

MEETINGS: 4  
NO. OF REGULAR: 4

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
May 8, 2023 7:00 PM**

ROLL CALL: Trustee Hamernik  
Trustee Ziemba  
Trustee Kraft  
Deputy Mayor Adolf  
Mayor Peterson

**ON A MOTION BY**, Trustee Kraft and seconded by Deputy Mayor Adolf the minutes of the April 24, 2023 village board meeting were approved.

**ON A MOTION BY**, Trustee Ziemba and seconded by Trustee Hamernik the minutes of the April 13, 2023 Zoning Board Meeting Minutes were accepted:

1. Melissa Green for the property located at 37 Terrell St, Depew, NY of Chapter 260, §260-14(B)(1)(h), to allow them to construct a driveway within the required minimum setback of three feet to any interior, rear or exterior property line and such driveway does not project greater than five feet directly in front of the principal dwelling. Granted.

**Public Comments for Agenda items only**

Dave Burkhardt, 5 AutumnLea: Commented that Chief Miller mentioned all police departments are having a problem hiring – wondered if it was because Depew is lower than everyone else? Chief Miller responded that they are all facing struggles and when they are recruiting, those issues do come up, majority of the issue is the canvassing. Normally the list of eligible candidates is 50 or more people, recently, there is total of 20 names, only 4 are eligible that live in Depew and the other never took the physical fitness test so they are not eligible.

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to The Depew Fire Department to use Veterans Park on Tuesday August 1st 2023 for our Annual Open House. The time of the event will be 6pm to 9pm.

AND

Permission is also hereby granted to The Depew Fire Department to close Terrace Blvd between Meridian to Marengo at 5pm to allow time to set up the open house and to remain closed until the cleanup is completed after the open house.

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

**AWARD BID- 2022 Sanitary Sewer System Improvements Rehm Road  
Improvements Project (Phase 6 CAP) Contract #2022-12 - File No. 22J1-0124**

Trustee Kraft offered the following resolutions and moved for their adoption:

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, the bid in the amount of \$844,340.00 for the Rehm Road Improvements Project be awarded to:

National Water Main Cleaning Co.,  
25 Marshall Street,  
Canton, MA 02021

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

Trustee Hamernik - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

**AUTHORIZE MAYOR TO SIGN PROPOSAL**

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

**BE IT RESOLVED**, that Mayor Kevin Peterson, is authorized to sign, submit, and execute a contract for \$1,885.00 with:

UNYS Environmental Consultants  
346 Austin St.  
Buffalo, NY 14207

For the asbestos abatement / air monitoring & visual of inspection associated with the controlled demolition of 73 Main St, Depew, NY 14043.

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 Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

**AUTHORIZE MAYOR TO SIGN PROPOSAL**

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

**BE IT RESOLVED**, that Mayor Kevin Peterson, is authorized to sign, submit, and execute a contract for \$30,600.00 with:

Regional Environmental Demolition, INC  
6281 Wendt Dr.  
Niagara Falls, NY 14304

For the controlled demolition of 73 Main St, Depew, NY 14043.

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

Trustee Hamernik - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

**PERMISSION – CAR SHOWS**

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

Permission is hereby granted to the Polish Falcons of Depew to hold cruise nights every Thursday night from May 11, 2023 through September 21, 2023.

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 Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

**ENTER INTO MEMORANDUM OF AGREEMENT WITH THE PBA  
AMENDING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR  
DAVID KISLYUK PENDING SUCCESSFUL COMPLETION OF BASIC  
TRAINING COURSE FOR POLICE OFFICERS**

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

**WHEREAS**, Village of Depew and the Depew Police Benevolent Association are parties to a collective bargaining agreement (“CBA”) setting for the terms and conditions of employment for police officers, including police officer recruits, who have not completed the basic training course for police officers; and

**WHEREAS**, whereas the Village appointed David Kislyuk (“Kislyuk”) to the position of police officer recruit on January 15, 2023; and

**WHEREAS**, Kislyuk enrolled in the basic training course for police officers that commenced in January 2023, but did not successfully complete the training; and

**WHEREAS**, the Village is willing to continue Kislyuk’s employment and allow him to enroll in the next basic training course for police officers, subject to Kislyuk meeting certain conditions and subject to the PBA’s agreement that Kislyuk will not be eligible for certain benefits provided for under the CBA until after he has successfully completed the basic training course for police officers.

**NOW, BE IT RESOLVED** that the Board of Trustees authorizes the Mayor and the Police Chief to enter into a memorandum of Agreement with the PBA and Kislyuk continuing Kislyuk’s employment subject to Kislyuk meeting certain conditions, and modifying Kislyuk’s eligibility for certain benefits under the CBA until after he has successfully completed the basic training course for police officers.

The forgoing resolution was seconded by Deputy Mayor Adolf and **CARRIED**.

Trustee Hamernik - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

**ENTER INTO MEMORANDUM OF AGREEMENT WITH THE PBA  
AMENDING THE RESIDENCY REQUIREMENT FOR OFFICERS COVERED  
BY THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE  
VILLAGE AND THE PBA**

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

**WHEREAS**, Village of Depew and the Depew Police Benevolent Association are parties to a collective bargaining agreement (“CBA”) that requires police officers to reside within the Village of Depew during their first three years of employment with the Village; and

**WHEREAS**, the available housing stock in the Village of Depew is limited; and

**WHEREAS**, many local municipalities, with which the Village competes for police officer candidates do not have residency requirements; and

**WHEREAS**, the Village is facing difficulty attracting police officer recruits and transfer candidates due to the current residency requirement in the CBA; and

**WHEREAS**, the Village and PBA are desirous of modifying the terms of the residency requirement of the current CBA.

**NOW, BE IT RESOLVED** that the Board of Trustees authorizes the Mayor and the Police Chief to enter into a memorandum of Agreement with the PBA modifying the residency requirement of the CBA to eliminate the requirement that officers reside in the Village during the first three years of their employment, and to require that officers reside within 10 miles of the Village of Depew for the first 10 years of their employment with the Village.

The forgoing resolution was seconded by Trustee Kraft and **CARRIED**.

Trustee Hamernik - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

### **PERMISSION TO HOLD MEMORIAL DAY PARADE**

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

**BE IT RESOLVED**, permission is hereby granted to the Depew Joint Veterans Committee to hold their annual Memorial Day Parade and Services on Monday, May 29, 2023 beginning at 10:30 AM. The Police Department who will provide necessary traffic enforcement has approved the parade route. The Electrical Department will set up the speaker system. The South Side Fire Hall will be used for refreshments.

The forgoing resolution was seconded by Deputy Mayor Adolf and **CARRIED**.

### **PERMISSION – FIRE DEPARTMENT**

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

**WHEREAS**, Permission is hereby granted to the Depew Fire Department to have pieces of apparatus and personnel participate in outside of the Village of Depew trainings on various topics and situations.

And

**WHEREAS**, Permission is hereby granted to the Depew Fire Department for Tuesday, May 30th 6:30 PM until 9:30 PM @ Cheektowaga for Engine 2, Engine 4, Ladder 5, & Rescue 7.

And

**WHEREAS**, Permission is hereby granted to the Depew Fire Department for Tuesday, June 27th 6:30 PM until 9:30 PM @ Townline for Engine 1, Engine 2, Ladder 5, & Engine 6.

And

**WHEREAS**, Permission is hereby granted to the Depew Fire Department for Tuesday, July 25th 6:30 PM until 9:30 PM @ Amherst for Engine 1, Engine 3, & Rescue 7.

And

**WHEREAS**, Permission is hereby granted to the Depew Fire Department for Tuesday, August 22nd 6:30 PM until 9:30 PM @ Cheektowaga for Engine 3, Engine 4, Ladder 5, & Rescue 7.

And

**WHEREAS**, Permission is hereby granted to the Depew Fire Department for Tuesday, September 19th 6:30 PM until 9:30 PM @ Townline Engine 3, Engine 4, & Engine 6.

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

Trustee Hamernik - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

#### **APPOINT PART TIME – ELECTRICAL DEPARTMENT**

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

Bryan Park

to the position of Part time employee in the Electrical Department at the hourly rate of \$20.00.

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

Trustee Hamernik - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

#### **APPOINT POLICE OFFICER**

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint: Christopher Matteson to the position of Police Officer effective May 19, 2023 at the rate of pay per the budget.

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

Trustee Hamernik - Y  
Trustee Ziemba - Y  
Trustee Kraft - Y  
Deputy Mayor Adolf - Y  
Mayor Peterson - Y

**EMPLOYMENT APPLICATIONS** – Rec – McKayla Romano, Bianca Kurtowicz, McKenzie Dellaneve, Lilly Schlegel

#### **DEPARTMENT HEAD REPORTS –**

Ken Pyc, DPW: The shade went up at West Dawson, they started laying out the shade cover for the Fitness Court, planted some trees over the past couple of weeks, the crabapples on Columbia and Doehaven were sprayed.

Kevin Ferguson, Recreation: Tonight is opening day of Little League in Fireman's Park, one diamond is in pretty good shape, the volleyball courts are all up, just waiting to get all the other programs in – Volleyball, floor hockey, kickball, softball coming in. The baby pool will be finished painted by the end of the week, in two weeks getting everything ready to open the pool. There was a small problem with a slide, there was crack, the guys put a rubber compound on it, and then sand it down, all set. Going to man West Dawson and put a bathroom in there. The place is crowded.

Don Bielefeld, Code Enforcement: It's construction season, getting a lot of permits. Have gotten a large number of complaints about unregistered vehicles and will be sending violations out. If you have vehicles you don't want, please get rid of them, if you have vehicles you do want, please register and insure them and make sure they have valid inspections.

Kathryn Zaganiaczyk, Code Enforcement: We are working on revising our Village fee schedule, nothing too crazy, a couple bucks here and there, some differences between commercial and residential.

Chief Miller, Police Department: Just wanted to thank the Board for looking into the issues of the past weeks of hiring and residency requirements. They are tough decisions to make and just wanted to thank them for the hard work and hard discussions. This year we've been extremely busy currently we had 4450 calls. That was this morning it's probably more like 4480 by now. In the month of April we had 967 calls for service, we recovered one stolen vehicle, we had 33 accidents, 29 property damage and four with an injury and one pedestrian was injured. We arrested 18 males, six females and we issued 277 traffic summons.

Chief Gauthier, Fire Department: Okay, thanks everybody that came out to our first ever Fire Department Showcase as we called it. It was a recruitment drive to coincide with the New York State recruitment program for the month. We did go to Facebook live we had a pretty good amount of people watching it consistently. If you didn't see it you can still log on to our Facebook page it is about two hours and 16 minutes and gives a brief overall of what we do when we drill and a little bit of explanation of what we do when we go out on real calls. If you are interested in joining or there's a job for everybody. Just go on to our website, sign up on the inquiry sheet and somebody will contact you back. Again we're always looking for new recruits. I'd like to thank everybody that came out to our Central Hose Company # 4 chicken barbecue last weekend. It was a pretty good success for that company. Our Hook and Ladder Company will have their chicken barbecue on June 17<sup>th</sup> here at the South Side Fire Hall off of Terrace at 45 at Meridian Street, the time is 11am until 5 pm or sold out. The Hook's usually do sell out pretty early so if you are looking to get a chicken try to get there as early as possible. We recently had two of our Juniors from our Junior program that had a pretty big accomplishments. One of our Juniors made his Eagle Scout, which is like their last part of scouting to adulthood, so congratulations to that member. We also had a member who just recently got the Boys and Girls Club Higher Education Scholarship award. So two of our Juniors with some pretty big accomplishments, that just shows the character within our organization and within our Junior program. So congratulations to both of them. So far for the month of May we only had 4 calls. Year to date 118. And if you want to see more about us, learn more about us stop out to Veterans Park on August 1st to our Open House and ask questions. If not if you want to get involved sooner just again go to our Facebook page go to our website and check us out we're always looking for somebody. thanks.

RJ Nieman, OEM: Not too much to report. Good news, with COVID-19, the World Health Organization ended the global emergency status on May 5<sup>th</sup>. The CDC will end theirs on May 11. Testing, tests, will still continue but that's good news that that's finally the Declaration ends on the 11. Both Galen and I are gearing up for all of the concerts and Founders Day.

Samuel Alba, Village Attorney: There was a surprise settlement check on my desk when that I have to look into for a class action involving Monsanto. Some quick googling, it looks like it had to do with their product causing damage to waterlines nationally. It was a national class action, so I have some work to do to figure out if that's something that we can seek more of or if the numbers are final. It is always good when money shows up. The Tax Cert cases are slowly going away when it comes to settlements, but we are getting close to grievance time so we will see more come in.

Trustee Ziemba: Good Evening. All Village residents will have an opportunity to participate in a home hazardous waste disposal free of charge July 8th in the Town of Elma at their Highway garage. It's off of Bowen Road. Unfortunately, I don't have all the details of the times and the materials that you can dispose of I will have that at some point this week so we will get it on our website and I will report on it at our next meeting. And then just want to wish happy Mother's Day to all the mothers in the Village, godmothers, grandmothers, those who are mother figure to somebody. Thank you.

Trustee Hamernik: I just want to let everybody know that the food truck is this Saturday at 9am in our parking lot here and also in the Vine parking lot we will be giving out the CO detectors free to the Depew residents with a twenty four thousand dollar income per year, one what per household.

Deputy Mayor Adolf: First off, I'd like to thank the Village for allowing us to host the Arbor Day celebration Saturday at Fireman's Park. It was a success, we handed out probably over 30 trees to Residents so that means hopefully there's more growth in our Village. At the same time, I would also like to thank the DPW. They planted a bunch of trees in our Village so thank you for taking time and energy and effort to plant those trees. I received word from residents sending me photos already and they're very happy with the work that was done. Again, if any residents want trees, please feel free to contact us. At this time, we do have some seedlings and saplings left over. The DPW will hold them for a short period of time so if you do want some please feel to contact directly DPW, so you can contact the DPW office and or myself and I'll put you in touch and we can get some more trees planted. So, thank you everybody.

### **PUBLIC COMMENTS AND CONCERNS: -**

Paul Sprada , 58 Argus Dr.: One thing I've noticed I don't know if anybody else in the Village has noticed but construction has started at the Buffalo airport where they're closing down the main runway and uh they're going to use alternate runways one of which happens to be in going over my house so I'm on a flight path. So, I just want you to be aware of that I know we can't do anything about it. It's supposed to go on spring, summer and fall from what I understand. It's lighting the Omni system I think and repaving a bunch of stuff going on there, so, I just want you know, the Board to be aware that we are now on a flight path and I think everybody remembers what happened in Clarence Center. They were on a flight path also. That 3407 crash. Just to let the Police, Fire, anybody interested what possibilities might be so I just wanted to mention that. I've got here I want to give this to Kevin if he wants it. I picked this up today at the library and I thought it was a nice idea that the Village of Lancaster is doing. They're putting, I think they put that out four times a year and it just informs the residents of what's going on with dates and events and it's just a nice reference so I don't know if you've ever seen it before but I think it's a nice idea. I picked it up at the like at the library. I want to thank Ken for their crew had picked up a lot of debris along, we've got two tributaries of Scajaquada Creek, and the one near Columbia. I think we've, it's a pump station there at the end of Krieger. They picked up a lot of fallen trees and debris there the end of last week, did a great job. I mean there's still stuff in there but uh it's much better now than it was I want to thank you for that. National Night Out, that's gonna start up again? Next year, not this year?

Mayor Peterson: This year is the Depew Fire Open House. Next year we will be get back to doing the joint thing with PD and Fire.

Chief Miller: We usually do that at Fireman's Park and obviously Fireman's Park is, we can't go there this year.

Mr. Sprada: Why was that put on hold? Because of the COVID?

Mayor Peterson: No, that was put on hold by the previous administration when we started doing Founder's Day, and it was felt that that those first two tries at Founder's Day put resources at a premium because it would be a Thursday, then a Tuesday and then Thursday again. But I'd like to bring it back, I think when Fireman's Park is in a little better shape after some of the construction, then it would be a good opportunity to bring it back.

Mr. Sprada: I wanted to thank Andrew for hosting that Arbor Day, or Arbor Day hour I call it. The weather was nice it was nice to get seedlings handed out and I gave him a little idea of what Lancaster does of course on a much bigger scale but the ideas for next year. I hope it's a yearly thing that you do yeah it keeps growing.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Kraft and seconded by Deputy Mayor Adolf, the following claims are to be paid: \$225,891.72 (ARPA \$160,459.00) General, \$16,505.00 Capital Projects, with a total of \$242,396.72 was **CARRIED**.

**ADJOURNMENT**

**ON A MOTION BY** Deputy Mayor Adolf and seconded by Trustee Hamernik the meeting was adjourned with a moment of silence for Mr. Kenneth P. Grzankowski, father of Village Administrator Regina Grzankowski and Ms. Shirley Bernstein (100 years old), grandmother of Village Attorney Sam Alba as well as prayers for Past Wigglesworth of Centerpoint one week old baby boy who had heart surgery today, at 8:02pm.

Respectfully submitted,

Regina Grzankowski  
Village Administrator