

# Village of Depew, NEW YORK

*"The Village of Unexcelled Opportunity"*



MEETINGS TO DATE: 24

NO. OF REGULARS: 23

## AGENDA

### VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW

February 24, 2020 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION – REV. GALEN PURPURA JR. – ST. JOHN'S LUTHERAN CHURCH

NOTIFICATION OF FIRE EXITS

ROLL CALL: Trustee Jakubowski -  
Trustee Stempniak -  
Trustee Hamernik -  
Mayor Peterson –

APPROVE VILLAGE BOARD MINUTES – February 10, 2020

ACCEPT ZONING BOARD MINUTES – February 13, 2020

1. Lisa Marie Palma - 64 Hawro Place. Requesting permit to erect a 4ft chain link fence within the required side setbacks (at east & south property lines) on a corner lot as required by the Village Ordinance. – Granted

## PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Authorize – Advertise Public Hearing – Tax Cap Override
2. Appoint – Deputy Mayor
3. Accept – Resignation Emergency Manager
4. Appoint – Village Trustee
5. Appoint – PT Police Safety Dispatcher
6. Approve – Committees
7. Award – Sewer Project Bid
8. Approve – SEQR type 2
9. Authorize – Sign Grant Agreement
10. Approve – School Speed Zone
11. Permission – 5k Race and Beer Tent
12. Approve – Fire Dept Membership
13. Approve – Out of Village Fire Training
14. Employment Application – Rec Dept – Michael Alberti, Nathan LeFever, David Thompson
15. Department Head Reports – Police January 2020
16. Unfinished and Other Business
17. Public Concerns and Comments
18. Claims and Accounts
19. Adjournment

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING TAX CAP  
OVERRIDE – LOCAL LAW 2 OF 2020**

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

**Be It Resolved**, the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday March 23, 2020 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 2 of 2020 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

**Section 1. Legislative Intent**

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3: Tax Levy Limit Override**

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

**Section 4: Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5: Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

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

Trustee Jakubowski -  
Trustee Stempniak -  
Trustee Hamernik -  
Mayor Peterson –

VILLAGE OF DEPEW  
BOARD MEETING  
FEBRUARY 24, 2020

Agenda Item# 1

\_\_Approved \_\_Denied

RESOLUTION

February 24, 2020

**APPOINT DEPUTY MAYOR**

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin Peterson, do hereby appoint Erica Stempniak to the position of Deputy Mayor effective February 24, 2020, for the term to expire at noon on the first Monday in April 2020, at no additional salary.

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020

**Agenda Item # 2**

☐ Approved ☐ Denied

RESOLUTION

February 24, 2020

**ACCEPT RESIGNATION – EMERGENCY MANAGER**

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

**BE IT RESOLVED**, the resignation of Judith A. Michaels from the Emergency Manager position effective February 24, 2020 is accepted.

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

Trustee Jakubowski -  
Trustee Stempniak -  
Trustee Hamernik -  
Mayor Peterson –

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020

Agenda Item #3

\_\_Approved \_\_Denied

RESOLUTION

February 24, 2020

**APPOINT TRUSTEE TO FILL VACANCIES**

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin Peterson do hereby appoint Judith A. Michaels to the position of Village Trustee to fill the vacancy on the Village Board, said term is to begin effective February 24, 2020 and for the term to expire at noon on the first Monday in April 2020.

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020

**Agenda Item # 4**

\_\_Approved \_\_Denied

RESOLUTION

February 24, 2020

**APPOINT PART TIME PUBLIC SAFETY DISPATCHER POLICE**

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

Timothy Schaefer

to the position of Part Time Public Safety Dispatcher Police effective February 25, 2020.

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

Trustee Jakubowski -  
Trustee Michaels -  
Trustee Hamernik  
Trustee Stempniak -  
Mayor Peterson –

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020  
Agenda Item # 5

\_\_\_Approved \_\_\_Denied

**COMMITTEES**

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

**BE IT RESOLVED**, upon recommendation of Mayor Kevin Peterson the following Standing Committees for the official year 2020-2021, consisting of the following members of the Village Board are hereby appointed, the first named Chairman:

Finance, Purchasing & Insurance  
Michaels, Jakubowski

Disaster Preparedness & Public Safety  
Michaels, Stempniak

Zoning & Community Development  
Michaels, Stempniak

Personnel  
Jakubowski, Hamernik

Public Works & Solid Waste  
Michaels, Jakubowski

Intermunicipal Co-operation  
Stempniak, Hamernik

Recreation, Seniors & Veterans  
Stempniak, Jakubowski

Depew Business Liaisons  
Jakubowski, Hamernik

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

Trustee Jakubowski -  
Trustee Michaels -  
Trustee Hamernik  
Trustee Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020

**Agenda Item # 6**

☐ Approved ☐ Denied

RESOLUTION

February 24, 2020

**AWARD BID- SEWER BID**

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

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, the bid for the Phase 4 Main St & Manitou St. from the bid opening February 6, 2020 in the bid amount of \$1,141,105.00 be awarded to:

Kenyon Pipeline Inspection  
68 Park Rd.  
Queensbury, NY 12804

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

Trustee Jakubowski -  
Trustee Michaels -  
Trustee Hamernik  
Trustee Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020  
**Agenda Item # 7**

\_\_\_Approved \_\_\_Denied



RESOLUTION

February 24, 2020

**SEQR Type II Determination**

Trustee \_\_\_\_\_, 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 \_\_\_\_\_, and duly put to a roll call vote which resulted in the following:

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020

Agenda Item # 8

\_\_\_Approved \_\_\_Denied

RESOLUTION

February 24, 2020

**Authorization for Mayor to sign Grant Agreement**

Trustee \_\_\_\_\_ 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 6 sewershed area (Rehm Road) and to fulfill the Village Of Depew's obligation under the Engineering Planning Grant Agreement

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

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020

Agenda Item # 9

\_ Approved \_\_ Denied

**APPROVE CAYUGA HEIGHTS SCHOOL SPEED ZONE**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

**WHEREAS**, the Village of Depew reviewed a request and it was determined that the criteria for establishing a school speed zone is met in accordance with NYSDOT Traffic Engineering Directive OS 03-002; and

**WHEREAS**, the section of Como Park Blvd in front Cayuga Heights School under the jurisdictions of Erie County, and

**WHEREAS**, by referral, Erie County Department of Transportation reviewed the request and determined that it will establish a 25 mile per hour school speed limit on Como Park Blvd in front of Cayuga Heights School between the hours of 7:00 AM – and 6:00 PM; and

**WHEREAS**, the Village of Depew confirmed through conversations with Erie County Department of Public Works (ECDPW) that these signs may be posted by Village DPW along George Urban Blvd upon adoption of a Village Board Resolution and execution of a Village permit; and

**THEREFORE, BE IT RESOLVED**, the Depew Village Board respectfully requests that ECDPW establish a 25 MPH school speed zone on Como Park Blvd; and

**THEREFORE, BE IT FURTHER RESOLVED**; the school speed zone shall be effective only on school days between the hours of 7:00AM – 6:00 PM; and

**THEREFORE, BE IT FURTHER RESOLVED**; that the Village's Highway Department obtain the necessary sign permits from Erie County and install the school speed zone signage in accordance to the Manual of Uniform Traffic Control Devices.

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

Trustee Jakubowski –  
Trustee Michaels –  
Trustee Hamernik  
Trustee Stempniak –  
Mayor Peterson –

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020

**Agenda Item # 10**

\_\_\_Approved \_\_\_ Denied

RESOLUTION

February 24, 2020

**PERMISSION 15 K RACE and LIVE MUSIC WITH A BEER TENT**

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

**WHEREAS**, St. Martha's Parish requested permission to hold their 5K Race on Friday May 1, 2020 starting at 6:00 PM.

**WHEREAS**, said race route and traffic enforcement will be authorized by the Police Department.

**WHEREAS**, traffic enforcement will be provided by the Depew Fire Department.

**WHEREAS**, there will be a beer tent with music from 6:30 PM -10:30 PM on St. Martha's grounds.

**BE IT RESOLVED**, the race is approved. The race will last about one hour.

**BE IT FURTHER RESOLVED**, the Chief of Police must be provided the list of security officers and their credentials at least two weeks prior to the event. The Fire Department must approve site and Village code must be adhered to. The Tent Structure Permit needs to be applied for and the application fee will be waived.

The forgoing resolution was seconded by Trustee \_\_\_\_\_ and **CARRIED**.

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020

**Agenda Item # 11**

\_\_\_Approved \_\_\_Denied

RESOLUTION

February 24, 2020

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

Trustee \_\_\_\_\_, 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 their physicals

**Depew Hose Co. #1**

Christopher Wrobel  
Kora L. Daege

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

Trustee Jakubowski -  
Trustee Michaels -  
Trustee Hamernik  
Trustee Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020  
Agenda Item # 12

\_\_Approved \_\_Denied

**PERMISSION – FIRE DEPARTMENT**

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

**WHEREAS**, Depew Fire Department Hook & Ladder Company is requesting permission to take Ladder #5 to The Buffalo Niagara International Airport, 4200 Genesee St, Buffalo, NY 14225 for a joint drill with Lancaster and the BNIA FD on Wednesday February 26, 2020 from 6:30 PM – 9:30 PM.

And

**WHEREAS**, Depew Fire Department is requesting permission to take Engine #2 to The Erie County Training Facility, 3359 Broadway # 2, Buffalo, NY 14227 for a state interior Firefighters Operations Course on Sunday April 19, 2020 from 8:00 AM – 4:30 PM

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

Trustee Jakubowski -  
Trustee Michaels -  
Trustee Hamernik  
Trustee Stempniak -  
Mayor Peterson

VILLAGE OF DEPEW  
BOARD MEETING  
February 24, 2020

Agenda Item # 13

\_\_\_\_Approved \_\_\_\_Denied