

MEETINGS: 20
NO. OF REGULAR: 20

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
January 23, 2023 7:05 PM

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

ON A MOTION BY, –Trustee Adolf and seconded by Trustee Ziemba the minutes of the January 9, 2023 minutes were approved.

ON A MOTION BY, Trustee Kucewicz and seconded by Deputy Mayor Hamernik the January 5, 2023 Planning Board Minutes were approved.

1. Nicholas Edsell, on behalf of City Limits Moto/Triumph Buffalo for the property located at 3283 Walden Ave, Unit # 3291, Depew, NY 14043. They are requesting the following: Requesting a special use permit to operate motorcycle dealership in a M-1 zone as per Chapter 260 § 260-27 under the guidelines of Chapter 260 § 260-33(K) and of Chapter 260 § 260-33(N). Granted with stipulations: Must verify oil/water separator.
2. Ari Goldberg of Barclay Damon LLC, on behalf of JRT Singh Properties LLC, for the property located at 2251 George Urban Blvd, Depew, NY 14043. The following matters to be reviewed: Concept plan approval to build a proposed 8-unit multi-family apartment building in a C-2 shopping center district. Tabled.

Public Comment Agenda Items Only N/A

The public hearing was opened at 7:07 PM by Deputy Mayor Hamernik and seconded by Trustee Ziemba.

LEGAL NOTICE

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.

Ron Maciejewski, 24 Kibler St – Past Chief, President of the Depew Volunteer Fire Department Inc. told the board that he thinks everyone is aware of the crisis volunteer fireman service faces in the recruitment process. Just as any civic organization having trouble trying to get new members, just like any church, VFW, children’s activities. Back in the 1980-s, NYS passed creating the LOSAP program. We were not the first, we were not the last. Back in 1993, the voters of the Village passed, through a referendum passed the first phase of the LOSAP program. The design of the program was to recruit and retain members. Fast forward to what the Mayor said today with a 5 year buy back and the program maxed

out with 25 years of service and the 5 year buy back, giving you 30 years. That 30 years ended December 31st, 2017. As the Mayor said, there is 8 of them, most of them are here today, that since then, we're still in the fire department, we're still earning our 50 plus points and they are not gaining anything else on that LOSAP program. So this would be an incentive, obviously, for firefighters to stick around. Some of us veteran fireman, not sure we're going to make that 50 year mark, they're going to try, and try their hardest. But for the new people, those coming in at the age of 18, right now they would max out at 48. This at least would give them more of an incentive to stick around. There are fire departments that passed their LOSAP before us and had 30 year max, it doesn't happen a lot but it's happened enough where members got to their 30 years, because they were fairly young, left that department and went to a neighboring department to join their LOSAP program. I don't think that's what we want to do. We have some very, very active members, one who's a past chief that started when he was 18, we don't want to lose him at 48. There's a lot of members that have started here at 18 since this program started, we don't want to see them get their 30 years and have them go to a neighboring department and start all over because I'm young enough. So my plea to this board is please consider passing this, it will mean a lot to the fire department, not only for the recruitment but for the retention. Thank you.

Past Chief Cummings, 44 Cowing St – and also an owner of property on Terrace Blvd. He's been a volunteer fireman here for 43 years. So like Ron said, we hit their 30 years. He just hit the 30 years 2 years ago so he's been going 2 years with no extra benefit. He's still doing it, is it the benefit that's doing it, no, he loves the fire department and the Village of Depew. The bad thing is, as he said, people like me, I could have gone to Lancaster and started over. But at the age of 69 and 7/8's he figured starting over isn't in his plan. But he is dealing with a lot of juniors. The DFD is very honored, they have 17 young adults between 14 and 17. They are in love with this department, they are in love with the fire service. He does believe that if we treat them right and given the opportunity, they may stay until they are 68. Who knows, once you get the fire in your blood, you're here and everybody knows that a little extra money they don't care about, but it is a big incentive. The money that he gets, with the \$600 a month, is really nothing but it does help him out with his bills. More or less, from the fire department he's one of these unlucky people who got the big C in his life and that's helping him pay some of the bills he got for that. It is a little payback so if you can, get it out there and vote this this on. The extra money will help for recruitment and helping out our firefighters when something bad happens, He asked that everyone think about passing it. Thank you.

Mayor Peterson said both of the guys are very active, even though they are not Chief's anymore. He remembers when the week after you were up driving. Gary went from Chief for 9 years and he's back in as Captain now.

Scott Wegst. 111 Colony St - member of the DFD, also past Chief. As past Chief Maciejewski and Cummings have said, he thinks this is a positive thing for their fire department, something that, for himself, he's been in since he's been 18, he's gone through the ranks, done as Chief, still in the line and helping out. He could not imagine, not being in the fire department. Himself maxing out in 8 years, he can see it as a hindrance to people sticking around. He does think that this will be helping on the

retention side. Seems to always hear, we need members to join, we need to recruit but it seems like little gets done to retain members. This is the age that you need senior members helping the juniors, just like past Chief Cummings helping with our Juniors. We need Senior members that stick around and help guide our younger members to be great leaders in this Fire Department. He appreciates the Board looking at this and he would appreciate a positive vote on this. Thank you.

Brian Musielak, 46 Stewary Dr. – Currently he is the Assistant Chief in the DFD, started off as a Junior Firefighter. He has been here for 30 years. We have a lot of firefighters that are between the time of service in between 20 and 30 right now. Like past Chief Maciejewski and the other past Chief's, we don't want to lose them after the accumulate 30 years. Even though he can state that there is no one that joined the FD joined just for this service award credit. They joined the FD because they want to help their community. But it is an added incentive, it does help out when you get to a certain age to collect it. It is beneficial to our Veteran's and Senior members when they get to that point. It's also incentive for our firefighters to make the points and be more active so that they do make the points. This isn't a given, that you automatically get this service award every year. You might make it 5 years in a row and you might have a lull in your life where you aren't your not as able to give as much to the fire department and you might not make it for 2 years in a row. You do have to work at it. You do have to be dedicated and you do have to give an ample amount of time before you can even qualify for this program. It's just not a given. It's definitely earned, you have to earn it. It would give our firefighters a little more incentive to have 30 plus years to keep on going and to stay active and not just come around once in a while. I can tell you the ones that do have over 30 years, they are still active in the department that are collecting it. They have fire fighters that have more than 30 years but have maxed out after 30 years, all those 8 fire fighters are still very active and participate. Some are our most active members, call percentage wise and training. Please, he thinks it will be helpful in the recruitment end but he thinks it will be more helpful on the retention end. Thank you for your consideration.

Deputy Mayor Hamernik said how lucky we are to have the volunteer fire department. If we had to pay for a paid fire department, our taxes would just be outrageous. So, she, herself, just wants to say Thank You to our fire department. We are very lucky to have such a good volunteer fire department.

The public hearing was closed at 7:26 PM by Deputy Mayor Hamernik and seconded by Trustee Ziemba.

CHANGE OF PAYROLL DATES

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

BE IT RESOLVED, due to the Thanksgiving Holiday our payroll pay date will be Wednesday November 22, 2023 instead of Thursday November 23, 2023.

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

PERMISSION – POLICE CONFERENCE

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

WHEREAS, Permission is hereby granted to Police Chief Jerome Miller and Police Captain Timothy Norek to attend The International Chief of Police annual training Conference in San Diego, CA, October 14-17 2023.

THEREFORE, BE IT RESOLVED: The above foregoing resolution was seconded by Deputy Mayor Hamernik 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 - 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’s Central Hose Company #4 to use the North Side Fire Station on Sunday April 30th, 2023 from 9:00 am - 5:00 pm for a Carubbas Drive Thru Chicken BBQ.

And

Permission is hereby granted to the Depew Fire Department’s Central Hose Company #4 to use the North Side Fire Station on Saturday December 9th, 2023 from 5:00 pm - midnight for the Annual Company Christmas Party.

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Deputy Mayor Hamernik, 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 physical:

HOSE CO. #1

Darlene Peterson
Eric Peterson

The following resolution was seconded by Trustee Ziemba, and **CARRIED**

MODIFY 2022/2023 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2022/2023 Budget in the following manner:

1. 10.4.3830- \$29,000
10.5.1620.200 - \$29,000
2. 10.4.2770 - \$140,000
10.5.1620.202 - \$140,000
3. 10.4.2770 - \$30,000
10.5.3120.202 - \$30,000
4. 10.4.2770 - \$30,000
10.5.3120.202 - \$30,000

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 - Y
Mayor Peterson - Y

PERMISSION TO SIGN - EMPIRE BUILDING DIAGNOSTICS PROPOSAL

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

BE IT RESOLVED, Mayor Kevin Peterson is authorized to sign the proposal with Empire Building Diagnostics for the Depew Fireman's Park abatement project.

The foregoing resolution was seconded by Deputy Mayor Hamernik 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 - Y
Mayor Peterson - Y

EMPLOYMENT APPLICATIONS – N/A

DEPARTMENT HEAD REPORTS – December 2022 Police

PUBLIC COMMENTS AND CONCERNS:

Elizabeth from Assembly Member Wallace's office read a statement from her:

"I have serious concerns with the pace and timeline of the proposed transition to electric heating and appliances. We must ensure that this transition does not risk the resiliency of the energy grid, overburden ratepayers or prevent Western New Yorkers from using gas-powered fireplaces, which helped many households weather the horrific blizzard last month. But let's also be clear: no one is proposing that the state force people to give up their gas-powered appliances or retrofit their homes. That is not even a part of the discussion, and I would adamantly oppose any such proposal.

"We must address the climate crisis. If we do nothing, these storms will only get worse. We know climate change causes more severe weather and that a warmer Lake Erie causes more lake effect snow. However, our answer to the climate crisis must maintain the resiliency and safety of home heating systems in Western New York."

Ken at DPW told everyone that his crew is doing some work for the new dispatch room and also some work in the electrical phone room. He thanked the Assembly Member for lunch that was supplied to them.

Rec Director Kevin Ferguson said there was a lull at the rink on Sunday's for a bit, but now that the Bills did what they did, we're picking up at the rink!!! Just finished a huge tournament that went very, very well.

Kate in Code told everyone they are slowing down a bit with building permits. Just to remind everyone, trash and recycling items need to be inside of your tote and they need to be out by 6am! You are allowed 2 bulk items

weekly. If we get more snow, remember to take care of your sidewalks, it's your responsibility as the homeowner.

Chief Gauthier from the Fire Department Regarding the public hearing, most all of you know that the fire department is 100% volunteer. It really has nothing to do with the LOSAP money, it's because we want to help our community, helping out where you live. Past Chief Cummings is our HR director, Ron is very active. Past Chief Wegst gets us our grants that help our department. Brian is the department's work horse! If anything is going on, he has a hand in it. We just hope no one leaves and that we retain our veteran firemen.

Chief Miller told the audience that the department has been very busy and his officers are all out working hard to make sure everyone is safe.

Attorney Alba told everyone he is working on a few Article 7's for the Village, he has been busy with the new Red Flag law, one is pending. This is a State mandated program. Anytime someone makes a serious threat of hurting someone or violence, the PD has to file an application with NYS Supreme Court to make sure that person cannot possess firearms. We have 2 pending right now, 2 that we've gotten final orders this year which the PD has to deal with. Whereas other departments just don't file them at all. Hope to keep up the good work there. He was able to review the contract for tonight and I made a couple of provisions on the indemnification part of that. As a reminder to all departments, send me your contracts before you sign them. I can't fix it after you've signed them but I can prior to you signing them.

Trustee Kucewicz first I want to start out by thanking the firefighters that are in the room, thank you guys for your service, we really appreciate it. Recently we launched our new website. The goal of the new website is to make doing business with the Village easier. While there is still a bit to be inputted, we want to make things as easy as possible for our residents. Some of the great things out there currently is you can report concerns with one click of a button. If you have a trash concern, go on, hit concern and put in Trash Collection and you can report it without even having to call. A general concern, you can do the same. We have a search capabilities are much better than our last site. We have a community calendar so you can keep tabs on what is going on in the Village. Our site has a lot of potential that our other site did not. Some things to look forward to, there will be an option to opt in to text or email to notify me option. Example, if roads are closing you can opt in to get an email telling you about them. We're looking forward to adding fillable forms so you can do business with the Village right from your home. She thanked all of the departments that helped give input to the sight and participated in the training session.

Mayor Peterson thanked Jackie for her efforts and Regina was very helpful in the process as well.

Trustee Adolf thanked all of the fire fighters, he told them, coming from a family of fire fighters himself time and the stress not only on you but on your family, so thank you. He told everyone that he has the honor to attend Governor Kathy Hochul's blizzard recognition ceremony as a representative of the Village of Depew as well as many representatives and also those who served during the Blizzard of '22. He read a certificate of recognition from the Governor. He told everyone he can't begin to reiterate how fortunate we

are here in Depew for the services that we do have, Fire, Police, DPW, Rec, OEM out there making sure our community was safe. We'll find a place for this certificate. They are calling it a generational event so all that we do to help our community, so thank you.

RJ for OEM told everyone that once again during an emergency the night before, he and the PD worked together as a team to evacuate some people in a matter of minutes and just wanted to say thank you, another great job.

Trustee Ziembra told everyone to be on the lookout for the mailer to be coming from Cassela!!

Former Mayor Kucewicz came before the board and read a prepared statement. He said he was at the meeting for a number of reasons. First, when he was Mayor of Depew many years ago, I learned a great deal about what a difficult job the Police Department has. But I am troubled by a series of recent events. My neighbors have been out talking to me and to each other and I can tell you they don't feel safe. Yes, the shooting on Darwin is a situation. It occurred two doors down from my house, could you have prevented it? Probably not. Is it scary situation? Absolutely. What I'm concerned about is not what happened, but how the residents were notified about it. I heard it through the neighborhood Grapevine. I did see a press release from you Chief. It was a very matter of fact press release. A statement was made that the police believe that it's an isolated incident. Without asking you to divulge pertinent information, I wonder how you came to the isolated event conclusion. Do you know who did it, but have been unable to apprehend him? Or her? But if you do not know who did it, how can you come to that conclusion? It would have allayed some concerns if something was said reassuring the residents that you were truly concerned for their safety and that you were increasing patrols in the neighborhoods. By re-positioning my security cameras, which were directly pointed to his own property really, but he did see more patrols were in the neighborhood in the following days after that. I thank you for that. He also saw that the Village is hosting a outreach program for those coping with and dealing with the incident. Some residents are even more concerned about the residence at 52 Middlesex. His understanding was that 1, possibly 2 stolen vehicles were found in front of the Airbnb. I was awakened one morning to an officer walking across my lawn at 5:30am. My camera showed them putting something into my newspaper box by my front door. It was a card with a message to send any camera footage to the police. The following night he directed his camera more towards the street and the Airbnb. That's when he saw more patrols coming down the street more often. He also saw, a few minutes after the police went by, the lights in the AirBNB flash on and off. Shortly thereafter, a vehicle approached the house. This occurred multiple times throughout the night. Looks suspicious, but who knows? He said he was told that the Police don't believe drug dealers use AirBNB's? If you refer to Saturday's edition of the Buffalo News, you'll see that they found 50lbs of cocaine at an AirBNB in Buffalo. If you just do some searches, you'll see that AirBNB's are used regularly for drugs. He said he had received a text and he read for the board. The note told him to be careful, that if stolen cars were at the AirBNB, that means there are weapons, and to look outside before going out. He said all these things together stoke the fear of his neighbors. The AirBNB has been a nightmare. Even if this AirBNB does go away, who's to say that another doesn't pop up somewhere in the Village creating the same type of problems this one is creating. It's time this Board took some action to restrict these AirBNB's or at least have consequences for the problems they cause. He thanked the Board.

Attorney Alba thanked Bob and said he knows there is a lot going on, but that he'd be happy to have a discourse with him about these and the law we could pass. He told him that we had a Public Hearing a few meetings ago at the last meeting in December about a possible AirBNB law, there wasn't much commentary. We are searching to see if it's still open because we had another meeting because we weren't sure what we were going to do. Sam

asked if Bob would be in favor of moratorium, a temporary moratorium or perhaps just more enforcement mechanisms or maybe some hybrid of that? Because we are all working on it. We do believe there's people in Depew running AirBNB's properly and doing the right thing. We don't want to penalize them, but we do want to address this swiftly. Especially as a past Mayor, Sam said he was curious to know what your thoughts are so we can get this right and done quickly. Bob responded that he also agreed that there are good AirBNB's out there. They're all across the Country and they are good ones. That's why he mentioned the fact that maybe there are some penalties should frequent situation occur such as I've heard at this house. There have multiple parties at this house, which the police have responded to. Now this most recent one and people are fearful. People are coming and going and coming and going and then a stolen car found in front of the house. It's just a very scary situation and he thinks everyone will agree with that. Captain Curr asked Bob if someone from their department made a statement to him about the narcotics and there is or there isn't a concern about that? Trustee Kucewicz said that it was brought to her and that the Chief was in the meeting so he is aware of it.

Chief Miller said he wanted to first address the Darwin situation. He said that obviously it is an active investigation so he can't give anyone a lot. But base on that investigation they believe that this victim was targeted and that's why we believe it was an isolated incident. He said that it is difficult when you have a situation that evolves as quickly as this one has. They have to keep things close to the vest because we don't want the information getting out. We don't need the public knowing the victims' name, we don't need them knowing who the suspect may or may not be. They have to keep these things close to the vest. He apologized that they feel that they feel safe. But like Bob noticed our patrols have been beefed up over there. He told them they are conscious of that. Maybe we need to find a better way to communicate that to you. He said it's difficult because their priority is to catch the subject and sometimes they don't have the time to go and knock on everybody's door and tell them what's going on.

Bob said that he was sure they knocked on a few door and said maybe just say we are increasing patrols. Chief said yes, they did and the Detectives were selective, obviously looking for cameras, etc., people who were home at the time of the incident. He said his understanding that those detectives, when they made those selections, they did pass along that we were out there, this is what occurred and this is what we're looking for. You aren't going to know what that neighbor's conversation was, but maybe we need to find a better way to get that information out.

Chief Miller then said as far as the AirBNB, again, that was patrol officers doing their due diligence and they came across a vehicle that looked suspicious. It wasn't because someone called about a large party. They were out there doing their jobs, keeping you safe. Based on the information, they believe the operator of that vehicle went to 52 Middlesex. He told him he would not discuss how they came to that. Again, they are doing their best They aren't ignoring the problem. They are trying everything they can do.

Captain Curr added that they are experiencing the same thing everyone else is. Personnel shortages. He said it's no excuse, we need to better. When you have a situation this delicate, we have to be careful what is shared. The press is all over him as the Public Information Officer. He is trying to preserve not only the investigation, but also the victim of the crime. He

knows sometimes people get left in the lurch wondering, He said he can't imagine what that feels like. But we still believe that this person was directly targeted. He hopes people take part in the outreach Wednesday. Once again, they are short-handed. They had 3 recruits just start at the academy last week.

Chief Miller said the Detectives are working around the clock on this. He gets phone calls at 10, 11 o'clock at night with new developments. Things are progressing as they should, they are just not in the position to share that with anybody.

Mayor Peterson asked Trustee Kucewicz with the text message, if we could use that to make a statement. She said that is something we'll have to see because the resident would have to opt into it. The residents would have to go on the website and opt in that they want a text or an email in an emergency situation. Not a specific area, it would go to the people that opt in. The Mayor said you can't just isolate a certain area. No, you can't. She also said her and the Chief talked about that and she agrees, our communication was lacking. Her parents live two doors down and they found out from the news versus a police officer telling them. It's scary because you think whoa, where was I at that time? Was I outside at that time? Was I in danger? She would have preferred hearing it from a police officer rather than the news or random people asking me about it.

Chief Miller said they are looking at new technologies. They might use flush out an app for anyone who has a smart phone or we can communicate directly. These things cost money, obviously it would have to be budgeted but we are looking into that.

Tom Hessel, 63 Middlesex – told the Board that it is a very frightening, terrifying because the AirBNB has been a major problem. The lighting is bad there. There is only one streetlight on Middlesex and one on Darwin and both are dim. You can not see the sidewalk when even walking by the lights. The neighbors can attest, we put solar lights on our trees just so we can see the sidewalks. There are six streetlights on Darwin and they are towards the other end and not the Argus end. Asbury has two and Arlington I counted three. This has to change, we need better lighting. We need to be protected and listened to when we try to say what is going on in our neighborhood. This happened across the street from me, it is terrifying. The screams are still in my head. There were great neighbors that came to the aid of this horrendous act. The Air BNB that you found stolen cars, this should just give an idea of what is going on. The amount of people coming out of the house was mind boggling. We are wondering when it this going to stop. I bought new cameras and I am constantly looking at them. It is terrifying to be stuck in your house because you are afraid to go out. We love this neighborhood, I have relatives all over this area and what is happening is unbelievable. It needs to stop and we need help. Lighting is a major issue. If someone could help us get some better lighting. This is a close community and a lot of us know each other. We know the names, we say hello, there a lot of young families with kids that are afraid to go to their cars at night. 7:00 AM there are kids getting on the school bus and it's pitch dark. Please do something with the lighting. I don't want to move, but I told my wife it might be time to move South. I have been here 26 years and I am tired of it. Where is the Depew Bee guy...please do not put our names and addresses in the paper. The guy from the Air BNB, knows exactly who we are and is pointing at us for complaining.

Sharon Welninski – 58 Middlesex – Last weekend there were kids. Four teenage girls and two teenage boys, some parent must of rented it for a Saturday, it was Martin Luther King weekend or maybe from Sunday – Monday. I watched the parents cars pick up two kids each on Monday morning, who is renting it for kids? They are screaming out of the bedroom window on Saturday, and I think the police were there. Two girls took blankets and covered the window so the police couldn't see them up in the window. I have lived here 32 years and never had a camera installed, last weekend I had an camera installed and had a ring doorbell in. People are coming up my driveway thinking our house is the party house. It was said that the house is sale pending.

Karen Calo – 39 Middlesex – Wanted to know if there a purpose. When the last party happened at the Air BNB, the stolen car, if that is what is was, was abandoned in front of my house with the lights, not sure if it was running. I am a morning person. 11:30 PM my husband and I were rudely awoken by slamming doors and screaming. We did not know if it was a male or female scream. Husband didn't want the police called until he could see if he could figure it out and why the BMW was in front of my house. Around 12:30 AM blue and red lights were swirling around in my bedroom. One police cars was in front of the car and one behind it which made double lights in my room. I am wondering if there is a purpose for the lights to be running for 1.5 – 2 hours? I went back to sleep. My husband and son were able to get some information about what was going on, but why the lights for so long? Is that common procedure? My bedroom is on the first floor and maybe I need to get better darkening curtains. Chief Miller explained that it is a safety issue. It may disturb you, but the more light we have, the safer the officers are. I can not answer the question about if they had to be on for two hours. Ms. Calo said it was a significant amount of time. I understand when you are approaching or checking it out, but I thought it was a long span of time. The police left around 2:30 AM. Mayor Peterson asked if it moved from 52 Middlesex to 39 Middlesex. Chief Miller explained that is where the stolen car was so that is why the police were there. Ms. Calo explained that she believed the BMW was stolen. Someone after an hour or two did come and claim the vehicle. Somebody pulled up, someone got out and they left with the vehicle.

Lori Pilato – 66 Darwin Dr. – The recent events in my neighborhood have terrified all of us. I am begging you to help us. We need some kind of laws about the Air BNB. We know that the shooting wasn't anything that could have been prevented. The sound of the shot and that woman screaming. I am a nurse and I ran over there and took care of the lady until the police came. I am very grateful for the first responders. I was ready to do whatever I needed to. I have not slept through the night since that happened. I keep waking up having nightmares. She thanked Chief Miller for helping her. He stated it was his pleasure. There is one yard between me and that Air BNB. It gets pretty rowdy there sometimes and I can hear it from inside my house. I am not sure what you can do, but I think if there was a consequence to the owner every time the police were called, that he might screen those people better.

Audience Member – We have written to the Air BNB some of us heard from them and some of us did not. Is there any way that the Village of Depew can write to the AIR BNB to send a stronger message to them? We are praying that this is sold, that this is going to happen. The person who owns the house

right now is not very personable. He could really care less. He told me “I never called the police on you when you had a Bills game”. Are you really comparing a Bills game to a cloud of reefer and parties at 2AM? If someone from Depew, maybe even you Chief can send a message to the Air BNB and put them on notice. I filed a complaint and I never got anywhere. Some people did. Ms. Welninski stated that the owner was off for a while and now he is back for \$120 a night for the whole house. You can’t rent a hotel room for \$120 a night. Then he changes it to \$140 / night and then he changes it to \$150 for a three-night rental. Another audience member said it’s a 6 people occupancy with no parties and the rental states no security cameras. He also states that the neighbors will call authorities.

Norbert Welninski – 58 Middlesex – I am the occupant of 58 Middlesex, which is right next door to the Air BNB. My bedroom is right there in the front of the house. Their driveway is right next to mine, they have parties galore at 2am, 3am, 4am, we are trying to sleep. They are yelling, screaming, throwing stuff around and sitting on my air conditioner drinking beer and smoking pot. This is happened on several occasions, not once, at least eight times. There is underage drinking. I had to be 18 when I drank. These kids that are getting dropped off, are they drinking, are they having sex parties. I have lived here for 32 years and if this doesn’t stop then I am out of here. I love my neighborhood, nice gardens in my backyard, nice neighbors and we are all friends, but I am not going to put up with this anymore. I want someone to do something. Try scare tactics.

Sam – Legal – Asked if everyone was done or if anyone else wanted to be heard, and they should be heard.

Donna Czechowski – 109 Darwin Dr. – 30 year resident of the neighborhood. Youngest daughter learned to walk in the neighborhood. I cannot believe what is going on and completely mortified by it. I tell my daughters all the time, we lived here, we raised you here. When did the bullets start? A bullet doesn’t just hit one person, it can go in any of our houses or windows. Why can’t this all be stopped? Why are the cops not stopping the BNB? When the police are called, why can’t they come and take the people out and tell them they are done here, before there is another shooting. You just said there were 2500 tickets given this year, how much time would it take to pull 20 kids out of a house when you are giving 2500 tickets a year. Chief Miller stated you can not mix up the two incidents. Captain Curr stated that this has been a months long on going issue and conversation regarding the Air BNB. Chief Miller stated that this is the first issue since October and we have been trying to address it. We thought it was dead and then it came back to life. Mayor Peterson said he doesn’t think there is a legal way to pull them out of the house. Mayor Peterson explained there was public hearing and the process regarding the AIR BNB. He also stated that nothing moves fast. Ms. Czechowski said that sometimes you have to do something before something bad happens. Mayor Peterson said some will argue their rights have been violated. Ms. Czechowski said the neighborhood rights are being violated.

Audience Member – There was a party in October where cars coming up Middlesex and dropping the kids off and there were three cop cars on the other corner and they were not doing anything but blocking the road, but they cars were dropping them off and backing out the other way. Something has to be done.

Mayor Peterson addressed the issue of the lighting. This is the first time that I am hearing about that. One of the first things I did as Mayor was change everything to LED lights. I have never heard that there is only one street light on the street. We changed 1300 LED lights. There are a lot of moving parts behind scenes with the light change over. Most neighborhoods were well lit. Numerous people tell me how much brighter their street is. I have family on Argus and will be over there tonight. When we were doing the light project we learned that Chateau Ct, did not have even 1 streetlight. I will follow up with NYSEG and see what we can do. That is a valid complaint. That is the first I am hearing about that, to be honest. He explained that his street was the last to get the LEDs. They were finally done around 6 months ago. What a difference. I will take a look at your streets and it's a matter of getting the proper arm and LED for it. The lights can be worked on pretty quickly, but the legalities of stopping people from going in the house is more complicated.

Attorney Alba asked the gentleman in the audience for his name and address for the minutes, Rich Pietrzyk, 67 Darwin. Sam addressed the incident on his street and first said thank you to Ms. Pilato, thank you for helping the woman, you are nothing short of a hero in his eyes. To that end, the Village of Depew is one of the departments that are filing the extreme risk protection orders of protection. Those primarily help protect those of domestic violence victims, which is an epidemic that we don't have control over. This is a resource that is available to people. Domestic partners can file, police agencies can file and every case that comes up with a serious threat of violence, we are filing. He is going to and running the hearings and we are making sure we're doing them properly. Of course, those laws don't protect them from legal guns. Those are only for the people that are flagged so they can never legally purchase a firearm. You better believe we've made sure our officers know how to file them and we're prepared to run those hearings better than most police departments.

Airbnb he continued, said yes, we are working on a law, we need to remain open and make sure our Open Public Hearing remained open when we didn't take action on it. He thinks we will be ok on that, he just wants to double check. Hopefully we can have a law, a local law, ready to be passed at the next meeting. He told everyone they may think he was up there shopping for discount Bills' gear but what he was doing was doing some research while he was up there. There are some interesting provisions in our local law. He doesn't know what the deal was with houses of prostitution in Depew back 50 years ago, but there's a ton of laws on our books that are centered with them but they also deal with noise ordinances and problems. The Village Board, I just found this, actually has the power to issue an injunction for someone who has repeatedly violated, he thinks it's Section 166. So what he's going to do is draft an injunction for the next meeting to ban this specific property from renting anything out in any way, based on the record you've helped us develop here. I think if we send that to the Airbnb, I think it will make them take the listing down. So hopefully that is some swift action for all of you. An audience member asked if he needed anything from them. He explained that we had all of the information we need from the minutes but if we need anything signed or added, we'll certainly reach out. But expect that on the agenda at the next meeting.

Chief Miller added that when you guys came to us in October, November, we came up with a strategy that we believed was working. This is the first

time we've had an issue with your Airbnb since that time. So obviously we thought the strategies were working, but we will sit down tomorrow to come up with another strategy, hopefully with the Counselor's information and we can put an injunction in and that will be closed permanently.

As far as the crime in the Darwin neighborhood, crime happens in every neighborhood and it's impossible to expect them to prevent every one. Obviously other neighborhoods in the Village had similar incidents last year and we do our best. All we can do is to show you that we are trying to keep the community safe. That's why we have beefed up patrols in your area, that's why our Detectives are working additional leads to solve this case. Don't think your community is not safe! Because it is!

Captain Curr added that the same recurring theme seems to come up is the residents seeing us go there and knock on the door. It is very difficult to gain enough probable cause to gain entry into someone's home. As frustrating as it is for you folks, our officers feel the same frustration. We can go up to the home at 2 in the morning with the music blaring is a rise to an ordinance. It still does not give us enough evidence to kick the front door in and pull the wires out of the wall. It's sad, it sounds preposterous but sometimes when people want to be that disruptive, the law does not provide the means for us to poke into that. He understands your frustration, it would aggravate me to no end. Tom said it's a no win situation. Same thing happened back in October but you went there and shut it down, the house was pending but it fell through. He went to talk to him the day after all this happened and I asked him why didn't the house sell? He told him it's because he has some electrical issues and they were trying to lowball. He was real nasty to me. He told him, why don't you just sell the house and get the hell out of here? He didn't want to hear it, told me he'll just keep the house and keep doing it. His question is, he knows we can't go in the house because that's the law, but this situation happened, why couldn't you, he knows you have patrol and you're short staffed, have a vehicle sit there and put the fear in them? They're gonna say Uh oh, and they're not gonna come back if your guys are sitting there.

Lady in the audience said if they know they are being viewed and that they're being watched, they will not come back.

Tom said he knows that's a tough task to ask when you're patrolling the whole Village but Bam! If you've got something there at all times or in the morning, here's check-out time, just put two cars there.

Mayor Peterson added that's knowing that something is happening there. Tom told him that's what he's saying, you got enough phone calls that night and a report of 2 stolen cars. Mayor Peterson asked, so it's happened twice, Tom replied, it just happened, but if it happens again, there's an option for ya. Check-out time, oh it's 11:00 they have to be out, so be there at 11:00.

Audience Member explained how he uses lights to keep the sidewalk and streets lit. And more recently Don was at your house for the pond. The lady with him showed her how much water was there and he added that it's getting worse. She asked if he's done nothing about it and they told her not a thing. The lady added that he knows what the problem is but that he doesn't want to spend the money to fix it. Kate told them that all she can do is go over there and warn him again and send him a violation but he's probably not going to care about that either. The gentleman said but the

people that buy the house, why give them the burden? We're going to have to go all over this again and they might be a nice couple.

Paul Sprada 58Argus – said the Airbnb is in his neighborhood. He knows that things happen slowly but we've got to come down hard on these Airbnb and enforce them very stringently so that this does not happen again!! You're talking about people's lifestyles and people's lives point.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz and seconded by Deputy Mayor Hamernik, the following claims are to be paid: \$325,200.00 General, \$16.00 Sewer with a total of \$325,216.00 was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Deputy Mayor Hamernik and seconded by Trustee Adolf the meeting was adjourned with a moment of silence for Mary Ann Wagner, wife of part time member Ted Wagner & ladies auxiliary West End #6 member. The meeting was closed at 8:54 PM.

Respectfully submitted,

Melissa Dabb
Deputy Village Clerk