

# Village of Depew, NEW YORK

*"The Village of Unexcelled Opportunity"*



MEETINGS TO DATE: 15

NO. OF REGULARS: 15

## AGENDA

### VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW

October 24, 2022 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION

NOTIFICATION OF FIRE EXITS

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

APPROVE VILLAGE BOARD MEETING MINUTES – October 11, 2022

ACCEPT ZONING BOARD MEETING MINUTES – October 13, 2022

1. Phil Convertini, of Moeller Sign and Crane, Inc. for the property located at 5990 Transit Rd, of Chapter 260, §260-37(E)(3) Pole Sign, to allow him to erect a sign within the 10ft required setback from a street right of way. Granted.
2. Sara Ann Radel for the property located at 107 Princeton Ave, of Chapter 260, §260-14(B)(1)(h), to allow them to construct a driveway within the required minimum setback of three feet to any interior, rear or exterior property line and such driveway does not project greater than five feet directly in front of the principal dwelling. Granted.
3. Nicholas Hirsch for the property located at 3510 Walden Ave, of Chapter 260, §260-26(A)(2) to allow them to construct a shed addition within the required side yard (50ft) and rear yard (25ft) setbacks. Granted.

## PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Approve – Cancel Board Meeting
2. Approve – Change Payroll Date
3. Permission – Fire Department Parties
4. Permission – Fire Department Parade
5. Permission to Advertise – Senior and Disability Exemptions
6. Approve – Non-Union Longevity Payments
7. Permission to Sign – CDBG Agreements
8. Permission to Sign - Marrano Drive Culvert Project
9. Permission to Sign – DCAT Agreement
10. Approve – Lease Agreement
11. Permission to Sign – Escrow Agreement
12. Department Head Reports
13. Employment Applications – Rec - Kera Kwiatkowski, McKenzie Dellaneve, Abby Fisher, Jake Fleck, Salvatore Dellaneve, Madison Massaro, Benjamin Fleck
14. Unfinished and Other Business
15. Public Concerns and Comments
16. Claims and Accounts
17. EXECUTIVE SESSION
18. Adjournment – Keep Kathy Garry in your thoughts and prayers after her recent surgery

RESOLUTION

October 24, 2022

**CANCEL VILLAGE BOARD MEETING**

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

**BE IT RESOLVED**, the Village Board Meeting scheduled for Monday, December 26, 2022 is hereby cancelled due to the Christmas holiday.

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

VILLAGE OF DEPEW  
BOARD MEETING  
October 24, 2022

**Agenda Item # 1**

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

RESOLUTION

October 24, 2022

**CHANGE OF PAYROLL DATES**

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

**BE IT RESOLVED**, due to the Thanksgiving Holiday our payroll pay date will be Wednesday November 23, 2022 instead of Thursday November 24, 2022.

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

VILLAGE OF DEPEW  
BOARD MEETING  
October 24, 2022

**Agenda Item # 2**

\_\_Approved \_\_Denied

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to the Depew Fire Department's Engine #4 to use the North Side Fire Station for their Christmas Party on Saturday December 10, 2022 from 3:00PM – 12:00AM.

And

Permission is hereby granted to the Depew Fire Department's Engine #1 to use the North Side Fire Station for their Christmas Party on Saturday December 3, 2022 from 3:00PM – 11:00PM.

And

Permission is hereby granted to the Depew Fire Department to use the Northside Fire Hall on Saturday December 2, 2022 from 10am to 2pm for their kids Christmas Party.

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

|   |
|---|
| VILLAGE OF DEPEW<br>BOARD MEETING<br>October 24, 2022<br>Agenda Item # 3<br><br>__Approved __Denied |
|---|

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to The Depew Fire Department for Engine #6 to stand by for Bowmansville Fire at Columbia and Central Ave from 5pm to 9pm on Saturday November 26, 2022 for the Annual Christmasville Parade.

And

Permission is hereby granted to The Depew Fire Department for Engine 3 to standby at Laverack and Central Ave 5pm to 9pm on Saturday November 26, 2022 for the Annual Christmasville Parade but will be responding to calls in the Village of Depew.

And

Permission is hereby granted to The Depew Fire Department for Engine #1, Ladder #5, and Engine #41 (antique) to participate in the Annual Christmasville Parade from 5pm to 9pm on Saturday November 26, 2022. The apparatus will be out of service.

The foregoing resolutions were seconded by Trustee \_\_\_\_\_ and **CARRIED.**

VILLAGE OF DEPEW  
BOARD MEETING  
October 24, 2022  
Agenda Item # 4

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING FOR LOCAL  
LAW #3 – SENIOR AND DISABILITY TAX EXEMPTIONS**

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a Public Hearing to discuss the enacting of a Local Law for senior and disability tax exemptions for the Village of Depew, Town of Lancaster and Village of Depew, Town of Cheektowaga. The public hearing will take place at 85 Manitou St, Depew, NY 14043 in the Council Chambers on November 14, 2022.

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

VILLAGE OF DEPEW  
BOARD MEETING  
October 24, 2022  
Agenda Item # 5

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

RESOLUTION

October 24, 2022

**APPROVE LONGEVITY PAYMENTS**

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

**WHEREAS**, the Employee Handbook requires longevity payments to non-union personnel to be approved by the Village Board;

**BE IT RESOLVED**, longevity payments, as per the current budget, for the 2022-2023 be approved for the following:

|              |              |
|--------------|--------------|
| Melissa Dabb | - \$950.00   |
| Bill Curr    | - \$1,525.00 |
| Tim Norek    | - \$1,450.00 |
| Jerry Miller | -\$1,525.00  |
| Ken Pyc      | -\$2,009.15  |

These payments will be paid to the employees the first payroll after this resolution is passed.

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  
October 24, 2022

Agenda Item # 6

\_\_Approved \_\_Denied

RESOLUTION

October 24, 2022

**AUTHORIZE MAYOR TO SIGN COMMUNITY DEVELOPMENT BLOCK  
GRANT SUBRECIPIENT AGREEMENTS 2023**

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

**BE IT RESOLVED**, that Mayor Kevin Peterson, is authorized to sign, submit, and execute a contract with the Community Development Block Grant for the following project(s) upon approval of ECCDBG-Project Ranked:

Sidewalk replacement and Senior Center expenses in the Village of Depew, Town of Cheektowaga, and Town of Lancaster sides.

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  
October 24, 2022  
**Agenda Item # 7**

\_\_Approved \_\_Denied



**AUTHORIZE MAYOR TO SIGN THE MARRANO DRIVE CULVERT AGREEMENT**

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

**WHEREAS**, a project for the Marrano Drive over Tributary to Scajaquada Creek - BNY Culvert Project 576391 (the “project”) is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds

And

**WHEREAS**, the Village of Depew will design, let, and administer all phases of the project.

**WHEREAS**, the Village of Depew desires to advance the project by making a commitment of 100% of the costs of design and construction work for the project or portions thereof.

**NOW THEREFORE BE IT RESOLVED** the Village Board, duly convened does hereby

**BE IT FURTHER RESOLVED**, that the village board approves the project;

**BE IT FURTHER RESOLVED**, that the village board hereby authorizes the Village of Depew to pay 100% of the cost of design and construction work for the project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding.

**BE IT FURTHER RESOLVED**, that the sum of \$652,790 is hereby appropriated from fund balance and made available to cover the cost of participation in the above phase of the project.

**BE IT FURTHER RESOLVED**, that the Village Board hereby agrees that the Village of Depew shall be responsible for all costs of the project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Village of Depew.

**BE IT FURTHER RESOLVED**, that in the event the costs of the project exceed the amount appropriated above, the Village of Depew shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the village engineer thereof.

**BE IT FURTHER RESOLVED**, that the Village Board hereby agrees that Village of Depew hereby commits that construction of the project shall begin no later than twenty-four (24) months after award and the construction phase of the project shall be completed within thirty (30) months.

**BE IT FURTHER RESOLVED**, that the mayor of the Village Board of the Village of Depew be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Village of Depew in connection with the advancement or approval of the project and providing for the administration of the project and the municipality’s funding of the project costs.

**BE IT FURTHER RESOLVED**, that the Village of Depew will be responsible for all maintenance of the project.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the project.

**BE IT FURTHER RESOLVED**, the resolution shall take effect immediately.

The foregoing resolution was seconded by \_\_\_\_\_ 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  
October 24, 2022

Agenda Item # 8

\_\_Approved \_\_Denied

**PERMISSION TO SIGN – DCAT (Depew Community Action Team) AGREEMENT**

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

**BE IT RESOLVED**, Mayor Kevin Peterson is authorized to sign the agreement with DCAT (Depew Community Action Team) for the use by the Village of the parking area owned by DCAT at the former Dom Polski Center on Manitou Street bordering Gould Avenue.

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  
October 24, 2022

Agenda Item # 9

\_\_Approved \_\_Denied

**Village Board of Trustees of the Village of Depew, New York, New York**

**Resolution Classifying Broadway Solar Project 2 as a Type II SEQR Action and  
Approving Proposed Lease with NED-New Energy Solar 5 LLC for 12.5+/- acres of land at  
Old Land Reclamation Landfill – VL Broadway, SBL No. 103.19-1-13.1**

October 24, 2022

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

**WHEREAS**, NED-New Energy Solar 5 LLC, a related entity to National Energy Development LLC, with an address at 166 Taylor Drive, Depew, New York has proposed to Lease 12.5+/- acres of land at Old Land Reclamation Landfill – VL Broadway, SBL No. 103.19-1-13.1 ("Project Site") for purposes of a Solar Energy Development for a 25 years with options for extension thereof for Fifteen Thousand and 00/100 Dollars (\$15,000.00) per year, with a 2 percent annual increase; and

**WHEREAS**, the Village will also receive a substantial benefit as NED-New Energy Solar 5 LLC will also, at its sole cost, prepare the Project Site in a manner that brings the Project Site into compliance with New York State Department of Environmental Conservation standards set for the solar energy project on a closed landfill; and

**WHEREAS**, the proposed Lease also provides the Village access to land it owns outside of the Project Site, near Cayuga Creek; and

**WHEREAS**, the Project, including the Lease, is a Type II Action pursuant to the New York State Environmental Quality Review Act ("SEQR") pursuant to 6 NYCRR 617.5(c)(14)(i) which states: "The following actions are not subject to review under this Part: "installation of solar energy arrays where such installation involves 25 acres or less of physical alteration on the following sites: (i) closed landfills" and pursuant to 6 NYCRR 617 (a), Type II Actions "are not subject to review under this Part [and] These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8"; and

**WHEREAS**, the Lease is contingent upon the granting of all Village approvals, New York State Department of Environmental Conservation authorization of the change of end use of a closed landfill, and any and all other applicable approvals or permits from government entities.

**NOW THEREFORE BE IT RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, NEW YORK** hereby resolves as follows:

1. The Broadway Solar Project 2 is hereby classified as a Type II Action pursuant to SEQR and therefore, no further environmental review is required; and

2. The Mayor is authorized to execute the Lease and all other documents required for effectuation of the Lease.

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

Roll Call Vote:

|   | Yay   | Nay   | Absent | Abstain |
|---|-------|-------|--------|---------|
| Kevin Peterson, Mayor                   | _____ | _____ | _____  | _____   |
| Audrey Hamernik, Deputy Mayor / Trustee | _____ | _____ | _____  | _____   |
| Jacqueline Kucewicz, Trustee            | _____ | _____ | _____  | _____   |
| Andrew Adolf, Trustee                   | _____ | _____ | _____  | _____   |
| Darren Ziemba                           | _____ | _____ | _____  | _____   |

*I hereby certify that at a meeting of the Village Board of Trustees of the Village of Depew, New York held at its offices at 85 Manitou Street, Depew, New York, on the 24<sup>th</sup> day of October, 2022, the foregoing Resolution was passed and adopted by the Village Board of Trustees of the Village of Depew.*

Certified by the Village of Depew Village Clerk  
on \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

VILLAGE OF DEPEW  
BOARD MEETING  
October 24, 2022  
**Agenda Item # 10**

\_\_Approved \_\_Denied

RESOLUTION

October 24, 2022

**PERMISSION TO SIGN – ESCROW AGREEMENT**

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

**BE IT RESOLVED**, Mayor Kevin Peterson is authorized to sign the escrow agreement for the building permit for the upper part of the solar project.

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  
October 24, 2022

Agenda Item # 11

☐ Approved ☐ Denied