)(d) requires the Board of Trustees (Board) to review and approve the attached list, then return it to the Fire Department to be posted for thirty days; and

**WHEREAS**, the Board has completed its review of the attached list; NOW,

**THEREFORE BE IT RESOLVED**, that the Board of Trustees approves the attached list of volunteer firefighters of the Depew Fire Department and the points earned by these firefighters during calendar year 2023; and

**BE IT FURTHER RESOLVED**, that a copy of this adopted resolution and the attached list shall be returned to the Fire Department for posting for a minimum of thirty days.

The foregoing resolution was seconded by Trustee Hamernik 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

### **ADOPT LOCAL LAW #1 OF 2024 – TAX CAP OVERRIDE**

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

**WHEREAS**, the Board of Trustees of the Village of Depew, New York held a public hearing on March 11, 2024, at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

**WHEREAS**, all persons were given an opportunity to speak for or against this local law;

The purpose of the hearing was 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, firm 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 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

### **AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – SIDEWALKS**

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

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for bids for the Sidewalk Improvement Projects for the Lancaster and Cheektowaga sides of the Village of Depew.

The bid opening will be held April 18, 2024 at 10:00 AM in the council chambers, 85 Manitou St, Depew, NY 14043.

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

### **APPROVE LEAVE OF ABSENCE REQUEST**

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

**WHEREAS**, Alex Hangen, Village of Depew Police Officer has requested an unpaid medical leave of absence effective March 27, 2024 until the next CPS Law Enforcement Training Academy that starts in August 2024.

**WHEREAS**, Captain John Thomson, recommends the approval of this request.

**NOW THEREFORE BE IT RESOLVED**, the Village Board approves the period of leave stated above.

The following resolution was seconded by Deputy Mayor Adolf, 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

### **EMPLOYMENT APPLICATIONS** - DPW – Joseph Aquino

## **DEPARTMENT HEAD REPORTS**

### **PUBLIC COMMENTS:**

Code Enforcement Officer Don Bielefeld: Issue with three beaver dams that were built in a drainage ditch behind Chateau Ct causing near flooding in that whole section – have been in contact the DEC and the County to try to figure out who owns it, daunting task because DEC won't remove the dams or the beavers until the owner files permits. In the meantime, Ken from DPW has been taking his guys over there and they have been alleviating the water slowly so it doesn't cause flooding. Sofra, the new Turkish restaurant opened in the George Urban Plaza where the old Imperial Chinese restaurant was, the DMV is almost complete with their remodeling, once we give them their certificate of occupancy, it takes the State two to three weeks to get their computers up and running, they said by the end of April, maybe into May. 86 Wenona, the utilities have finally been severed, the owner of that property has filed a demolition permit, so as soon as the weather breaks, is a little nicer, they are going to get out there and demolish that dilapidated structure.

Ken Pyc, DPW Superintendent: Guys have been out cleaning up the Village with brush debris, we should be just about done grinding stumps and top soiling that stuff should be coming to an end within the next week or two.

Kevin Ferguson, Recreation Director: One more week of ice and then done. Finished up with open skate on Sunday, learn to skate finished last week Monday, about 46 students for that session. Yesterday, we had a really nice event, the Girl Scouts came in and skated, there were about 65 of them.

Fire Department Report (read by Regina Grzankowski): The Fire Department has had seven alarms since the last meeting, with a total of 74 alarms for the year. The Fire Department will be having a department wide standby on Monday, April 8<sup>th</sup> for the eclipse event, so we will be better prepared to respond to alarms and emergencies.

Captain Thomson, Police Department: Our School Resource Officer just notified me that he plans to retire so we are going to have to start looking to replace him. He's done an excellent job and was our first one so looking forward to finding our next.

Sam Alba, Village Attorney: There is a new Supreme Court decision that dropped last week, I updated the Board, basically, if you're using your private Facebook page and you're an elected official, and you're using it in an official capacity, you can't mute or censor comments on there. That's a First Amendment public forum that you've created but if it's a mix of private Facebook and public the line's a little bit blurred and it's a fact intensive inquiry and the Supreme Court didn't actually decide the case in front of it they kicked it back and said here's the new test figure it out. So I caution the board and I'd caution other elected official or anyone hosting in an official capacity to have an official page where you do your business for your government job and a personal page and that way you avoid the problem all together. Working on a contract negotiation, and easement issue, working on our shared services agreement, and we are working on our dumpster law, a few demolitions – working with our real estate lawyer on that, a grass law.

Trustee Ziembra: Just want to wish all the residents, everybody a Happy Easter.

Trustee Hamernik: Just a few things on our community center – we're getting close, everything depends on our certificate of occupancy, but it won't be long until we will be having a ribbon cutting for one level of it. We're very excited, so just watch for a lot of good things to come. Also received \$5000 from Frank Todaro.

Deputy Mayor Adolf: Just want to extend caution again about the eclipse, a lot of out of towners will be coming into the Village, it is the center of the event, be cautious driving. The Senior Center has some glasses for Senior residents – we won't meet until after the event, so be cautious driving and take full advantage of the event.

Mayor Peterson: Not having a meeting on the eclipse, meeting will be on the 9<sup>th</sup>. Asked Assemblymember Wallace for a few items for Fireman's Park, a lift chair in the pool, a

newer version of monkeybars, concrete cornhole. Frank will be out here on Thursday for a sort of ribbon cutting for the dispatch center.

Dave Burkhardt, 5 Autumn Lea: Questioned the interest rate listed on the sewer fund – Administrator Grzankowski stated it was a typo.

Paul Sprada, 58 Argus: Asked if new DMV is going to cause them to close the Eastern Hills facility. Questioned what school the resource officer was for. Mentioned Orchard Park has issue with beavers as well. Stated the Lancaster Library has eclipse glasses as well. Ace Flag is selling a flag for the eclipse. Asked what the thought was on the Lancaster vote that was tied. Asked about the artist rendering on the Chamber booklet of the community center and if the canopy over the main entrance with a side wheelchair ramp was still happening.

Don Bielefeld, Code Enforcement: Several other business opening in that plaza, Royal Nails, new boutique. Pictures don't do the damage justice -

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Ziemba and seconded by Trustee Kraft the following claims are to be paid: \$276,346.54 General, \$1,834.80 Sewer, \$20,030.50 Capital Projects for a total \$298,211.84 was **CARRIED**.

#### **ADJOURNMENT**

**ON A MOTION BY** Trustee Adolf and seconded by Trustee Kraft the meeting was adjourned at 7:55pm with a moment of silence for Gerald Kozlowski, Audrey's brother who passed.

Respectfully submitted,

Regina Grzankowski  
Village Administrator