AGENDA
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
December 23, 2019 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION – PASTOR DAVID SHAMENDA FROM HOME CITY CHURCH

NOTIFICATION OF FIRE EXITS

ROLL CALL:
Trustee Jakubowski -
Trustee Stempniak -
Trustee Hamernik -
Trustee Voll -
Mayor Peterson –

APPROVE VILLAGE BOARD MINUTES – December 9, 2019
APPROVE PLANNING BOARD MINUTES – December 15th, 2019

PUBLIC COMMENT – AGENDA ITEMS ONLY
1. PUBLIC HEARING – SIDEWALK LAW- MAINTENANCE
2. Permission – Adopt – Sidewalk Law – Maintenance
3. Appoint – Seasonal Recreation
4. Permission – Workshop – Police Chief
5. Accept Resignation – Police Dispatcher
6. Approve Negative Declaration for SEQR
7. Adopt Certified Resolution
8. Employment Application –
10. Unfinished and Other Business
11. Public Concerns and Comments
12. Claims and Accounts
13. Adjournment
RESOLUTION
December 23, 2019

ADOPT LOCAL LAW #5 OF 2019 – SIDEWALK MAINTENANCE

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

WHEREAS; the Village Administrator held a public hearing on Monday December 23, 2019 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 5 of 2019 authorizing an amendment to the existing Sidewalk Law Chapter 203 – 2 Sidewalk Maintenance in the General Municipal Law adding the subsection D.

If adopted, the proposed local law shall read as follows:

A. Generally. Every owner or occupant of any premises shall keep the public sidewalk of such premises free and clear from snow, ice, dirt and other obstructions.

B. Duty to maintain sidewalks and area between sidewalks and street pavement. It shall be the duty of every owner or occupant of premises abutting any public street or grounds to keep the sidewalk and the area between the sidewalk and street adjoining same in good order and repair and no one shall brush, sweep, shovel, or plow any accumulation of refuse or other material into the street, nor allow any accumulation of refuse or other materials to remain thereon.

C. Snow and ice. It shall be the duty of every owner or occupant of any premises adjoining any public street or alley to remove all snow and ice which may have fallen upon the sidewalk adjoining said premises by 9:00 a.m. In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without material difficulty or injury to the pavement, the owner, lessee, tenant, occupant or other person having charge of any building or lot of ground as aforesaid shall within the time specified above, cause the sidewalk adjoining the premises to be strewed with ashes, sand, sawdust, salt or some suitable material and shall as soon thereafter as the weather permits thoroughly clean said sidewalks.

D. It shall, in all cases, be the duty of the owner of every lot or piece of land in the Village of Depew to keep the sidewalks adjoining the owner’s lot or piece of land in good repair and to remove and clean away all snow and ice and other obstruction from such sidewalks. Failure to do so will result in the costs of any repair done by the Village of Depew to be assessed against the landowner as detailed in 203-3 and 203-12, and, further, said landowner shall be liable in tort for any injuries to any person or property as a result of the landowner’s failure to comply with this article.

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

VILLAGE OF DEPEW
BOARD MEETING
December 23, 2019

Agenda Item # 2

Approved  Denied
RESOLUTION

December 23, 2019

APPOINT PT WINTER RECREATION PROGRAM

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson do hereby appoint the following to the winter recreation program:

N  Thompson  David

Part Time at the Recreation Department at $12.00 per hour beginning December 26, 2019

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

Trustee Jakubowski -
Trustee Stempniak -
Trustee Hamernik -
Trustee Voll -
Mayor Peterson –

VILLAGE OF DEPEW
BOARD MEETING
December 23, 2019
Agenda Item # 3

___Approved  ___Denied
PERMISSION WORKSHOP

Trustee____________, offered the following resolution and moved for its adoption:

BE IT RESOLVED, permission is hereby granted to Police Chief Jerome Miller to attend the VALOR Executive Leadership Workshop on Tuesday January 7, 2020 in Syracuse, NY from 8:00 AM – 12:00 PM. There is no fee for this workshop. Use of a village vehicle is authorized.

The foregoing resolution was seconded by Trustee___________ and CARRIED.
RESOLUTION

December 23, 2019

ACCEPT RESIGNATION – POLICE DISPATCHER

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

BE IT RESOLVED, the resignation of Police Dispatcher, Timothy G. Stearns effective Friday, February 14th is accepted.

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

Trustee Jakubowski -
Trustee Stempniak -
Trustee Hamernik -
Trustee Voll -
Mayor Peterson –

VILLAGE OF DEPEW
BOARD MEETING
December 23, 2019
Agenda Item #5

__Approved ___Denied
PERMISSION

Trustee__________, offered the following resolution and moved for its adoption:

Adopt SEQR Negative Declaration Re: 5190 Transit Rd, Depew NY 14043
Adopt SEQR Negative Declaration Re: 3230-3236 Walden Ave

The foregoing resolution was seconded by Trustee__________ and CARRIED.

VILLAGE OF DEPEW
BOARD MEETING
December 23, 2019
Agenda Item #6

__Approved ___Denied
RESOLUTION IN OPPOSITION TO CRIMINAL JUSTICE REFORM

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

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government. County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly and children. No group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect;

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of immediate cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to immediately set bail for many specific enumerated crimes, which means those suspected of committing these crimes may no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families. These crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community. They also include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further
endangerment of seniors and these defenseless individuals and Aggravated Cruelty to Animals, Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and also include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting. Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, some of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that could not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York could further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

BE IT RESOLVED, that the Village of Depew hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State
Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

BE IT FURTHER RESOLVED, that the Village of Depew asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal Peoples-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. The New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York, The Association of Towns and NYCOM.

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

Trustee Jakubowski -
Trustee Voll –
Trustee Hamernik -
Trustee Stempniak –
Mayor Peterson -

VILLAGE OF DEPEW
BOARD MEETING
December 23, 2019

Agenda Item # __7__
Approved ___ Denied