

MEETINGS: 24
NO. OF REGULAR: 23

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
March 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 March 13, 2023 meeting was approved.

ON A MOTION BY, –Deputy Mayor Hamernik and seconded by Trustee Adolf the minutes of the March 22, 2023 Canvass the Vote meeting was approved.

ON A MOTION BY, –Trustee Kucewicz and seconded by Trustee Ziemba the minutes for the March 9, 2023 Zoning Board Meeting were accepted:

1. Ryan Renshaw, of Schenne & Associates on behalf of The Muslim Community Center of WNY, for the property located 559 Penora St Depew, NY 14043, of Chapter 260, §260-32(B)(1) and Chapter 260, §260-32(B)(2) to comply with the standards for a community building/place of worship in an R-2 zone. Granted.

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

2. Deborah Turley on behalf of The Depew Community Action Team, for the property located 570 Gould Ave Depew, NY 14043, of Chapter 260, §260-32(B)(1) and Chapter 260, §260-32(B)(2) and Chapter 260, §260-32(B)(3) to comply with the standards for a community building/place of worship in an R-2 zone. Granted.

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

Public Comments for Agenda items 3 – 6 only

N/A

Public Hearing – Tax Cap Override

BE IT RESOLVED; the Deputy Village Clerk is authorized to advertise for a public hearing. The public hearing will be held on Monday March 27, 2023 at 7:00 PM in the Council Chambers, Village Hall, 85 Manitou St, Depew, NY 14043.

The purpose of this hearing is to consider Local Law 3 of 2023 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date This local law shall take effect immediately upon filing with the Secretary of State.

Public Hearing was opened by Deputy Mayor Hamernik at 7:13 PM was seconded by Trustee Ziemba

No one spoke at the Tax Cap Override Public Hearing

Public Hearing Closed by Deputy Mayor Hamernik at 7:14 PM was seconded by Trustee Ziemba.

Public Hearing – Tentative Budget

COUNTY OF ERIE

NOTICE OF PUBLIC HEARING

BE IT RESOLVED, the Deputy Village Clerk of The Village of Depew is hereby authorized to advertise for a public hearing for the tentative 2023 - 2024 budget to take place on Monday March 27, 2023 in the council chambers, Village Hall, 85 Manitou St, Depew, NY 14043.

Public Hearing was opened by Trustee Adolf at 7:15 PM was seconded by Trustee Kucewicz

Robert Kucewicz – 57 Middlesex Rd - Since this is a tentative budget I'm not going to go through a line by line review of the budget. I leave that to you as the board, I've had a short time to read the budget and extrapolate some information, rather than asking questions at this time I would like to read this statement regarding my thoughts. I am aware that most of the board members have had a short time to review the budget and as of yet have not had any input, after perusing the budget briefly. I believe that this is probably just a compilation of the budget submitted by the Departments including the wish list items. Looking at the tax rate increase it shows a roughly 13 percent increase on the Lancaster side while the Cheektowaga side shows a small decrease in the rate it is nonetheless the product of a significant assessment increases on the Cheektowaga side which amounts to roughly the same increase for the average homeowner on the town of Cheektowaga. When all is said and done what matters is not the tax rate nor the tax levy, but what additional our residents will be asked to pay towards taxes based on a home with a two hundred thousand dollar assessed valuation we are looking at an almost 250 tax increase if the budget were passed as it stands today now. I'm sure you're going to do your best to reduce the budget as it currently exists but let me put a few things into perspective for you you're showing a tax levy of approximately 11 million 837 933 dollars since salaries are pretty much determined by contract this area of the budget cannot be altered without layoffs and I would hope you would not do that. That leaves you with approximately five million two hundred and sixteen thousand four hundred ninety three dollars with which to work, for argument's sake let's assume you wanted to get the tax rate down to three percent that would require you to reduce the tax

rate by 10 percent from the current tentative budget, roughly 1.2 million dollars as a percentage of the five million dollars that was left becomes roughly 23 percent so roughly one quarter of the remaining budget needs to be cut. Since 1.1 Million worth of fund balances already utilized in this preliminary budget additional use of fund balance does not appear to be a prudent option now you might say that inflation is causing some of the increase and I don't disagree. The Villages increase in costs is the same as an inflated costs worn by our residents but think about this as a resident when my income exceeds my expenses I'm able to save for a rainy day but when my expenses are more than my income I have to make cuts hopefully coming from some things I'll call luxuries when those are all cut if my income is still not enough I have to cut some necessities such as food, finding a ride to work or keeping my house colder than I would like to reduce my heat bill, if my expenses still exceed my income I don't have the luxury of going to my boss and asking for money because I can't pay my bills.

The Village on the other hand as a government entity has the option in the event that its expenses are more than its revenues of raising taxes. No painful decisions within the budget just raise taxes, I implore this board to make those painful decisions to re-evaluate your income to make sure that it's accurate and to cut your expenses as much as possible to lessen the load on our residents, you need to do everything possible to ease the burden on the people of Depew. I wish you the best it will not be an easy task thank you.

Public Hearing was closed by Trustee Adolf at 7:20 PM was seconded by Trustee Kucewicz

PERMISSION – HISTORIAN CONFERENCE

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

WHEREAS, Permission is hereby granted to Theresa Wolfe, village historian to attend the Annual Conference and Meeting of the Erie County Historical Federation on Saturday April 29, 2023 at The Whistle Stop Inn, 1338 Exchange St, Alden, NY 14004.

THEREFORE, BE IT RESOLVED: The above 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

AUTHORIZE MAYOR TO SIGN PROFESSIONAL SERVICES AGREEMENT

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

WHEREAS, the Village of Depew would like to use J. O'Connell & Associates for a professional services agreement for the purposes of grants administration for the CFA Fireman's Park Inclusive Recreation Improvements #118682.

NOW THEREFORE BE IT RESOLVED, that Mayor Kevin Peterson is authorized to sign the J. O'Connell & Associates professional services agreement.

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

ADOPT LOCAL LAW #3 OF 2023 – TAX CAP OVERRIDE

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

WHEREAS, the Board of Trustees of the Village of Depew, New York held a public hearing on March 27, 2023, at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

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

The purpose of the hearing was to consider Local Law 3 of 2023 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date This local law shall take effect immediately upon filing with the Secretary of State.

The following resolution was seconded by Trustee 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

AUTHORIZE DEPUTY VILLAGE CLERK TO ADVERTISE BUDGET WORKSHOP

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

The Deputy Village Clerk is authorized to advertise a special meeting for a Village Board Budget Workshop to be held beginning at 6pm on April 11, 2023 in the Conference Room.

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

EMPLOYMENT APPLICATIONS – N/A

DEPARTMENT HEAD REPORTS – Police February 2023

Captain Norek – Police Department - The police department's going to be participating in a Governor's Traffic Safety Committee Grant April 3rd through the 10th. It's a distracted driving campaign you drive you text you pay, we'll have extra officers out there on patrol looking for cell phone violations and other distracted driving violations with the warmer weather coming up just like to remind residents to lock their cars at night, remove any valuables and the keys and our state-of-the-art Dispatch Center is progressing at the end of the meeting if anybody wants to take a look it's right down the end of the hallway on the left. Probably within the next two to three weeks we're going to be switching over to it.

Chief Gauthier – Fire Department - Thank you to everybody that supported our Aetna hose company for their sportsman raffle we just had over the weekend; it was greatly appreciated for your support. This coming Friday our recruitment chairperson will be on channel 2 at 5 45 PM for an interview about recruiting volunteer firefighters so if you're available watching TV at that time tune in to channel 2 at 5 45 on Friday. Fire calls for March are 24 and year to date is 82.

Kevin Ferguson – Rec Department - Good evening this is the last week for the rink we'll be closing on Friday. I had the guys over the weekend start to go through all the satellite parks and start cleaning them up. I want to thank Kenny and his guys for getting those trees out of there during the storms a couple of them fell down and they were pretty big so they got them out of there and they started working on cleaning them up but again as you can see with the snow coming, we could be a little off. You wanted me to talk to the construction people and see if the little league will be safe since the fence blew down yesterday. I asked the guy don't you the whole thing came and my guys put it back up he said yeah he goes we didn't stick it down we can't find the stakes. I said it's probably a good idea if you find the stakes he looked at me and I go what happens if that fence came down on some 12 year old boy's head so he looked at me goes yeah. I said okay thanks a lot but he said it's going to be very safe for the kids. That fence is going to be up all summer long it's not coming down. I'm thinking it needs to come closer to the new building right give a little more of a buffer. I think as it gets closer they get more work done then maybe when it's over there because these guys are doing the excavating too I'll go over their stuff from over there with you and we'll just get it it's got to get moved closer to the building. Mayor Peterson asked when does the season start do you know? They usually want to start June 1st, but usually the first week is usually rainouts and stuff. I think we need to look at maybe a netting or something. I don't know how young kids like that how far they hit the ball. Well, the problem is if you hit a foul ball and if it hits that concrete it's going to skyrocket you know it's going to go in and break that glass so you definitely have to have something. I'll take a good look at it to see if you can do some sort of a netting. I'll put John Chris on that. Summer programs are just about full. Floor hockey is sold out. 10 teams in the rink so far. Softball you have two nights I could take 16 teams I got 14. Volleyball is sold out. Kickball is sold out and we got lacrosse coming in there three days a week so we're in pretty good shape in the summertime.

Ken Pyc – DPW Superintendent - Wednesday we have Marrano Dr kickoff meeting for the Culvert replacement. We'll have a little better idea on the time it's going to start and Paul I'll find out how long the road's going to be closed for you. We are grinding stumps for our trees we cut down and we will top soil and seed it and Jackie thanks for your time and service.

Don – Building Department - I don't have too much. the state reporting, I finished that and got that into the state so that's taken care of for this year. I want the residents to know that we have gotten the okay to put up the temporary cell towers, that's for the one the big cell tower came down behind Wegmans so it'll improve your service until they get the new tower up and running. Construction is starting to ramp up the weather is changing and preparing a lot more applications.

Trustee Ziemba - Trustee Jackie thank you for everything that I learned from you it's been an honor and a privilege.

Trustee Kucewicz - All right with it being my last meeting, I wanted to read a statement so first and foremost let me begin by offering my congratulations to the Mayor on his re-election and to Andrew and Janelle on their election to this village board. I wish you well in the next four years I would also like to thank Trustee Ziembra and Hamernik for allowing me to use them as a sounding board for my thoughts and ideas it has truly been an honor serving on this village board over the last two years. I have not always agreed with everyone in my dealings on the board, I have always had my eye on what was best for our village residents. This board has a lot of work ahead of them in the coming weeks dealing with a village budget and I thank you in advance for the hard work you'll be putting in to create a budget that is both financially sound and fair to our residents. I would also like to thank our department heads who have put up with my many questions as Nelson Mandela says education is the most powerful weapon which you can use to change the world. Well while we weren't changing the world I nonetheless simply wanted to know and have as much information as possible before making the decisions that affected our residents and finally I would like to thank our residents who put their faith in me when they elected me two years ago and gave me the opportunity to represent them, I hope that as I leave this board you are able to say that you made a good choice again thank you and I wish everyone the best.

Trustee Adolf - Mine is also just a big thank you to Jackie you've definitely helped me grow as a trustee so I'm forever grateful for that and you've definitely left your legacy from the small animal law to helping with the website and giving us a viable website for The Village of Depew. Thank you so much for your time.

Deputy Mayor Hamernik - Jackie thank you thank you for your two years on the board. It's just been wonderful working with you. We have a wonderful working board and I know that going forward we'll all be working together and thinking of you for all the years that you put into it so thank you thank you.

Mayor Peterson - So as I said at the canvas the vote meeting last week aside from Deputy Mayor Hamernik and myself, we were sort of the old guard up here and it was refreshing that Jackie and Darren and then Andrew and Janelle and before that it was Erica and Ed. It takes an awful lot to step forward and put your name out there and run for political office, if you saw last week that a lot of villages did not have a lot of opposition. I know that the Mayor of Farnham can't get out, he wants to retire, and his wife retired last year but he himself can't seem to get out there just isn't anybody to take over. So, I appreciate the fact that you stepped up two years ago that you worked hard for the last two years. I appreciate that very much thank you.

RJ – Emergency Management Office - Our tablets came and in we're already working on them. That's going to be a lot better for us to communicate with the fire department and police department. Thank you Jackie for everything.

PUBLIC COMMENTS / CONCERNS:

Good evening everyone! My name is Elizabeth Brinkworth and I am Chief of Staff for NYS Assemblymember Monica Wallace.

A.4456 introduced by AM Bores, Cosponsored by AM Wallace – would raise the maximum fine for persons who violate the law regulating telemarketing to \$20,000. The bill passed the Assembly on March 20 and is currently in held in the Senate's Consumer Protection Committee (S4617 Griffo).

Regarding the proposed natural gas ban. Currently in the Governor's proposed budget – prohibits the installation of fossil fuel heating equipment at any time. This proposal did not make it into the Assembly one house budget nor the Senate one house budget.

Assemblymember Monica Wallace's statement on the release of the Assembly One House Budget – can see her comments on Facebook and her assembly website. Will highlight some of it as it is a lengthy statement.

- Historic investments in Foundation Aid.

- Rejected SUNY tuition hike
- Expanded TAP
- Expand child care assistance
- Rejected proposed thruway toll hike
- Address down payment of the state's unemployment insurance debt and create a small business inflation assistance grant program
- Increased mental health funding.
- Increased nursing home reimbursement rates
- Rejects Governor's spending plan to shift some \$624 million in Medicaid costs onto counties

Women of Distinction – Nominations are due April 30. Filled out online.

- Care work
- Business
- Volunteer work
- Education
- Military service
- Public service

Today the nursing simulation bill passed the Assembly. AM Wallace hopes that the Governor will sign this into law.

Paul Lock - 262 Olmsted Avenue - I've been a 30-year resident, I was on vacation for two weeks, I come home and my car is scratched up. O'Connell company cut the tree right over my car. No one wants to help they just give you to run around. I made three calls here, I called other people and no one seems that they want to help, what I'd like to see is the written request that they asked me to move my car or did they have any permission to move my car or touch my car because they just cut the tree right over my car and then they go do you have a camera? do you got any proof? and I think that Go Net Speed, this is O'Connell and this is The Village at Depew because it was on the village of the Depew property that the tree was on. O'Connell cut the tree and they're cutting for Godspeed I think the best resolution would be all three parties pay \$500 a piece because my estimate on the car is fifteen hundred dollars that it got all scratched up I think that would be fair. I mean I didn't get any written requests to let me know that they're going to be cutting trees. I was gone for two weeks you get back from the best vacation of my life and you got to deal with this. I have question is this j-O'Connell is that the same company that was cutting the trees? The Mayor replied Jay O'Connell in the minutes today is in grant writing company. All right they send a I'll be nice they send a young man 20 years old to check out my car with the scratches and the guy kind of said well in all my years in experience this wasn't a tree branch that did it, I mean the kid's like 20 years old what did he start at five years old or something because this is ridiculous. You know I talked to all these people you know from Go Net Speed, Tom Andrew Nicole I talked to this Jason Torieli he said he knows you mayor, Mayor replied could be, oh all right but it just seems you know when I did call the mayor's office the first time they go we don't even know that they're doing work on Olmstead Avenue, I mean how can they be doing work when we don't know what they're doing in our village? The Mayor said I want to make one comment to you because it affects the people that work for me and for this Village you were very rude. Yes I was and I apologize for that. You owe apologies for about six people that are sitting up here. Yeah, and I do it but it's kind of frustrating when you call for five weeks and don't even get a phone call back you got your instructions on how to handle it it's not a village issue but it was the village tree that did damage to my car. I can jump in there I'm the village attorney and first let me just say I'm glad to hear you had the best vacation of your life before you came home right something else that's a silver lining where'd you go? Mr. Lock replied the Bahamas in Key West and Boca and Fort Lauderdale. That sounds great it was a cruise? Yeah we went on a cruise. That's awesome well I'm sorry you came back to this. The Village has very specific rules I make everyone follow I'm the jerk as the lawyer if you have a claim against there is a form called a notice of claim you have to file and serve. I can't tell you how to do it. thank you for telling me no one else did based on what you said. I can tell you to file a notice of claim but I can't show you how right all right, but based on what you said it sounds like O'Connell and Co are who you might need to go after. Mr. Lock replied I did but they're giving me the run around, they're saying no you got to talk to Go Net Speed I talked to

Go Net Speed they go you should talk to the Village. I can't give you legal advice but I can say that's what the courts are for if they're giving you the runaround and that might be what you need to do with O'Connell okay. But if you're looking to do it at the Village none of these folks are going to answer you because I tell them not to. Okay I understand.

Paul Sprada – 58 Argus Dr. - My concern with Kenny mentioned about that Marrano Drive bridge. My concern is the replacement of it is the safety for I mean the fire department the police department. That is a real long street, a lot of houses on it and a lot of it branches off of it, if that's going to be closed for a number of time, my concern is a safe I don't know who the contractor is going to be but my concern is for the safety of the residents in that area and all we can do is ask that they have it closed for as short about time they can. Is there a different route that fire or police can take to get to you know the end of Marrano Dr near? Getting there is easy it's getting out yeah so getting to an emergency would be easy to get there and I'm sure it can be worked out. That was my concern thank you.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Ziemba and seconded by Deputy Mayor Hamernik, the following claims are to be paid: \$388,162.41 (*ARPA \$31,587.50 included in general fund) General, \$859.00 Sewer, \$986.70 Capital Projects with a total of \$390,008.11 was **CARRIED.**

EXECUTIVE SESSION

The executive session was opened at 7:55 PM by Trustee Ziemba and seconded by Trustee Kucewicz

The Executive session was closed at 8:46 PM by Trustee Ziemba and seconded by Trustee Kucewicz.

There was no decision made in the executive session.

ADJOURNMENT

ON A MOTION BY Deputy Mayor Hamernik and seconded by Trustee Adolf the meeting was adjourned thanking Jackie for serving the residents and businesses of the Village of Depew for the past two years. The meeting was closed at 8:46 PM.

Respectfully submitted,

Melissa Dabb
Deputy Village Clerk