

MEETINGS: 16
NO. OF REGULAR: 16

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
November 13, 2023 7:00 PM

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

A Special Presentation was made to the members of Girl Scout Troop 13497.

ON A MOTION BY, Trustee Kraft and seconded by Trustee Ziemba, the minutes of the October 23, 2023 village board meeting were approved.

ON A MOTION BY, Deputy Mayor Adolf and seconded by Trustee Kraft, the minutes of the September 7, 2023 planning board meeting minutes were approved.

1. Auto Collision & Glass, for the property located at 4800 Broadway St, Depew, NY 14043. Requesting a Special use permit to operate an automotive collision and rust proofing shop in a C-2 zone as per Chapter 260, §260-27 under the guidelines of Chapter 260, §260-33(N) Approved with recommendation to Village Board to Accept SEQR Type II Action.

ON A MOTION BY, Deputy Mayor Adolf and seconded by Trustee Kraft, the minutes of the October 5, 2023 planning board meeting minutes were approved.

1. Nathan Griffiths on behalf of Don's Welding, for the property located at 6120 Transit Rd, Depew, NY 14043. They are requesting the following: To sub divide parcel 6120 Transit Rd. as per Chapter 260, §260-10(C) and combine the split with 6100 Transit Rd for proposed expanded storage area to address stormwater management. Concept Plan Approved.

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

2. Tim Mielko, on behalf of Green Street Edibles, Inc., for the property located at 5460 Transit Rd, Suite #3, Depew, NY 14043. They are requesting the following: Reuse/renovation of existing commercial space for the purpose of manufacturing and assembly of: food and beverage products, warehousing and storage service, and wholesale distribution facility under the regulations of M-1 Light Industry District, Chapter 260, §260-28(A)(1). The current zoning is C-2, Shopping Center District. Approved

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

3. James Bodecker on behalf of NED Broadway 2 Solar Development, for the property located at 4309 Broadway St, Depew, NY 14043. Requesting a site plan review for installation of phase 2 of the solar array ground mounted solar energy system consisting of solar modules/panels, new electrical equipment, and necessary uses including electrical lines, access roads, and concrete pads containing transformers. Approved with stipulations that snow removal of access roads be maintained, and additional access roads be approved by Code Enforcement and the Fire Chief.

Trustee Hamernik -ABS
Trustee Ziemba – Y

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

A Special Presentation was made to the members of Girl Scout Troop 13497.

Public Comment Agenda Items Only:

Paul Sprada, 58 Argus Drive: Questioned how much the bond resolution was for.

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to Engine 1, 4A (Engine 4 antique), 9 and the fire boat to participate in the Town of Lancaster Christmasville Parade on Saturday November 25, 2023, Lineup at 4PM at LHS, Parade starts at 6PM

AND

Permission is hereby granted to Engine 6 to standby at Columbia at Central Ave and a Southside truck TBA to standby at Laverack at Central during the Town of Lancaster's Christmasville Parade on Saturday, November 25, 2023. Both trucks will be in service to make Depew calls also.

AND

Permission is hereby granted to the Depew Fire Department to use Southside Fire Hall on Friday December 1st from 6pm to 8pm to give local cub scout Troop a tour of the fire house.

AND

Permission is hereby granted to the Depew Fire Department to use Northside Fire Hall on Friday December 8th from 6pm to 9pm to give a local Boys scout and girls scout Troop a tour of the fire house and discuss with them fire safety for their Merit Badge.

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

BOND RESOLUTION

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

A BOND RESOLUTION, DATED NOVEMBER 13, 2023, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF A FIRE-FIGHTING VEHICLE AND APPARATUS FOR USE BY THE VILLAGE FIRE DEPARTMENT, AT AN ESTIMATED MAXIMUM COST OF \$300,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID 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 has identified a need for the acquisition of a fire-fighting vehicle and apparatus for use by the Village's Fire Department; and

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) as follows:

SECTION 1. The Village is hereby authorized to undertake the acquisition of a fire-fighting vehicle and apparatus for use by the Village's Fire Department, 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 \$300,000.

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 \$300,000 of the Village, hereby authorized to be issued therefore 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 27 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such acquisition is 20 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of the original issuance of such bonds or notes.

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 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 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 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 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

AYES:

4

NOES:

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ABSENT:

1

PERMISSION TREE LIGHTING PARADE

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

BE IT RESOLVED, permission is hereby granted for the Annual Tree Lighting Parade including Fire Apparatus and Santa on Monday, November 27, 2023, beginning at 6:00 PM. The Depew Police Department who will provide the necessary traffic enforcement has approved the parade route.

BE IT FURTHER RESOLVED, permission is being granted for use of the Fireman's Park Pavilion for event activities including a vendor area. Fire pits will also be provided and supervised by Depew Fire Department for roasting marshmallows.

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

APPROVE LEAVE OF ABSENCE REQUEST

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

WHEREAS, Marie Fleck, Village of Depew Recreation Department employee has requested a leave of absence from November 1, 2023 until January 8, 2024.

WHEREAS, Regina Grzankowski, recommends the approval of this request.

NOW THEREFORE BE IT RESOLVED, the Village Board approves the period of leave stated above.

The following resolution was seconded by 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

RETURN UNPAID TAXES TO COUNTY OF ERIE

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

BE IT RESOLVED, the report of the Village Administrator, showing that in accordance with Article 14, Section 1436, Paragraph 2 of the Real Property Tax Law, is returning to the County of Erie, Department of Finance the 2023-2024 unpaid Village Tax accounts together with the unpaid sewer account pursuant to verification and

certification of the Board of Trustees, and also that as of November 1, 2023, has collected the sum of \$11,734,673.70 leaving a balance of \$216,754.01. In accordance with section 987 of Real Property Tax Law, the Village has imposed a fee of \$2.00 per parcel for the “Notice of Unpaid Taxes”; the Administrator has added \$398.00 to the balance, we are also adding the unpaid lawn mowing charges of \$3501.42, and demolition fees of \$32,485.00 thereby leaving a balance of \$253,138.43, which has been transferred to Account A440, Due from Other Governments, for further collection on the Town/County bill, is hereby accepted.

The foregoing 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

APPOINT REC SEASONALS

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson do hereby appoint the following for winter employment to the Recreation Department:

Grady Gunsher – Ice Rink Guard
Benjamin Fleck – Ice Rink Guard

The forgoing nominations were 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- NEGATIVE DECLARATION -4800 Broadway

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

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

WHEREAS, the Village of Depew Village Board, as lead agency, has reviewed the minutes of the Planning Board meeting held on September 7, 2023 in which the Planning Board recommended to the Village Board, as lead agency, that the proposed action involving the site plan for proposed parking area at the above referenced property is consistent with an unlisted SEQR action and furthermore, that the proposed action will not have a significant adverse impact on the environment and that a negative declaration should be issued; and

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

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

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

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

The foregoing resolution was seconded by 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 – CODE

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

WHEREAS, Permission is hereby granted to Asst. Code Enforcement Officer Kathryn Zaganiaczyk to attend The Niagara Frontier Building Officials Education Conference to be held at The Buffalo/Niagara Marriott, 1340 Millersport Hwy, Amherst, NY 14221 on January 29-31, 2024.

THEREFORE, BE IT RESOLVED: The above 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

APPROVE LEAVE OF ABSENCE REQUEST

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

WHEREAS, Carmi DelConte, Village of Depew Building Department employee, has requested an unpaid leave of absence until November 21, 2023.

WHEREAS, Regina Grzankowski, recommends the approval of this request.

NOW THEREFORE BE IT RESOLVED, the Village Board approves the period of leave stated above.

The following resolution was seconded by 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

EMPLOYMENT APPLICATIONS – REC – Grady Gunsher, Benjamin Fleck, Tyler Williams

DPW – Terrance Collen-Ball

DEPARTMENT HEAD REPORTS –

Kathryn Zaganiaczyk, Code Enforcement: Construction season winding down, focusing on snow removal – keep sidewalks clear and check vents. About 20 snowplow permits so far, \$25 per vehicle. Plumbing license removal are going out soon.

Kevin Ferguson, Recreation Department: Three open skates so far, very well attended. Learn to skate starts 11/21 – 17 kids so far, swings cleaned and put away and decorations are starting to go up.

Ken Pyc, DPW Superintendent: Getting plows and salters together, ready for snow. Still picking up leaves, you don't have to call, they will be around to pick them up on grass at road edge.

Fire Department Report Read by Deputy Mayor Adolf: Five calls so far in November, 338 calls year to date.

Regina Grzankowski, Village Administrator: Rentals are coming in for new pavilion, if interested, need to be a resident, there is a security deposit- comes with tables, chairs, refrigerator, microwave and tv. Can check it out at Tree Lighting. Wrapping up construction at the pavilion, it is taking a bit longer, but able to use it – geothermal very comfortable.

Deputy Mayor Adolf: Come on out to Tree Lighting and working on Tree City application to reinstated with that program through the Arbor Day foundation.

Trustee Ziemba: Happy Thanksgiving everybody and Go Bills.

PUBLIC COMMENTS:

Dave Burkhardt, 5 AutumnLea: Questioned when the overnight ban on parking would take effect?

Mayor Peterson: It is extended until the end of the month, it will come out on Facebook and the website.

Paul Sprada, 58 Argus Drive: Liked the new concrete on that was done. Was questioning if there was any news on the DMV that was closed for renovation and when the ebike law will be passed.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Ziemba and seconded by Trustee Kraft the following claims are to be paid: \$518,138.38 General, \$1,512.58 Community Development, \$859.00 Sewer Fund, \$20,589.83 Capital Projects for a total \$541,099.79 was **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Ziemba and seconded by Trustee Kraft the meeting was adjourned at 7:44 PM.

Respectfully submitted,

Regina Grzankowski
Village Administrator