

# Village of Depew, NEW YORK

*"The Village of Unparalleled Opportunity"*



MEETINGS TO DATE: 27

NO. OF REGULARS: 26

## AGENDA

### VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW March 28, 2022 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION – PASTOR BRIAN WILLIAMS FROM NORTHPOINT CHURCH

NOTIFICATION OF FIRE EXITS

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

APPROVE VILLAGE BOARD MEETING MINUTES – March 14, 2022

ACCEPT ZONING BOARD MEETING MINUTES – March 10, 2022

1. Debra Marrano for property located at 31 Domino Ct of Chapter 260, §260-23(A)(2) for relief of the minimum lot area requirement of 6600sqft, requesting 5800sqft. – Approved
2. David Cox, of Passero Associates, on behalf of Royal Wash Development LLC for property located at 4801 Broadway, for two variances, of Chapter 260, §260-26(A)(2) for relief of the required side yard setback of 10ft in a non-residential district, requesting 5.9ft and of Chapter 260, §260-37(E)Wall Sign(4), for relief from the maximum wall sign coverage on a single parcel of 100sqft, requesting an increase to 142sqft. Tabled.

## PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Public Hearing – Tax Cap Override
2. Public Hearing – Non-Domestic Animal
3. Permission to Advertise – Tentative Budget
4. Permission – Amend Budget
5. Permission to Sign – U&S Services Agreement
6. Authorize – Award Bid
7. Permission – Leave of Absence – Code
8. Permission – Leave of Absence – Code
9. Authorize – Increase AIM Funding
10. Adopt – Tax Cap Override
11. Approve – Police Conference
12. Permission – Fire Membership
13. Department Head Reports
14. Employment Applications - Rec Michael Steffens, Megan Clemens, Kera Kwiatkowski
15. Unfinished and Other Business
16. Public Concerns and Comments
17. Claims and Accounts
18. Adjournment

Village of Depew  
Notice of Public Hearing

Please take notice that the Village of Depew Board of Trustees passed a resolution at their March 14, 2022 Village Board meeting to conduct a public hearing in the Council Chambers of the Depew Municipal Building, 85 Manitou St, Depew NY on Monday March 28, 2022 at 7:00 pm.

The purpose of this hearing is to consider Local Law 2 of 2022 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, 2022 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, 2022 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.

At said hearing all persons so desiring shall have the opportunity to be heard.

Teresa Wachowiak  
Village Administrator

Village of Depew  
Notice of Public Hearing

A public hearing will be held on Monday March 28, 2022 at 7:00PM in the Depew Village Hall Council Chambers. The purpose of the hearing is to discuss the Local Law #1 – 2022 The Non-Domestic Animal Law. The meeting room is wheelchair accessible.

By order of the  
Board of Trustees  
Teresa Wachowiak  
Village Administrator

RESOLUTION

March 28, 2022

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING  
FOR TENTATIVE 2022-2023 BUDGET**

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

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for public hearing for the tentative 2022 - 2023 budget to take place on Monday April 11, 2022 at 7:00 PM in the council chambers.

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

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2022

**Agenda Item # 3**

☐ Approved ☐ Denied

RESOLUTION

March 28, 2022

**AMEND 2021/2022 BUDGET**

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

**BE IT RESOLVED**, the Administrator is hereby authorized to amend the 2021/2022 Budget to reflect American Rescue Plan Funds (ARPA) deposits in the amounts of \$766,662.46 and \$3,130.11 in the general fund.

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 Kucewicz -  
Deputy Mayor Hamernik -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2022

**Agenda Item # 4**

\_\_Approved \_\_Denied

**AUTHORIZE MAYOR TO SIGN AGREEMENT –U & S SERVICES**

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

**BE IT RESOLVED**, that Mayor Kevin Peterson, is authorized to sign an agreement with U & S Services Inc, 95 Stark Street, Tonawanda, NY 14150 beginning May 1, 2022 for a service agreement to cover the equipment and service calls for the CPU units, peripheral equipment, field panels and software associated with the Village heating and air conditioning systems at a cost of \$6,400.00 per year.

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  
March 28, 2022  
Agenda Item # 5

\_Approved \_\_\_Denied

RESOLUTION

March 28, 2022

**AWARD BID- SENIOR CENTER HVAC SYSTEM**

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

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, the bid for the Senior Center HVAC System from the bid opening March 22, 2022 in the bid amount of \$83,984.00 be awarded to:

John W. Danforth Company  
300 Colvin Woods Pkwy.  
Tonawanda, NY 14150

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 Kucewicz -  
Deputy Mayor Hamernik -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2022  
Agenda Item # 6

\_Approved \_\_\_Denied

RESOLUTION

March 28, 2022

**APPROVE LEAVE OF ABSENCE REQUEST**

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

**WHEREAS**, Donald Bielefeld, Full Time Code Enforcement Officer is a newly hired employee and was not yet eligible for any paid time off under the CBA. He is requesting permission to take an unpaid leave of absence from April 11, 2022 until April 15, 2022, as his vacation was already planned prior to being hired.

**WHEREAS**, Teresa Wachowiak, recommends the approval of this request;

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

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  
March 28, 2022  
Agenda Item # 7

\_\_Approved \_\_Denied



RESOLUTION

March 28, 2022

**APPROVE LEAVE OF ABSENCE REQUEST**

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

**WHEREAS**, Craig Blanchard, Full Time Assistant Code Enforcement Officer is a newly hired employee and was not yet eligible for any paid time off under the CBA. He is requesting permission to take an unpaid leave of absence from April 18, 2022 until April 25, 2022, as his vacation was already planned prior to being hired.

**WHEREAS**, Teresa Wachowiak, recommends the approval of this request;

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

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 Kucewicz -  
Deputy Mayor Hamernik -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2022  
Agenda Item # 8

\_\_Approved \_\_Denied

**Calling for an Increase in AIM Funding**

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

**Whereas**, AIM funding plays a pivotal role in funding essential municipal services such as water, sewer, public works, police, fire and ambulance for cities and villages across New York State and,

**Whereas**, the State has not increased AIM funding in 13 years and,

**Whereas**, inflation has eroded AIM funding by roughly 29% over that time period and,

**Whereas**, the New York State Conference of Mayors and nearly 400 of its members have signed onto a letter to the Governor requesting an inflationary increase of \$210 million in AIM funding and,

**Whereas**, the Governor's Executive Budget proposed keeping AIM funding flat and,

**Whereas**, the New York State Senate and Assembly have included increases of \$210 million and \$150 million, respectively, to AIM funding in their one-house budgets and,

**Whereas**, an increase in AIM funding would reduce the local tax burden and help revitalize communities across New York, and

**Now, therefore, be it resolved** that Mayor Kevin Peterson urges Governor Hochul to work with the leaders of the Senate and Assembly and increase AIM funding in the 2022-23 adopted State Budget.

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 Kuciewicz -  
Deputy Mayor Hamernik -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2022

***Agenda Item # 9***

\_\_Approved \_\_Denied

*A copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator \_\_\_\_\_, Assemblymember \_\_\_\_\_ and the New York State Conference of Mayors.*

RESOLUTION

March 28, 2022

**ADOPT LOCAL LAW #2 OF 2022 – TAX CAP OVERRIDE**

Trustee \_\_\_\_\_, 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 28, 2022, 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;

**NOW THEREFORE, BE IT RESOLVED**, this local law is hereby adopted.

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, 2022 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

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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.

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 Kuciewicz -  
Deputy Mayor Hamernik -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
March 28, 2022

Agenda Item # 10

\_\_Approved \_\_Denied

RESOLUTION

March 28, 2022

**PERMISSION – POLICE CONFERENCE**

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

**WHEREAS**, Permission is hereby granted to Police Chief Jerome Miller and Police Captain William Curr to attend The International Association of Chiefs of Police 2022 Annual Conference, October 15-18, 2022 in Dallas, TX.

**THEREFORE, BE IT RESOLVED:** The above 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  
March 28, 2022

Agenda Item # 11

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

RESOLUTION

March 28, 2022

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

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

**BE IT RESOLVED**, membership is hereby granted to the following in the Depew Fire Department pending the passing of his physical:

**Depew Hose Co. #1**

Thomas McLain

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  
March 28, 2022  
Agenda Item # 12

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