

MEETINGS: 21  
NO. OF REGULAR: 21

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**January 25, 2021 7:00PM**

ROLL CALL: Trustee Hamernik – Pr  
Trustee Voll – Pr  
Trustee Jakubowski - Pr  
Mayor Peterson– Pr

**ON A MOTION BY**, Trustee Hamernik and seconded by Trustee Voll the January 11, 2021 Village Board Minutes were approved.

**ON A MOTION BY**, Deputy Mayor Jakubowski and seconded by Trustee Hamernik the January 9, 2021 Planning Board Minutes were approved.

1. 4510 Broadway, Tim Arlington of Apex Consulting Survey & Engineering Services, P.C. on behalf of Mark Kolkiewicz for the approval of final site plan to include five buildings (four 8-unit buildings and one 4-unit building) with associated parking and access driveways. Approved as is dependent on approval of sewer district, two full sets of complete drawings to the Building Department and proof of deed of the combined parcels.
2. 4637 Broadway, Thomas Strauss on behalf of Buffalo Crown Vending Inc. for site plan review for proposed 20’x34’ addition to the east side of existing building with steel roofing and siding to match existing building for an indoor golf simulator. Accepted pending the submittal of updated survey to include dimensions and parking.
3. 5391 Transit Rd, Todd Markevich of APD Engineering & Architecture on behalf of JSC Management Group for site plan review to add a second drive through lane to their existing site based on concept plan approval from the 11/5/20 Planning Board Meeting. Accepted as submitted.
4. 42 S. Warsaw, Matt Dombrowski requesting approval to subdivide the existing parcel to accommodate sale of existing building on southern portion of lot as per Chapter 260, §260-10(C). Tabled until new survey is submitted.

Village of Depew  
Notice of Public Hearing

A public hearing will be held on Monday January 25, 2021 at 7:00PM in the Depew Village Hall Council Chambers The purposes of the hearing is to consider Local Law #1 of 2021, the possibility of placing a no parking here to corner sign on the west side of Elmwood Avenue, twenty (20) feet from Broadway St. The meeting room is wheelchair accessible.

By order of the  
Board of Trustees  
Teresa Wachowiak  
Village Administrator

The Public Hearing was open at 7:15 PM and Closed at 7:16 PM with no public comments.

**APPOINT PART TIME PUBLIC SAFETY DISPATCHERS POLICE**

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

Jacob Smith

to the position of Part Time Public Safety Dispatchers Police at effective January 26, 2021.

The forgoing nomination was acted upon in the following manner by the Board of Trustees:

Deputy Mayor Jakubowski - Y  
Trustee Voll -Y  
Trustee Hamernik - Y  
Mayor Peterson -Y

#### ADOPT LOCAL LAW #1 OF 2021 – PARKING RESTRICTIONS

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

**WHEREAS**, the Board of Trustees of the Village of Depew, New York held a public hearing on January 25, 2021 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider local law #1 of 2021 of the placing a no parking here to corner sign on the west side of Elmwood Avenue, twenty (20) feet from Broadway St. in the Village of Depew and

**WHEREAS**, all persons were given an opportunity to speak for or against this local law;

**WHEREAS**, the proposed local law to be as follows:

- 1. Section 240 of the Laws of the Village of Depew, “Vehicle and Traffic”, subdivision 29, “Parking, Standing and Stopping Restrictions” shall be amended as follows:**

“A no parking here to corner sign will be placed on the west side of Elmwood Avenue, twenty (20) feet from Broadway St.”

- 2. Effective date:** This amendment to local law shall take effect immediately upon filing with the Secretary of State, and shall be added to the text of the Local Laws thereafter

**NOW THEREFORE, BE IT RESOLVED**, this local law #1 of 2021 is hereby adopted.

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

Deputy Mayor Jakubowski - Y  
Trustee Voll -Y  
Trustee Hamernik -Y  
Mayor Peterson – Y

#### APPOINT ELECTION INSPECTORS FOR 2021 VILLAGE ELECTION

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

**BE IT RESOLVED**, pursuant to Section 15-116 of the Village Election Law of the State of New York, the following Election Inspectors are hereby appointed to serve at the specified amount of \$105.00/Chairperson and \$90.00/Inspector per day for the General Village Election to be held on Tuesday, March 16, 2021. This list is from Erie County Board of Elections for 2020 Certified Inspectors and will be used to fill the positions and any alternate necessary to adequately run the elections.

See attached list.

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

Deputy Mayor Jakubowski - Y  
Trustee Voll -Y  
Trustee Hamernik - Y  
Mayor Peterson - Y

Sharon Nusall – Chairman  
Jim Nusall - Chairman  
Linda Stapleton – Inspector  
Sandra Len – Inspector  
Natalie McIntosh – Inspector  
Raymond Kreuzer – Inspector  
Sharon Brady – Inspector

#### **APPROVE LEAVE OF ABSENCE EXTENSION REQUEST**

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

**WHEREAS**, Kenneth Menard, Part Time Code Enforcement Officer has requested a three month extension on his leave of absence due to medical necessity,

**WHEREAS**, Terry Wachowiak, recommends the approval of this request;

**NOW THEREFORE BE IT RESOLVED**, the Village Board approves the period of unpaid leave stated above; after all paid time off has been depleted.

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

Trustee Voll - Y  
Trustee Hamernik - Y  
Deputy Mayor Jakubowski - Y  
Mayor Peterson - Y

#### **CHANGE OF PAYROLL DATES**

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

**BE IT RESOLVED**, due to the Veteran's Day Holiday our payroll pay date will be Wednesday November 10, 2021 instead of Thursday November 11, 2021.

And

**BE IT FURTHER RESOLVED**, due to the Thanksgiving Holiday our payroll pay date will be Wednesday November 24, 2021 instead of Thursday November 25, 2021.

The foregoing resolution was seconded by Trustee Voll, and **CARRIED**.

#### **CHANGE OF BOARD MEETING DATE**

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

**BE IT RESOLVED**, due to the Columbus Day Holiday our Board Meeting Date will be Tuesday October 12, 2021 instead of Monday October 11, 2021.

The foregoing resolution was seconded by Trustee Voll, and **CARRIED**.

#### **PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to West End Hose Co. #6 to attend the Twin District Training Facility on Tuesday February 2, 2021 from 7:30 PM–10:00 PM.

and

Permission is hereby granted to Central Hose Co. #4 to use the Northside Fire Station to hold a Chicken BBQ Fundraiser on Sunday April 25, 2021. All COVID-19 guidelines will be followed.

and

Permission is hereby granted to Central Hose Co. #4 to use the Northside Fire Station to hold their annual Christmas party on Saturday December 4, 2021 from 5:00 PM – 12:00 AM. All COVID-19 guidelines will be followed.

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

### **APPOINT POLICE OFFICER**

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint Thomas O'Donnell to the position of Police Officer, pending the physical and psychological exam, effective February 1, 2021. This appointment is from civil service list 64-264.

The forgoing nomination was acted upon in the following manner by the Village Board of Trustees:

Deputy Mayor Jakubowski - Y  
Trustee Voll - Y  
Trustee Hamernik - Y  
Mayor Peterson -Y

**EMPLOYMENT APPLICATIONS** - – DPW – John Gauthier, Anthony Silveri, Daniel Wypij, Stephen Gaglione, Jacob Smith, Brandon Atlas

**DEPARTMENT HEAD REPORTS** – Police – December 2020 and Annual 2020, Building – Annual 2020 & Fee Report

FIRE CHIEF'S REPORT VILLAGE BOARD MEETING JANUARY 25, 2021

- 1) CURRENT ROSTER: 112 FIREFIGHTERS, 7 EXPLORERS
- 2) JANUARY 2021 CALLS TO DATE: 8 YTD CALLS: 8
- 3) YTD DAMAGES: \$0.00
- 4) Our department's firefighters are currently waiting for the COVID-19 vaccine. There have only been a handful of firefighters who received their vaccine, most in part because of the job they do outside of the fire department. Although our firefighters fall under the state's 1B vaccine designation, it is unclear as to when we will be able to receive the vaccine. We are anxiously waiting for the county to open up additional appointment times for the vaccine to be distributed to more first responders across the county.
- 5) As a result of a natural gas leak call we responded to last week, I would like to remind the public that when they are hiring a contractor (electrician, plumber, etc) for work on their home, to ensure that the contractor is certified, and be sure to have the proper permits in place with the code enforcement office. The fire department responded to a call last week, where a plumber apparently was doing work on second floor water lines of a residence, and in doing so, decided to open up a gas line in the basement that didn't have a cap on the line. Free flowing natural gas was dumped into the residence for almost two hours before the homeowner noticed the smell and called 9-1-1. Upon arrival, the fire department found highly explosive levels of natural gas inside the residence, and it was immediately evacuated. Our investigation found that the plumber turned what he thought to be a water line back on after the conclusion of his work, but failed to realize that it was a natural gas line. The homeowner also did not have any permit whatsoever for the work

being done. The proper permit process could've avoided this issue, and the due diligence done by the code office could've possibly thwarted this emergency. I cannot stress enough the importance of the permit process. The residents and first responders alike could've easily been seriously injured or even killed on this call, and every effort must be made on the homeowners side to ensure the work being done is cleared through the permitting process with the building department. The contractor that performed the work could not be found as of the date of the call, and it is unknown if the contractor was even a certified plumber. In these times of people out of work, anyone can claim that they know how to do plumbing or electrical work in an effort to make income, but the residents must due their due diligence when hiring these contractors, not only for their own safety, but for the safety of everyone else living in the residence, as well as their surrounding neighbors.

Respectfully Submitted,  
Todd J. Rzeszutek Todd J. Rzeszutek Fire Chief

#### **POLICE REPORT**

- Staff working hard
- Still working with our collaborative team
  - They identified problems through the use of our survey and the largest complaint concerns traffic issues throughout the village and lack of enforcement
  - Will begin new strategies to reduce the communities concerns
- Advised Elizabeth and bob that we were against the assembly bills 1914 and 2462
- Thanks the community for their support
- Thanked the officers for their commitment to the village
- Reviewed monthly totals for December 2020
  - 965 complaints
  - 867 non-criminal
  - 98 criminal
  - Recovered 4 stolen vehicles
  - 38 accidents
  - 3 injury accidents
  - 27 arrest
  - 22 males and 5 females
  - 135 traffic tickets issued

#### **UNFINISHED AND OTHER BUSINESS – N/A**

#### **PUBLIC CONCERNS AND COMMENTS**

Mayor Peterson read the report for the Fire Department, please see attached.

Bob of Senator Kenedy's office said that the information he received about hockey being allowed was that all youth hockey could also participate and not just high school. Suggest Rec Director Ferguson to follow up. He also mentioned the Bill that Chief Miller brought up regarding liability insurance for each individual police officer is does not have a senate sponsor and not to be too concerned about it, as it died out last year as well and didn't go anywhere.

Elizabeth from Assemblywoman Wallace's office stated that she was in session this week and that she also wrote a letter to the Governor regarding high risk activities at schools now and opening up gyms, etc. Please feel free to contact their office with any State level concerns you may have.

Chief Miller – Would like to stress importance of the permit issuing rules. Please follow them to prevent any further future dangers. He then went over his report as well, please see attached.

CEO Fischione also could not stress enough the turn out of the natural gas leak could have been fatal. They are there for the citizens, the home owners, they work for you, call

them for advice, to see if a contractor is indeed certified and licensed. Please see attached.

DPW Pyc told the board that the department is ready with salt and will be out taking care of the streets for tomorrow's expected weather. They are getting a good pool of applications to fill the laborer position.

RJ in OEM said that the Red Cross will be visiting us on 2/1 to see if we can be considered an emergency shelter. Should we be, and if it actually happens, the operation would be run and operated solely by the Red Cross. He and Galen will be training with the County to work in connection with them on the disbursements of the COVID vaccines. He will report back once they know more.

Attorney Alba said all is well, busy as usual. If he owes anyone anything, please reach out to him and let him know. He may be at home, but he is working every day from there.

Trustee Hamernik was honored by the School Board on the 19<sup>th</sup>. The Dom Pulski building just received its new roof and they are hoping to take ownership of it soon. They are making a heritage wall inside of it if anyone has old photos, etc. please get them to her.

Deputy Mayor Jakubowski will be attending a NEST meeting via ZOOM soon and once he does, he will report back to the board.

One comment from the public was about the types and number of grants the Village has tried for/received that help Depew. The Village has applied for and gotten a good number of grants so far: CDBG grants for sidewalk replacement; DEC Tree Grant for inventory; An all-inclusive park at Dawson Field; a SR. Center HVAC and air filtration system; Fireman's Park is still in progress of approval/submittal; The Justice JCAP grant to remodel the offices; The PD gets them for bullet proof vests, one to help with STOP DWI and Aggressive driving grants; The Rec department just put in for reimbursement for our dehumidifier at the rink and a new back stop at Fireman's Park; GUB red blinking safety system and speed signs. The Village hired a grant writer a few years ago and works with them on the grant applications and what the Village is looking for. Another resident asked the Chief where the survey was on the website, Chief said you can't miss it on PD Website, as soon as you log in it's there and will be until March. It is also on the Village's website under Village News. One last resident asked whose responsibility it was for damaged sidewalks and CEO Fischione replied, "The Homeowner's".

### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Jakubowski and seconded by Trustee Hamernik, the following claims are to be paid: \$372,839.23 General, \$895.50 Sewer, \$2,496.55 Capital Projects, \$967.66 Capital Project Building Renovations, \$377,198.94 Capital was **CARRIED**.

### **ADJOURNMENT**

**ON A MOTION BY** Deputy Mayor Jakubowski, seconded by Trustee Hamernik, the meeting was adjourned with a moment of silence for William Stern member of the West End Fire Hose at 8:04 **PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator