

MEETINGS: 15
NO. OF REGULAR: 15

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
October 24, 2022 7:09 PM

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

ON A MOTION BY, Trustee Adolf and seconded by Trustee Kucewicz the October 11, 2022 board meeting minutes were approved.

ON A MOTION BY, Trustee Adolf and seconded by Trustee Ziemba October 13, 2022 Zoning Board meeting minutes were accepted.

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.

Trustee Adolf - Y
Trustee Ziemba - Y
Trustee Kucewicz - Y
Deputy Mayor Hamernik -ABS
Mayor Peterson - Y

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.

Trustee Adolf - Y
Trustee Ziemba -Y
Trustee Kucewicz - Y
Deputy Mayor Hamernik -ABS
Mayor Peterson – Y

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.

Trustee Adolf - Y
Trustee Ziemba -Y
Trustee Kucewicz - Y
Deputy Mayor Hamernik -ABS
Mayor Peterson – Y

Public Comment Agenda Items Only:

Dave Burkhardt, 5 Autumn Lea – asked about the solar panels and where they will be located. Attorney Alba explained that the Village has an agreement with a solar company to place solar energy units on. They will be located at the old Reclamation Landfill on Broadway. Dave then asked if the sun will cause a problem when vehicles are on Broadway heading East. Sam replied that it should not hinder their visibility. We are also going to receive training for our Fire Chief’s on how to extinguish a fire in the event something should happen, at no charge to the Village.

CANCEL VILLAGE BOARD MEETING

Trustee Ziemba, 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 Adolf and **CARRIED**.

CHANGE OF PAYROLL DATES

Trustee Adolf, 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 Kucewicz and **CARRIED**.

PERMISSION – DEPEW FIRE DEPT

Trustee Kucewicz, 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 Ziemba and **CARRIED**.

PERMISSION – DEPEW FIRE DEPT

Trustee Ziemba, 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 Chritmasville 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 Chritmasville 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 Adolf and **CARRIED**.

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

Trustee Adolf, 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 Kucewicz and CARRIED.

APPROVE LONGEVITY PAYMENTS

Trustee Kucewicz, 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 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 - ABS
Mayor Peterson - Y

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

Trustee Ziemba 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 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 – ABS
Mayor Peterson - Y

AUTHORIZE MAYOR TO SIGN THE MARRANO DRIVE CULVERT AGREEMENT

Trustee Adolf, 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 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 – ABS
- Mayor Peterson - Y

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

Trustee Kucewicz, 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 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 - ABS
- Mayor Peterson -Y

This resolution was tabled by
Trustee Ziemba and seconded to
table by Trustee Adolf

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:

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

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 24th 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: _____

PERMISSION TO SIGN – ESCROW AGREEMENT

Trustee Adolf, 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 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 - ABS
Mayor Peterson - Y

EMPLOYMENT APPLICATIONS – Rec - Kera Kwiatkowski, McKenzie Dellaneve, Abby Fisher, Jake Fleck, Salvatore Dellaneve, Madison Massaro, Benjamin Fleck

UNFINISHED AND OTHER BUSINESS – N/A

DEPARTMENT HEAD REPORTS – - N/A

PUBLIC COMMENTS OR CONCERNS

Good evening everyone! My name is Elizabeth Brinkworth, Chief of Staff for NYS Assemblymember Monica Wallace.

This past week NYS Police Academy welcomed 218 new troopers to their ranks. Congratulations to those who graduated. Assemblymember Monica Wallace hopes you stay safe in protecting and serving the people of our great state.

Last week Assemblymember Monica Wallace joined NYS DEC Commissioner Seggos in announcing a \$ 7 million investment to expansion project at the Reinstein Woods Nature Preserve Education Center. This 7,000 square foot expansion will allow for more programs for area youth and better accessibility for visitors with disabilities.

Working with Governor Hochul's office to get Assemblymember Monica Wallace's bills signed into law. A744/S5262 – requires health clubs with a membership of 50 or more to have at least 1 automated external defibrillator on the premises which is accessible to the staff, members and guests. A8881-A/S8206 – establishes the office of hospice and palliative care access and quality.

Unfortunately, winter is coming but with Assemblymember Monica Wallace's efforts along with Senator Kennedy (A811-A and S3532-A), their green light bill was passed and signed into law which will allow snowplows to have green flashing green lights on their snowplow trucks. These green lights can be seen long before the yellow flashing lights. This will protect snowplow drivers and our motorists in hazardous white out conditions.

Assemblymember Monica Wallace wishes everyone a safe and Happy Halloween. As always if you need any assistance on the state level. Please contact our office.

Don in Code told the audience that the construction season is wrapping up. The week has started out with some oddities and they are in the process of following up on those odd questions regarding CofC's. Time is now focusing on the commercial end work in the department. He reminded people to clean up their yards and keeping the sidewalks free of snow. The Shamrock building has been sold again and he will be sending the notifications of violations to the new owners.

Chief Miller just a reminder, Halloween is next week. If you are driving, slow down and watch for the little ones on the street. If you are out begging for treats, wear reflective

bright colored clothing, don't walk in the street and don't eat any of the candy until you get home and it has been inspected by your parents.

Ken Pyc said that the DPW is going to start the tree planting for the fall. Sidewalk replacement work should be finished by the end of the week. His department already has the "green lights" on the vehicles, but he will need to purchase more. Please put your leaves in the right of way, not in the street. Residents do not need to call the office to schedule leaf pick-up as they have a route to cover all streets. They will get to them as they follow that route.

Kevin Ferguson told everyone that the pool will be closed this week. He has enough rink guards and cashiers so the learn to skate and open skate programs will begin soon.

Chief Gauthier reported that they have had 20 calls for the month so far and 271 calls for the year to date. Tuesday will be the Depew School bonfire beginning at 7:30 which they will be on site for. Fireman Bob Brotz was just honored by Erie County who added him to their Wall of Fame as a 60-year member of the department.

Attorney Alba hopes that the lease agreement for the solar farm will be on the next board meeting agenda. He wants to speak with Liz of Monica Wallace's office regarding the Extreme Risk Protocol and how it is almost turning into a full time job that is unfunded.

Trustee Adolf reminded residents to be extra cautious of kids not only on Halloween but always be alert for kids running in the street, dog walkers and runners.

Trustee Kucewicz said she was saddened to see so many familiar faces in the audience to address the Airbnb's....please note that we are addressing this situation now and plan on coming up with some rules and regulations for the homeowner's to be accountable for when they rent out their homes.

Sharon Willinski, 58 Middlesex Drive approached the board to discuss this very subject. Why is the Police Department not doing anything???? The Airbnb at 52 Middlesex is awful! Last week was the worst! Underage kids drinking, 14-15 year olds! They're loud, and they are disrespectful and the foul language is unbelievable. They are there until 4:00AM! There is litter and garbage everywhere, in the backyard! No adults supervision! This is all happening right outside of my bedroom window! The owner doesn't even drive by the property to check on it, but he does live in the area. This wasn't the first party there. In 2 weeks there will be another one!!! All the people here are very, very upset! Just this weekend they broke the fence in the backyard!!! Chief Miller said that he was at the location today. We are working on it now and a lot depends on local laws, we're working on them. Don asked her to stop in tomorrow and fill out a complaint form. Sharon said she contacted the garbage police too!! Chief Miller asked that she call every time there is an issue and he will get be more proactive. This is a quality of life issue. You can call as often as you like. Don told her to stop by any time to fill out the complaint.

Leonard Rosowicz, 28 Middlesex – He has made multiple calls to the police department. The music is so loud they couldn't even hear me yelling!! Racial slurs, threats being made to his wife! Dispatch told him to return to his home and lock the door. So many cars they were under siege! They're going 60 mph down the street. One of them told his wife that they were gonna "kick the shit out of her"!! Underage drinking, all of this going on until 3 or 4am! They were kept up in their own home. Was the craziest thing they've ever seen! He asked isn't there a noise ordinance? Sam said yes, we do have one. We are thinking about starting a Airbnb Registry, if it happens again we can lay a significant hammer! Mr. Rosowicz told the board he used to live on the East Side and he felt like he was back there again. Very unruly behavior! No one is really sure if they are Depew kids. One of his neighbors had someone try to get into her house didn't know where they were! She had it on her doorbell camera. Chief apologized and said he will make sure this is addressed. He will speak to the Supervisors on the night shift.

Peter Sterchek, 17 Columbia – He thanked the board for updating the playground next to his property. It is really awesome! It's 3 or 4 more times the amount of people that used to be there. He also has friends and family members that use it. The rubber flooring is the best thing the Village did! He's given it a full season to see the results of how it appears the park will be going forward. He would like to address his sidewalk and driveway issue. He hasn't been able to park in his driveway since the work started and he would appreciate being able to use it again. Ken Pyc told him it should be fine by the weekend and then he can use it. The asphalt was put down today. When he first talked to Mayor Peterson about the fence he was under the impression that it would be a vinyl privacy one. Mayor Peterson said he didn't share that with him, we had to keep the chain link and paint it to make it look better. Mr. Sterchek suggested that maybe we should put a port-a-john in the park. He and his wife have had grown adults approach them to ask if they could come into their home to use their bathroom!!! Children must not be being taught "stranger danger" because they ask also. They approach them to ask for water. Mayor Peterson asked if the adults get angry when he tells them no, they cannot come into his home to use the bathroom. He told the board that a couple of them got downright pissed off! Very strange behavior!! Another issue with the playground are the instruments there. The xylophone is fine, the drums aren't too bad, but the bell is very unpleasant!!! The bell is very jarring! They ring it on a Saturday at 8am! He told the board that the bell is right in the cab compartment. No one is policing the park anymore. People are there at all times of the day and evening! The Police are not doing anything there, not driving by or shining their light into it at night like they used to once in a while. He has seen and heard adults and teenagers there at night! He knows that vagrants and heroine users have been arrested there in the past by the Police. Hours should be posted as to when the park can be used. Mayor Peterson said they were taken down to be updated and that he thinks they are at the Recreation Department but will follow up to get them back up. He said that maybe we can look at a port-a-john in the park, we've not done so before in our parks but we can look at it. We've had a very positive response to the park. Even the young man in the audience that he met with before the pre-board meeting has used it. He asked Gabrielle to tell them what he thinks about the park and he replied that it is really good! He likes it a lot. Chief Miller told him that when he is hearing the voices in the park and sees the people at it, call it in and we'll send an officer over.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Adolf and seconded by Trustee Kucewicz, the following claims are to be paid: \$1,634,344.88 General, \$1,400.40 Sewer, \$1,635,745.28 Capital was **CARRIED**.

EXECUTIVE SESSION

At 8:12 PM Trustee Kucewicz made a motion to enter executive session, Trustee Ziemba seconded.

At 8:58 PM Trustee Kucewicz made a motion to exit out of executive session, that was held, and no decisions were made during it. Trustee Ziemba seconded.

ADJOURNMENT

ON A MOTION BY Trustee Adolf and seconded by Trustee Ziemba the meeting was adjourned asking to keep Kathy Garry (Village Hall Cleaner) in your thoughts and prayers after her recent surgery. The meeting was closed at 8:59 PM.

Respectfully submitted,

Teresa Wachowiak
Village Administrator