

MEETINGS: 12
NO. OF REGULAR: 12

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
September 13, 2021 7:00PM

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

Questions on the Agenda: Andrew Adolf, Village Community Development Director explained that the Fall Festival begin talking about having this back on August 9th. There is now enough interest to move ahead with it on October 16th at Veteran's Park. There will be vendors, music, some Super Hero's and it won't cost anything to attend. Andrew asked the Board to please consider this event and approve it.

ON A MOTION BY, Trustee Ziemba and seconded by Trustee Hamernik, the August 23, 2021 Village Board Minutes were approved.

ON A MOTION BY, Trustee Kucewicz and seconded by Trustee Ziemba, the August 12, 2021 Village Zoning Board minutes were accepted.

1. Thomas C. Agen Jr. for two variances on property located on 19 Barnabas Dr., of Chapter 260, §260-31L(1) All pool structures must be situated behind the principal dwelling in the required rear yard and Chapter 260, §260-31L(5) All pool pumps, filters and/or heating equipment shall also be a minimum of five feet from any rear or interior property line. Such equipment may encroach an exterior side yard if not housed within a building. Both variances granted.
2. Marvin Spates for a variance on property located on 285 Claudette Ct., of Chapter 260, §260-23B(2) Accessory uses and structures, minimum building separation from principal building, 10ft. Variance Granted.

ON A MOTION BY, Trustee Hamernik and seconded by Trustee Kucewicz, the September 2, 2021 Village Planning Board minutes were approved.

1. Brian Zittel on behalf of Nickel City Brewz for property located at 5175 Broadway, Unit 1, Depew, New York. They are requesting the following: Seeking concept plan approval for an outdoor dining area. Recommendation to the Village Board to approve the concept plans with the following stipulations: Clarify vehicle impact, lighting for the area, setback clarification from sidewalk and road, barrier due to alcohol content being served as well as dining occupancy outside to be no great than 26% of indoor dining occupancy.
2. Dominic Corigliano, on behalf of Corigliano Holdings, for property located at 5230, 5238 and 5246 Transit Rd, Depew, New York. They are requesting the following: Rehearing from tabled November 5, 2020 Planning Board Meeting seeking Final Site plan approval for a proposed parking plan. Tabled pending submittal of architectural or engineered stamped drawings.

PUBLIC NOTICE
30-DAY PERIOD FOR INCLUSION OF
PREDOMINANTLY VIABLE AGRICULTURAL LANDS
INTO EXISTING AGRICULTURAL DISTRICTS

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/agenrollment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

CONTACT: Sarah Gatti, Senior Planner Erie County Environment & Planning 95 Franklin Street, 10th Floor Buffalo, NY 14202 Phone: (716) 858-6014 Fax: (716) 858-7248 Email: agriculture@erie.gov

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS – SIDEWALKS

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for bids for the Sidewalk Improvement Project, there will be one street in this bid:

West Side of South Bellevue Ave

Date will be set once the bid package is completed.

The foregoing 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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING FOR NO PARKING HERE TO CORNER ON AIRVIEW TERRACE

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a public hearing for a no parking sign here to corner on the north side of Airview Terrace just west of Transit Rd. to take place on Monday September 27, 2021 at 7:00 PM in the council chambers.

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

COURT FINANCES HAVE BEEN AUDITED

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

BE IT RESOLVED, the Village of Depew Court Finances have been audited for fiscal year end May 31, 2021.

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

SEQR Type II Determination

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

WHEREAS, the Village of Depew (Village) is currently under an Order of Consent with the New York State Department of Environmental Conservation (NYSDEC) to address sanitary sewer overflows (SSOs) in the Village's sanitary sewer collection system; and

WHEREAS, the Village completed a Sanitary Sewer Evaluation Survey (SSES) in Sewershed 4 and Sewershed 5 to identify potential corrective actions; and

WHEREAS, the Village of Depew Board of Trustees is considering various improvements to correct sewers system defects and reduce inflow and infiltration; and

WHEREAS, the Board of Trustees is seeking funding assistance under the New York State Cleanwater State Revolving Fund, and is, therefore subject to environmental review obligations required to participate in the funding program; and

WHEREAS, pursuant to sections 617.5(c)(1), 617.5(c)(2) and 617.5(c)(6) under SEQR, this project is a Type 2 Action as it involves the maintenance, repair and replacement in kind of existing sewer infrastructure with no substantial change to the existing sanitary sewer collection system.

NOW THEREFORE BE IT RESOLVED, that as a Type 2 action under SEQR, the project has been found categorically to not have significant adverse impacts on the environment and no further review under SEQR is required.

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

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

ADVERTISING BID FOR BROADWAY RECLAMATION SITE

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

WHERE AS the Village of Depew is the Owner of property known as the Old Reclamation Landfill site located on Broadway Avenue. The landfill site is situated on the south side of Broadway Avenue and is generally bounded by Twin Village Recycling to the east and Cayuga Creek to the south. Sections of the creek embankment have experienced excessive erosion due to scour during high flow storm events and ice flows resulting in exposure of buried debris.

WHERE AS The Village is undertaking an embankment restoration project for the purpose of protecting and improving water quality in Cayuga Creek and providing other water resource benefits within the Cayuga Creek watershed.

WHERE AS the Village Engineering firm GHD prepared detailed design plans and Contract documents for completion of the Old Reclamation Landfill Embankment Restoration Project

NOW, THEREFORE, BE IT RESOLVED, that the Village Board authorizes GHD to advertise the Landfill Embankment Restoration Project for purposes of soliciting public bids for construction.

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

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

AWARD BID- TREE INVENTORY

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

BE IT RESOLVED, that the bid for the Tree Inventory Program from the bid closing on July 30, 2021 be awarded to:

Davey Resource Group
10 Mitchell Street
Sinclairville, NY 14782

The Program cost is not to exceed \$36,000.

The following 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

PERMISSION – WEST END FIRE AUXILIARY

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

BE IT RESOLVED, Permission is hereby granted to The Depew West End Fire Dept Auxiliary to place a collection bin within village hall to collect new winter hats, gloves and warm socks from September 1st – November 1st for the less fortunate in our community. We will be happy to supply the bin to collect the donations.

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

RESOLUTION September 13, 2021

AMENDING AND RESTATING BOND RESOLUTION

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

AN AMENDING AND RESTATING BOND RESOLUTION, DATED SEPTEMBER 13, 2021, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON MARCH 22, 2021, AND AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PHASE 5, AS SUPPLEMENTED) IN RESPONSE TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ORDER ON CONSENT NO. R9-20140128-1, AT AN ESTIMATED MAXIMUM COST OF \$2,913,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,913,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, on March 22, 2021, the Village Board of Trustees of the Village of Depew, Erie County, New York (the “Village”) adopted a certain bond resolution (the “Original Bond Resolution”) entitled:

A BOND RESOLUTION, DATED MARCH 22, 2021, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PHASE 5) IN RESPONSE TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ORDER ON CONSENT NO. R9-

20140128-1, AT AN ESTIMATED MAXIMUM COST OF \$2,913,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,913,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

and

WHEREAS, the Village Board of Trustees identified additional improvements that are time-sensitive and deemed a priority by the Village; and

WHEREAS, the Village Board of Trustees directed GHD to prepare a report dated July 9, 2021, a portion of the work described in such report are the time-sensitive improvements referenced above; and

WHEREAS, the Village Board of Trustees wishes to modify the Original Bond Resolution for the primary purpose of modifying the scope of the project to include additional improvements and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the estimated maximum cost of the project and the amount of serial bonds authorized for such project remains the same; and

WHEREAS, the Original Bond Resolution is being modified to include additional improvements as previously described, and is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Village Board of Trustees now wishes to amend and restate (in its entirety) the Original March 22, 2021 Bond Resolution for the reasons identified above, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Village has not previously issued bond anticipation notes pursuant to the Original Bond Resolution, and has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees of the Village (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project (generally referred to as Phase 5, as supplemented) being undertaken in response to a New York State Department of Environmental Conservation Order on Consent No. R9-20140128-1, such work to generally consist of (but not be limited to) the installation of a cured-in-place pipe ("CIPP") lining system for approximately 27,200 linear feet of sanitary sewer pipe, manhole rehabilitations, replacement of defective sanitary sewer pipe (and specifically to include approximately 700 feet of sanitary sewer located on Transit Road between Lee Street and 6100 Transit Road as described in a report prepared by GHD for a subsequent phase), point repairs to sanitary and storm sewer pipes, associated restoration work, as well as other improvements as more fully identified in (or contemplated by) a report dated January 10, 2020 and a report dated July 9, 2021 that were prepared by engineers at GHD in connection with the project (as supplemented), all of the foregoing to include all preliminary work and necessary equipment, materials, apparatus and related site work and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$2,913,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate amount not to exceed \$2,913,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. To the extent not previously authorized, the temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes

authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village Treasurer is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Village officials and the Village's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Village Clerk.

SECTION 12. The Village has determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 13. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 14. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

SECTION 17. This Resolution is effective immediately pursuant to Section 36.00(a)(5) of the Local Finance Law.

SECTION 18. Nothing in this amendment shall affect the validity of the Original Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

* * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: 5

NOES: 0

ABSENT: 0

AUTHORIZE FALL FEST

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

BE IT RESOLVED, permission is hereby granted to hold a Depew Fall Fest in the Village of Depew Veteran's Park on Saturday, October 16th from 10:00am until 8:00PM. With portions of Terrace Blvd blocked off for the event.

MUSIC – Various performers will play throughout the park throughout the day.

ACTIVITIES – Including contests, exercise activities and a family friendly movie, with additional details to follow at an upcoming meeting.

FOOD and VENDORS – There will be a variety of food trucks and local craft vendors on hand with additional details to follow at an upcoming meeting.

Permission is also granted for use electric power and of restrooms at the Southside Fire Station.

The following resolution was seconded by Trustee Hamernik, 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 CONFERENCE

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

BE IT RESOLVED, permission is hereby granted to Hon. Kathleen M. McDonald, Depew Village Justice to attend the NYS Magistrates Association Conference, held at the Sheridan at the Falls, 300 Third St, Niagara Falls, NY 14303 from September 27th – 29th, 2021. The cost of the conference is \$100.00. The use of village vehicle is authorized.

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

EMPLOYMENT APPLICATIONS Brendan Bruce - DPW

DEPARTMENT HEAD REPORTS - Building August 2021

Fire Chief's Report
Village Board Meeting
September 13, 2021

- 1) Current Roster: 118 Firefighters, 6 Junior Firefighters
- 2) 2) September 2021 Calls to Date: 11 YTD Calls: 217
- 3) 3) YTD Structure Damages: \$370,000
- 4) Our firefighters continue to work hard, day in and day out, responding to calls and dedicating their time to training. The fire department continues to remain ready

for any emergency we are called to, and will continue to respond with professionalism on every run. I want to offer my sincerest gratitude to my firefighters for their continued dedication to the Village of Depew and the residents we serve.

- 5)) On Saturday, September 11th, 2021, the DFD held our Annual Department Inspection. At that time, we recognized several members with extensive years of service dedicated to our department and the Village of Depew. I would like to recognize the following firefighters for their tremendous years of volunteer service to the DFD and the VOD.

Asst Chief Brian Musielak – 25 years

Asst Chief John Gauthier – 25 years

FF Martin Lebedzinski – 25 years

FF Donald Wegst, Jr – 25 years

FF Henry Kacala, Jr – 30 years

FF Paul Water – 35 years

FF Timothy Rogacki – 35 years

FF John Koziel – 45 years

FF James Nusall – 50 years

FF John Garbacz, Jr – 50 years

FF Robert Brotz, Sr – 60 years

In addition, since our last Department Inspection, the firefighters of the DFD have dedicated an enormous amount of training hours to perfect their craft. Firefighters put in 4,732 hours of training since our last inspection. This includes training done during the heart of the COVID-19 pandemic. Even a pandemic couldn't stop our personnel from working on their skills for the protection of life and property in the Village. I commend my entire department for their continued dedication to uphold their oath to be there at a moment's notice for anyone in their time of need. Especially during the pandemic, our members put aside their personal safety, left their families day in and day out, and answered every emergency call with the utmost professionalism and efficiency that any Fire Chief could ask for. And it was all done by volunteers, with no expectation of reward or payment for their sacrifice. The firefighters of the DFD do this because we took an oath, and swore to protect this great Village and it's residents in their time of need, no questions asked.

Respectfully Submitted,

Todd J. Rzeszutek

Fire Chief

Depew Fire Department

PUBLIC COMMENTS OR CONCERNS

Bob Brandon of Senator Kennedy's office said that now that we address the Governor as Kathy Hochul, he wanted to pass along the fact that she asked for a Special Session to get the moratorium on evictions extended until 1/15/22. Applications on line were very difficult to obtain, and the system was not user friendly. Landlords argued that they did not have enough time to properly address this in the original time frame stipulated. There was an actual court case challenging this, which won. The Governor was able to get this extended until her date that she asked for. Secondly, she is allowing local governments to continue holding remote meetings until 1/15/22 as well. This too, passed. There is now a control board to over-see the cannabis law. There is Chairman and 5 members on the board. The Senator marched in the labor day parade, being a big union guy he feels strongly about cameras in construction zones/sites. A State employee mandate for all

everyone to wear masks, or get tested weekly for COVID has been put into place. Anyone entering the buildings and not sitting at their desk must wear a mask.

Liz Brinkworth of NYS Assemblywoman Monica Wallace wanted to say the Assemblywoman was very excited to be able to get a grant in the amount of \$120,000 for the Depew Police Department in order for them to purchase body cameras. If anyone has any issues on the State level, please feel free to contact her office for assistance.

Rec – see report
Code – see report
Police – see report
Fire – see report

DPW – paving of streets has been completed as of now. Please, anyone who is raking already fallen leaves, leave them on the lawn and do not place them in the street. They will begin picking up leaves soon.

Law – Going forward we will begin appearing at notices of tax value challenges. The solar project will now go out to bid which is Great news! Hopefully we will have enough money from the property sale of a portion of the land will be enough to pay for these once bids are received.

Trustee Ziemba – N/A

Trustee Hamernik – Good evening, first of all I would like to say that I am not against the revitalization of fireman's park much needed improvements. I have received letters, nasty phone calls and public trashing on Facebook. I was elected by the residents to make my best judgment on their behalf. We did receive American Rescue funds, not a grant, to be used by the village to help with the needs and infrastructure. With no strong guidelines on how the funds can be divided, we have to seek out where the money can be used. Currently we have a police dispatch office that has outgrown its area with more monitors continuously being added. There is no more room. The room needs a ventilation system, because of the heat being thrown from monitors. There is a solution of just removing a few half walls, that are not load bearing, bringing the room back to its original size of years ago, and moving lockers out to another area. We have property tax refund cases coming in steadily that will have to be paid. Where are all of these non-budgeted 2021 expenses going to be paid from? We just paid out a 229,000.00 reassessment that we had not budgeted for. Yes, I agree fireman's park needs to be updated, but we first must look at Dept. needs, not wants. If all money is spent and there is a shortfall, I do not want to raise taxes to balance a budget, because we didn't plan accordingly. Our residents cannot withstand a tax increase. We as a board need to sit down and carefully decide what is best for our residents.

Trustee Kucewicz – Thank you to the Fire Department for inviting me to your inspection. Also, she appreciates all of you for what you do all the time. She truly appreciates all of your hard work!

Deputy Mayor Stempniak – Congratulations Chief Rzeszutek you did a great job. Great to hear all of the hours of training. Inspiring to hear all that you do. As to Trustee Hamernik's statement, in relation to the American Cares Act, in relation to parks, she did pull up the interim rule and it specifically says that some local governments, saw increases in the use of parks during the pandemic. We've had more tournaments, teams playing, more events, etc. The Park has been neglected for so many years that the Mayor and I thought that the ARPA funding would be put to a great use to update the park. It's sad that it hasn't been addressed yet. There is a "pee wall" there!!! The infrastructure is terrible. You can't even use a stroller, ride a bike or God forbid you need a wheel chair in the park, because that's not happening!!! The tennis courts are awful. The equipment is terrible! This is why she feels it is the best use of this money. It can be used for all of the residents to enjoy the park. When you come to the park now, it is sad, very sad. Now there is a CDBG Grant just on the Cares Act that she believes may be used to complete the renovations needed in the PD Dispatch center, using the ARPA funds on the park makes sense.

Previous Mayor Steve Hoffman addressed the board and asked about how much the project was going to cost. Mayor Peterson reported that it is approximately \$648,000 in the first phase. Mayor Peterson said it's hard to get a definite number, but usually they

add 20% to it which took it into the \$700,000 range. Mayor Hoffman explained that when he had the same vision for the park, his estimate was much higher. Deputy Mayor Stempniak said that they used his plans and scaled them down to what the Village could possibly afford. Mayor Peterson stated that Steven's version was more like \$1-\$3 million dollars. And Steve reported that the number was closer to \$4 million but that was top notch!!! Mayor Hoffman, in tagging off of Terry Wachowiak, it's in dire need and is of no cost to the Village. You have a great chance to put your fingerprint on a facility that will be used for years to come. We have a gem here in the Village, it's the park.

Mayor Peterson said that they broke the project down into phases. The long shed and bathrooms would be done in the first phase. We received \$766,000 in the first round of deposits in July and next July we will get the same amount again. Mayor Hoffman said from the sounds of it, there is board opposition??? Trustee Ziemba, have you been to the park? Trustee Ziemba responded, I'll let you speak. Mayor Hoffman said the park is deplorable! If the COE were to come there, he'd order it to be torn down. People aren't coming because it's not accessible. The Fire Department deserves this park! He implores the board to try and get along here!

Trustee Kucewicz asked if she could ask Mayor Hoffman a question. Did your board meet when you were planning on spending \$1 million dollars? Did you socialize it? Did you discuss the decision? We didn't get any answers, Mayor Hoffman said in 2011-2015 when he was Mayor it was his problem, right now it's not, it's this board's. Stop arguing! It's been like this for years!! You need to come together! Open communication and discussions to discuss this! Trustee Kucewicz agreed.

Steve Hoffmann, 31 Ridgeway – He was disappointed when he left the August meeting. Then when he read the Bee, he was further disappointed. That disappointment led to a meeting with Mayor Peterson and Deputy Mayor Stempniak at Fireman's Park. There, they reviewed the proposal. He learned some history while looking into the park. The Park was purchased in 1950 by the VFW Post 463 and the named the park. The monument was purchased on 9/12/70 for the Firemen. He grew up on North Bryant Street. He started thinking, what is the reason for the park. What does it mean.....it is a legacy of folks who stand for dedication without expecting to be paid. They serve our community, have for generations. He wants to leave on a positive outcome. Trustee Hamernik said she never said she was against the park, just wanted to be included in the decision making. Her husband was a fireman for 56 years. She is in favor of sitting down and discussing it. Mr. Hoffmann said he sees a lack of leadership here. From "I'm new, need to review...Audrey, you've been around things forever, I'm surprised you didn't know about it, Audrey responded that she never said that. Trustee Kucewicz added that they have not sat down with the department heads. What if the compressors at the rink stop? Who's going to pay for those, and how? In the time of a pandemic, we have to be very careful. The Supervisor of Cheektowaga said it beautifully, she said, with this money I will make sure I do not have a tax increase, because during a pandemic, I can't do that to my people. Yes, there are some items in there that are high and some that should change.

Trustee Kucewicz said that all they wanted is to check with the department heads first to see what their needs are and get their input. This is a million-dollar decision that she has to make. She can't raise taxes on her people during a pandemic. She has 4,625 families to think about. She has to think to herself, is this the right decision? She wants to see a detail outline of the project, will it need heat, how much will that cost, water, etc. What is the end cost? Mr. Hoffmann asked the board if they have gotten together to discuss this as a group? Deputy Mayor Stempniak said she offered to get together, told everyone to just reach out to her and she would be more than happy to get together, but she has not heard from anyone. Mr. Hoffmann said all these people that are here tonight, I'm sure they are in favor of this project. Somehow you all have to get together and figure it out!!! She will feel terrible if someone would have to move based on her decision. She doesn't feel she was ever consulted about money.

Mayor Peterson – it's my turn to talk now! This didn't just appear. I know you guys just got here in April, but Trustee Kucewicz, you came into my office for what seemed to be about 1 hour and 45 minutes, the posters are right there and I am sure I touched on it then. No one ever asked to meet with him! Trustee Hamernik, on July 4th when we were driving you gave me your blessing on it – she agreed. Deputy Mayor Stempniak said if there was something you needed to know, just ask! Trustee Ziemba knew about it in July he said, but the document was not given to him until the night of the board meeting.

Mayor Peterson said that he is here a lot! Even though he has a full-time job, just like you Darrin, you Erica and you Jackie. We're all busy. I don't feel that I have to sell you on this, just ask the questions if you have them!

Prior Mayor Bob Kucewicz, 57 Middlesex Street – Said I think what I'm hearing here is not that anybody is against, first of all let me say congratulations to all the firemen who received the award and thank you to all of you. He said he thinks what he's hearing here is not so much people against the project or talking about information, spreading information, everybody working together so they know it. What I heard when Mr. Hoffmann got up and said I met with Mayor Peterson and Deputy Mayor in Fireman's Park, where were the other 3 board members? Were they invited, were they included? NO, they were not!!!! Mayor Peterson said you know we can't do that and Deputy Mayor Stempniak said due to open meeting law. Mr. Hoffmann reached out to her personally and asked if she would meet with him and I said absolutely, I am more than willing to talk about the project. Mayor Peterson reiterated that we are constantly reminded about the open meeting law by our Attorney. Correct? That is absolutely correct responded Attorney Alba. I discourage board members from meeting more than two at a time because if they discuss official business it has to be a public meeting for the record. Mr. Kucewicz said "walking around the park, just walking and talking?" Mayor Peterson replied we sat in the gazebo Bob; I didn't take tours. Mr. Kucewicz said alright, another quick question. We lost an assessment challenge, how much was that for and Attorney Alba told him, about \$229,000. He further said this started in 2014 and no one in the Village put in a notice of appearance and it continued year after year after year and then they issued a consent order which they commonly do, but with this one they issued a significant refund in the Town of Cheektowaga. This was the Urbandale Plaza on George Urban Blvd. So, it's a huge plaza fighting for 6, 7 years with a surprise pay off. Mr. Kucewicz asked, who represented us and Attorney Alba said no one, no one represents the Villages because Village's have no say. It's the Assessor in the towns of Cheektowaga and Lancaster who drive the case. This can end up with a possible tax refund in coming years, but this one actually issued the refund retroactively, which is rare. Mr. Kucewicz asked if we have any plans to participate. Attorney Alba said yes, he has 16 pending hearings coming up and hopefully they won't issue refunds. And I have that experience and I'm jumping right in so hopefully it doesn't happen again. Rarely happens and I don't think Terry has ever paid a refund, who agreed. Mr. Kucewicz recalled the plaza had 2 owners, was everyone included? There is one owner of the parking lot, and there was one parcel that actually owed taxes and never paid them. They were totally separate. Another question, the rink, how old are the compressors at the rink? Director Ferguson told him that they are original, he asked then about the pipe's underneath, if those were original too? Director Ferguson replied yes. Now his question to the board was how much to replace them? Do we have any inclination of how much it might cost us and Director Ferguson said yes, one compressor is \$130,000? What about the piping underneath? Director Ferguson said he is not sure about that. So, you're spending the money on the first phase on the building, right? Do you get a second funding? Mayor Peterson replied that the second phase was for the walkways, the resurfacing, Mr. Kucewicz said that's the second phase of the project, do you get a second round of funding? The \$760,000? Mayor Peterson replied and told him he would like to help out Audrey with her building across the street, he thinks it's only fair that the Village have something to do with that. Mr. Kucewicz said so you don't have anything set for that, Mayor Peterson replied, no, it very well could be. He can pay 50% of the \$700,000 with the CFA grant which was submitted for July 26. This brings the park up to where it was when it was first developed. I'm not talking about a splash pad versus the kiddie pool, or not even the \$820,000 that was going to improve the ice rink which includes the locker rooms and the expansion on the front of that. Those are just too far out in advance and just too much money there. You are absolutely right about the compressor question, but that's not what this money can be used for. No but you are utilizing this on something else and when this goes, Mayor Peterson reiterated that you can't use this money for that, Mr. Kucewicz said so there are other projects this can be used for and Mayor Peterson said absolutely. Have you quizzed the department heads on their needs, say 5 years down the road, do they have any capital needs? The Park project is great in the beginning, but the second round of funding, have you gone to the department heads and asked are you going to need a new fire truck, again Mayor Peterson said you can't use it for that. There are specifics in the interim rule of what it can and can't be used for Deputy Stempniak added. Everyone can read it, I did. While we would like the help the departments, we can't get a new plow truck. What I read it seemed to allude to, Erie County is doing it, using it for sewer fund Mr. Kucewicz stated. Mayor Peterson said that is one of the 4 major things you can do with it without doing anything.

You can do sewer, water and the internet. And we do have a sewer project going on correct, Mr. Kucewicz replied. Mayor Peterson said we did do our research on that and you cannot use it on any project that is started....Terry Wachowiak added that it cannot be used on any project that has already been funded. Mayor Peterson said so yes, it could very well be used for that in the future. Mr. Kucewicz added that he just encourages the board to, yes, he knows you can't just get together, without advertising or at you pre-board to get together to talk. To disseminate information. To Mayor Peterson he said if you're trying to sell something to them, to use the money, you need to prove to them, they shouldn't have to come and chase you. When he does a proposal for his boss he doesn't just say, here is my proposal, if you want any information go find it. No, I present to him what I need to make the project a viable project. You should be presenting to the whole board, what you have, what you want to do and all those things and he's sure when all of that is done.....you have two new board members, you say they should have known it. They haven't been here that long; they're trying to absorb a whole lot of information. Little things, and there's a lot of them, you know that very well, there's a lot to learn when you work on the board. I think you should take it upon yourself to give them as much information as possible. And I think if you do that, work together as a board, I think you'll find that you can work together very well. Just his opinion

Mayor Peterson asked if anyone else wanted to speak.

Paul Sprada, 58 Argus Drive – He likes all the talk he's heard so far, what Steve, Steve and Bobby's words. The word you need to penetrate your cranium is communication. That's the key to probably everything that goes on in this Village. He would like to see more communication. Perhaps with this proposal of replacing that building at should Fireman's Park is a great idea – should have been done a long time ago, it's been neglected for years. We have an opportunity to put up a new building, for virtually nothing. He thinks a committee should be formed, made up of board members and non-board members to discuss if this is a good project. One thing he doesn't like is the dissention any government or private organization. Thank you to Director Ferguson for taking care of the step in Fireman's Park, he stopped at my house to tell me it was fixes. Communication.....Get your heads together!! Write things down, give proposals, people have to compromise. Let's do something with this opportunity that we have, let's not let it go by.

Assistant Chief John Gauthier, 42 Dartmouth Street – he's been in the Village 25 years, I love this Village and nowhere else he'd rather live! To sit here and listen to everybody want the same thing, and to hear the way you fight the way you do, is unacceptable to him. There's so much more to life than fighting over something you all want. To listen to the news or read anywhere, we have a Federal Government in disarray, from the President all the way down to the Senate and Congress, and we're looking the same way. That irks him beyond belief!! Swallow your pride, put your heads together to figure out what you gotta do to make this Village what it could and should be! Thank you.

Past Chief Gary Cummings, 44 Cowling St, Village of Lancaster, Depew Mailing and he owns property on Terrace Blvd. which is on the way to Fireman's Park and I will tell you I have had numerous family reunions in that park, and they ceased because I got comments back about how nice it was for the first couple of them and then it was Man, we gotta use that bathroom over there? That's terrible!! You go in there and you gotta pee on a wall, the woman's john was really not up to snuff. He is sorry, but when I heard we were going to be putting up new building and it would be something like Westwood Park, he said great, he's gonna bring the family back!!! They love this park, Fireman's Park, he's just disheartened that people are against it. He doesn't know why, it's a beautiful park and he remembers when Steve was in we talked about putting walkways in, bike paths, where did that go? Previous Mayor Hoffman said he couldn't find the money. That's been maybe 10 years. He may be moving back to the Depew, who knows, but Fireman's Park was a big part of my family reunions, it was my mother-in-law's 80th birthday party was held there, she was in a wheelchair. She could go from A to B, that's it, she had trouble getting into the bathroom. When I heard about this, he thought this is going to be great!!! So please, get your stuff together and let's work it out, it's only going to be to better Depew. He loves Veteran's Park, has had good concerts there. The Firemen should be able to go to their own park and have a nice party like we did 20 some years ago right in that park. Now we go to the fire hall and we're hidden, not being nasty. You know where it is, Brewster, we're in the back corner. People used to see their Firemen enjoy their park. Thank you for your time. Please get it together!

Mr. Bob Brotz, 332 Canton Street – in 1961, he was there when they built that park! That Park was the park! You don't know it, but that park used to be carnivals. Used be to rides all the way back. The house next door was his grandmother's and he learned how to drive a car in that park when he was only 16 years old! Now the park has changed and he thinks that now is the time that the park should change to be like the kids and people that go there. So, a little kid, just learning how to go to the bathroom doesn't have to go there and pee on a wall with five big guys. That's all he has to say!!

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Hamernik and seconded by Trustee Kucewicz, the following claims are to be paid: \$236,969.15 General, \$992.60 Sewer Fund, \$7,912.29 Capital Projects, \$18,319.75 Capital Project Building Reno and \$264,193.79 was **CARRIED.**

ADJOURNMENT

ON A MOTION BY Deputy Mayor Stempniak and seconded by Trustee Kucewicz the meeting was adjourned A moment of silence for those that perished on September 11, 2001 and others from the efforts of the event of that day at 8:29 **PM**. The motion was **CARRIED.**

Respectfully submitted,

Teresa Wachowiak
Village Administrator