

MEETINGS: 26  
NO. OF REGULAR: 25

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**March 14, 2022 7:06 PM**

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

**ON A MOTION BY**, Trustee Ziemba and seconded by Trustee Kucewicz the February 28, 2022 board meeting minutes were approved.

**Public Comment Agenda Items Only:**

Paul Sprada – Regarding the Dawson Field Markets, where will they be setting up their tables and things. Mayor Peterson said between their outfield fence and the fence on the West end side, which is the Village’s side of our small park there. Paul asked where they will be parking for the market? By the North East side Mayor Peterson said yes, they do have an agreement with that building there. What about the streets? Mayor told him that’s a good question for Bruce, he will be here for the Public Hearing. He’s the one running the show there, but he was under the understanding that they will be trying to park some of the cars by the same building because the space is big enough. Paul’s concern was if they were going to be parking on both sides of the street it would block the way for emergency vehicles. The Mayor also advised him that we were awarded some grant money for sidewalks and we will be doing from the Village’s park up and around the ball diamond as well. The other thing was the motion for the fire training and it mentioned something about the safe driving class. Will that be open to the public? It will not, it is for firemen and their families only. The firemen are free but the family member is \$35 a piece.

**AUTHORIZE MAYOR TO SIGN ENGINEERING AGREEMENT - GHD**

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

**WHEREAS**, the Village of Depew is currently utilizing GHD 285 Delaware Ave. Suite 500 Buffalo, NY 14202 for Engineering Services in the Village of Depew;

**WHEREAS**, the Village of Depew would like to continue this Professional Engineering Service with a fee of \$140/hour for the calendar years 2022-2023 and 2023-2024.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is authorized to sign the Professional Engineering Service Proposal.

The foregoing 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

**MODIFY 2021/2022 BUDGET**

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

**BE IT RESOLVED**, the Administrator is hereby authorized to modify the 2021/2022 Budget in the following manner:

Revenues – 10.4 2770 Unclassified Revenue - \$15,000 – Auction

Expenditures – 10.5.3120.451 Repairs to Auto - \$15,000 – Explorers

The following 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

#### **PERMISSION CODE ENFORCEMENT OVERTIME**

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

**WHEREAS**, permission is requested for Code Enforcement Officer Donald Bielefeld to be approved for up to 3 hours a week in overtime for him to work on tasks that need to be completed. There is currently training that is required by the state. If additional work outside of normal business hours is required, an extension will be considered.

**BE IT RESOLVED**, that Code Enforcement Officer Don Bielefeld is hereby given permission to work 3 hours a week in overtime for him to work on completing the necessary tasks for no more than 90 days.

The 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 ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING TAX CAP OVERRIDE – LOCAL LAW #2 OF 2022**

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

**Be It Resolved**; the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday March 28, 2022 at 7:00 pm in the Council Chambers. 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.

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

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING FOR A MARKET AT DAWSON FIELD.**

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

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for a public hearing for a proposed market at Dawson Field, every other Saturday this summer from June to September, the public hearing will be held April 11, 2022 at 7 PM in the Council Chambers of Village Hall, 85 Manitou St, Depew, NY 14043.

The forgoing resolution was seconded by Deputy Mayor Hamernik, and duly put to a roll call vote which resulted in the following:

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

**AWARD BID- SEWER BID**

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

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, the bid for the Phase 5 Cap, Walden Transit Sanitary Sewer from the bid opening March 8, 2022 in the bid amount of \$2,398,305.00 to be awarded to:

National Water Main Cleaning Company  
25 Marshall St.  
Canton, MA 02021

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

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

**PERMISSION FOR HISTORIAN TO PURCHASE MATERIALS**

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

**WHEREAS**, permission is given to the Village of Depew Historian to purchase materials using restricted fund balance from the General Fund, not to exceed \$15,000.

**NOW THEREFORE BE IT RESOLVED**, that the Village of Depew Historian has permission to use these funds to purchase materials.

The foregoing resolution was seconded by Trustee Ziembra 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

**PERMISSION CHICKEN BBQ**

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

**BE IT RESOLVED**, permission is hereby granted to Depew Hose Co. #1 to utilize the Northside Fire Station on May 14, 2022 for their company's Chicken BBQ from 9:00 AM until 4:00 pm.

The forgoing resolution was seconded by Kucewicz and **CARRIED**.

**PERMISSION – FIRE DEPARTMENT**

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

**WHEREAS**, Permission is hereby granted to engine 1, ladder 5, and rescue 7 to take the apparatus to the fire academy in Cheektowaga on Wednesday, April 6th for training from 6:30 PM till 10:00 PM.

And

**WHEREAS**, Permission is hereby granted to use the northside fire station on Wednesday, March 30th from 6:00 PM till 10:00 PM for a safe driver class

**THEREFORE, BE IT RESOLVED**: The above foregoing resolutions were 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

**EMPLOYMENT APPLICATIONS** – Rec – Allyson Koedel

**DEPARTMENT HEAD REPORTS –**

Liz Brinkworth from Assembly Member Monica Wallace's office first want to congratulate both Andrew and Audrey on their new roles. She offered the following: Please feel free to reach out to me if you have any questions, comments or concerns regarding OCM as I will work with our contact at OCM to provide you answers and clarification. I highly encourage you to sign up for OCM's digital newsletter as they routinely share information and provide updates on community meetings, OCM board meetings, etc. I have included the link to their sign up page - [https://cannabis.ny.gov/sign\\_up\\_for\\_updates\\_from\\_OCM](https://cannabis.ny.gov/sign_up_for_updates_from_OCM)

In addition, please see the event information from NYCGPA (New York Cannabis Growers and Processors Association). The meeting is mainly for prospective and current cannabis industry members, but in the future they are also going to be hosting educational and community wide events.

If you have specific concerns or questions about zoning and codes, please let me know and I can ask our contact at OCM and will report back to this group.

Bob Brandon of Senator Kennedy's office congratulated Andrew and Audrey on their new duties. The Senator is on the Chairman of the Transportation Committee and he sponsored a bill that is going to reimburse school districts for purchasing electric school buses. He traveled to many school districts to see what the buses looked like and was

taken for a ride in them. There is a State law that says by 2030 the State will have lowered the greenhouses gas emissions by 40% from what they were in 1990. This is one attempt to bring down greenhouse gases by using electric buses. Governor Hochul expressed a desire to have all school buses electric by 2035. This is just something she is proposing. The Governor signed a bill sponsored by Senator Kennedy to allow owners of auto-cycles to have just a regular driving license. All they will need is a Class D. These auto-cycles look like a motorcycle, it has a steering wheel, a seat, gas pedal, accelerator pedal, it is more like a car than a motorcycle. His bill says all you need is a Class D license and not a motorcycle license. It is a big thing coming up right now. Senator Kennedy was at the Greater Ukranian / American Cultural Center in Buffalo in support of the situation there. He also met with the Broadway/Fillmore planning committee to discuss how they would spend the \$10 million they received Downtown Highway Revitalization funds to revitalize the neighborhood. Make it more business friendly, improve quality of life. This area looks to be the next one like the others that were also done. The Senator will be here to march in the St. Patrick's Day Parade and will leave after to fly to Washington, DC to meet with the President. Today the Senate and Assembly submitted their one house budget. Now they will sit and discuss the priorities are and what their fiscal costs for them are. Now they'll get together and discuss what they think would pass by the legislature. The Budget has to be passed by April 1<sup>st</sup>.

Police Chief Miller: Our department and our officers are doing a great job. They are engaged with the community and are working hard to keep this community safe. We received grant funding from the Erie County Stop DWI office – for the amount of \$12,000.00, this will allow us to have additional patrols on every weekend in 2022. With this funding, we will be able to keep the streets safer throughout the year. Great news for the Village

Just a reminder - please remember to lock your cars, take your keys, and remove your valuables. We had another car stolen last night but it was quickly recovered and three juveniles were arrested

With the weather getting nicer, I encourage everyone to drive safe. Car accidents have been on the rise as of lately. Most accidents are avoidable. They occur for many reasons the top 5 are:

**Distracted driving** – cell phone, eating, drinking, taking pictures, switching lanes, playing with the radio

**Speeding**

**Driving while impaired**

**Reckless driving** – speeding, tailgating, switching lanes to fast

**Weather**, Are the top 5 reasons of why or how they occur

We need everyone, to think safety first and drive smarter – everyone needs to do their part to keep our streets safe.

Assistant Chief Gauthier told everyone that there are currently 116 members, 14 Junior Firefighters on their active rolls. They are already up to 16 fire calls for the month of March. They just changed their clocks for EST and this is the time that everyone should be checking their smoke detectors and CO2 detectors to make sure they are working properly or replace the batteries if they are not. This should be done twice a year during the changing of the clocks. If anyone is interested in joining the department, visit them at Depewfire.org. You can start the process there. Please keep in mind all of the chicken bbq's coming up that just went through the board tonight, if you want to help the fire department you can attend the chicken bbq's.

DPW Superintendent Ken Pyc – wrapping up with cutting of trees, after that will be stump grinding and seed planting, the guys are almost done in the Code department, will be working on the Fitness Court soon, weather permitting.

Rec Director Kevin Ferguson – On April 10<sup>th</sup> there will be an Easter Egg Hunt at Firemen's Park from 1-3pm. There is a limit of 200 kids, 20 volunteers will be available to help keep the lines moving and his guys will set up the tables for it on Friday and will return Monday to clean up. Children will receive a gift and will be able to visit with the Easter Bunny as well.

CEO's Don and Craig – CEO Don told everyone that Craig is doing a great job and is working out very well. Their basket of backlog should be cleaned up by the end of the week. There is a lot of commercial and small business picking up permits right now. A lot of activity in the Village.

Attorney Alba told everyone to remember, heed his advice on FOIL requests. The title on the Sanilac property is hopefully close to closing. No one has contacted him regarding the small animal law. His cards are available if anyone would like to email or call him regarding it.

Trustee Kucewicz thanked the PBA for the nice event they held last weekend at the meat raffle!

Trustee Ziemba welcomed new Trustee Adolf to the board. There will be 3 household hazardous waste dates coming up, but not all of the locations have been decided upon yet. He informed everyone that beginning 5/1 if you purchase a gallon of paint and do not use it all, you can return it for recycling for a fee of .45 cent fee. We are the 10<sup>th</sup> State to participate in this program.

Trustee Adolf thanked Mayor Peterson for his appointment to the board and thanked the Trustees, he looks forward to working with everyone. We have a great team here and he is also looking forward to going forward with everyone.

Resident Dave Burkhardt, 5 Autumn Lea asked if there was going to be another shelter going in at Firemen's Park. And if the new long shed will be open by the end of the year. Mayor Peterson said no, there will not be another shelter and the long shed will not be rentable. Maybe in the spring, it will be available, but after the end of the year is the projected opening. The new long shed will be built right where the old one is. People will be able to rent it in the winter going forward. Dave mentioned that there was a fire right across from him, Lancaster Auto, was there a lot of damage over there? Assistant Chief Gauthier said no, just the vehicle that was outside of it and minor damage to the garage door. CEO Bielefeld added that he spoke to the owner of Lancaster Auto that day and he is planning on closing up that business. They are having all of the outside debris removed and cleaning up and will be putting the building up for sale. Don addressed the property maintenance with him and he was having the tires that are outside picked up that day and after cleaning up, he's closing up. The owner is going to be contacting the owners of the vehicles/boats to inform them that he is selling. Don also talked to the gentleman across the street from him, to answer Dave's question, and that building has sold as well. He did not say who he sold it to.

Mayor Peterson asked Bob if the vehicle he spoke about was a 4 wheel vehicle and Bob said it is a 3 wheel vehicle. Bob said it's the new thing coming. Has a hand brake and a steering wheel, a regular seat, it has gas pedals, etc. Mayor Peterson addressed Bob and Liz about a conference call he sat in on with Senator Gallivan the other day, which touched a little bit on cannabis. He thinks progress has been made with the board and it has been filled correct? Both said yes, the board is completely filled and Bob also added that they've addressed some rules and regulations that will come out soon. Mayor Peterson explained that we opted in obviously, because they felt that they were going to be able to be part of enforcement and that we might as well take the percentage that would come to the Village. The first 1 to 200 licenses are going to be given to people who have been convicted of marijuana crimes, or their families. So his question is, if someone were to apply for that license today and they did not have that conviction, they would be over-looked? They are given preference Bob replied. But there will be more than 200 at eventually. Mayor Peterson asked if they will know how many are going to be in Depew? And will they tell us? Bob replied yes. He doesn't know how they will do that, he's not sure how they will determine where they will go. The Mayor said he thinks we need to fast forward a couple months and start looking at the zoning issues so that we're prepared when they determine what the criteria will be. Liz added that there is a meeting coming up, like when they met before, it will be with growers and processors, since they have such a big stake in it. She will forward the meeting link to everyone. You can sign up if you wish to. The Mayor was very disappointed to hear that our District Attorney has chosen not to get involved with a shop that sells stickers for

\$300 and gives away a bag of marijuana as a bonus with it. There is one in the zip code 14043, although it's not in the Village of Depew, it is one of 4 that he is aware of that use that process. He was disappointed that our lead, top prosecutor chose to say that he was not going to prosecute that. Cheektowaga did make an arrest and they are moving ahead with it. Would they have even been qualified to get a license now that they jumped the gun on it? Liz informed everyone that that disqualifies them. The OCM said that if they jump the gun, it disqualifies them and they will be told to cease and desist and it could be followed up with criminal charges. Would not allow them to get a license because it is illegal.

### **PUBLIC COMMENTS OR CONCERNS –**

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Ziembra and seconded by Deputy Mayor Hamernik, the following claims are to be paid: \$471,555.71 General, \$115.79 Community Development, \$216.00 Sewer, \$14,909.06 Capital Projects, \$317.50 Capital Projects Building Reno \$2,065 Fire Dept Roof, \$489,179.06 Capital was **CARRIED**.

#### **ADJOURNMENT**

**ON A MOTION BY** Deputy Mayor Hamernik and seconded by Trustee Ziembra the meeting was adjourned with a moment of silence for the victims of war in Ukraine and the victims of the Warner Rd and Clarence Center vehicle accidents at 8:01 **PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator