

MEETINGS: 15
NO. OF REGULAR: 15

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
October 23, 2023 7:00 PM

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

ON A MOTION BY, Deputy Mayor Adolf and seconded by Trustee Ziemba, the minutes of the September 10, 2023 village board meeting were approved.

ON A MOTION BY, Trustee Ziemba and seconded by Trustee Kraft, the minutes of the August 24, 2023 zoning board meeting minutes were accepted.

1. MD Z. Ahmed for the property located at 8 Beverly Dr, Depew, NY 14043, of Chapter 260, §260-31(F)(4), to be allowed to put a fence in the required front yard property line on a residential corner lot, requesting relief of 21ft from setback.
Granted

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

2. Brian Sylvia for the property located at 70 Harvard Ave, Depew, NY 14043, of Chapter 260, §260-23(B)(2), to be allowed to build a shed within the required 5ft setback. Granted

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

3. Jason Becker for the property located at 580 Rowley Rd, Depew, NY 14043
 - a. Chapter 260, §260-14(B)(1)(e)(1), to allow them to install an AC unit within 5 feet of any lot line – Withdrawn
 - b. Chapter 260, §260-24(A)(2), to allow the build of a 14ft x 20ft addition to be built within 2ft of property line – Granted

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

4. Sarah Alrashedi for the property located at 130 Saint James St, Depew, NY 14043, of Chapter 260, §260-23(A)(2), to be allowed to erect an addition within the 6ft setback, relief of 4ft. Granted.

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

Public Comment Agenda Items Only:

Dave Burkhardt, 5 Autumn Lea: Inquired about climate pledge and what the Village would have to do for that. Mayor Peterson explained steps the Village has already taken including the geothermal, LED street lights and Code Enforcement Training.

The public hearing was opened by Trustee Kraft and seconded by Deputy Mayor Adolf at 7:16 PM and closed at 7:25 PM.

COUNTY OF ERIE NOTICE OF PUBLIC HEARING

The Administrator is authorized to advertise a public hearing for Local Law #4 of 2023 to discuss the implementation of the electric bicycle and scooter law. The public hearing will take place on October 23, 2023 in the Depew village hall council chambers, 85 Manitou St, Depew, NY 14043 at 7:00 PM.

Comments on Public Hearing for Local Law #4:

Village Attorney Sam Alba explained the need for the law for enforcement and regulation for electronic bicycles and scooters.

Dave Burkhardt, 5 Autumn Lea: Questioned what the Police Department suggestions were on this. And questioned regulations on helmets.

Captain Curr: Explained Chief Miller gave his recommendations to the Village Attorney.

Village Attorney Alba explained it had a lot to do with allowing them to ride in bicycle lanes in the street and not permit them on sidewalks.

Therese Champan (online question): Senior population had concerns about not being able to use their scooters.

Village Attorney Alba explained that the law does not cover that type of scooter – more so electric bicycles, one wheeled scooters. It does not cover handicap scooters.

Paul Sprada, 58 Argus Dr: Commented on concerns about people on motorized wheelchairs on William Street in Lancaster in the road, unsafe area. Asked if PD has regular bicycles, if they have motorcycles and if they are looking into getting electric bicycles. And what requirements are for lights on scooters and bicycles. Stated speed limit changed to 28 mph. Stated Alden is only other municipality that has this law.

Village Attorney Alba will double check the State law on the speed limits and have this law mirror it.

Question from crowd about the speed of normal bicycles and if they go quicker.

PERMISSION – DEPEW POLICE DEPT

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

Permission is hereby granted to Lt Menard, who is a scholarship recipient, to attend the IACP Women’s leadership Institute “NY Women in Law Enforcement” Conference, being held in Saratoga Springs. October 30 - November 3rd, 2023. The conference is a leadership training program for female leaders. Use of a village vehicle is permitted.

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

APPROVE LONGEVITY PAYMENTS

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

WHEREAS, the Employee Handbook requires longevity payments to non-union personnel to be approved by the Village Board;

BE IT RESOLVED, longevity payments, as per the current budget, for the 2022-2023 be approved for the following:

Melissa Dabb - \$1050.00
Bill Curr - \$1,525.00
Tim Norek - \$1,450.00
Jerry Miller -\$1,525.00
Ken Pyc -\$1975.00

These payments will be paid to the employees the first payroll after this resolution is passed.

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

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

PERMISSION –WAIVE PERMIT FEE

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

WHEREAS, The Depew High School music department is asking for the sign permit fees to be waived for their November 11, 2023 and April 13, 2024 craft shows. A sign will be placed in front of the high school by Transit Rd to advertise the craft shows.

NOW, THEREFORE, BE IT RESOLVED, that permission is hereby granted to The Depew High School music department to waive the permit fees for the sign advertising the craft shows.

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

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

AUTHORIZE MAYOR TO SIGN COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT 2023

Trustee Ziemba 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 with the Community Development Block Grant for the following project(s) upon approval of ECCDBG-Project Ranked:

Sidewalk replacement and Senior Center expenses in the Village of Depew, Town of Cheektowaga.

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

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

AUTHORIZE MAYOR TO SIGN COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT 2023

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 with the Community Development Block Grant, for Erie County, for the following project(s) upon approval of ECCDBG-Project Ranked:

Sidewalk replacement in the Village of Depew, Town of Lancaster.

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

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

APPOINT REC SEASONALS

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

Kwiatkowski	Kera	Rink Guard/cashier
Green	Melissa	Rink Guard/cashier
Rosenberg	John	Rink Guard/cashier
Wragge	David	Rink Guard/cashier
Pawlak	Brayden	Rink Guard/cashier
Massaro	Madison	Cashier
Krasteva	Alexandra	Cashier
Chapman	McKenzie	Cashier
Carlton	Ava	Cashier
Romano	McKayla	Cashier
		Cashier

The forgoing nominations were acted upon in the following manner by the Board of Trustees:

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

CHANGE OF BOARD MEETING DATES

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

BE IT RESOLVED, due to the Annual Tree Lighting Ceremony the Village Board Meeting will be Tuesday November 28, 2023 instead of Monday November 27, 2023.

And

BE IT RESOLVED, due to the Christmas Holiday the second Village Board Meeting in December will be canceled.

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

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

CLIMATE SMART COMMUNITY PLEDGE

WHEREAS, the Village of Depew (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that the Village of Depew, in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) **Build a climate-smart community.**
- 2) **Inventory emissions, set goals, and plan for climate action.**
- 3) **Decrease energy use.**
- 4) **Shift to clean, renewable energy.**
- 5) **Use climate-smart materials management.**
- 6) **Implement climate-smart land use.**
- 7) **Enhance community resilience to climate change.**
- 8) **Support a green innovation economy.**
- 9) **Inform and inspire the public.**
- 10) **Engage in an evolving process of climate action.**

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

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to take Engine 1 on Tuesday, November 7, 2023 from 6:00 PM till 10:00 PM at a pump operations course in Tonawanda, New York.

AND

Permission is hereby granted to use the Northside fire station on Sunday, November 5, 2023 from 10:00 am till 4:00 PM for an IFO graduation ceremony.

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

EMPLOYMENT APPLICATIONS – Rec – Mackenzie Chapman, Alexandra Krasteva, Kera Kwiatkowski, Brayden Pawlak, David Wragge, John Rosenberg, Madison Massaro, Makayla Romano

DEPARTMENT HEAD REPORTS –

Don Bielefeld, Code Enforcement: Keep with yard still, and get leaves out at the curb so they can be vacuumed up. Still problem with unregistered vehicles, please have them removed or put inside out of public view.

Kevin Ferguson, Recreation Department: With nice weather this week, department will make sure all the garbage is emptied and they are mowed.

Chief Gauthier, Fire Department: Next Sunday, the 29th, the Fire Department will be doing first annual Trick or Treat at Fireman’s Park. Fire trucks will be lined up on Erie Street, new pavilion will be opened for cider and doughnuts. From 1-4pm. Fire calls for October – 20 and 317 year to date. Will be doing the Adopt a Hydrant program again.

Sam Alba, Village Attorney: Appreciate comments on Local Law and the discussion in the Public Hearing.

Trustee Ziemba: E-waste drive was last Saturday at Village Hall parking lot, did better this year than last year – hoping to continue to grow.

Deputy Mayor Adolf: Working on application for Tree City USA.

Regina Grzankowski, Village Administrator: Wanted to thank everyone who came out to Fall Fest. Great way to show off new pavilion, application were available – can call the Clerks office for more information and great the Departments came together and worked great for another event.

PUBLIC COMMENTS:

Dan, Erie County: Expressed concerns about incident with Lieutenant Keib and arrest that was made and how it was handled. Asked for public comment from Police Department in regard to incident. Has suggestion to change rules for public comment on agenda.

Steve, Erie County: Expressed concern that incident with Lieutenant Keib is not outlier but a trend. Explained details of an open case that was filed for false arrest and malicious prosecution. Stated it costs taxpayers money for these cases. Asked what Village Board will do to mitigate these issues in the future.

Village Attorney Alba stated that because we have council on this case that is not here, and while it is pending, we cannot comment on it.

Paul Sprada, 58 Argus Dr: Question if ebikes will require license or registration, mentioned that during Fall Fest, the Firemen had Chicken BBQ on same day. Asked what the rents are for the pavilion and if residents get a break.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Ziemba and seconded by Deputy Mayor Adolf the following claims are to be paid: \$375,550.34 General, \$2,577.00 Community Development, \$458,696.67Capital Projects for a total \$836,826.01 was **CARRIED**.

EXECUTIVE SESSION

At 8:08pm Deputy Mayor Adolf made a motion to enter executive session to discuss a pending litigation and employment matter, Trustee Ziemba seconded.

At 8:57pm Deputy Mayor Adolf made a motion to exit out of executive session, Trustee Ziemba seconded.

No decision was made in the executive session.

ADJOURNMENT

ON A MOTION BY Trustee Kraft and seconded by Deputy Mayor Adolf the meeting was adjourned at 8:58 PM.

Respectfully submitted,

Regina Grzankowski
Village Administrator