

MEETINGS: 12  
NO. OF REGULAR: 10

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**August 26, 2024 7:03 PM**

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

**ON A MOTION BY**, Deputy Mayor Adolf and seconded by Trustee Kraft the minutes of the July 12, 2024 village board meeting were approved.

**ON A MOTION BY**, Trustee Ziemba and seconded by Deputy Mayor Adolf the minutes of the May 2, 2024 Planning Board meeting were approved.

1. Tim Arlington on behalf of Tom and Christine Schuster for the property located at 360 Gould Ave., Depew NY 14043. Requesting concept approval for a 4,500 square foot storage building.  
Granted - with stipulations: Consider turning the building, ZBA requirements, Snow storage, Dumpster storage, Lighting, Finishing the fence on the far side.

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

2. Brian Lorenc and Dane Lorenc, for the property located at 3100 Walden Ave., Depew NY 14043, requesting approval to construct a 40x48 foot pole barn.  
Granted - with stipulations: Combining parcels, fenced in yard, Dark sky lighting, No outside storage of materials.

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

**Public Comment Agenda Items Only:**

Dave Burkhardt, 5 Autumn Lea: Questioned what the total was for all the bond resolutions and what is in the reserve funds and if it would cheaper to use those funds instead of bonding and where the generator is going and what time of generator is going to be put in.

Mayor Peterson explained the need to bond for these long term capital projects.

**SUMMER SEASONAL RECREATION**

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

**BE IT RESOLVED**, Employment for the recreation department's summer seasonal employees will end on the following dates per the attached list.

Lifeguards – 8/18/2024  
Cashiers – 8/18/2024  
Park Attendants – 8/7/2024

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

Trustee Hamernik - ABS

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

### **PERMISSION CONFERENCE**

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

**BE IT RESOLVED**, permission is hereby granted to Code Enforcement Officer Donald Bielefeld to attend the Western Southern Tier Building Officials Education Conference on September 11 – 13, 2024, Dunkirk, NY 14048. Use of a village vehicle is authorized.

The foregoing resolution was seconded by Trustee Kraft, and **CARRIED**.

### **APPOINT – POLICE CAPTAIN AND SCHOOL RESOURCE OFFICER**

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

Cory Skok

To the position of Police Captain effective September 1, 2024. He is being promoted under the Police Captain eligibility list #74-295.

AND

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

Robert Utz

To the position of School Resource Officer effective September 1, 2024.

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

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

### **SEQR Type II Determination** (DPW and Fire Hall Improvements)

Trustee Kraft offered the following resolutions are moved for its adoption:

**WHEREAS**, the Village of Depew (Village) is considering various capital improvements at the local Fire Halls and Village DPW property. Improvements include replacement of the roof systems at 45 Meridian Street and 112 Brewster Street; concrete driveway pad replacements at 2325 George Urban Boulevard, 45 Meridian Street, and 112 Brewster Street; and replacement of a back-up power generator, in kind, at the Depew DPW, and boiler replacement at 112 Brewster Street.

**WHEREAS**, after comparing the thresholds in 6 NYCRR 617.4 and 617.5 under SEQR, the Village has determined that the proposed improvements meet the definition of a Type 2 action involving the maintenance, repair and replacement of existing facilities involving no substantial changes to existing facilities.

**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 Ziemba and duly put to a roll call vote which resulted in the following:

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

**ACCEPT RESIGNATION – POLICE DEPARTMENT**

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

**BE IT RESOLVED**, the resignation of Harry Hartman, Police Officer effective August 29, 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 - ABS  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

**AWARD BID- ROOF REPLACEMENT BID**

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

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, the bid for the Fire Department Roof Replacement Project from the bid opening August 8, 2024 in the bid amount of \$302,600.00 be awarded to:

Action Roofing, Inc  
10267 Crump Rd.  
Glenwood, NY 14069

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

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

**AWARD BID- FIRE DEPARTMENT DRIVEWAY REPLACEMENT**

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

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, the bid for the Fire Department Driveway Replacement Project from the bid opening August 22, 2024 in the bid amount of \$169,650.00 be awarded to:

Masters Edge, Inc  
3409 Broadway St.  
Buffalo, NY 14227

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

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

## **BOND RESOLUTION**

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

**A BOND RESOLUTION, DATED AUGUST 26, 2024, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF DRIVEWAY IMPROVEMENTS AT VARIOUS FIRE HALLS IN THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$220,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$220,000 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 Board of Trustees of the Village of Depew, in the County of Erie, New York (the “Village”) desires to undertake a capital improvements project consisting of driveway improvements at various fire halls in the Village;

NOW THEREFORE,

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

SECTION 1. The Village is hereby authorized to undertake a capital improvements project consisting of driveway improvements at various fire halls in the Village including, but not limited to, the removal of concrete driveway aprons and associated concrete slabs and the installation of new concrete driveways, as well as other improvements as more fully identified in (or contemplated by) a report prepared in connection with such project, including all preliminary work and necessary equipment, materials and site work and any preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$220,000.

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 \$220,000 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. 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 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 an object or purpose described in subdivision 20(f) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 10 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, and 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 said bonds, and the renewals of said 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 hereby determines 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") are required.

SECTION 14. 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 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such 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 resolution are 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 16. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 17. If no petitions are filed in the permissive referendum period, 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.

\* \* \* \*

The following resolution was seconded by Deputy Mayor Adolf and duly put to a roll call vote which resulted in the following:

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

### **BOND RESOLUTION**

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

**A BOND RESOLUTION, DATED AUGUST 26, 2024, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF EQUIPMENT AND APPARATUS AT THE DEPARTMENT OF PUBLIC WORKS BUILDING IN THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$85,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$85,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID 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 Board of Trustees has identified a need for the acquisition of equipment and apparatus at the Department of Public Works Building in the Village.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Depew, in the County of Erie, New York (the “Village”) (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake the acquisition of equipment and apparatus at the Department of Public Works Building in the Village, including, but not limited to, the acquisition and installation of a 30 KW natural gas generator, including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto and in connection with the financing thereof (the “Purpose”). The estimated maximum cost of the Purpose is \$85,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of such objects or purposes by the issuance of serial bonds in an aggregate principal amount not to exceed \$85,000 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. Unless paid from other sources or charges, the cost of such acquisition 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 such 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 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such acquisitions is 5 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 not exceed 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, and 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 said bonds, and the renewals of said 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 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 hereby determines 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") are required.

SECTION 14. 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 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such 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 have been 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 16. 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 such 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 17. This Resolution is effective immediately pursuant to Section 36.00(a)(1) of the Local Finance Law.

\* \* \* \*

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

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



## **BOND RESOLUTION**

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

**A BOND RESOLUTION, DATED AUGUST 26, 2024 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE “VILLAGE”) AUTHORIZING THE ACQUISITION OF A NEW BOILER FOR USE AT THE 112 BREWSTER STREET FIRE HALL LOCATION, AT AN ESTIMATED MAXIMUM COST OF \$40,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID 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 Board of Trustees of the Village of Depew, in the County of Erie, New York (the “Village”) has identified a need for the acquisition of a new boiler for use at the Brewster Street Fire Hall location;

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village (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 the acquisition of a new boiler for use at the 112 Brewster Street Fire Hall location, including any preliminary costs and costs incidental thereto and in connection with the financing thereof (the “Purpose”). The estimated maximum cost of the Purpose is \$40,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost such objects or purposes by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$40,000, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount of obligations to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such acquisition 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 such 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 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such acquisition is five 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 not exceed 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, and 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 said bonds, and the renewals of said 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 hereby determines 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") are required.

SECTION 14. 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 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such 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 at 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 16. 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 such 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 17. This resolution is effective immediately.

The following resolution was seconded by Deputy Mayor Adolf and duly put to a roll call vote which resulted in the following:

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

Village Attorney Alba noted there are SEQRA negative declarations in Agenda items 8,9,10.

**EMPLOYMENT APPLICATIONS** - REC – Kasia Ziolkowski  
DPW – Paul Kemsley

### **DEPARTMENT HEAD REPORTS –**

#### **PUBLIC COMMENTS:**

Elizabeth Brinkworth, Assemblymember Monica Wallace's Office: Assemblymember Wallace was at the press event with Senator Gillibrand, the Mayor and Chief Musielak for the announcement of funding for the fire department. She also congratulates the Village on being named Buffalo Business First winner of the large hub. The Assemblymember sponsored an event with the non-profit, Fantastic Friends of WNY and held an event at Southline. The Assemblymember visited the Village of Sloan to announce a \$10,000 grant for their summer concert series. She has also been reviewing her golden parachute legislation, been out front of the media regarding off track betting and some severance packages.

Mayor Peterson: Thanked Ms. Brinkworth for her fast reaction to an email from a resident about the high cost of their electric bills. Shared from the Public Service commission that it was a 10.3% increase in November of last year, 8.4% in May of this year and there is another 9.9% in May of next year. Appreciated that she looked into it for the resident. Noted Bob Brandon was in attendance, nice to see him.

Ken Pyc, DPW Superintendent: Paving is complete for the season, pouring concrete for new dugouts at Fireman's Park tomorrow and construction to begin shortly after that.

Kevin Ferguson, Recreation Director: Pretty good year at the pool, averaged about 360 members a month, didn't have any issues, a couple minor accidents, lifeguards really good, probably best year for lifeguards. Wanted to thank Ken Pyc and his guys, both Zambonis were taken to DPW and tuned up.

Kate Zaganiaczyk: Old Hidden Shamrock is getting a facelift, took down old siding, putting up new siding. O'Reilly Auto Parts is coming along, foundation, floor and a lot of the underground work is done, work progressing. Getting ready to switch gears from grass cutting to snow removal, snow plow permits will start getting issued in September.

Chief McNamara: Been a good summer, very busy, specifically the Detective Bureau. Good to see these promotions, competition was thick for both. School is starting up in a week or so, so Officer Utz will be over there and I'll get Captain Skok into the administrative so we can fire on all cylinders.

Chief Musielak: 15 calls since last Board meeting, 243 year to date. Been pretty busy lately, summertime was a busy time of year with training along with public relations events. We recently received a federal grant for \$328179 that is specifically to replace the gear extractor, a washing machine for fire gear, the original washer was from 1996, we didn't know this years ago but firefighters are at a much higher risk to develop some sort of occupational cancer through their career as a firefighter, so these we try to do the best we can to limit exposure as much as possible, we can't get rid of it all together but we limit it as much as we possibly can by washing the gear and keeping it clean along with all our equipment and apparatus and uh hopefully that helps. I will say since the new cancer bill has been put into place since 2018 we've had seven firefighters that have been diagnosed with some sort of Occupational cancer so it's out

there. Reminder to start thinking about your chimney and fireplace cleaned up and congratulations to Officer Utz and Captain Skok on their promotions.

Sam Alba, Village Attorney: Not much to report, putting a lot of notices for appearance on the tax cases, the Chief and I are working on some foil requests.

Trustee Ziemba: The Village will be hosting its fourth annual e-waste recycling drive free to all residents that is September 28th from 9am to 2: p.m. right here in the Village Hall parking lot. Excepted items are as follows limit of three TVs per vehicle, computers, monitors, printers, keyboards, video game systems, phones tablets. We will get this on the Village website with Regina's help tomorrow. What we don't accept our refrigerators, dehumidifiers, microwaves, smoke detectors, alkaline batteries or light bulbs. But it is free to all Village residents and those outside the Village as well. Again September 28th 2024 9am: to 2: p.m. And then I also want to wish everybody here and all the Village residents a Happy Labor Day. All Labor is honorable whether you're policing our streets, plowing our streets or a lifeguard at the pools remember that all labor is honorable and if you want to come on Labor Day you're looking for something to do find the teamster tent at the Cazenovia park around 12:30 p.m. I'll get you something to eat, something to drink.

Trustee Kraft: Good luck to everyone going back to school next week, looking forward to Fall Fest, we will have kids activities, my husband will do the face painting, and have a couple games.

Deputy Mayor Adolf: We still have spots for vendors available, if you are vendor please reach out, and there will be no fee this year.

Dave Burkhardt, 6 Autumn Lea: The grate in the yard on the Walden side, looks like someone took the grate, worried about kid breaking their leg, between the curb and the sidewalk, the grate is gone.

Dominic Corigliano, 5230 Transit Rd: Brought packets to give a clear picture of the problem going on, just real briefly I've been in the location for 25 years, my family takes pride in all our buildings there 2019 when the restaurant burned I choose to rebuild it making it look better than before, some people thought it was going to come down, later we put a new front on the office building. 15 years ago we moved a house that was on a Transit Road from its previous condition to get it back into a better location. The problem I have right now is my property is probably the only one with a higher elevation on the whole block. The sidewalk that's there going across our driveway is at the middle of the hill rather than the bottom of the hill which I feel would be a better possibility the driveways all driveways meet the street at the same elevation but being it halfway up the hill it makes it a real problem. If the Village can correct a sidewalk I would take care of the necessary black top. You know currently I met with Don once he seen from the street that I had two empty apartments facing South Bellvue. my tenants complain about noise during the night it's hard to rent apartments when they look at the area. You know my family has managed rental property for generations, we take pride in trying to make things nice there. I think the sidewalk could have turned out a lot different than it did which would have improved a lot of the situations we've been dealing with the two winters and dealing with a third winter is going to be next impossible. I talked to Rick Coburn over the weekend I understand he's not working for the Village at this time. He wasn't in favor of eliminating pine trees to continue to sidewalk to the corner, his opinion was its been making more of an eyesore for people to look at. My opinion is the best way to do it and it's my opinion I spoke to Ken briefly he got back to me I didn't go over everything with him but it was nice that he got back to me he's helped me out in the past when they left some stuff messy just one of the pictures I showed I understand he's a able to work within his means to do what he can do but in my opinion if the sidewalk was removed south of my property and ran close to the street straight out to Cayuyga it'd be one straight run it would cross my driveway in an even path and it'd be nice and smooth and easy. I wrote something up simple I just wanted to explain it before I handed this out to everybody but uh it' be the simplest thing. I would take care of any black top repair that we need to get done if the side if the Village took care of the sidewalk issue You know I'm not trying to not trying to make it a big issue but you know we try to take pride in what we got going on there and the way it is now it is a problem I've been there a long time I've done a lot of stuff there you know not to hand you out a lot of paperwork this is what the tie house looked like when I got there it looked like an overgrown thing you can't even recognize a building right there you know so we've taken stuff a long ways

from where it used to be you know we've done a lot there and I just like to see things turn out a little bit closer to a usable situation again if they took care of that you know, I think we remember with the Thai House used to look like back in the day it looked like an empty building and uh you know getting stuff back on a tax roll is always a good thing you know we try to do. It's kind of an interesting street uh with certain things when you get people uh in the middle of a snowstorm outside power washing equipment you know different. You got a little different clientele people around there you know so it is what it is, Don does a great job in my opinion of what he does to try to keep things in line but you know we we've done a lot with the with the whole property I mean from the outdated looks that it once had we've done a lot with the old property and I just like to see one step one step better get a little closer to things looking more usable. You know this is real quick it's not real important you want here this is what it looked like back then bunch of we know we live in an old village we know there's a lot of old buildings and we brought them a long ways and I just like to continue to get them further in current time. We got things looking a lot better, nicer looking buildings, a little brighter looking a little better than they used to look you know so things came a long ways in in 25 years that's for sure and uh it just would be helpful to do that. I don't know which way if the Board wants to think about go by look at my property whatever you know I could certainly would be yeah I'd be open for any ideas they would have you know but just trying to keep things as nice as possible as usable as possible. The way it is now people park on all different sides of the street if they straightened the sidewalk out brought it closer to the street and ran it all the way down. I consider it as a snowshed involved obviously South Bellevue is not as wide as Transit Road there's not as much of a snow shed going on there still would be enough. I have two bubbler systems going out there, one of them was damaged during the construction at a sidewalk one of them you have pictures showing that the water spilling out on the sidewalk which is a freezing problem which is an issue in winter time. I showed the Mayor video of it once before and I showed Don a video of it once before uh so I you know there's only so much I can show them pictures and everything else but just want to make things look better than they did.

Mayor Peterson: asked Mr. Corigliano about this paper got here it says proposal to straighten and correct sidewalk starting at the South End of the drawing so are you moving the sidewalk to the curb there's probably no curb on that street. On the west side of the pine trees?

Mr. Corigliano: I'm talking about starting south of my property because if you look at it the only place that the side what goes like a hill looks like a roller coaster is south of my driveway so if they would have brought it lower closer to the street at that point they wouldn't have had that hill in there and at that point would have crossed my driveway near the bottom which wouldn't have been a problem because we know all driveways meet the street at the same elevation at some point crossing a driveway there and then going all the way down it would go right to Cayuga straight without removing the pine trees. We know removing the pine trees is costly but it's also an eyesore to get rid of them by doing that it would end up with a straight sidewalk everything's not identical on that street anyways when you look behind the Cameila Gardens over there that's a smaller sidewalk that's not in line with the rest of them everything is not a picture perfect certainly it's all commercial space on one side and it's residential on the other side but in doing that if the if The Village could do the sidewalk I would take care of the necessary black top repairs whatever has to happen on my side, I understand there's only so much money and budgets to do things but it certainly would eliminate the problems I don't know you know how else to eliminate things without you know the way things are it's terrible and I didn't mean to flood you with pictures and information but these are what some of the tenants said.

Kate Zaganiczyk: Can sympathize with his residents, especially for the driveway, first time I saw it, I thought somebody is going bottom here, and with the snow and ice, definitely a safety concern.

Mayor Peterson: Asked how close would the sidewalk be to the road.

Ken Pyc: Has concerns about bringing the sidewalk to the road and safety. Asked what would happen if we do this and he isn't happy again.

Trustee Ziemba: Wants to go and take a look at it, anytime you talk about moving a sidewalk closer to the street, sends up a flag, I want to look at that.

Trustee Kraft: I'd like to do a driveby.

Deputy Mayor Adolf: Thanked him for putting the packets together so we can help see what the issue is, is going to review and consult with the two departments of DPW and Code to get a better understanding.

Village Attorney Alba: has concerns about our sidewalk law would interplay with boundary lines and the obligations for repairs and how those shift as well as the precedent this could set for other areas.

Mayor Peterson: Will need to get in touch with Dave Britton from Nussbaumer and Clarke as he instrumental in the positioning of the sidewalk.

Paul Sprada, 58 Argus Drive: Questioned if any of our departments have drones. Asked if knew what the height regulations were. Saw drones at two of the summer concerts. Expressed concerns about crypto currency mines. wanted to thank DPW Superintendent for restriping the intersections, thanked the Board for the Summer Concert Series. Mentioned they are putting another O'Reilly Auto parts by Basil Chevrolet in Lancaster. Stated that you can recycle small batteries like cellphone and hearing aid batteries at the Lancaster Library.

### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Ziemba and seconded by Deputy Mayor Adolf the following claims are to be paid: \$274,950.29 General, \$2,695.00 Sewer, \$49,852.17 Capital Projects for a total \$327,497.46 was **CARRIED**.

### **ADJOURNMENT**

**ON A MOTION BY** Deputy Mayor Adolf and seconded by Trustee Kraft the meeting was adjourned at 8:13 PM.

Respectfully submitted,

Regina Grzankowski  
Village Administrator