

MEETINGS: 11  
NO. OF REGULAR: 11

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**August 23, 2021 7:00PM**

ROLL CALL: Trustee Ziemba  
Trustee Kucewicz  
Trustee Hamernik  
Deputy Mayor Stempniak  
Mayor Peterson

**ON A MOTION BY**, Trustee Ziemba and seconded by Trustee Kucewicz, the August 9, 2021 Village Board Minutes were approved.

**COMMENTS ON AGENDA ITEMS**

Village of Depew  
Notice of Public Hearing

A public hearing to discuss the Dog Catcher Law will take place on August 23, 2021 at 7 PM in the Council Chambers, 85 Manitou St, Depew, NY 14043. The law is as follows:

**§ 68-12 Enforcement.**

**A.**

It shall be the duty of the Dog Control Officer of the Town of Lancaster **OR TOWN OF CHEEKTOWAGA** to enforce the provisions of this article.

**B.**

The Dog Control Officer of the Town of Lancaster **OR TOWN OF CHEEKTOWAGA** shall have all the powers of a peace officer in enforcing the provisions of this article. In addition, the Dog Control Officer may serve any process related to any proceeding, whether criminal or civil in nature, including an appearance ticket undertaken in accord with the provisions of this article.

The meeting room is wheelchair accessible. Those needing special arrangements should call the Village at 683-7451.

By order of the  
Board of Trustees  
Teresa Wachowiak  
Village Administrator

Public hearing was opened by Deputy Mayor Stempniak and seconded by Trustee Hamernik: Paul Sprada 58 Argus asked if the Police Department would no longer be involved? Mayor Peterson stated that it should be by the occasion. The police can be dispatched, but either Cheektowaga or Lancaster would respond. If police presence is required, they will be dispatched as well.

Village of Depew  
Notice of Public Hearing

A public hearing to discuss the proposal to build the new Fireman's Park Pavilion / Bathrooms using American Rescue Plan funds to build it on August 23, 2021 at 7 PM in the Council Chambers, 85 Manitou St, Depew, NY 14043. The meeting room is wheelchair accessible. Those needing special arrangements should call the Village at 683-7451.

By order of the  
Board of Trustees

Teresa Wachowiak  
Village Administrator

The public hearing was opened by Deputy Mayor Stempniak and Closed by Trustee Hamernik.

Trustee Ziemba asked if Didonato was the company to originally work on Fireman's Park drawings, specs on the project in 2012. He just got this document tonight and has not had time to review it. Do we know what the percentage is of residents that use the park? Deputy Mayor Stempniak replied that first the restroom facilities are not ADA compliant. They are not ADA accessible and the long shed is in need of updates. There was a grant out there for \$700,000 with a 50% match by the Village. She said to Trustee Ziemba, if you have questions, all you need to do is ask. Mayor Peterson asked Trustee Ziemba if he did not think the park was worth it to spend the money on? Trustee Ziemba had no comment at this time. He understands it is not ADA compliant.

Mr. Steve Hoffman, 31 Ridgeway Street made the comment that using the funds for Fireman's Park would be Great!!! The students at UB did a good job in helping prepare the drawings. Are the tennis courts going to be paved? He asked who uses the tennis courts and basketball courts? Rec Director Ferguson said Oh, they get used a lot! He polices the park every day and has had to tell kids to move from the courts so that others can use them for basketball, etc. The rec department has repurposed the courts for other things like dodgeball and roller blading all the time. Mr. Hoffman thought we could go back and re-study on uses. Phase 1 is just the long shed and the bathrooms to make them ADA compliant. The bike path would be more in Phase 2 and gives us more "points" in the over-all approval process. There would be ADA connecting points throughout the park as well. In looking at changing the kiddy pool to a splash pad, the cost was approximately \$400,000. The Phase 2 includes new equipment so that all children can use it. Another option was for older children and adults, families with disabilities. We have to put in walkways. People are playing basketball all the time at the park and roller blading. Also looking at more of a rubber surface versus the mulch. Mr. Hoffman had some electrical questions on what size the lighting would be. Electrician Delconte explained that he has not gotten that far into the discussions yet. There are 220 lines now and can do anything we want with surveillance. Cameras, alarms, the park can handle all of it currently. Mr. Hoffman asked how the public can stay informed? It was reported that there were public meetings held 4 separate times on this discussion at area fire halls, the VFW Post had one of the meetings as well. The board asked for as much public input and people had to give. The use of the Village website and Facebook page will hold additional meeting dates in the future. Mr. Hoffman would like to know how he can get involved. Deputy Mayor Stempniak stated that there is no specific committee as of yet, but that we can try and tie it into the Tree Grant Inventory that will be coming up very soon. Mayor Peterson told Steve that he welcomes ALL comments from the public!!! Please, join us at our meetings to discuss the ideas. We don't have a Main Street like Lancaster, we have Terrace Boulevard and Fireman's Park, and the park is tired!!! It has always needed more money than the Village can afford. Director Ferguson keeps up with what we currently have and does a great job!!! That's why we worked with UB to go for the grant money. Trustee Kucewicz agreed that we need to communicate better with the residents. Steve will reach out to Erica on his own. He also suggest that the parking space across from the park on Erie street should be paved. There is a lot of money in it now just for millings. Mr. Hoffman suggested funding for LED lighting. George reported that 85-90% of all Village lights are LED now.

Paul Sprada asked if the one proposed long building would replace the two buildings that are there now, the long shed and the restroom building and Mayor Peterson replied yes. He asked what will you do with it when it is not in use? Responses were to rent it out, find other purposes for it. In the fall, Mayor Peterson stated that the sides are glass doors that can be raised and lowered depending on the weather and that people can sit in there and watch games being played, etc. Our Fall Fest that was just presented could be moved from Veteran's Park to Fireman's Park as an example. Paul suggested pickle ball, like Lancaster has and Kevin Ferguson told him that when it was proposed to the seniors, they chose Bingo over pickle ball. They don't want that. He then suggested corn hole as another option, there are tournaments and everything for that now. Horseshoes is another idea. We have horseshoes now and Kevin Ferguson takes care of those pits as well. Bocci ball was another suggestion for the park. Mr. Sprada said that there will need to be benches for people who are biking to sit and rest at too. Benches are a part of this plan already he was told. Mr. Sprada has a concern about the yellow slide that is currently at

the park, the first step is in need of repair. Kevin Ferguson will look at it first thing tomorrow morning. Mr. Sprada asked if we have a Lions Club in the Village and the answer is we do not. In regards to the bike paths, they will be paved and have benches for resting, along with bike racks as well Deputy Mayor Stempniak reported.

Fire Chief Todd Rzutek added that the park was named after the Firemen!!! He grew up here, played baseball at the park, his kids play hockey at the park and it's right in his backyard. He has heard through kids' parents at various games that Fireman's Park has so much potential. 20 years ago, all of the kids used Fireman's Park that do not any longer. We need one like the one being proposed to be proud of!! We need it!!!! There are a ton of people that play tennis and if the courts were redone, they would ALL come back to use them!!!!

Brian Musielak, 46 Stewart St, also a fire department member also added that we need to keep this park and get the kids outdoors!!! Kids are glued to their Ipads, etc and need a place to get out and play more sports and activities, the park would be perfect!!!!

Pastor Argo from the Vine Church said he uses the park in Lancaster. He would be in favor of this park renovation, it's a great idea and he and his wife would rather come to this park rather than drive to another one. He too has heard from many parents what potential this park has!!!! Would have a broader community use!!!!

Deputy Mayor Stempniak uses Westwood Park too, just because it is easier for the stroller to be on the paved walkways when she walks with her son, would much rather be at Fireman's Park.

Trustee Ziemba questioned whether a year or year and a half ago if the Village was planning on using grant money for these upgrades. But now you want to use the federal funds to do so. Mayor Peterson said yes, we did and applied for the grant that was rescinded by the funding company due to COVID. We have to be careful because not all of the areas qualify for the low to moderate income areas that are required by CDBG funding. Trustee Ziemba said this is different than the plans a year or year and a half ago. He has a lot of questions. What other bathrooms are outside of the park. He doesn't know if he can vote on it. Attorney Alba reported that not being ADA compliant send red alarms to him. Trustee Ziemba asked then why hasn't it been addressed before this to make it ADA compliant if it send up a red alert? Trustee Kucewicz said it costs too much money to make them ADA compliant. \$100,000 for 1 stall and 1 urinal was spend by one municipality the Mayor reported.

Mr. Hoffman once again stated that we need to think about the future!! Not just infrastructure. He hears what you are saying Trustee (Ziemba) but maybe you should do some more research!

The public hearing was closed at 8:10 by Deputy Mayor Stempniak and seconded by Trustee Hamernik.

### **APPOINT FULL TIME DEPARTMENT OF PUBLIC WORKS LABORER**

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

Dillon Snyder

to the position of Full Time Department of Public Works Laborer at the salary stipulated in the budget.

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

Trustee Hamernik - N

Trustee Ziemba -N

Trustee Kucewicz – N

Deputy Mayor Stempniak – Torn on this, I think we should Table N

Mayor Peterson – Y

Sam – procedurally need to vote

Deputy Mayor Stempniak motion to table Trustee Hamernik 2<sup>nd</sup> – Tabled

### **SEQR Type II Determination**

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

**Whereas,** 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the state Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c ) of that section are not subject to environmental review under the Environmental Conversation Law;

**NOW, THEREFORE BE IT RESOLVED,** that the Village of Depew hereby determines that the proposed engineers study for the comprehensive evaluation of I/I within the Sewer Collection System is a Type II action in accordance with 6 NYCRR Section 617.5 (C ) 1(8) which constitutes the information collection including basic data collection and engineering studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action, and is therefore not subject to review under 6 NYCRR part 617.

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

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

#### **Authorization for Mayor to sign Grant Agreement**

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

**BE IT RESOLVED,** that Mayor Peterson 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 7 (Terrace/Cheektowaga) and to fulfill the Village of Depew’s obligation under the Engineering Planning Grant Agreement

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

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

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

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

**BE IT RESOLVED,** that the Village 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 7 (Terrace/Cheektowaga). Under the Engineering Planning Grant Program the local match must be at least 20% of the total cost. The maximum local share 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 for the Village of Depew.

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

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

#### **PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to the Depew Fire Department for their Fill-the Boot Fundraising effort on September 13, 2021 from 3:30pm until 6:30 pm at various intersections in the Village. In the event that it is raining hat night, the Fill The Boot drive will then be held on September 14, 2021.

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

#### **PERMISSION – FIRE DEPARTMENT**

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

**WHEREAS**, Depew Fire Department would like permission to take one engine (to be determined) to attend the Basic Exterior Firefighting Operations Course on Sunday September 5, 2021 from 8am – 11am at the Erie County Fire Training Academy, 3359 Broadway, Cheektowaga.

And

**WHEREAS**, Depew Fire Department would like permission to take Ladder #5 to attend the 9/11 Tunnels to Towers Memorial Run at Bellevue Fire Station, 511 Como Park Blvd, Cheektowaga on Saturday September 11, 2021 from 9am – 1pm.

And

**WHEREAS**, Depew Fire Department would like permission to participate in the Annual Lancaster Charity Softball Tournament on August 29, 2021 from 10am-1pm at Walden Ponds Park, Walden @ Ransom, Lancaster. Participants in this event include Depew and Lancaster emergency and public service departments, and money raised by the event are donated to a local charity chosen by the top two winning teams. Members of the Depew Fire Department will be participating in the charity softball tournament, and permission is requested for one fire truck (to be determined by Chief Rzeszutek) to participate in a community “Touch-a-Truck” event running during the tournament.

**THEREFORE, BE IT RESOLVED:** The above foregoing resolutions were seconded by Trustee Hamernik and duly put to a roll call vote which resulted in the following:

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

#### **APPROVE – USING FUNDS FOR FIREMANS PARK**

Deputy Mayor Stempniak, 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 to discuss the proposal to build the new Fireman’s Park Pavilion / Bathrooms using American Rescue Plan funds to build it on August 23, 2021 at 7 PM in the Council Chambers, 85 Manitou St, Depew, NY 14043.

**WHEREAS**, all persons were given an opportunity to speak for or against the use of the funds for Fireman’s Park.

**NOW THEREFORE, BE IT RESOLVED**, the proposed use of funds is hereby adopted.

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

Trustee Hamernik - N  
Trustee Ziemba -  
Trustee Kucewicz -  
Deputy Mayor Stempniak -  
Mayor Peterson –

Trustee Hamernik– 762K clarify not against fireman park & look at dept. Sam  
If 2<sup>nd</sup> app.  
Can't vote N – put forth motion to table – Erica to w/draw  
Motion & 2<sup>nd</sup>.

Deputy Mayor Stempniak motion to withdraw Trustee Ziemba  
Deputy Mayor Stempniak motion to table  
All in favor tabling it.

### **PERMISSION – FIRE DEPARTMENT**

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

**WHEREAS**, Permission is hereby granted to the Depew Fire Department to take Engine #1, Engine #3, Engine #4, Engine #6, and Rescue #7 to attend the August department drill at the Erie County Academy, 3359 Broadway in Cheektowaga on August 24, 2021 from 6:30PM – 9PM. Engine #3 and Engine #6 will remain in service for the duration of the training to respond to calls in the village.

And

**WHEREAS**, Permission is hereby granted to Engine #2 and the Junior Firefighters to attend training at the Twin District Training Facility, 4999 William St, Lancaster on Monday September 13<sup>th</sup> from 7pm – 9pm.

**THEREFORE, BE IT RESOLVED:** The above foregoing resolution was seconded by Deputy Mayor Stempniak and duly put to a roll call vote which resulted in the following:

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

### **ADOPT LOCAL LAW # – DOG CATCHER LAW**

Trustee Hamernik, 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 to discuss the amendment of The Dog Catcher Law to take place on August 23, 2021 at 7 PM in the Council Chambers, 85 Manitou St, Depew, NY 14043. The law is as follows:

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

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

§ 68-12**Enforcement.**

**A.**

It shall be the duty of the Dog Control Officer of the Town of Lancaster **OR TOWN OF CHEEKTOWAGA** to enforce the provisions of this article.

**B.**

The Dog Control Officer of the Town of Lancaster **OR TOWN OF CHEEKTOWAGA** shall have all the powers of a peace officer in enforcing the provisions of this article. In addition, the Dog Control Officer may serve any process related to any proceeding, whether criminal or civil in nature, including an appearance ticket undertaken in accord with the provisions of this article.

**NOW THEREFORE, BE IT RESOLVED**, this local law #4 of 2021 is hereby adopted.

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

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

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to the Depew Fire Department to hold its Annual Department Inspection on Saturday September 11, 2021 from 6 PM – 11 PM. Fire units will parade from the Southside Fire Station to Fireman's Park. Service will be held at Fireman's Park Memorial.

And

Permission is hereby granted to the Depew Fire Department to hold the 37<sup>th</sup> Annual Installation of Chief's and Officers on Saturday September 25<sup>th</sup> from 5PM – 11PM at Joseph's Country Manor, 275 Columbia Ave, Depew. The department will be out of service during this time. Hyview, Bowmansville, Forks, and Bellevue fire companies will be on standby in shifts at Depew Fire Stations during this time.

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

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

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

**BE IT RESOLVED**, membership is hereby granted to the following in the Depew Fire Department pending the passing of her physical:

**Central Hose #4**

Jenna Morrell

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

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

**EMPLOYMENT APPLICATIONS**

## **DEPARTMENT HEAD REPORTS - Building July 2021**

DPW will be starting our 2<sup>nd</sup> phase of milling and paving streets on Wednesday, August 25.

We hope to have the streets paved as soon as possible after the milling process. As always, we are asking residents for their patience through this process, especially when paving is being done. The less traffic on the street that day, the better.

### **Streets being done:**

Gould (Transit to Penora)

Sylvia

Norman

Manitou (Gould to Terrace)

**During the milling process, you will have access to your driveway, except for the short period that the milling machine is running in front of your home.**

**There will be no access to your street for the day that we are top coating (paving) your street.** We will have road barricades in place while the road is being paved and while it is hardening. Access will resume once the barricades are removed.

Thank you for your cooperation during the milling and paving process. If you have any questions, please contact the DPW at 716-683-5700.

The Police Department will conduct several school speed zone and aggressive driving enforcement details starting September 8th (the first day of school) for a 2 week period which will be funded through the GTSC(Governor's Traffic Safety Committee) PTS grant.

We received our Body worn cameras and will begin training/implementation within the next few weeks.

3 of our firearms instructors are attending a police tactics conference in Verona NY for a week of training on the newest police tactics. Upon their return the Police Dept. will begin its annual firearms qualifications both long guns and hand guns. We will also be requalifying with our Tasers.

Our 2 Police Recruits are starting their 4th week in the Erie County Central Police Services Academy.

Rec Director Ferguson reported that the pool has now been closed for the season. Most of the life guards are going back to college. Could no longer keep it open. Yoga is still going strong, softball is coming to a close, new lacrosse teams and kick ball teams are coming in the fall.

Attorney Alba apologize to Trustee Hamernik, he was wrong, you can second a motion and then vote to Not approve it. He did research that. He is working on the chicken law. The lawsuit regarding Judge Mihalski has been decided and we won! The Village was correct in redacting the information on his accident. Verizon has approached the Village to set up a meeting for 5g wireless. Mayor Peterson asked what the difference is between this and the small cell that they proposed before, it's basically the same the attorney reported. The decision is up to the trustees.

Trustee Ziemba has another NEXT meeting coming up on the 9<sup>th</sup> of September.

Deputy Mayor Stempniak reported that the tree inventory will be awarded and started soon.

Mayor Peterson told everyone that he invited the officials from Cheektowaga, the Town of Lancaster and the Village of Lancaster, along with Trustee Ziemba to meet and discuss the new marijuana law. Trustee Ziemba reported that we cannot stop the residents from using it, but we can act on the sale of it in the Village.

There is going to be an E-Recycle event here at the Village Hall in October, which will be put on by Casella It will be for Village residents only and people must show proof of being a resident. Mayor Peterson gave the information to the trustees and asked them to review it and get back to him with suggested dates.

Pastor Argo addressed the board about replacing and repairing of curbs in the Village. Namely, around his church, along Penora, from Gould to Broadway. Ken Pyc, DPW Superintendent replied that it is not in the budget to do so this year. However, even if they tried to repair them, the first time a plow hit one, it would take out any repair work that his men would have gotten done. In order to get the curbs completely replaced, the Village would have to hire an engineer to lay out the project properly.

Paul Sprada again addressed the board, this time to thank Ken for getting the crosswalks taken care of before school starts! Now maybe we can get the cars to come to a stop at Argus and Krieger. He then Thanked Mayor Peterson and his Team for putting on the concert series in the park!!! He thinks that the bands, especially the last one, was just amazing!!!! Mayor Peterson told Paul that his secretary, Gina, had put a lot of work into all of the concerts as well.

#### **PUBLIC COMMENTS OR CONCERNS**

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Kucewicz and seconded by Trustee Ziemba, the following claims are to be paid: \$681,390.86 General, \$227.40 Sewer Fund, \$11,894.83 Capital Projects, \$693,513.09 Capital was **CARRIED**.

#### **ADJOURNMENT**

**ON A MOTION BY** Trustee Hamernik and seconded by Deputy Mayor Stempniak the meeting was adjourned A moment of silence for Katherine Ast, 100-year-old resident, Kim Napierala, Sister-in-Law of SRO Scott Hossfeld, Officer Rochelle Menard's grandma Annebell Karl at 8:48 **PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator