

Village of Depew, NEW YORK

"The Village of Unexcelled Opportunity"



MEETINGS TO DATE: 17

NO. OF REGULARS: 17

AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW

November 29, 2022 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION -

NOTIFICATION OF FIRE EXITS

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

APPROVE VILLAGE BOARD MEETING MINUTES – November 14, 2022

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Approve – Marrano Dr Culvert
2. Adopt – Local Law #3 – Senior Tax Exemption
3. Adopt – Local Law #4 – Disability Tax Exemption
4. Permission – Fire – Christmas Party
5. Permission – Membership Fire
6. Permission – Junior Fire Membership
7. Accept – Forestry Management Plan
8. Approve – Solar Lease
9. Department Head Reports
10. Employment Applications
11. Unfinished and Other Business
12. Public Concerns and Comments
13. Claims and Accounts
14. Adjournment

AUTHORIZE MAYOR TO SIGN THE MARRANO DRIVE ENGINEERING AGREEMENT

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

WHEREAS the mayor is authorized to enter into an agreement with DiDonato for engineering services in connection with the Marrano Drive Culvert Project.

WHEREAS the Marrano Drive Culvert Replacement Project is being funded 100% through the Bridge NY Program.

WHEREAS On September 16, 2022 the Village solicited Expression of Interests from prequalified consulting engineering firms listed on the NYSDOT Region 5 LDSA list.

WHEREAS on October 5, 2022, the Village received a total of 7 responses to the September 16 2022 request and subsequently based upon a detailed review of qualifications from the consultants that submitted, and;

THEREFORE RESOLVE to enter into agreement with DiDonato Engineering & Architectural Professionals to provide Design, Bidding and Construction phase services for the Marrano Drive Culvert Replacement Project.

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
November 29, 2022

Agenda Item # 1

__Approved __Denied

ADOPT LOCAL LAW #3 OF 2022 – SENIOR TAX EXEMPTION

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 discuss the enacting of Local Law # 3 – senior tax exemption for the Village of Depew, Town of Lancaster and Village of Depew, Town of Cheektowaga.

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:

VILLAGE OF DEPEW LOCAL LAW SENIOR CITIZENS

§ 209-25 **Limitations on exemption.**

No exemption shall be granted: A.

If the income of the owner or the combined income of the owners of the property exceeds the sum of \$21,900 for the income tax year immediately preceding the date of making application for exemption.

(1)

Percentage of exemption to be calculated as provided in the following schedule:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
Up to \$29,000	50%
Over \$29,000 but less than \$30,000	45%
Over \$30,000 but less than \$31,000	40%
Over \$31,000 but less than \$32,000	35%
Over \$32,000 but less than \$32,900	30%
Over \$32,900 but less than \$33,800	25%

Over \$33,800 but less than \$34,700	20%
Over \$34,700 but less than \$35,600	15%
Over \$35,600 but less than \$36,500	10%
Over \$36,500 but less than \$37,399	5%

(2)

"Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return, or if no such return was filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest dividends, total gain from sale or exchange of a capital asset, which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from selfemployment, but shall not include a return of capital, gifts or inheritances. in computing the net rental income and net self employment income, no depreciation deduction shall be allowed for the exhaustion, wear and tear, of real or personal property held for the production of income. For the purposes of this article, income shall not include veterans disability compensation, as defined in Title 38 of the United States Code.

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
November 29, 2022

Agenda Item # 2

__Approved __Denied

ADOPT LOCAL LAW #4 OF 2022 – DISABILITY TAX EXEMPTION

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 discuss the enacting of Local Law # 4 - Disability tax exemption for the Village of Depew, Town of Lancaster and Village of Depew, Town of Cheektowaga.

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:

VILLAGE OF DEPEW LOCAL LAW

§ 209-31 Grant of exemption

Pursuant to § 459-c of the Real Property Tax Law, residential real property located in the Village of Depew and occupied by one or more persons with disabilities whose incomes fall into the categories listed below, shall be exempt from Village taxes to the extent listed below:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
Up to \$29,000	50%
Over \$29,000 but less than \$30,000	45%
Over \$30,000 but less than \$31,000	40%
Over \$31,000 but less than \$32,000	35%
Over \$32,000 but less than \$32,900	30%
Over \$32,900 but less than \$33,800	25%
Over \$33,800 but less than \$34,700	20%
Over \$34,700 but less than \$35,600	15%
Over \$35,600 but less than \$36,500	10%
Over \$36,500 but less than \$37,399	5%

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
November 29, 2022

Agenda Item # 3

__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 Hook & Ladder Co #1 to use the South Side Fire Station for their Christmas Party on Saturday January 14, 2023 from 4:00PM – 12:00AM.

And

Permission is hereby granted to the Depew Fire Department's West End to use the West End Fire Station for their Christmas Party on Saturday December 17, 2022 from 4:00PM – 12:00AM.

And

Permission is hereby granted to the West End Hose #6 to use Engine 6 for their Santa Detail on Saturday December 11, 2022. A small portion of the route goes outside the Village.

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

VILLAGE OF DEPEW
BOARD MEETING
November 29, 2022
Agenda Item # 4

__Approved __Denied

RESOLUTION

November 29, 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:

AETNA HOSE COMPANY

Dave Williams

The following resolution was seconded by Trustee _____, and **CARRIED**

VILLAGE OF DEPEW
BOARD MEETING
November 29, 2022

Agenda Item # 5

___Approved ___Denied

RESOLUTION

November 29, 2022

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT – JUNIOR
FIREFIGHTER PROGRAM**

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 junior firefighter program pending the passing of their physicals:

Junior Firefighter

Cody Williams
Sadie Burr

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
November 29, 2022
Agenda Item # 6

__Approved __Denied

ADOPT- FORESTRY MANAGEMENT PLAN

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

BE IT RESOLVED, The Village Board will adopt the Final Community Forestry Management Plan (CFMP) completed by Davey Resource Group as the Village of Depew's Official Tree Maintenance Plan. This will help the Village's growth in a positive way as a Tree City USA and make sure our Urban Forestry is maintained for the community.

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
November 29, 2022
Agenda Item # 7

___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**

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	_____	_____	_____	_____

VILLAGE OF DEPEW
BOARD MEETING
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Agenda Item # 8

__Approved __Denied