

MEETINGS: 16
NO. OF REGULAR: 16

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
November 14, 2022 7:07 PM

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

ON A MOTION BY, Trustee Adolf and seconded by Trustee Ziemba the October 24, 2022 board meeting minutes were approved.

ON A MOTION BY, Trustee Ziemba and seconded by Trustee Adolf October 27, 2022 Zoning Board meeting minutes were accepted.

1. Shamsur R. Shaheen for the property located at 29 Ridgeview St, of Chapter 260, §260-14(B)(1)(h), to allow him 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 -Y
Mayor Peterson – Y

Village of Depew
Notice of Public Hearing

The Village of Depew will hold a public hearing to discuss the enacting of Local Law #3 & #4 – senior and disability tax exemption 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 meeting room is wheelchair accessible.

By order of the
Board of Trustees
Teresa Wachowiak
Village Administrator

James Scheifler, 10 Eagle Terrace – spoke at the public hearing and told the Board that he has been on DBL since 2007, the threshold of earnings has not changed with the times. But, inflation has, same as social security. DBL is 25%. It's a double hit to him when inflation rises and social security, knocks him out of the exemption range! He feels the earned income should follow the same path as these increases do. Mayor Peterson said he agrees and now we just need to determine how to position these tables. The handout that was available for tonight shows the charts we set forth to start talking about it. If you are on the Lancaster side, you would get the Lancaster exemption. Cheektowaga's side would get Cheektowaga's exemption. Jim agreed that this order of thinking makes sense to him. The two Town's exemptions are so similar they are almost identical. It is not that much of a difference. He thanked the board for their time.

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING FOR LOCAL LAW #5 - SHORT-TERM RENTALS

Trustee Kucewicz, 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 Local Law #4 for short term rentals. The public hearing will take place at 85 Manitou St, Depew, NY 14043 in the Council Chambers on December 12, 2022.

The foregoing resolution was seconded by Trustee Ziemba and CARRIED.

APPROVE CREATION OF POSITION – FULL TIME POLICE CLERK

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

BE IT RESOLVED, that the position of Full Time Police Clerk, with the duties and responsibilities as set forth in the job specifications of the Erie County Civil Service, is hereby created.

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

MODIFY 2022/2023 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2022/2023 Budget in the following manners:

Revenue – 10.4.2770- Plow - \$2,811.44
Expenditures– 10.5.1640.453 - \$2,811.44

Revenue – 10.4.2770 – Motor - \$3,150.00
Expenditures – 10.5.1640.419 - \$3,150.00

Revenue – 10.4.2770 – Auction items - \$30,000
Expenditures – 10.5.3120.435 -Auction Items - \$30,000

Revenue – 10.4.2770 – Loyalty Reward - \$8,541.00
Expenditures – 10.5.9040.800 - \$8,541.00

Revenue – 10.4.2770 – Dump Truck - \$70,000
Expenditures – 10.5.5110.481 - \$70,000

Revenue – 10.4.2700- Fair Award - \$180.00
Expenditures – 10.5.7510.200 - \$180

Revenue – 10.4.2770 – Accadia Auction - \$9,924.26
Expenditures – 10.5.3210.00 - \$9,924.26

Revenue – Scrap - \$493.66
Expenditures – 10.5.1640.419 - \$493.66

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

**Village of Depew
Resolution of the Village Board of Trustees**

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

In the matter of changing the Village's LOSAP vendors

WHEREAS, the Village is the sponsor of a Length of Service Award Program (a “LOSAP”) on behalf of the Depew Fire Department, adopted and operated in accordance with Article 11-A of the New York State General Municipal Law (GML); and

WHEREAS, the GML requires the Village to engage the services of an actuary for the purpose of determining the annual amount required to be contributed to the LOSAP trust fund; and

WHEREAS, the Village also engages a professional investment portfolio manager/advisor to provide advice for the investment of the LOSAP assets as well as a firm to be the custodian of the LOSAP assets; and

WHEREAS, the Village’s LOSAP Committee has interviewed new firms and solicited competitive fee quotes from these firms; and

WHEREAS, the Village LOSAP Committee has recommended to the Village Board that new firms would improve the services being provided to the Village; NOW, THEREFORE BE IT

RESOLVED, that the Village retains Firefly Admin Inc. to be the actuary and to provide third-party administrative and payment services for the LOSAPs for the period November 1, 2022 to December 31, 2025, pursuant to their Engagement Letter and Payment Services Agreement.

BE IT FURTHER RESOLVED, that the Village retains CAPTRUST to be Portfolio Manager/Advisor for the LOSAP assets and Charles Schwab to be the new custodian of the LOSAP assets. The agreements with CAPTRUST and Charles Schwab are perpetual and will terminate at the discretion of the Board.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the necessary documents and agreements to facilitate the transition.

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

PERMISSION – POLICE DEPARTMENT

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

Permission is hereby granted to The Depew Police Department to participate in the Annual Christmasville Parade in Lancaster, NY 14086 from 5pm to 9pm on Saturday November 26, 2022.

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

PERMISSION –WAIVE PERMIT FEE

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

WHEREAS, The Depew High School music department is asking for the sign permit fees to be waived for their November 12, 2022 and April 1, 2023 craft shows. A sign will be placed in front of the high school by Transit Rd to advertise the craft shows.

NOW, THEREFORE, BE IT RESOLVED, that permission is hereby granted to The Depew High School music department to waive the permit fees for the sign advertising the craft shows.

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 - Y
Mayor Peterson - Y

RETURN UNPAID TAXES TO COUNTY OF ERIE

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

BE IT RESOLVED, the report of the Village Administrator, showing that in accordance with Article 14, Section 1436, Paragraph 2 of the Real Property Tax Law, is returning to the County of Erie, Department of Finance the 2022-2023 unpaid Village Tax accounts together with the unpaid sewer account pursuant to verification and certification of the Board of Trustees, and also that as of November 1, 2022, has collected the sum of \$11,042,038.51 leaving a balance of \$218,747.93. In accordance with section 987 of Real Property Tax Law, the Village has imposed a fee of \$2.00 per parcel for the “Notice of Unpaid Taxes”; the Administrator has added \$462.00 to the balance, we are also adding the unpaid lawn mowing charges of \$12,102.87, thereby leaving a balance of \$231,312.80, which has been transferred to Account A440, Due from Other Governments, for further collection on the Town/County bill, is hereby accepted.

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

Public Comment Agenda Items Only:

EMPLOYMENT APPLICATIONS

UNFINISHED AND OTHER BUSINESS –

DEPARTMENT HEAD REPORTS – Police Department October -

PUBLIC COMMENTS OR CONCERNS

Code – a lot of commercial business is happening right now Don said. He told everyone that Katie took her first class and scored a 100 on it!!!!!! Please remember, snow is coming. Keep you sidewalks and hydrants clear!!! Mayor Peterson asked if he knew anything about the corner of Transit and Walden, the restaurant looked closed. Terry mentioned that it looked closed to her too. Don was unaware of any closing and Mayor Peterson thought maybe they were just short of staff the day he went by.

Captain Norek reviewed the department report for October. He reminded residents that the no parking ban will begin tomorrow for the winter months. For the first few days they will be issuing reminder notices and then they will begin ticketing cars parked in the street. They will be participating in additional patrols with additions cars during the Thanksgiving holiday season. Mayor Peterson added that normally we can delay if we are not looking at any storms coming. However, we are supposed to see a storm coming in from Friday until Sunday.

Chief Gauthier told the audience that the fire department will be in the Christmasville Parade. They will also be staged at areas in the Villages in case of increased calls or assistance is needed.

RJ in our OEM office let everyone know that he and Galen are close to getting their classes done for the drone education and they are looking at a couple of drones that they like. They will be taking their refresher course for Tier II training which allows them to help the administrator if we are in need of submitting reimbursements to COVID, Etc.

Kevin Ferguson told everyone the lights are up at the parks. They are still buying more lights for Veteran's Park too. They will have Open skate the night of the Tree Lighting, 11/28 but not until later in the evening. The earlier one was cancelled. Mayor Peterson asked if they are ready to let Trustee Sojka put up his decorations like he does every year and the answer is yes!! He also said that Trustee Sojka was able to raise approximately \$8,000 last year by "sponsoring a decoration" program that he does. He will be doing that again this year.

Attorney Alba said he has been working on some local laws for the Village, one is for AirBNB Short Term Rentals that we are discussing now. He is hoping to come to a decision on the Solar Lease in either taking the one lump sum payment of the payments over the years. Cannibus is another law we are looking into and where such places will be allowed in the Village. Mayor Peterson added that the issues that arose over the weekend do not help the situation.

Trustee Kucewicz wished everyone a Happy Thanksgiving!!!

Trustee Adolf explained that he was able to attend an event for the Joint Vets Committee which was great! Thank you and thank you to all of the Veterans for your service!!!!

Trustee Ziemba reminded everyone that we will be having an Ewaste Drive on 12/3 from 9-2 here in the Village parking lot like last year. No charge for flat screen tv's, maximum number of 3 and (1) CRT TV is accepted at no charge.

Deputy Hamernik is working with the Erie County Climate Control which is going very well. She is a Judge in the Christmasvillage Parade so decorate the fire trucks well!!! The front of Village Hall will be cleaned up the weekend of 11/20.

Mayor Peterson announced that tonight was the first time the board met in our new conference room since it was turned into a drive through on 12/24/2021. The old conference room will become our new dispatch center. He also reminded everyone that the Annual Tree Lighting will be on 11/28 beginning around 6m at Fireman's Park. Hay rides will be back, the Depew School Choir will be on hand with Christmas Carols, fire trucks will be on hand, our new street lights will be installed as well. Marshmallows, books, cookies will be available for the kids!!

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz and seconded by Trustee Ziemba, the following claims are to be paid: \$454,339.21 General, \$859.00 Sewer, \$1,072,673.25 Capital Projects, and \$1,527,871.46 Capital was **CARRIED**.

EXECUTIVE SESSION

At 7:52 PM Trustee Kucewicz made a motion to enter executive session, seconded by Deputy Mayor Hamernik

At 8:20 PM Trustee Kucewicz made a motion to exit out of executive session, that was held, and no decisions were made during it and seconded by Deputy Mayor Hamernik.

ADJOURNMENT

ON A MOTION BY Trustee Adolf and seconded by Trustee Ziemba the meeting was adjourned asking to keep Lisa Barone (Account Clerk) in your thoughts and prayers after her recent surgery. A moment of silence was held for the mother of Sharon Quinn (Police Dept). The meeting was closed at 8:22 PM.

Respectfully submitted,

Teresa Wachowiak
Village Administrator

