



MEETINGS TO DATE: 6

NO. OF REGULARS: 5

AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW

May 28, 2024 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION -

NOTIFICATION OF FIRE EXITS

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

APPROVE PLANNING BOARD MEETING MINUTES – February 1, 2024

1. James Serafin Sr on behalf of Serafin Properties, LLC, for the property located at 4388 Broadway St, Depew, NY 14043 :They are requesting the following:To propose a 5,000 square foot expansion to the existing building. Approved with a recommendation for the Village Board to accept the SEQR Type 2 Action & Approved with stipulations to set a catch basin in the back of the property.

APPROVE PLANNING BOARD MEETING MINUTES – March 7, 2024

1. Hayden Woods on behalf of Bohler Engineering and Landscape Architecture, representing the property owner Paul Scavone & Virginia Scavone for the property located at 6140 Transit Rd, Depew, NY 14043. They are requesting the following: To submit for final subdivision of parcel. APPROVED
2. Hayden Woods on behalf of Bohler Engineering and Landscape Architecture, for the property located at 6142 Transit Rd, Depew, NY 14043. They are requesting the following:To submit for final site approval for an O'Reilly Auto Parts Store. Approved with a recommendation for the Village Board to accept the SEQR Type 2 Action & Approved with stipulations including the maintenance agreement as well as revisiting the drainage in the future should it become an issue not properly draining.
3. Joshua Best on behalf of Beacon and Fairfield, LLC, for the property located at SBL 104.30-2-24. They are requesting the following: To submit for concept site approval for a 4-unit townhouse. Approved with stipulations that the final approval needs a dumpster plans as submitted.

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Permission – Fire Membership
2. Appoint – Sam Alba
3. Appoint – Permanent Captain
4. Appoint – DPW Seasonal
5. Accept - Resignation
6. Permission – Grass Cutting
7. Permission – Fire Dept.
8. Permission - Advertise
9. Permission – Extend Leave of Absence
10. Accept - Resignation

11. Approve – SEQR – 6142 Transit Rd.
12. Approve – SEQR – 4388 Broadway St
13. Permission – Workshop
14. Adopt – Local Law #2 of 2024 - Temporary Dumpsters and Nonmunicipal Collectors
15. Approve – 163 Kieffer Demolition
16. Appoint – Recreation Department Positions
17. Approve – Budget Adjustments
18. Employment Applications – Code Enforcement – Joseph Aquino
DPW – Justin Riederer, Carter Todosz
REC – Hannah Ramos, Kaitlin Wilkie, Lillian Ammerman, Kellen
Gradwell, Marcus Huber, Jonathan Wypij, Daphne Adams, Stephen Kaus,
Samantha Garry
19. Department Head Reports –
20. Unfinished and Other Business
21. Public Concerns and Comments
22. Claims and Accounts
23. Executive Session
24. Adjournment

RESOLUTION

May 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 his physical:

Central Hose Co #4

John Favata

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

VILLAGE OF DEPEW
BOARD MEETING
May 28, 2024

Agenda Item # 1

Approved Denied

RESOLUTION

May 28, 2024

APPOINT BACK UP PROSECTOR

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin J. Peterson do hereby appoint Samuel A. Alba, to the position of back up prosecutor, for the term of one year to expire at noon on the first Monday in April 2025, at the salary listed in the budget.

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

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

VILLAGE OF DEPEW
BOARD MEETING
May 28, 2024

Agenda Item # 2

Approved Denied

RESOLUTION

May 28, 2024

APPOINT – PERMANENT POLICE CAPTAIN

Pursuant to Section 40-400 of Village Law, I Mayor Kevin J. Peterson, do hereby appoint:

John Thomson

To the position of Permanent Police Captain effective May 19, 2024. He is being promoted under the Police Captain eligibility list #74-295.

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

Trustee Hamernik -

Trustee Ziemba -

Trustee Kraft -

Deputy Mayor Adolf -

Mayor Peterson -

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

___Approved ___Denied

RESOLUTION

May 28, 2024

APPOINT PT SEASONAL DPW

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

Carter Tadusz
Justin Riederer

to the position of Seasonal Laborer Part Time at the Department of Public Works.

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

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

VILLAGE OF DEPEW BOARD MEETING May 28, 2024 Agenda Item # 4 ___Approved ___Denied

RESOLUTION

May 28, 2024

ACCEPT RESIGNATION –POLICE OFFICER

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

BE IT RESOLVED, the resignation of David Kislyuk, Police Officer effective May 18, 2024 is accepted.

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

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

VILLAGE OF DEPEW
BOARD MEETING
May 28, 2024

Agenda Item # 5

__Approved __ Denied

RESOLUTION

May 28, 2024

DPW GRASS CUTTING

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

WHEREAS, the village is encountering numerous vacant and foreclosed homes in the village and orders to remedy have been issued to the property owner on record;

WHEREAS, the high grass is a nuisance to neighbors and attracts rodents;

BE IT RESOLVED, permission is granted for the Department of Public Works to mow any property that is not mowed by the due date on the order to remedy for the 2024 year. The cost of said mowing(s) will be attached to the village tax bill for that property.

Please see attached list of properties.

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

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

VILLAGE OF DEPEW
BOARD MEETING
May 28, 2024

Agenda Item # 6

Approved Denied

The Following addresses are known to be either vacant or non-compliant regarding high grass violations. Please put them on the agenda for a board resolution to have DPW cut and clean these properties.

5600 Transit Rd

5601 Transit Rd

19 Dean

51 Dean

5909 Transit Rd

122 Chateau Ct

29 S Warsaw

163 Kieffer

14 Regal

RESOLUTION

May 28, 2024

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department's Ladder 5 for training at the county fire grounds in Tonawanda located on Fire Tower Road for a Basic Interior Firefighter Course on Thursday, May 30th from 6:00PM till 10:00PM.

And

Permission is hereby granted to the Depew Fire Department's outdoor pavilion at the northside fire station on Saturday, July 13th from 11:00 AM till 9:00PM by member John Hughey (Assistant Chief) for a graduation celebration.

The foregoing resolutions were seconded by Trustee _____ and **CARRIED.**

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

Approved Denied

RESOLUTION

May 28, 2024

AUTHORIZE ADMINISTRATOR TO ADVERTISE

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

The Administrator is authorized to advertise the RFQ for Engineering services for various sewer projects.

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

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

Approved Denied

RESOLUTION

May 28, 2024

APPROVE LEAVE OF ABSENCE EXTENSION REQUEST

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

WHEREAS, Carmi DelConte, Village of Depew Building Department employee, has requested an unpaid medical leave of absence extension until June 13, 2024.

WHEREAS, Village Administrator, Regina Grzankowski, 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 Trustee _____, and duly put to a roll call vote which resulted in the following:

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

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

__Approved __ Denied

RESOLUTION

May 28, 2024

ACCEPT RESIGNATION – POLICE DEPARTMENT DISPATCHER

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

BE IT RESOLVED, the resignation of Police Department Dispatcher Timothy Schaefer effective June 6, 2024 is accepted.

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

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

VILLAGE OF DEPEW
BOARD MEETING
May 28, 2024

Agenda Item # 10

Approved Denied

RESOLUTION

May 28, 2024

SEQR- NEGATIVE DECLARATION -6142 Transit Rd,

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

WHEREAS, The Depew Village Board has considered the Environmental Record prepared for this action, including any comments received from the public and Interested Agencies, and the proposed Negative Declaration.

WHEREAS, the Village of Depew Village Board, as lead agency, has reviewed the minutes of the Planning Board meeting held on March 7, 2024 in which the Planning Board recommended to the Village Board, as lead agency, that the proposed action involving the site plan construction of an auto parts store at the above referenced property is consistent with an unlisted SEQRA action and furthermore, that the proposed action will not have a significant adverse impact on the environment and that a negative declaration should be issued; and

WHEREAS, the Village Board, as lead agency, has applied the criteria listed in 6 NYCRR 617.4(b) to this action and considering all the relevant documentation and information submitted, determines that this action will not have a significant adverse impact on the environment; and

WHEREAS, the Village Board of the Village of Depew, as lead agency, concurs with the recommendation of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Depew, as lead agency, for the SEQRA review of the proposed action hereby issues a negative declaration in connection with this unlisted activity; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any necessary documents relating to an issuance of a negative declaration.

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

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

<p>VILLAGE OF DEPEW BOARD MEETING May 28, 2024 Agenda Item # 11</p> <p>___Approved ___Denied</p>

RESOLUTION

May 28, 2024

SEQR- NEGATIVE DECLARATION -4388 Broadway

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

WHEREAS, The Depew Village Board has considered the Environmental Record prepared for this action, including any comments received from the public and Interested Agencies, and the proposed Negative Declaration.

WHEREAS, the Village of Depew Village Board, as lead agency, has reviewed the minutes of the Planning Board meeting held on February 1, 2024 in which the Planning Board recommended to the Village Board, as lead agency, that the proposed action involving the site plan for 5,000 square foot expansion to the existing building. at the above referenced property is consistent with an unlisted SEQR action and furthermore, that the proposed action will not have a significant adverse impact on the environment and that a negative declaration should be issued; and

WHEREAS, the Village Board, as lead agency, has applied the criteria listed in 6 NYCRR 617.4(b) to this action and considering all the relevant documentation and information submitted, determines that this action will not have a significant adverse impact on the environment; and

WHEREAS, the Village Board of the Village of Depew, as lead agency, concurs with the recommendation of the Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Depew, as lead agency, for the SEQRA review of the proposed action hereby issues a negative declaration in connection with this unlisted activity; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any necessary documents relating to an issuance of a negative declaration.

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

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

<p>VILLAGE OF DEPEW BOARD MEETING May 28, 2024 Agenda Item # 12</p> <p>____Approved ____Denied</p>

RESOLUTION

May 28, 2024

PERMISSION WORKSHOP

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

BE IT RESOLVED, permission is hereby granted to Regina Grzankowski, Don Bielefeld, Rebecca Dell, Paul Sprada, Ken Menard and Jan Yarborough to attend the Planning and Zoning workshop. It will be held in the Ellicottville Town Center, 28 Parkside Dr, Ellicottville, NY 14731. There is no fee for this workshop. Use of a village vehicle is authorized.

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

VILLAGE OF DEPEW
BOARD MEETING
May 28, 2024
Agenda Item # 13

Approved Denied

ADOPT LOCAL LAW #2 of 2024 - Temporary Dumpsters and Nonmunicipal Collectors

Trustee _____, 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 May 13, 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 temporary dumpsters and nonmunicipal collectors 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 2 of 2024 authorizing temporary dumpsters and nonmunicipal collectors established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

198-33

VILLAGE OF DEPEW
TEMPORARY DUMPSTERS AND NONMUNICIPAL COLLECTORS.

A. Definitions.

- (1) A residential dumpster shall be defined as any temporary dumpster located in a residentially zoned area.
- (2) A commercial dumpster shall be defined as any temporary dumpster located in the Village of Depew.

B. Fees.

For a residential dumpster permit, the fee shall be \$10.00, plus \$35.00 per day for each day or fraction thereof that the dumpster shall remain upon residential beyond FOURTEEN (“14”) days.

For a commercial dumpster permit, the fee shall be \$100.00, plus \$35.00 per day for each day or fraction thereof that the dumpster shall remain upon commercial property beyond THIRTY (“30”) days.

C. Exclusions.

Specifically excluded from this provision and this fee requirement are any dumpsters permanent in nature located at residential complexes, commercial buildings, or other properties in the Village which are either owned by the property owner or leased pursuant to an agreement of more than 90 days.

D. Penalties for Offenses.

The penalties for violation of any provision of this article shall be as follows:

- (1)** A fine of \$50 for the first violation.
- (2)** A fine of \$100 for the second violation.
- (3)** A fine of \$200 for the third and each subsequent violation.

In addition to the above fines, the Village shall be entitled to collect the dumpster fees due and owing for each day exceeding the dumpster permit fee. Only one violation fine may be issued for each dumpster rental event.

E. PRIOR REGULATIONS

The dumpster regulations detailed in Village of Depew Code Section 260-14(j) and 260-35(c)(1)(f) remain in full force and effect and compliance with these requirements is a condition of a residential or commercial dumpster permit.

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 _____, and duly put to a roll call vote which resulted in the following:

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

VILLAGE OF DEPEW BOARD MEETING May 28, 2024 Agenda Item # 14 __Approved __Denied
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DEMOLITION – 163 Kieffer

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

WHEREAS, under Village Law Section 81-11, the Village Board may authorize the Supervising Code Enforcement Officer, via resolution, “to immediately cause the repair or demolition of such unsafe building.”

WHEREAS, the building located at 163 Kieffer Ave., is such an unsafe building, as determined by

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 Ave. Depew, NY 14043 is such an unsafe building,

WHEREAS, the following unsafe conditions exist at the property located at 163 Kieffer Ave., as determined by a report made by or caused to be made by the Supervising Code Enforcement Officer on the ___ 6 ___ day of ___ October 2023 and the 24th of May 2024 ___ (check all that apply):

- _____ 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 nonsupporting 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.
- ___ 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.
- ___ X ___ 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.
- ___ X ___ 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.

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

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

VILLAGE OF DEPEW BOARD MEETING May 28, 2024 Agenda Item # 15 __Approved __ Denied
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RESOLUTION

May 28, 2024

APPOINT PT RECREATION POSITIONS

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

Joseph Aquino – Regular Part Time Laborer

Samanth Garry – Seasonal Park Attendant

to the positions above for the Recreation Department.

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

Trustee Hamernik -

Trustee Ziemba -

Trustee Kraft -

Deputy Mayor Adolf -

Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
May 28, 2024
Agenda Item # 16

___Approved ___Denied

RESOLUTION

May 28, 2024

YEAR END BUDGET ADJUSTMENTS

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

BE IT RESOLVED, the Administrator is hereby authorized to adjust the 2023/2024 Budget for year-end adjustments.

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

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

VILLAGE OF DEPEW
BOARD MEETING
May 28, 2024
Agenda Item # 17

Approved Denied