

MEETINGS: 10  
NO. OF REGULAR: 10

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**August 8, 2022 7:00 PM**

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

**ON A MOTION BY**, Deputy Mayor Hamernik and seconded by Trustee Ziemba the July 25, 2022 board meeting minutes were approved.

**ON A MOTION BY**, Deputy Mayor Hamernik and seconded by Trustee Kucewicz the July 14, 2022 Zoning Board Meeting minutes were accepted.

1. Andrea Barsi, on behalf of Our New Leaf Grab and Go Cafe for the property located at 2304 George Urban Blvd, of Chapter 260, §260-33(M)11, Seeking relief to not have restroom facilities for exterior dining. Granted with stipulation that signage be placed stating no public restrooms and outdoor seating area is protected from parking lot traffic.
2. Richard Anna - 47 Olmstead Ave for two variances, of Chapter 260, §260-14(B)(4)(b)(2) yards on corner lot, The exterior side yard for residential corner lots shall be as follows: Eighteen feet minimum when the rear lot line abuts a side lot line of the neighboring lot. And of Chapter 260, §260-23(A)(2), R-1 Principle Use Dimension standard, maximum building coverage, 30%. Granted.
3. Joseph O'Brien - 5473 Transit Rd, of Chapter 260, §260-20, to allow him to transition the property from a commercial to residential use. Granted with proviso that additional variances are required to transition the property from a commercial building to a residence to comply with Code.

**Public Comment Agenda Items Only:**

Dave Burkhardt - Question on the zoning variance for Our New Leaf Grab and Go Café – Why were they asking for relief of having restrooms on location? Isn't it a requirement that they must have restroom facilities? CEO Don informed him that yes, it is our code, but that is why they came before the Zoning Board, to ask for relief from that requirement because they have no indoor seating. They are too small of a location. Mayor Peterson and Deputy Mayor Hamernik explained that this location is just like the ice cream locations where there is also no indoor seating available.

**AWARD BID- SIDEWALK PROJECTS FOR CHEEKTOWAGA SIDE AND LANCASTER SIDE**

Deputy Mayor Hamernik offered the following resolutions and moved for their adoption:

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, the bid for the Cheektowaga Side Sidewalk project from the bid opening July 14, 2022 in the bid amount of \$107,600.00 be awarded to:

Campobello Construction Co., Inc  
23 Stratford Rd.  
Buffalo, NY 14216

And

**BE IT FURTHER RESOLVED**, that upon the recommendation of the Village Engineer, the bid for the Lancaster Side Sidewalk project from the bid opening July 14, 2022 in the bid amount of \$137,460.00 be awarded to:

Campobello Construction Co., Inc  
23 Stratford Rd.

The 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

**RESOLUTION** **AUGUST 8,**  
**2022**  
**WITH REFERENCE TO THE PROPOSED**  
**VILLAGE OF DEPEW, ERIE COUNTY, NY**  
**SEWER PHASE 7 PROJECT**

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

**WHEREAS**, the Village of Depew engaged GHD to complete an engineering report for the Village's Sewer Phase 7 system identifying the current sewer distribution system's shortcomings, the proposed infrastructure improvements necessary to improve the distribution system's performance, and the projected cost for residents of the Village: and

**WHEREAS**, affordability for Village residents and property owners is a significant concern in advancement of the proposed projects: and

**WHEREAS**, the Village is eligible for Clean Water State Revolving Loan and Grant funding and the Village's desire to submit a competitive application to obtain WIIA funding to assist in making the projects economically viable to the Village's sewer users.

**NOW, THEREFORE, be it RESOLVED as follows:**

1. The Village Board authorizes Municipal Solutions, Inc. to prepare an application for Water Infrastructure Improvement Act (WIIA) grant funds from the NYS Environmental Facilities Corporation (EFC) for Clean Water program funding consideration.
2. The Village Board authorizes Kevin Peterson and Terry Wachowiak in her role as Village Administrator, to execute the application and any necessary supporting document required to apply for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).
3. This resolution shall take effect immediately.

**THEREFORE, BE IT RESOLVED:** The above 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

**PERMISSION –WAIVE PERMIT FEE**

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

**WHEREAS**, Centerpointe Church, 56 Burlington Ave, Depew, NY 14043 has requested permission to waive the tent permit fees for the following events:

1. An outdoor prayer service on Sunday August 28, 2022 from 10:00 am to 12:00 pm. At this service we will have a speaker lead our congregants in prayer for our community with a live worship team supporting the prayer through the playing of music.
2. A church picnic on Sunday August 28, 2022 from 12:00 am to 4:00pm. The picnic is free to the congregates of CenterPointe Community Church and will consist of food and outdoor games for those in attendance.

**NOW, THEREFORE, BE IT RESOLVED**, that permission is hereby granted to Centerpointe Church to waive the tent permit fees for the events named above.

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

#### **AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS**

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

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for bids for the General Contractor, the Electrical Contractor and the combined Plumbing and Mechanical Contracts for the Fireman's Park Pavilion Project. The bid openings will take place on September 8, 2022 at 10:00 AM.

The foregoing 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

#### **AUTHORIZE MAYOR TO SIGN AGREEMENT WITH CIVICPLUS**

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

**BE IT RESOLVED**, that permission is given to Mayor Kevin Peterson and the Board of Trustees to sign the agreement with CIVICPLUS for the new Village of Depew website.

The foregoing resolution was seconded by Trustee Ziemba, 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 – FIRE DEPARTMENT**

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

**WHEREAS**, Permission is hereby granted to take Engine 2 to the Tonawanda Training Tower, 70 Fire tower Drive, Tonawanda, NY 14150 on Thursday October 6th, 2022 from 5:30pm to 10:30pm for Firefighter Steve Beecher's BEFO class.

**THEREFORE, BE IT RESOLVED**: The above 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

### **PERMISSION – DEPEW JUNIOR FIREFIGHTER AND BOY SCOUTS**

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

Permission is hereby granted to Junior Firefighter Corey Peterson & the boy scouts to use the Northside fire station on August 14, 2022 from 11am-6pm for his Eagle Scout project & their meeting.

The foregoing resolution was seconded by Deputy Mayor Hamernik and **CARRIED.**

### **EMPLOYMENT APPLICATIONS** – Genevieve Anna

### **DEPARTMENT HEAD REPORTS** – N/A

### **PUBLIC CO and COMMENTS OR CONCERNS** –

Paul Sprada, 58 Argus asked the board if any consideration was being given to placing a permanent restroom facility at Veteran’s Park like we are doing with Fireman’s Park. The Mayor explained that, like Deputy Mayor Hamernik suggested, the ambiance at Veteran’s Park would not make that a good “fit” and would change the dynamics of that Park. Fireman’s Park is a different setting all together.

Glenn Izzard of 126 Patsy Lane and Jason Moline at 116 Patsy came before the board to ask their assistance with an overflow problem they have been experiencing on their properties for years. Ever since the new WNY Dental business was opened and some new paving work was done, each time we get a heavy rainfall, their backyards are flooded with over-flow from the storm sewer that runs directly along the back of their properties that abuts the parking lot. The flow sometimes gets to be a foot deep and has begun to run into Jason’s pool. They have filed a formal complaint with the Code Enforcement Office however, Craig Blanchard was the person assisting him. Now that he as left the Village, the complaint will be taken up by CEO Don who will work with Sam to take a look at it to see if anything can be done to help them alleviate the problem. They did have pictures for the board and showed them the backyards after that last heavy rainstorm. Don will also coordinate with WNY Dental.

Mary Momat 4 Wenona, came before the board to say that when the DPW worker’s were on site taking care of the “NO Parking” signs and putting down some blacktop to correct the issue she brought up before the board at the last meeting, the work they did caused the other side of the street to retain water. DPW Superintendent Pyc explained that nothing his crew did affected the West side of the street. She never brought up standing water the last time she was here, so in turn, nothing was looked at for that issue. Now that he is aware, he will look into it to see if there is anything that the department can do. She explained that when she approached one of his employees, she got a smart aleck remark back and Ken said we were not there to take care of anything other than what they were there to do and they did what was asked of them. She also said that now people are parking on the West side of the street and again it is a safety issue. Even the business next to Emerald that parks his trailer on the other street is still an issue and nothing has been done about it. Her and Joe, her husband who was also in attendance, said they don’t want to be a problem for their other neighbors and are trying to go about it properly. Lt. Menard told them that this is a Police Department issue and they have to call them this in for us to send out a car. Yes, we can treat it like we do in the winter and issue warning tickets to let the neighbors know there is not parking on the East Side of the street. But they have to call it in. Ms. Momak addressed

Ken again and asked if he would notify her when he takes a look at the street situation and he replied, we acted rather quickly to your last request and that is now taken care of. Now that he knows, he will take a look at what might be able to be done.

COE Don let everyone know that our new PT Code Clerk is working out very well. He is interviewing for the FT Assistant CEO and will hopefully have someone on board shortly. Until then, he is a little behind so please be patient with him. Permits are what he is taking care of first right now.

Lt. Menard gave the monthly report of June with 111 Criminal Complaints, 990 Non-Criminal complaints for a total of 1,101. There were 3 stolen vehicles, all of which were recovered thankfully, we had 29 Property damage accidents, 5 Injury accidents. 19 males were arrested, 6 females as well. People's vehicles are being stolen because people are leaving their vehicles running while running into the store or running them so that the A/C is on when they use them. The department is also having the Lucky Duck Scavenger Hunt at Fireman's Park this year, it is running now, from 8/5-8/14 with 12 Lucky Ducks placed at different location within the Park. One is the special Lucky Duck as well. There are directions right in the Gazebo for anyone wishing to participate. We started this because of the pandemic in an effort to get people outside and in the park.

Chief Gauthier told everyone there were 33 calls this month and we are up to 196 for the year. He urges residents to check your detectors at home to make sure they are working correctly.

Rec Director Ferguson reported that some of the sports have now ended and that the pool is up and running, thank you to Ken and his two mechanics who found a way to get the pump running. We have extended the pool season by one week this year and next year will open one week early as well. They are working on building the new locker rooms at the rink, which will open on 9/11 this year.

DPW Superintendent Pyc said Mary Lou will be paved tomorrow, was supposed to be today but due to the weather he had to move it. They will be paving this week. He will work with Elmar when they move to Gould for paving as well. The Fitness Court is complete now. He laid the sod there and also had some leftover that they put down at the Dawson Playground.

Attorney Alba explained that we had the motion tonight for CivicPlus to complete our website update. He has the draft lease agreement for the solar project. We have received 10 article 7 tax challenges.

Bob Brandon told the board that the Senator has been busy and one bill in particular that has passed is for 18-20 year olds to be able to get their license for driving semi trucks and larger vehicles interstate. Right now they can get their license but only for NYS. He also explained that the Senator is backing having a representative on the NFTA board to be the liaison for handicapped people who rely on the NFTA for transportation. These people need a voice at that level and should have representation on their behalf.

Trustee Kucewicz thank everyone who had input in the website needs to be able to get this agreement signed and in place.

Trustee Adolf thanked her for spearheading this project. Most people don't know that when you take on a project like this there are hours spent doing research and the leg work to get it off the ground.

Trustee Ziemba agreed with Bob that having a handicapped individual on the NFTA board is extremely important!!

Deputy Mayor Hamernik let everyone know that the food truck will be here Saturday from Feed More of downtown.

Mayor Peterson told everyone about the Grand Opening of the Brand New Fitness Court on Saturday at 11am. Mr. Salvatore will be there to help us with the ribbon cutting along with Ambassadors to demonstrate how the fitness court exercises can be used properly. Tomorrow he is meeting with Assembly Member Wallace at the Heritage Trail to talk about the \$50,000 she was able to get for a feasibility study to expand the trail into the Towns of Cheektowaga, Lancaster and both Villages, Depew and Lancaster.

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Ziemba and seconded by Trustee Kucewicz, the following claims are to be paid: \$670,069.22 General, \$45.73 Community Development, \$26,306.64 Capital Projects, \$696,421.59 Capital was **CARRIED**.

#### **EXECUTIVE SESSION**

At 8:00 PM Deputy Mayor Hamernik made a motion to enter into executive session, Trustee Kucewicz.

At 8:55 PM Deputy Mayor Hamernik made a motion to exit out of executive session, Trustee Kucewicz seconded.

No decisions were made

#### **ADJOURNMENT**

**ON A MOTION BY** Trustee Ziemba and seconded by Trustee Adolf the meeting was adjourned with a moment of silence for Olivia Newton John at 8:56 PM.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator