

MEETINGS: 18
NO. OF REGULAR: 18

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
December 12, 2022 7:04 PM

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

ON A MOTION BY, –Trustee Kucewicz and seconded by Trustee Adolf the minutes of the October 29th minutes were approved.

ON A MOTION BY, Deputy Mayor Hamernik and seconded by Trustee Ziemba December 1, 2022 Planning Board meeting minutes were accepted.

1. Ryan Renshaw, of Schenne & Associates on behalf of The Muslim Community Center of WNY, for the property located 559 Penora St Depew, NY 14043. Requesting site plan approval and a special use permit to operate a community center in a R-1 Zone as per Chapter 260 § 260-23A(1) under the guidelines of Chapter 260 §260-32(B). Tabled.

Public Comment Agenda Items Only

Village of Depew
Notice of Public Hearing

A public hearing will be held on Monday December 12, 2022 at 7:00PM in the Depew Village Hall Council Chambers, 85 Manitou St, Depew, NY. The purpose of the hearing is to discuss Local Law #5 of 2022 - Short Term Rentals. The meeting room is wheelchair accessible.

By order of the
Board of Trustees
Teresa Wachowiak
Village Administrator

Deputy Mayor Hamernik opened the public hearing at 7:13 and Trustee Kucewicz seconded the motion.

Mayor Peterson explained that we were going to ask the Village Attorney to take the lead on this public hearing. Attorney Sam Alba told everyone about a month or month and a half ago we had a meeting and we had a lot of very angry residents including Jackie's neighbor who told us about a really horrible party in an Airbnb and we got to work to see how we could regulate short term rentals. The plan was to have a local law for tonight, on December 8th the New York Conference of Mayors had a very good seminar on, which a few trustees attended at which the Mayor's Secretary gave him notes on. So we don't have a local law for tonight. The plan is to hear public comment on this issue and hopefully have a local law at the next board meeting. We plan to hold the public hearing open until the next meeting.

Mayor Peterson added that he never knew Depew was a destination for people looking to get away. He thinks the short term rentals and the Airbnb is not necessarily that, it's just someplace to gather as a family or to just have a party. So there needs to be some regulation of that in order to protect the rights of the residents that live on the same street as the house it is on, as an example.

Paul Sprada 58 Argus, spoke at the public hearing telling the board that he hopes they would be proactive rather than reactive with this new law. Seems that is where we are at right now. There was a rental new his house and there were a lot of complaints. He feels that we should limit permits to 6 months at a time. He also thinks we should look at modifying our code to clearly describe the meaning of B&B's, Rentals, Transients or ban or prohibit them. What will the penalties be for violators? We also need to clearly define what is a dwelling and a resident. We need that to be law. Is it going to be allowed in all areas of the Village? It causes a lot of disruptions. A lot of people came before the

board last month with their complaints about these types of rentals. We should also make it mandatory to have local contact numbers for anyone renting out to people. Those doing so should be held accountable to maintain their properties like the rest of the residents in the Village. Mowing their lawn, trimming their shrubs, shoveling the driveway and sidewalks too. Who will enforce these new laws? Attorney Alba told him that both the Code Department and Police Department will have the ability to enforce these laws. He told him that even in our current code, we have the right to enforce these laws already. The meeting was left open in order to pick the issue back up either at a board meeting in January or February.

APPOINT POLICE OFFICER

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint:

Jon Andreessen

to the position of Police Officer, pending the Civil Service medical evaluation and personal history check, effective January 14, 2023 at a salary per the budget. These appointments are from Exam No.64-264.

AND

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint:

David Kislyuk

to the position of Police Officer, pending the Civil Service medical evaluation and personal history check, effective January 15, 2023 at a salary per the budget. These appointments are from Exam No.64-264.

AND

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint:

Matthew Ankerbauer

to the position of Police Officer, pending the Civil Service medical evaluation and personal history check, effective January 16, 2023 at a salary per the budget. These appointments are from Exam No.64-264.

The forgoing nominations were acted upon in the following manner by the Village Board of Trustees:

Trustee Adolf - Y
Trustee Ziemba - Y
Trustee Kucwicz - Y
Deputy Mayor Hamernik - Y
Mayor Peterson - Y

PERMISSION TO SIGN – COMMUNITY SHOWCASE BANNER

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

WHEREAS, Mayor Kevin Peterson is authorized to sign the contract with Community Showcase Banner, 130 East Main St, 5th Floor, Rochester, NY 14604.

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

Trustee Adolf - Y
Trustee Ziemba - Y
Trustee Kucwicz - Y
Deputy Mayor Hamernik - Y
Mayor Peterson - Y

AWARD BID- FIREMAN’S PARK IMPROVEMENTS

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

BE IT RESOLVED, that upon the recommendation given by Liz Meegan of Didonato Engineering, the bid for the Fireman’s Park new pavilion and bathrooms that was opened on November 10, 2022 is awarded to:

1. Allgaler Construction Corp in the amount of \$1,440,200 for general contracting work.
2. Quackenbush Co, Inc in the amount of \$166,500 for plumbing and mechanical work.
3. Concord Electric in the amount of \$164,800 for electrical work.

Total of all: \$1,771,500

BE IT FURTHER RESOLVED that the funds for this project will come from ARPA (American Rescue Plan Act) funds with the remaining balance coming from fund balance, with the amount not to exceed \$671,150.00. Additional funding will be sought as well.

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

Authorization for Mayor to sign Grant Agreement

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

BE IT RESOLVED, that the Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project – I&I investigation of Phase 9 (SSO Outfall 6, Warner & Falcon) and to fulfill the Village Of Depew’s obligation under the Engineering Planning Grant Agreement

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

Authorization and Appropriation of Local Match (20% Local Match)

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

BE IT RESOLVED, that the Village of Depew authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Village of Depew Engineering Study for Phase 9 (SSO Outfall 6, Warner & Falcon). Under the Engineering Planning Grant program, the local match must be at least 20% of the EPG award of \$100,000. The source of the local match, and any amount in excess of the required match, shall be paid using available Village funds. The maximum local match appropriated, subject to any changes agreed to by the Mayor, shall not exceed \$20,000 based upon a total estimated maximum project cost of \$120,000.00. The Mayor may increase this

local match through the use in kind services without further approval from the Village of Depew.

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

EMPLOYMENT APPLICATIONS – N/A

DEPARTMENT HEAD REPORTS –

Liz Brinkworth

This morning Assemblymember Monica Wallace met with Mayor Peterson and Trustee Andrew Adolf to discuss the needs of the Village of Depew in preparation for this upcoming session.

Assemblymember Monica Wallace attend the annual the Council of Heritage and Arts of India dinner last Saturday. To support WNYers from different communities and to celebrate the richness of diversity in our local area.

Tomorrow is the last day to donate hats and gloves for the Cheektowaga Boys and Girls Club. Our office is helping gather donations. Donations can be dropped off at 2562 Walden Ave, Suite 102, Cheektowaga, NY.

Assemblymember Monica Wallace met with members of the Lancaster Public Library, Western NY Library Resources Council and the Buffalo & Erie County Public Library to discuss how our local public libraries are vital community centers for learning, entertainment and so much more. Assemblymember Wallace is looking forward to advocating and supporting libraries during this upcoming legislative session.

Assembly Bill A4283 sponsored by Assemblymember Rosenthal – which prohibits the sale of dogs, cats and rabbits by retail pet shops; authorizes space for adoption has been delivered to Governor Hochul’s desk. As a cosponsor Assemblymember Monica Wallace encourages the Governor to sign this important legislation that will help ban puppy mills.

Chief Miller introduced the three new Police Officers

1. **Jon Andreessen** – Jon is the only candidate that resides in Depew and the last candidate on the Village of Depew eligibility list. He has a masters degree in education and just finished his student teaching obligations at clarence middle school and is a substitute teacher at Iroquois Central.
Exam 64-264 Village of Depew eligibility list
2. **David Kislyuk** – David is currently employed with TSA at the Buffalo Airport. He was previously a full time campus safety Officer at Daemen University and a Campus safety Lieutenant at D’youville College. He is currently residing in Kenmore with his wife and has agreed to relocate to Depew and is bilingual with Russian as a second language.
Exam 64-264 county wide eligibility list
3. **Matthew Ankenbauer** – Matt recently worked at Forbes Capretto homes in sales but due to the housing crisis he was forced to leave. He has an associates degree in business administration from NCCC. He has excellent communication skills and impressed all of our interview team throughout the process. He is currently residing in Buffalo and has agreed to move into the village.
Exam 64-264 county wide eligibility list

In addition – these employees have been given a conditional offer, based on the results of the county personal history and medical evaluation as well as psychological testing.

With Christmas getting closer, there is an uptick in fraud and charity scams.

- Charity scams –criminals are creating and impersonating popular charitable organizations
 - **NEVER send money** to a charity that you have not first verified to be a genuine charity. If not sure, you can check with the better business bureau at **give.org** to verify the charitable organization and to get giving tips
- Merry Christmas everyone

CEO Don told everyone that December has had a slow start to it, but there has been movement on the new car wash and the Cantalician Center Assistant CEO Kate passed another portion of her tests with a grade of 96%.

DPW Superintendent told the audience that they are finished with leaf pick up for the season and is ready for the snow that is coming this weekend.

Rec Director Kevin - The new lights on Erie Street look great!!! He has had a lot of kids for learn to skate and 40-50 kids at open skate too. January is the yearly tournament at the rink.

Chief John told everyone that they will be on Santa detail at the schools. For those folks that get a real tree, be sure that they are watered very well and stay watered every day. Merry Christmas and Happy Holidays to everyone.

Attorney Alba the new Red Flag law is in need to funding, he asks Assemblywoman Wallace to look into this. It takes up a lot of time and could be a full time job in and of itself. Police and Attorney's, including himself spend a lot of time on this new law.

Trustee Adolf reported on behalf of OEM. RJ and Galen are almost through with the drone classes, and both have recertified for their EMS classes as well.

Trustee Ziemba – good luck to the new officers, keep us and our residents safe. Merry Christmas and Happy New Year everyone.

Trustee Kucewicz congratulated the new officers and wished everyone a Merry Christmas. Also, check out our new website which is live.

Deputy Mayor Hamernik told everyone that West End Fire Hall just finished up their coats, gloves and socks drive. A whole pick up truck was loaded and donated to St. Lukes. The Depew and Lancaster Villages were able to help 80 families with full ham dinners for Christmas, plus all the extras. They will be packed up on the 19th and the Veteran's will receive the meals on December 24th. Mayor Peterson, Trustee Darrin and Regina will be packing them up!!! The Be A Hero fire hydrant Program is going extremely well. 21 high school students are signed up to keep the hydrants free of snow during the winter months!!

Mayor Peterson reported on our eWaste Drive last weekend, we had a steady stream of cars!! It was held from 9-2pm and BCR said they were pleased with the turnout. We look forward to the next one in 2023, probably is November or December.

PUBLIC COMMENTS AND CONCERNS:

Paul Sprada 58 Argus came before the board to speak. Mayor Peterson advised him that, unfortunately, Fireman's Park will not have the cupola he is looking for. Pau was disappointed to hear that. He then asked the board about the banners that are going to be going up. How big are they, where are they going to be?

Trustee Adolf told him they will be in Veteran's Park, Fireman's park and other locations in the Village. They are 3X's larger than the ones in the spring. George will be putting them up and then taking them down. Paul asked CEO Don when the new car wash may open, and he told him a tentative date is maybe mid Spring.

Paul then congratulated the new officers.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewixz and seconded by Trustee Ziemba, the following claims are to be paid: \$264,152.63 General, \$12,420.38 Community Development, \$859.00 Sewer, and \$56,977.25 Capital Projects was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Ziemba and seconded by Deputy Mayor Hamernik the meeting was adjourned with a moment of silence for Judge Gordon Willis, a 25 year policeman and 24 year Judge with the Village. And Barbara Walter, wife of Paul who is a life member of the Hook and Ladder Department, and for West End Firefighter John Buezek as he battles health issues, also for his wife Jan as she tends to him. The meeting was closed at 7:52.

Respectfully submitted,

Teresa Wachowiak
Village Administrator