

MEETINGS: 6  
NO. OF REGULAR: 6

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
June 12, 2023 7:00 PM**

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

**ON A MOTION BY**, Trustee Ziemba and seconded by Trustee Kraft the minutes of the May 22, 2023 village board meeting were approved.

**ON A MOTION BY**, Deputy Mayor Adolf and seconded by Trustee Hamernik the minutes of the May 4, 2023 Planning Board Meeting Minutes were approved:

1. Ann M. Wojciechowski for the property located at 5443 Transit Rd, Depew, NY 14043. The following matters to be reviewed. They are requesting the following: Requesting a special use permit to operate a used car dealership in a C-2 zone as per Chapter 260 § 260-27 under the guidelines of Chapter 260 § 260-33(K). Tabled.

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

**Public Comments for Agenda items 2- 17 only**

N/A

**Public Hearing – Cannabis Dispensaries**

The public hearing was opened at 7:21 PM by Trustee Hamernik & Deputy Mayor Adolf

Dave Burkhardt, 5 Autumn Lea: Questioned whether the special use permit would be renewable every year.

Village Attorney Alba explained it would the special use permit would be valid for a period of two years.

Charlene Wilbur, 222 Darwin Dr: Questioned whether the Village took into consideration how close a retail shop would be to where children would be attending. Had concerns because of a cannabis shop near PJ Cools.

Village Attorney Alba explained cannabis shops need to go to Planning Board and they can hear testimony from neighbors about their concerns but they are no rules from New York State that they cannot be near an ice cream shop or a toy store.

Mr. Thomas Spanos explained that every retail cannabis business that will be get licensed by the State has to notify their local municipality, and if the municipality objects when someone goes to apply, the state has been respecting that right now in terms of their decisions.

Paul Sprada, 58 Argus Drive: Had a question on how the distance requirements are measured – whether door to door or property line. Has a concern about the smoke shop near the Cantalician Center. Wondered about the need for a sprinkler system in these shops.

Mr. Michael Ortiz, Herbal Iq, 6061 Transit Rd: Explained they are provisionally licensed by the state, discussed their business, an adult recreational use dispensary.

Trustee Ziemba questioned if they have put an application in in North Collins.

Mr. Ortiz explained that Town of North Collins opted out but the Village of North Collins opted in and they are in talks there.

Deputy Mayor Adolf asked if the Depew location is their flagship store.

The public hearing was closed at 7:45 PM by Trustee Hamernik/Deputy Mayor Adolf

**PERMISSION –WAIVE PERMIT FEE**

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

**WHEREAS**, the Village of Depew has requested permission to waive the sign permit fee for the portable temporary signs that will be placed around the village advertising our Founder’s Day celebration.

**NOW, THEREFORE, BE IT RESOLVED**, that permission is hereby granted to the Village of Depew has requested permission to waive the sign permit fee for the portable temporary signs that will be placed around the village advertising our Founder’s Day celebration.

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

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

Deputy Mayor Adolf, 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 his physical:

**Cayuga Hose Co #3**

Marvin M. Tribbey Jr.

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

**AUTHORIZE MAYOR TO SIGN STOP DWI CONTRACT**

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

**BE IT RESOLVED**, Mayor Kevin Peterson is authorized to sign the Stop DWI Contract with the County of Erie.

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

**PERMISSION 10 K RACE**

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

**WHEREAS**, The Depew-Lancaster Boys and Girls Club requested permission to hold their 45<sup>th</sup> Annual 10K Race on Tuesday July 4, 2023 starting at 8 am;

**BE IT RESOLVED**, the race is approved and will follow the same route as previous years. The race will last about an hour and a half.

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

### **YEAR END BUDGET ADJUSTMENTS**

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

**BE IT RESOLVED**, the Administrator is hereby authorized to adjust the 2022/2023 Budget for year-end adjustments.

The following 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

### **ACCEPT RESIGNATION – POLICE OFFICER**

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

**BE IT RESOLVED**, the resignation of Police Officer Michael Cash, effective June 8, 2023 accepted.

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

### **APPOINT SUMMER DEPARTMENT OF PUBLIC WORKS**

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson do hereby appoint the following for the summer employment to the Department of Public works:

Nicholas Barberio  
Aiden Mandel  
Justin Riederer  
Benjamin Samuel

The forgoing nominations were 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 SUMMER REC SEASONALS**

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson do hereby appoint the following for the summer employment to the Recreation Department:

Cashier:  
McKenzie Dellaneve  
Bianca Kurtowicz  
Genevieve Anna

Lifeguard:  
Kellen Gradwell  
Theresa Kaus  
Stephen Kaus  
Ashley Beresniewicz  
Liam Marlow  
Luisa Pyc  
Timothy Steffens  
Benjamin Wypij

Lifeguard Supervisor:  
Kera Kwiatkowski  
Madison Massaro

Part-Time Recreation Staff  
Nathan Ziemba

The forgoing nominations were 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 SUMMER REC SEASONALS – RETRO APPOINTMENT**

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson do hereby appoint the following for the summer employment to the Recreation Department with a start date of May 23, 2023.

Samantha Garry  
Marcus Huber

The forgoing nominations were 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

**PERMISSION - FOOD TRUCKS AT SUMMER EVENTS IN VILLAGE OF DEPEW**

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

**WHEREAS;** Permission is hereby granted to Village of Depew licensed food trucks to operate at the events at Fireman’s Park, The Village of Depew Founder’s Day Celebration, and Summer Concert Series at Veteran’s Park.

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

**PERMISSION – FIRE TRAINING**

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

**WHEREAS**, Permission is hereby granted to Engine 2 to attend emergency vehicle operations training at ECC North Campus on Tuesday, June 27th and Wednesday, June 28th from 18:00 till 22:00 hours.

**THEREFORE, BE IT RESOLVED:** The above 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 ADVERTISE BID OPENING – FIRE UTILITY TRUCK**

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

The Depew Fire Department is asking permission for the village to advertise for bid of purchasing a new utility vehicle for the Fire Department. This is to be advertised for accepting of bids starting on Monday, June 19th for 30 days, with a sealed bid opening to be held on Wednesday, July 19th to be held at Depew Village Hall located at 85 Manitou Street, Depew N.Y. 14043 starting at 5pm. All bid packages can be picked up at Depew Village Hall located at 85 Manitou Street, Depew N.Y. 14043 at the village clerks office during business hours Monday thru Friday and will require a signature with the name of the company at the time of pick up. All bids are to be submitted to the village clerks office located at 85 Manitou Street, Depew N.Y. 14043 by Tuesday, July 18, 2023 by 4pm in a sealed envelope please.

The following 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

**ADOPT LOCAL LAW #3 OF 2023 – CANNABIS DISPENSARIES**

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

**WHEREAS**, the Board of Trustees of the Village of Depew, New York held a public hearing on June 12, 2023 at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to hereby adopt a local law for Cannabis Dispensaries within the Village of Depew.

**WHEREAS**, all persons were given an opportunity to speak for or against this local law;

**NOW THEREFORE, BE IT RESOLVED**, this local law is hereby adopted.

The following 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 – DEPEW FIRE DEPT**

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

Permission is hereby granted to The Depew Fire Department to use the new pavilion at Fireman's Park on Saturday, September 9<sup>th</sup> from 4pm to 9pm for our Annual Inspection Ceremony and Dinner. In the event the construction of the new pavilion is not complete, Requesting the use of the Southside Fire Hall

And

Permission is hereby granted to The Depew Fire Department to use the new pavilion at Fireman's Park on Sunday, September 24<sup>th</sup> from Noon to 6pm for a Family Picnic. In the event the construction of the new pavilion is not complete, Requesting the use of the Northside Fire Hall.

And

Permission is hereby granted to The Depew Fire Department to use the new pavilion at Fireman's Park on Sunday, October 29<sup>th</sup> from 2pm to 6pm for a Halloween Cider and Donut Pass-out.

And

Permission is hereby granted to The Depew Fire Department to use the Southside Fire Hall on Saturday, December 2<sup>nd</sup> from 10am to 1pm for our Annual Kids Christmas Party.

The foregoing resolutions were seconded by Trustee Hamernik and **CARRIED**.

### **DPW GRASS CUTTING**

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

**WHEREAS**, the village is encountering numerous vacant and foreclosed homes in the village and orders to remedy have been issued to the property owner on record;

**WHEREAS**, the high grass is a nuisance to neighbors and attracts rodents;

**BE IT RESOLVED**, permission is granted for the Department of Public Works to mow any property that is not mowed by the due date on the order to remedy for the 2022 year. The cost of said mowing(s) will be attached to the village tax bill for that property.

The foregoing resolution was seconded by Trustee Ziemba, 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

### **Place the Operation of the Office of Emergency Management Under the Organizational Umbrella of the Depew Police Department**

Deputy Mayor Adolf offered the following resolutions and moved for their adoption:

WHEREAS, The Office of Emergency Management (OEM) has always been staffed with Appointed members by the Mayor and re-appointed on the first Monday in April of the following year; and

WHEREAS, The OEM will continue to operate with a minimum staff of an Emergency Manager and a Deputy Emergency Manager, appointed yearly at the Annual Reorganizational meeting and will continue to operate under its own budget; and

WHEREAS, It is now being proposed that the Office of Emergency Management shall be under the operational umbrella of the Depew Police Department; and

WHEREAS, Currently, the two members of the OEM have developed a very strong bond and passion to assist in the overall protection of the residents and businesses of the Village of Depew by being involved in the development of Incident Action Plans (IAP) for such Village events such as the Summer Concerts, Founder's Day Celebration, the Annual Tree Lighting Ceremony, the Joint Veterans Memorial Day Parade, the answering of all Emergency Calls regarding the BNIA, the recent COVID Health crisis, the recent Blizzard, Snow Storms and Electrical outages among other Village, Town, County or State emergencies; and

WHEREAS, Over the past four years the OEM has been working closely with the Depew Police Department and by having them be aligned and under their "umbrella" would make for a more cohesive arrangement: and

NOW, THEREFORE, The Board of Trustees of the Village of Depew wishes to go forward with this alignment of OEM and Police Department beginning June 13<sup>th</sup>,2023 until the first Monday in April 2024, at which time the arrangement will be evaluated and determined if this arrangement will continue.

The following 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

**EMPLOYMENT APPLICATIONS** – Rec – Kellen Gradwell, Matthew Sheremeta, Luisa Pyc, Madison Massaro, Ashley Beresniewicz, Joseph Podraza  
DPW – Aiden Mandel

#### **DEPARTMENT HEAD REPORTS –**

Trustee Hamernik wanted to thank Village Attorney Alba for his work on the cannabis law, also relayed that there will be an additional food truck put on by Revive from Batavia on June 17<sup>th</sup> from 12-2pm at the community center.

Trustee Ziemba wished Happy Father's Day to all the fathers in the village, godfathers and anyone who is a father figure to someone.

Trustee Kraft thanked Herbal Iq for coming in.

Deputy Mayor Adolf stated that we are working on getting more trees for the Village.

Chief Gauthier thanked the Board for the help with the process for the utility truck.

Mayor Peterson said to check out the progress at the new Pavilion, we are on track and to check out the new cover that went up over the Fitness Court and NOCO will in later this week for the geothermal.

Code Enforcement Officer Bielefeld talked about 73 Main coming down and the progress being made at the Hidden Shamrock other problem properties in the Village. 222

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

Assistant Chief Brian Musielak, 56 Stewart Dr: Wanted to thank the Village Board and the committee members, Chief Gauthier, Past Chief Maciejewski, Past Chief Cummings and Assistant Chief Aquino for the work on the process for the bid for the new utility truck.

Charlene Wilbur, 222 Darwin Dr, Wanted to find out who owns the property in between her home and Hector's Hardware because of concerns about large cottonwood trees on the power lines. She is also concerned about the speeding on Darwin Dr.

Paul Sprada, 58 Argus Dr, questioned the work being done at Boys & Girls club and inquired about his request for a double yellow line on Patrick and had a question about the storm sewer in front of Consumers.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Deputy Mayor Adolf and seconded by Trustee Kraft the following claims are to be paid: \$607,852.98 General (includes \$127,433.00 ARPA), \$5,394.17 Sewer, \$52,664.75 Capital Projects, with a total of \$665,911.90 was **CARRIED**.

**ADJOURNMENT**

**ON A MOTION BY** Trustee Kraft and seconded by Deputy Mayor Adolf the meeting was adjourned at 8:30 pm with a moment of silence for past Police Chief James Brennan, James Refermat, father of Depew Police Officers James and Justin Refermat, the grandmother of Past Chief Scott Wegst's wife Jenny, and Peggy Fray.

Respectfully submitted,

Regina Grzankowski  
Village Administrator