

MEETINGS: 19
NO. OF REGULAR: 19

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
January 9, 2023 7:06 PM

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

ON A MOTION BY, –Trustee Adolf and seconded by Trustee Ziembra \the minutes of the December 12, 2022 minutes were approved.

ON A MOTION BY, Trustee Ziembra and seconded by Trustee Kucewicz the December 8, 2022 Zoning Board meeting minutes were accepted.

1. Michael Crotzer & Jacqueline Stoj for the property located at 157 Cornell Dr. of Chapter 260, §260-14B(1)(e)(1) to allow them to place a generator within the required 5ft setback. Granted.

Roll Call Vote:

Trustee Adolf - Y
Trustee Ziembra - Y
Trustee Kucewicz - Y
Deputy Mayor Hamernik - ABS
Mayor Peterson – Y

Public Comment Agenda Items Only N/A

APPOINT PART TIME PUBLIC SAFETY DISPATCHER

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

Michael Graczyk

to the position of Part Time Public Safety Dispatcher in the Police Department effective January 10, 2023. The salary will be as per budget.

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

Trustee Adolf - Y
Trustee Ziembra - Y
Trustee Kucewicz - Y
Deputy Mayor Hamernik -ABS
Mayor Peterson - Y

APPOINT POLICE CLERK

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

Stacy Wegner

to the position of Police Clerk in the Police Department effective January 10, 2023. Salary will be as per the budget.

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

Trustee Adolf - Y

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR A PUBLIC HEARING-
MANDATORY REFERENDUM – LOCAL LAW #1 of 2023.**

Trustee Adolf 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 local law #1 of 2023, a mandatory referendum for changes to the defined benefit length of the LOSAP – Service Award Program, administered by the village and established for active volunteer firefighters of the Depew fire department, to extend the maximum years of service credit for which a participating active volunteer firefighter may earn a service award from 30 to 50 years and, therefore, the maximum projected monthly service award from \$600 to \$1,000, effective January 1, 2024 this will be put to a vote in the upcoming election on March 21, 2023. The public hearing will take place during January 23, 2023 board meeting in the council chambers, 85 Manitou St, Depew, NY 14043 at 7:00 pm.

The forgoing resolution was seconded by Trustee Kucewicz and CARRIED.

ACCEPT FIRE DEPARTMENT ELECTION RESULTS

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

WHEREAS, on Thursday, December 8, 2022, the Depew Fire Department held their Annual Fire Department Chiefs Election with the following results.

Fire Chief	John Gauthier	Hose Company #1
1 st Assistant Chief	Brian Musielak	Hook & Ladder Company #1
2 nd Assistant Chief	Joseph Aquino	Cayuga Hose Co – Engine #3
3 rd Assistant Chief	Vacant	
4 th Assistant Chief	Vacant	
5 th Assistant Chief	Vacant	

BE IT RESOLVED, that the Village Board approves the above election results and congratulates the elected Chief and Assistant Chiefs.

The forgoing resolution was seconded by Trustee Ziemba, and put to a roll call vote:

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

APPROVE AUCTION RESULTS

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

BE IT RESOLVED, that the results from Auctions International online auction ending 12-20-2022 totaling \$33,125.00 are approved as follows:

Lot 1 – 2020 Ford Explorer SUV / Police Interceptor	\$16,600.00	turbodiesel
Lot 2 – 2020 Ford Explorer SUV / Police Interceptor	\$16,400.00	sunnyknoll
Lot 4 – 13’ Circular Conference Table & Chair Group	\$80.00	RMCROSS1198

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

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department’s Cayuga Hose Company #3 to use the Southside Fire Hall on Saturday April 8, 2023 from 4:00PM to 12:00AM for their 125th year Celebration.

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

APPROVAL OF EMPLOYMENT AGREEMENT BETWEEN VILLAGE OF DEPEW AND POLICE CAPTAIN, TIMOTHY NOREK,

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

BE IT RESOLVED, that the Depew Board of Trustees hereby adopts the employment agreement between the Village of Depew and Village of Depew Police Captain, Timothy Norek and authorizes the Mayor to execute same.

The forgoing resolution was seconded by Trustee Kucewicz, and put to a roll call vote:

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

APPROVAL OF EMPLOYMENT AGREEMENT BETWEEN VILLAGE OF DEPEW AND POLICE CAPTAIN, WILLIAM CURR

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

BE IT RESOLVED, that the Depew Board of Trustees hereby adopts the employment agreement between the Village of Depew and Village of Depew Police Captain, William Curr and authorizes the Mayor to execute same.

The forgoing resolution was seconded by Trustee Adolf, and put to a roll call vote:

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

APPROVAL OF EMPLOYMENT AGREEMENT BETWEEN VILLAGE OF DEPEW AND CHIEF OF POLICE, JEROME MILLER

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

BE IT RESOLVED, that the Depew Board of Trustees hereby adopts the employment agreement between the Village of Depew and Village of Depew Police Chief of Police Jerome Miller and authorizes the Mayor to execute same.

The forgoing resolution was seconded by Trustee Ziemba, and put to a roll call vote:

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

APPOINT INSPECTORS OF ELECTION FOR 2023 VILLAGE ELECTION

Trustee Ziemba, 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 Inspectors of Election are hereby appointed to serve at the specified amount of \$105.00/Chairman and \$90.00/Inspector per day for the General Village Election to be held on Tuesday, March 21, 2023. This list is from Erie County Board of Elections for Certified Inspectors and will be used to fill the positions and any alternate necessary to adequately run the elections.

Sharon Nusall	Chairmen
Jim Nusall	Chairmen
Sandra Len	Inspector
Nancy Forsyth	Inspector
Rebecca Arcese	Inspector
Michael Kopera	Inspector

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

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

DEMOLITION OF 73 MAIN ST, DEPEW, NY 14043

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

WHEREAS, under Village Law Section 81-4 the Village Board has received an Investigation and Report of the Code Enforcement Officer offering the opinion that the building located at 73 Main St. Depew NY 14043 is such an unsafe building,

WHEREAS, the following unsafe conditions exist at the property located at 73 Main St. Depew NY 14043, as determined by a report made by or caused to be made by the Code Enforcement Officer as of the 15th day of November, 2022 and Re-inspected on the 6th day of January, 2023.

- A. The interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. The building, exclusive of the foundation, shows 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- C. The building has improperly distributed loads upon the floors or roofs or in which the same is overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- D. The building has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Depew.

- E. The building has become or are so dilapidated, decayed, unsafe, or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare to those living therein.
- F. The building has light, air and sanitation which are inadequate to protect the health, morals, safety, or general welfare of humans who live or may live therein.
- G. The building has inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.
- H. The building has parts thereof which are so attached that they may fall and injure members of the public or property.
- I. The building, because of its condition, is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Depew.
- J. The building exists in violation of any provision of the New York State Uniform Fire Prevention and Building Code.
- K. The building or structure remains vacant and unattended continuously for a period of one year or longer without adequate safeguards to prevent unauthorized entry.

WHEREAS, the building cannot be safely repaired under Village Law Section 81-5, and therefore must be demolished instead. The owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of Taxes or of the County Clerk is responsible for demolition of the unsafe building. However, if “the person so notified to comply with said order of the Village Board and after the hearing, the Village Board shall provide for demolition and removal of such building or structure either by Village employees or contract,” per Village Law Section 81-9.

NOW, THEREFORE, BE IT

RESOLVED, that the Village Board approves of demolition of the property located at 73 Main St. Depew NY 14043, and

RESOLVED, that subsequent to the passage of this Resolution and prior to demolition, notice will be served to the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of Taxes or of the County Clerk per Village Law Sections 81-6. 81-7, and 81-8, and

RESOLVED, that a public hearing shall be held before the Village Board no less than 5 days after notice of demolition if served, and

RESOLVED, that the expenses of such demolition will be charged against the land on which it is located and shall be assessed, levied and collected.

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

Trustee Adolf -Y
Trustee Ziembra - Y
Trustee Kucewicz - Y
Deputy Mayor Hamernik -ABS
Mayor Peterson - Y

EMPLOYMENT APPLICATIONS – N/A

DEPARTMENT HEAD REPORTS – N/A

PUBLIC COMMENTS AND CONCERNS:

Good evening everyone and Happy New Year! My name is Elizabeth Brinkworth and I am Chief of Staff for NYS Assemblymember Monica Wallace.

Assemblymember Monica Wallace is back in Albany representing the people of Lancaster, Cheektowaga, Depew, Sloan, Lovejoy and Fillmore.

Assemblymember Monica Wallace and staff were happy to hear that bills player number 3 Damar Hamlin was discharged from UC Medical Center and is back in Buffalo. We continue to wish him a speedy recovery.

Today is National Law Enforcement Appreciation day. Thank you to all of Depew police officers for protecting and serving our community.

Signed into law on December 16, 2022 - Assembly Bill A4283 sponsored by Assemblymember Rosenthal – which prohibits the sale of dogs, cats and rabbits by retail pet shops; authorizes space for adoption. As a cosponsor Assemblymember Monica Wallace was happy to see this bill signed into law to protect our four-legged friends from inhumane high-volume breeding facilities, also known as puppy mills.

Assemblymember Monica Wallace was a cosponsor of A7925-A – relates to restoring the oversight of certain contracts by the state comptroller was signed into law by Governor Hochul. This was a big priority for Assemblymember Wallace as this instills checks and balances on executive power. This oversight was removed from the Comptroller 10 years ago and has been finally restored. By reviewing contracts before they are awarded, the Comptroller's office helps ensure the integrity of the procurement process and protects taxpayers, agencies, local governments, nonprofit organizations and other vendors by uncovering significant fiscal and integrity issues. These preaudits are aimed to uncover conflicts of interest, waste or fraud before a big contract is finalized. Good government groups like Reinvent Albany have praised the passage of this legislation.

Assemblymember Monica Wallace was a cosponsor of A7006-B – enacts the digital fair repair act, this law was signed into law by Governor Hochul. This bill will lower repair costs, support small businesses, reduce e-waste by allowing consumers to repair rather than replace their devices. However, some of the changes made by the Governor have diluted the bill and Assemblymember Wallace is looking to revisit the bill this coming session.

Tomorrow Governor Hochul will give her state of the state address. The Governor will give the address to legislators and New Yorkers to discuss her upcoming priorities for this legislative year. For those interested in tuning in, the speech will begin at 1pm and can be viewed on the Governor's website - <https://www.governor.ny.gov/>.

Captain Curr told everyone how proud he was of how all the departments worked so well together during this storm and that they are very proud of all of their officers as well.

Chief Gauthier said that all departments did an awesome job during this storm. Their firefighters were on stand by at the fire halls. They ran 59 calls in 36 hours, including transporting a couple EMS patients, which they do not normally do. Ambulances were not running so they took them on the fire trucks. Thanks to the DPW for plowing the way for their trucks to respond

to these calls and the residents!!! Thank you to OEM for opening the Senior Center as a warming place, they too opened the fire hall to be a warming place. Really, a special thank you to everyone, the PD, DPW, OEM and fire. They did have some equipment damage during the storm. On another note, the fire department changed their bi-laws to reflect a change in the member voting on Chief's to December, which means the new Chief's take over in January. Also, since the fire department is all volunteer, it is hard to recruit and retain members. Hopefully the proposed change to the LOSAP from 30-50 years will help in that area.

Superintendent Pyc thanked all departments as well. Everyone did a great job!!!! They did have some equipment damage from all of the snow and length of time they were out. He asked the residents to strip their Christmas trees if they are throwing them to the curb for pick up. They have a difficult time when people leave lights, decorations, the bag on them and also the tree stand.

Don Bielefeld told everyone how impressed he was with all of the departments during this storm. Especially RJ And Galen, he is very proud to be a part of this Village!!!! They are working on the demolition at 73 Main Street. Kate has completed half of her training.

OEM Director RJ Nieman – To DPW, Fire, PD, Mayor and Administrator, we definitely saved lives, no doubt. Best decisions were made at difficult times. We had approximately 40 people here, about 17 at the West End Fire Hall. A Big shout out to Wegman's who stood by us and donated food, flowers, a full ham dinner with all of the fixings. The Mayor and Fire Chief both received cards and letters from people thanking us. It was no Hilton, but we sure made the best of it Mayor Peterson said. We made it very accommodating for the people.

Recreation Director Kevin Ferguson told everyone that thanks to the DPW, the rink was only closed for one day!!! They were open during this event!! This weekend is the big hockey tournament too, a money maker for the Village. They'll have people there from morning until nighttime.

Attorney Alba said that everyone worked together during the storm, OEM, DPW, Fire, PD, he was even involved by writing a waiver for the Senior Center and the State of Emergency declaration. He said that the Village is working on 2 local laws. One for AirBNB's and the other on marijuana. There are a couple of tax charges left to deal with as well.

Trustee Ziembra wished everyone a Happy New Year. In his meetings with NEST, there are a few events coming up that he will give dates for. He knows they will be in April, July and September.

Trustee Kucewicz thanked everyone in the OEM, DPW, PD and Fire departments for all of their hard work during the storm.

Trustee Adolf reiterated that saying he just can't say enough about what everyone did. It was a collaboration of effort!!!!

Mayor Peterson told everyone about the behind the scenes work and input that is going on during these events. The State of Emergency over the phone with Attorney Alba which is ongoing, but soon to end. County declared some driving bans and advisories and split the Village from the Transit Rd

mark into Cheektowaga and Lancaster. He is working with the two Supervisors, and Mayor Ruda to get this issue resolved. They can't split the Village and give one side a driving ban and the other an advisory. The Village has to remain whole. That should be a cooperative and coordinated effort. He and the 2 Towns, along with the Village of Lancaster stay in very close contact with one another during an event like this. And then we turn to the trash. This board spends a LOT of time on this issue. We have to make sure that whatever it is, it's done safely with the contractor. 40 people died in this storm, including one in Depew. He nor the board members get any special treatment from Casella, we are just like all of you. We've met 6 or 7 times with Casella and virtually met a couple of times. For anyone who knows me, if you come to me with a complaint, bring me your idea for solution. We are just regular people sitting up here. Give me your solutions, we're always open to listening. Some things are just not doable though. We have to work with them, we are in a long term contract. You too have to help too. Everyone's totes should be out by 6am on your scheduled pickup day. Casella can come back to grab your totes if you didn't have them out by 6am, but then your neighbors are delayed or others are delayed. They can't keep coming back. Another area is bulk items. The items are spelled out on what constitutes 2 bulk items and there are people who just don't abide by what is allowed! We're lucky to have this pickup every week. Our neighbors are once a month! Casella will soon have a camera system in place on their vehicle which will show us what wasn't out. If totes are out and something is in front of them, it's very difficult for the automatic arm to get to them. The drivers have been instructed to get out and manually get them, but again, this causes delays. We are doing the best we can with getting the news out on social media, like our website and Facebook. Trustee Ziemba is working with Casella to get our mailer out to everyone as well. I too mix up the A/B week and my recycle bin is full because I didn't have it out. Now I have to wait for the next pickup. You have to consider, is the transfer station at Waste Management open? If there are driving bans and such, can their employees get to the Casella trucks? There are a lot of moving parts involved in this. Totes should be out by 6am and you are limited to 2 bulk items. Everyone has to do their part.

Paul Sprada, 58 Argus – Just wanted to say that everyone did a remarkable job, especially the DPW. No other community gets what we do. They even did every sanitary sewers clean out.

Richard Jimenez, 66 Westfield – asked the board about getting two totes for his business. He does not generate enough garbage for more than what he is asking for. Mayor Peterson asked him if there was a dumpster on the property when he purchased it, he said yes there was, but they had no totes. He only needs one of each. Mayor Peterson told him to come into Village Hall to pay for them and then the DPW will deliver them to him.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Ziemba and seconded by Trustee Kucewicz, the following claims are to be paid: \$364,499.64 General, \$2,208.00 Community Development, \$5,661.72 Sewer, and \$716,492.36 Capital Projects, with a total of \$1,088,861.72 was **CARRIED.**

ADJOURNMENT

ON A MOTION BY Trustee Ziemba and seconded by Trustee Adolf the meeting was adjourned with a moment of remembrance for Firefighter John Buczek, 30 year member of the Depew Fire Dept / West End Hose Co. #6 President. The meeting was closed at 8:08 PM.

Respectfully submitted,

Teresa Wachowiak
Village Administrator