

# Village of Depew, NEW YORK

*"The Village of Unrecalled Opportunity"*



MEETINGS TO DATE: 22

NO. OF REGULARS: 22

## AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW

February 27, 2023 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION -

NOTIFICATION OF FIRE EXITS

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

APPROVE VILLAGE BOARD MEETING MINUTES – February 13, 2023

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Public Hearing – Local Law #2 of 2023
2. Public Hearing – Demo 73 Main Street
3. Permission to Sign – Borden Rd. Easement
4. Approve – Liquor License Waiver
5. Approve – Fire Dinner
6. Approve – Auction Results
7. Approve – Nussbaumer & Clarke Agreement
8. Approve – Demo 73 Main St.
9. Permission – Hochul Resolution
10. Permission – Advertise Canvass the vote
11. Permission – Sign Grant
12. Employment Applications
13. Department Head Reports
14. Unfinished and Other Business
15. Public Concerns and Comments
16. Claims and Accounts
17. Adjournment

Village of Depew  
Notice of Public Hearing

A Public Hearing to discuss the enacting of Local Law #2 of 2023 for the Volunteer Firefighters and Ambulance Workers Tax Exemption. The public hearing will take place at 85 Manitou St, Depew, NY 14043 in the Council Chambers on February 27, 2023.

By order of the  
Board of Trustees  
Melissa Dabb  
Deputy Village Clerk  
Village of Depew

Village of Depew  
Notice of Public Hearing

A Public Hearing is approved to discuss the unsafe condition and the property owner's refusal to comply, now requires the demolition of 73 Main Street, Depew, New York. The public hearing will take place at 85 Manitou St, Depew, NY 14043 in the Council Chambers on February 27, 2023.

By order of the  
Board of Trustees  
Melissa Dabb  
Deputy Village Clerk  
Village of Depew

RESOLUTION

February 27, 2023

**PERMISSION TO SIGN – ERIE COUNTY SEWER EASEMENT**

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

**WHEREAS**, Mayor Kevin Peterson is requesting permission to sign an easement request from Erie County Sewer Authority on Borden Road in Depew, New York a copy of which is attached hereto.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is permitted to sign the easement requested from Erie County Sewer Authority.

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

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

VILLAGE OF DEPEW  
BOARD MEETING  
February 27, 2023  
Agenda Item # 3

\_\_\_ Approved \_\_\_ Denied

RESOLUTION

February 27, 2023

AUTHORIZATION FOR Waiver

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

WHEREAS, Mighty Taco has completed the Standardized Notice Form for Providing 30-Day Advance Notice of Intent to file a new application for an On-Premises Alcoholic Beverage License for beer to the Village of Depew to be sold at 5670 Transit Road, Depew, New York 14043 for an on-premises liquor license; and

WHEREAS, pursuant to the applicable provisions of the Alcohol and Beverage Control Law Section 64, Subdivision 2(a), the Village of Depew has been notified of their intent to file an application for a liquor license with the New York State Liquor Authority; and

WHEREAS, a thirty (30) day hold before said application can be filed is mandated by New York Alcohol and Beverage Control Law, unless, this time is waived by the municipality, and

WHEREAS, the Village of Depew Board of Trustees wishes to assist the applicant in expediting the application process and sees no objection to the issuance of a Liquor License;

**NOW,**

**THEREFORE, BE IT RESOLVED**, that to the extent permitted by the New York State Liquor Authority, the Village of Depew Board of Trustees hereby waives the requirement that written notice of the application be given to the Village at least thirty (30) days prior to submitting this application; and

**BE IT FURTHER RESOLVED**, that the Village Administrator or Acting Village Administrator is hereby authorized to issue a letter to the applicant and to the New York State Liquor Authority to confirm the Village's receipt of the Notice of Intent to file for the liquor license and a waiver of the thirty (30) day hold on the processing of said application

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

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

VILLAGE OF DEPEW  
BOARD MEETING  
February 27, 2023

**Agenda Item # 4**

\_\_\_Approved \_\_\_Denied

RESOLUTION

February 27, 2023

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to Depew Hose Co. #1 to use the Northside Fire Station for their company installation dinner on Saturday March 11, 2023 from 3PM – Midnight.

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

VILLAGE OF DEPEW  
BOARD MEETING  
February 27, 2023  
Agenda Item: 5

\_\_Approved \_\_Denied

RESOLUTION

February 27, 2023

**APPROVE AUCTION RESULTS**

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

**BE IT RESOLVED**, that the results from Auctions International online auction ending 2-22-23 totaling \$2,342.50 are approved as follows:

Lot 1: Dwyer Combination Stove, Refrigerator and Freezer \$82.50 998newyork

Lot 2: (4) Pc Emergency Lighting \$230.00 Eville1468

Lot 3: 90" Arctic Snowplow Assembly \$470.00 Rickmy

Lot 4: Dayton Horizontal Band Saw \$165.00 Rickmy

Lot 5: Empire Sand Blaster \$1,325.00 eagle520

Lot 6: (2) Chain Falls/Hoists \$70.00 Boat builder

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

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

VILLAGE OF DEPEW  
BOARD MEETING  
February 27, 2023  
**Agenda Item # 6**

\_\_Approved \_\_Denied

**A RESOLUTION OF THE VILLAGE OF DEPEW AUTHORIZING NEGOTIATIONS WITH THE HIGHEST-RANKED QUALIFIED FIRM, NUSSBAUMER & CLARKE, PURSUANT TO AN RFP FOR ENGINEERING SERVICES RELATED TO THE VILLAGE'S ENVIRONMENTAL PLANNING GRANT CFA PROJECT NO. 117884, AND AUTHORIZING, UPON SUCCESSFUL NEGOTIATION, THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR SUCH SERVICES**

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

**WHEREAS**, on December 27, 2022, the Village of Depew ("Village") issued and advertised a Request for Qualifications seeking qualified firms to provide general planning services and the preparation of a Phase IX Infiltration and Inflow report for the Village ("Services"); and

**WHEREAS**, proposals received from qualified firms in response to the RFQ were evaluated and ranked, with one firm responding, which said firm ranked as responsive and qualified, with Nussbaumer & Clarke Engineers; and

**WHEREAS**, the Village Board wishes to authorize the Village Treasurer and/or Mayor to negotiate a professional services agreement with the highest-ranked firm, Nussbaumer & Clarke Engineering, including a scope of services and fees for the Services; and

**WHEREAS**, the Village Board finds that it is in the best interests of the Village to proceed as indicated in this Resolution and authorize negotiations with the qualified firms in order to enter into a professional services agreement for the Services.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF DEPEW AS FOLLOWS:**

**Section 1. Negotiations Authorized With Nussbaumer & Clarke Engineers for services related to the Village's Engineering Planning Grant No. 117884.** The Village Treasurer and/or Village Mayor are hereby authorized to negotiate a professional services agreement with Nussbaumer & Clarke Engineers including a scope of services and fees for the Services and, if necessary, authorization is granted to readvertise for additional engineering proposals if successful negotiations cannot be completed with the firm.

**Section 2. Implementation.** The Village Treasurer and/or the Village Mayor are hereby authorized to take any further action as necessary to implement the purposes of this Resolution.

**Section 3. Effective Date.** This Resolution shall be effective immediately upon adoption.

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

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

VILLAGE OF DEPEW  
BOARD MEETING  
February 27, 2023

**Agenda Item # 7**

\_\_\_Approved \_\_\_Denied



RESOLUTION

February 27, 2023

AUTHORIZATION FOR DEMOLITION

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

WHEREAS, in response to a resident complaint, Code Enforcement Officer Don Bielefeld conducted inspection of the residence at 73 Main Street, Depew, New York on November 15, 2022 and issued an Order to Remedy and Make Safe, and

WHEREAS, a re-inspection occurred on December 21, 2022 and January 6, 2023, in which none of the items listed in the Order to Remedy and Make Safe were corrected; and

WHEREAS, at the January 9, 2023 regular Board meeting, the Village Board of Trustees approved the demolition of 73 Main Street as an unsafe structure; and

WHEREAS, on the 21<sup>st</sup> Day of February, 2023, the Notice of Demolition was served pursuant to CPLR Section 308(4) 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

WHEREAS, a public hearing has been held no less than 5 days after the notice of demolition was served, and

WHEREAS, pursuant to Chapter 81 of the Depew Village Code and as noted in the Notice of Demolition, the structure was determined to be unsafe and the property owner has refused to comply,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 81 of the Depew Village Code, the unsafe condition and the property owner's refusal to comply require demolition of 73 Main Street, Depew, New York, and it is further

**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 Trustee \_\_\_\_\_, and duly put to a roll call vote which resulted in the following:

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

VILLAGE OF DEPEW  
BOARD MEETING  
February 27, 2023

**Agenda Item # 8**

\_\_\_Approved \_\_\_Denied

A RESOLUTION TO BE SUBMITTED TO NYS GOVERNOR KATHY HOCHUL

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

**WHEREAS**, Governor Hochul supports the Climate Leadership and Community Protection Act, which aims to generate 70 percent of the state's electricity from renewable sources by 2030 and 100 percent zero-emission electricity by 2040, and

**WHEREAS**, it is commonly recognized that such an urgent timetable to accommodate the Climate Leadership and Community Protection Act, will severely test and challenge the financial stability of every Village of Depew, New York household, and

**WHEREAS**, it is widely held that the existing power grid serving the Village of Depew, New York will become overburdened, and unable to absorb the increased demands that will necessarily attend the Climate Leadership and Community Protection Act, and

**WHEREAS**, specifically noting the long-term power losses attending the ice storm of March 2-3, 1976, the Blizzard of 1977, the October Surprise Storm of 2006, the November, 2014 storm, and more recently the December 23-25, 2022 blizzard, the geographic area of the Village of Depew, located in the Towns of Cheektowaga and Lancaster, New York, historically, has been gravely impacted by such severe weather, and contemporaneously required reliable, alternative sources of energy, and

**WHEREAS**, the provisions of Climate Leadership and Community Protection Act will drastically reduce such alternative sources, and

**WHEREAS**, it is the very strong position and opinion of the Village of Depew's Office of Emergency Management, Fire Department, and Police Department that such energy limitations in times of weather or other civil emergency, will overwhelm their collective capabilities, and therefore, will pose a very substantial threat to the lives and safety of each and every resident of the Village of Depew.

**NOW, THEREFORE, BE IT RESOLVED**, that by virtue of the foregoing, the Board of Trustees, of the Village of Depew expresses to Governor Hochul and the New York State Legislature, its very strong opposition to the enactment of the Climate Leadership and Community Protection Act.

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

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

VILLAGE OF DEPEW  
BOARD MEETING  
February 27, 2023  
**Agenda Item # 9**

\_\_Approved \_\_Denied

RESOLUTION

February 27, 2023

**AUTHORIZE DEPUTY VILLAGE CLERK TO ADVERTISE CANVASS THE  
VOTE**

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

The Deputy Village Clerk is authorized to advertise a special meeting to Canvass the Vote of the March 21, 2023 Village Election, the meeting will take place on March 22, 2023 at 7 PM.

The foregoing resolution was seconded by Trustee \_\_\_\_\_ and **CARRIED.**

VILLAGE OF DEPEW  
BOARD MEETING  
February 27, 2023  
Agenda Item # 10

\_\_Approved \_\_Denied

**PERMISSION TO SIGN GRANT**

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

**WHEREAS**, that the Village of Depew applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") under Title 9 of the Environmental Protection Act of 1993 for the purpose of funding the Fireman's Park Inclusive Recreation Project.

**WHEREAS**, that the Village of Depew is authorized and directed to accept these grant funds in an amount not to exceed \$351,528 for the project described in the grant application;

**WHEREAS**, that the Village of Depew is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such Fireman's Park Inclusive Recreation Project.

**WHEREAS**, that the Village of Depew is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and

**NOW, THEREFORE BE IT RESOLVED**, that the governing body of the municipality delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individual who holds the following elected or appointed municipal office or employment position titles: Mayor.

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

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

VILLAGE OF DEPEW BOARD MEETING February 27, 2023 Agenda Item # 11  ___Approved ___Denied
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