

MEETINGS: 22
NO. OF REGULAR: 22

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
February 27, 2023 7:05 PM

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

ON A MOTION BY, –Trustee Adolf and seconded by Trustee Ziemba the minutes of the February 13, 2023 minutes were approved.

Public Comments for Agenda items #3- #11 Only:

Paul Sprada – 58 Argus – I have question on two agenda items:

My question on the 4th item – Liquor License – What type of liquor is going to be sold at Mighty Taco? The response by Mayor Peterson is beer only. Paul said no wine or hard liquors. The answer was no, beer only.

My other comment is on agenda #9 – The Hochul Resolution. – I don’t think National Fuel Gas is going to go for it. You mentioned power outages, back up generators, Generac is the big one, they run on gas. If a house doesn’t have electricity, how do you stop the pipe from freezing? It’s a catch 22. I am against the current way it’s stated.

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

The Public Hearing was opened by Deputy Mayor Hamernik and seconded by Trustee Adolf at 7:17 PM.

Former Fire Chief Ron Maciejewski – 24 Kibler Dr. – Good evening board, thank you for giving us the opportunity to address you on this very important topic. Thank you for taking this topic into consideration which just recently passed by the Assembly, Senate, and the Governor. As we said with the LOSAP referendum, this is another tool that the fire departments can use for recruiting and retaining members which is very important. It’s a nation-wide problem within the volunteer fire service trying to recruit and retain members. He recommended the two-year waiting period so the younger fire service members who either live at home or rent, this will be an added benefit when they choose to purchase property in the Village of Depew. Getting back to this being used as recruitment and retention tool, The Firefighters Association of The State of NY, better known to us as FASNY, which is the leading agency as far as legislative actions for the volunteer fire service have done studies in the past on the cost of effectiveness of volunteer fire departments. One was done towards the end of last year and are still putting the final numbers together but should be coming out in the next few days. The last one they did was in 2015, at that time the savings to the residents of NYS by the volunteer fire service was \$3.2 billion, I am sure the number is going to be up with inflation. The volunteer fire service is a very cost-effective agency to all governments that use them. In regards to the \$200 tax exemption, right now you can only take the \$200 exemption or a 10% decrease in the tax amount. FASNY has a two fold plan, they want to raise it to \$500 and they do want to eliminate that you can only take one or the other. The new property tax exemption law was written without any other exemptions in it where you

couldn't double dip, that double dip is in that \$200 tax exemption. It is on the agenda for the budget adoption. I am asking the board to consider voting yes on this to help us recruit and retain our volunteer firefighters. Thank you.

Trustee Ziemba – He had a question for Sam. I keep reading enrolled member. Anyone who is already retired does not receive a benefit from this. Former Fire Chief Ron Maciejewski answered you have to be an active member on the member rolls to receive this tax exemption. Whenever the Village of Depew adopts this you have to be on the active member roster.

The Public Hearing was closed by Deputy Mayor Hamernik and seconded Trustee Adolf at 7:25 PM

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

The Public Hearing was opened by Deputy Mayor Hamernik and seconded by Trustee Kucewicz at 7:26 PM.

The Public Hearing was closed by Deputy Mayor Hamernik and seconded by Trustee Kucewicz at 7:27 PM.

PERMISSION TO SIGN – ERIE COUNTY SEWER AUTHORITY EASEMENT

Trustee Ziemba, 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 Adolf and duly put to a roll call vote which resulted in the following:

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

AUTHORIZATION FOR Waiver

Trustee Kucewicz, 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 Ziembra, and duly put to a roll call vote which resulted in the following:

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

PERMISSION – DEPEW FIRE DEPT

Trustee Adolf, 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 Deputy Mayor Hamernik, and **CARRIED**.

APPROVE AUCTION RESULTS

Trustee Ziembra, 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 Kucewicz, and duly put to a roll call vote which resulted in the following:

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

**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 Kucewicz, 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 Nusbaumer & 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 following resolution was seconded by Trustee Kucewicz, and duly put to a roll call vote which resulted in the following:

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

AUTHORIZATION FOR DEMOLITION

Deputy Mayor Hamernik, 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 21st 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 Adolf, and duly put to a roll call vote which resulted in the following:

Trustee Adolf - Y
Trustee Ziemba - Y
Trustee Kuciewicz - Y
Deputy Mayor Hamernik - Y
Mayor Peterson - Y

A RESOLUTION TO BE SUBMITTED TO NYS GOVERNOR KATHY HOCHUL

Trustee Ziemba, 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 Deputy Mayor Hamernik, and duly put to a roll call vote which resulted in the following:

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

AUTHORIZE DEPUTY VILLAGE CLERK TO ADVERTISE CANVASS THE VOTE

Trustee Kucewicz, 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 Ziemba and **CARRIED**.

PERMISSION TO SIGN GRANT

Trustee Adolf, 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 Deputy Mayor Hamernik, and duly put to a roll call vote which resulted in the following:

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

EMPLOYMENT APPLICATIONS – N/A

DEPARTMENT HEAD REPORTS –

Don / Kate – Building Dept – Kate passed her final exam and she is now a fully certified code enforcement officer. The new cell tower has been approved replacing the one that fell behind the Dick / Urban plaza. It will be rebuilt shortly. We are working on getting the violations letter out for the older vacate buildings that we have been having issues with and hopefully moving forward with some more demolitions, just like we did with 73 Main St.

Kevin Ferguson – Recreation Department – There is about five weeks left in hockey. The teams are doing tryouts and we are also renting the ice for birthday parties, which we haven't done before, we have about 5 or 6. We are getting ready for summer and getting ready to close the rink in another 6 to 7 weeks.

Ken Pyc – DPW – We have been working on demolishing the long shed at Fireman's Park. Everything that we could recycle, we did. We recycled the block, the concrete, the beams. Went to a landfill at a minimum. After this storm we will be around picking up brush that came down after the ice storm. If you have any branches that are hanging on trees in the right of way, give our department a call.

Fire Chief Gauthier – The smoke in the area of Broadway and Borden over the weekend, it was due to our flashover training that we had that we put firefighters in a training simulator and we bring the temperatures up over 1000 degrees and turn the smoke back into flames. It is an educational experience mainly for the new firefighters. We recently applied for a radio grant, hopefully we can get approved for it. If we can it will save the Village a great amount of money on updating our radios and communications for the fire service. We are also in the process of applying for a Safer grant, which is for recruitment and retention, hopefully we can get that submitted and approved for that also. I will have the monthly fire call numbers at the next meeting, we are in the process of updating our computers.

Chief Miller -We have had 1065 calls for service which is 100 more calls then last month. I want to send out a reminder, this community and many communities in Erie County are continuing to see an increase in car larcenies and vehicles being stolen. Many of these larcenies could have been prevented as many of these crimes are crimes of opportunity. Car doors are kept unlocked with valuables being left in plain sight and key fobs are being left inside the vehicles. We need to get the word out more, I ask everyone here and at home to remind your family to lock your cars at night. We are going to be a little more proactive and start sending out daily reminders on our social media pages to make sure everyone is locking their doors and securing their keys before they go to bed. We will be starting that probably this week every night around 9:00 PM. Mayor Peterson asked for an update on the dispatch center. Chief Miller said the dispatch center is coming along very quickly over the last 30 days. We have the control counsels going in at the end of the month. We are finishing up the electric and A/C work. Our target days to be open and running would be the first or second week of April

Sam Alba – Legal – I was lucky to do some training for the Depew Police Department on discretion and red flag law cases. We had another red flag law hearing today, which was quick the person consented. Always happy to help out Chief, please let me know if when you need me to come and speak to everyone again.

Trustee Kucewicz – Nothing from me.

Trustee Adolf – Our CGI banner program got started. We are working to get the banners that we approved up by Veterans Park. The first step is getting CGI or Showcase Banners will be contacting local businesses, if any local businesses that receive a call or a walk in from a guy trying to talk about it, his name is Al, they are sanctioned by the Village and you are more than welcome to call myself or the mayor. There was an approved letter that the mayor signed. The Mayor stated that the we need to have 25 2 ft by 6 ft banners, they are obviously a lot larger than ones you see around the village during the summer time, but they will primarily be in the Terrace Blvd and all the way down to Veterans Park area. If we get enough we can put them down to Fireman's Park. This is at no cost to the village. They will also compensate our electrical department for the time it takes to put up the brackets and banners which we thought was the best way to handle it.

Trustee Ziemba – Nothing tonight.

Deputy Mayor Hamernik – We are also in the community center putting in the geothermal system except we are \$20,000 short. Next Tuesday is the State of The Town address breakfast at The Columns Restaurant on Transit Rd, for Depew our Mayor will be delivering our State of our Town, The Village of Lancaster with Lynn Ruda and Town of Lancaster Ron Ruffino. It is sponsored by Lancaster / Depew / Elma Chamber of Commerce. It is at 8 AM at the Columns and tickets are available anybody that would like to come.

Mayor Kevin Peterson – As Superintendent Pyc indicated the long standing long shed which is at Fireman's Park, which is the key to the improvements that we will be doing there this year. It came down this week. We were told by the neighbors in that area that it was coming down. The firefighters built the long shed, it was steel girder construction along the entire top, correct? The response was yes. The first piece was a tough one to come down. That building is about 60 some odd years perhaps. We are looking at September-ish for the opening of that building.

PUBLIC COMMENTS AND CONCERNS: -

Liz Brinkworth - Good evening thank you so much as always for allowing me a few moments of your time. My name is Elizabeth Brinkworth, Chief of Staff for Assembly member Monica Wallace. Again our condolences to the Village of the chip you for the loss of Terry our thoughts have been with her family during this very difficult time. We also mourn the loss this weekend of former supervisor Joanne Coleman, we were sad to hear of her passing as well so we are also remembering her and the work that she did for the town of Lancaster and our thoughts are with her family. Assembly member Wallace is currently in Albany working on the Assembly version of the budget the governor's budget came out earlier in February, the Assembly member is currently reviewing and deliberating on that budget and will be presenting the Assembly one house budget soon she's working very hard advocating for State dollars to come back to the 143rd District as well as Statewide programs that were not included in the budget that she feels should that help Western New York families. Friday Assembly member Wallace held a press conference to announce her latest piece of legislation this legislation would educate young people on the mental health impacts of social media use, this legislation would create a public awareness campaign and would require K-12 education on the negative impacts of social media appropriate usage of social media and resources and strategies to maintain positive mental health. Essentially the thought behind this bill was just to educate our young ones especially with the dangers of social media how we can make them aware when they're online and encourage healthy habits. Last week myself and Assembly member Wallace and Commander Jim wire of the Lancaster VFW Post 7275 visited the Cheektowaga Central School District Middle School. We saw a bunch of third graders and some 8th graders make cards for veterans. We were happy to help them, they did a wonderful banner for Commander wire, we were very happy to see all of their hard work. They got to hear from Commander wire and all the work that veterans do and why it's important to do things like make cards for veterans and why we have Veterans Day so it was wonderful to see them all come together to work on these cards. Commander wire is going to be delivering them to the VFW and the VA in downtown Buffalo for those who are receiving treatment. We were excited to connect the school and Jim wire, the kids really enjoyed it and he gave them hugs. I love those events. Another group of students had visited assembly member Wallace in Albany, every year the Lancaster youth Bureau visits her in Albany as part of the annual youth leadership week and they all tour the Assembly and learn what's going on, they go to the floor of the Assembly and this is Statewide so it's nice to see that teenagers engaged at

the local level and state level so we welcome them every year. Last week Assembly member Wallace head staff delivered pizza to the Village of Depew Police, Department Cheektowaga police department and Lancaster Police Department as a thank you for their hard efforts during the blizzard. They did not go unnoticed and lastly here on a good note on February 2nd was National girls and women's sports day every year Assembly member Wallace introduces a resolution in the New York State Assembly commemorating the day and recognizing just how far women and girls have come in sports since Title IX was implemented 50 years more than 50 years ago. As always if anyone has any questions or comments I know we've been hearing from a lot of members in the community which is always great we love to hear from constituents and know that they're engaged and want to know what's going on at the state level so if anyone always you know we have our phones, email and feel free to stop by the district office as well we'll be here for you thank you.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz and seconded by Trustee Ziemba, the following claims are to be paid: \$81,385.75 General, \$1,137.50 Sewer, ARPA \$1,210.00 (already in the general fund total), with a total of \$82,523.25 was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Kucewicz and seconded by Deputy Mayor Hamernik the meeting was adjourned with a moment of silence for the 22 firefighters that were injured on Staten Island. The meeting was closed at 8:00 PM.

Respectfully submitted,

Melissa Dabb
Deputy Village Clerk