



MEETINGS TO DATE: 4

NO. OF REGULARS: 4

### AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW

May 10, 2021 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION – PASTOR TURLEY FROM LORD OF LIFE LUTHERAN CHURCH

ROLL CALL:           Trustee Hamernik  
                          Trustee Ziemba  
                          Trustee Kucewicz  
                          Deputy Mayor Stempniak  
                          Mayor Peterson

APPROVE VILLAGE BOARD MEETING MINUTES – April 26, 2021

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Public Hearing – Local Law #3 of 2021 - Tax Payment Deferment
2. Permission – Chickens – Beresniewicz
3. Permission – Chickens - Kapperman
4. Re Appoint – Planning Board Chairman
5. Accept – Resignation
6. Approve – George Urban Signal
7. Approve – Shared Agreement
8. Approve – Salt Agreement
9. Permission – Sign Hodgson Russ Agreement
10. Adopt – Tax Payment Deferment
11. Authorize – Mayor to sign agreement with 4293 Broadway LLC
12. Approve – Tree Removal
13. Permission – Fire – Dinner
14. Permission – Fire - Training
15. Department Head Reports – Police April 2021
16. Employment Applications – Rec – Haley Leach, Bethany Lynn Neal
17. Unfinished and Other Business
18. Public Concerns and Comments
19. Claims and Accounts
20. Adjournment

Village of Depew  
Notice of Public Hearing

A public hearing to be held on Monday May 10, 2021 at 7:00PM in the Depew Village Hall Council Chambers the purposes of the hearing to discuss the possibility of deferring Village of Depew tax payments for a term of 30 days past the July 1, 2021 due date per the Governors Executive Order that was signed January 30, 2021.

By order of the  
Board of Trustees  
Teresa Wachowiak  
Village Administrator

RESOLUTION

May 10, 2021

**SPECIAL USE PERMIT TO KEEP CHICKENS**

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

**WHEREAS**, Karl and Leslie Beresniewicz of 194 Zurbrick Road in Depew. If approved there would be stipulations of no roosters, coup must be maintained as to not create an odor for the neighbors and village code must be followed regarding noise and property maintenance.

**BE IT RESOLVED**, a special use permit is hereby APPROVED to Karl and Leslie Beresniewicz of 194 Zurbrick Road in Depew.

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

Trustee Hamernik -  
Trustee Ziembra -  
Trustee Kucewicz -  
Deputy Mayor Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
May 10, 2021

**Agenda Item # 2**

\_\_ Approved \_\_ Denied

RESOLUTION

May 10, 2021

**SPECIAL USE PERMIT TO KEEP CHICKENS**

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

**WHEREAS**, Scott & Jennifer Kapperman of 137 Lee St in Depew. If approved there would be stipulations of no roosters, coup must be maintained as to not create an odor for the neighbors and village code must be followed regarding noise and property maintenance.

**BE IT RESOLVED**, a special use permit is hereby APPROVED to Scott & Jennifer Kapperman of 137 Lee St in Depew.

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

Trustee Hamernik -  
Trustee Ziembra -  
Trustee Kucewicz -  
Deputy Mayor Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
May 10, 2021

**Agenda Item # 3**

Approved  Denied

RESOLUTION

May 10, 2021

**RE APPOINT PLANNING BOARD CHAIRMAN**

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin Peterson do hereby Re-appoint Ronald Maciejewski to the position of Village Planning Board Chairman, said term to expire at noon on the first Monday of April 2026, at a salary of \$64 per meeting.

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kucewicz -  
Deputy Mayor Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
May 10, 2021  
**Agenda Item # 4**

Approved  Denied

RESOLUTION

May 10, 2021

**ACCEPT RESIGNATION –POLICE OFFICER**

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

**BE IT RESOLVED**, the resignation of Thomas O'Donnell, Police Officer effective April 23, 2021 is accepted.

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kucewicz -  
Deputy Mayor Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
May 10, 2021

Agenda Item # 5

Approved  Denied

**APPROVE GEORGE URBAN WARNING SIGN / SIGNAL**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

**WHEREAS**, the Village of Depew reviewed a request and it was determined that the criteria for establishing a George Urban Blvd IR Low-Bridge Warning system in relation to the 11' 9" CSX Railroad bridge is met in accordance with the NYSDOT Traffic Engineering Directive and

**WHEREAS**, the section of George Urban Blvd is under the jurisdictions of Erie County, and

**WHEREAS**, the Village of Depew confirmed through conversations with Erie County Department of Public Works (ECDPW) that these signs may be posted along George Urban Blvd upon adoption of a Village Board Resolution and execution of a Village permit; and

**THEREFORE, BE IT RESOLVED**, the Depew Village Board respectfully requests that ECDPW to accept a flashing sign / signal located on George Urban Blvd, one on the Eastbound Side and one on the Westbound side in relation to the 11' 9" CSX Railroad bridge, with the knowledge that The Village of Depew is responsible for the long-term maintenance and operation of the units.

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

- Trustee Hamernik
- Trustee Ziemba
- Trustee Kucewicz
- Deputy Mayor Stempniak
- Mayor Peterson

<p>VILLAGE OF DEPEW          BOARD MEETING          May 10, 2021</p> <p><b>Agenda Item # 6</b></p> <p>___Approved ___ Denied</p>
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RESOLUTION

May 10, 2021

**AUTHORIZATION FOR MAYOR TO SIGN SHARED SERVICES AGREEMENT**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

**WHEREAS**, in cooperation with the Erie County Shared Services Plan, The Village of Depew's Mayor Peterson and Board of Trustees hereby approves the Intermunicipal Cooperation Agreement to share services, supplies and materials between the Village of Depew and the Town of Lancaster, allowing The Depew Village Administrator and the Lancaster Highway Superintendent, to rent, exchange, borrow and lend highway and park equipment and necessary personnel to operate said equipment, to assist with the maintaining of highway / park properties in their respected municipalities.

**WHEREAS**, the previous contract expired according to its terms on April 30, 2020 and due to the COVID-19 pandemic and precautions in place it was allowed to remain in effect as an emergency services necessity.

**BE IT RESOLVED**, that The Village of Depew and the Town of Lancaster hereby authorizes the Village Administrator to execute this agreement which will commence retral to May 1, 2020 and terminate April 30, 2023.

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

Trustee Hamernik  
Trustee Ziemba  
Trustee Kucewicz  
Deputy Mayor Stempniak  
Mayor Peterson

VILLAGE OF DEPEW  
BOARD MEETING  
May 10, 2021

Agenda Item # 7

\_\_\_Approved \_\_\_Denied



RESOLUTION

May 10, 2021

**AUTHORIZATION FOR MAYOR TO SIGN DEPEW SCHOOL SALT AGREEMENT**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

**WHEREAS**, The Village of Depew's Mayor Peterson and Board of Trustees are hereby approving the agreement between the Depew School District and the Village of Depew to allow the Depew School District to purchase and load salt from the Department of Public Works salt barn. This arrangement is cost saving on materials and labor for Depew School District.

**WHEREAS**, in previous years, the agreement was that the Depew Schools would be billed at the rate that DPW purchased the salt in bulk. There will be 120 tons reserved for the district's needs.

**BE IT RESOLVED**, that The Village of Depew and The Depew School District is allowed to enter into this agreement

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kucewicz -  
Deputy Mayor Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
May 10, 2021

Agenda Item # 8

\_\_\_Approved \_\_\_Denied

RESOLUTION

May 10, 2021

**AUTHORIZE MAYOR TO SIGN HODGSON RUSS**

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

**WHEREAS**, the Village of Depew would like to utilize the services of Hodgson Russ for a legal matter.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is authorized to sign the agreement with Hodgson Russ.

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kucewicz -  
Deputy Mayor Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
May 10, 2021

Agenda Item # 9

\_\_Approved \_\_Denied

**VILLAGE OF DEPEW LOCAL LAW NO. 3 OF 2021 REGARDING DEFERMENT OF VILLAGE PROPERTY TAXES DURING THE COVID-19 STATE OF EMERGENCY**

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

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Depew as follows:

Section 1. Purpose and Intent.

**WHEREAS**, on January 30, 2021, the Governor signed into law Senate Bill No. 8138-B of 2020, which enacted Section 1910 of the Real Property Tax Law (RPTL).

**WHEREAS**, under the new law, local taxing jurisdictions are permitted to adopt a single local law deferring the deadline for payment of property taxes in response to a declared state of emergency.

**WHEREAS**, in light of the on-going hardships related to the COVID-19 state of emergency, the Board of Trustees finds that it shall be in the best interests of the Village of Depew and its residents to take advantage of this opportunity by deferring the deadline for payment of village property taxes on a short-term basis.

Section 2. Enactment.

Pursuant to RPTL § 1910, the Board of Trustees hereby decrees that the current deadline for the payment of village property taxes is hereby extended from July 1, 2021, to July 31, 2021. Accordingly, notwithstanding any State or local law to the contrary, village property taxes due for the 2021 tax year will be treated as timely, and may be paid without penalty or interest, if paid or postmarked on or before July 31, 2021.

Nothing herein shall affect the deadline for payment of taxes assessed by any other municipal subdivision, school district, or special district.

Section 3. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered. Section

4. Effective date.

This local law shall take effect immediately upon filing with the New York Secretary of State and will have retroactive applicability to July 1, 2021.

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

- Trustee Hamernik -
- Trustee Ziemba -
- Trustee Kucewicz -
- Deputy Mayor Stempniak -
- Mayor Peterson -

<p>VILLAGE OF DEPEW          BOARD MEETING          May 10, 2021  <b>Agenda Item # 10</b></p> <p>___Approved ___Denied</p>
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**RESOLUTION REGARDING BROADWAY SOLAR PROJECT**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

**WHEREAS**, after Resolution by the Village Board to enter into a Purchase and Sale Agreement to sell 15 acres of real property commonly referred to as 4309 Broadway, Village of Depew, NY, owned by the Village, the Village executed a Purchase and Sale Agreement dated September 28, 2020 with 4293 Broadway LLC; and

**WHEREAS**, on November 23, 2020, the Village Board approved the Special Use Permit and Site Plan for 4293 Broadway LLC for a solar farm development consisting of 24.97± acres consisting of a Portion of (15 acres) of 4309 Broadway, Village of Depew, NY, bearing S.B.L. No. 103.19-1-13 and 4293 Broadway, Village of Depew, NY, bearing SBL No. 103.19-1-10, with said project referred to as “Broadway Solar Project”, which included the real property owned by the Village that the Village agreed to sell to 4293 Broadway LLC; and

**WHEREAS**, said Special Use Permit and Site Plan were contingent upon the 4293 Broadway LLC receiving approval from the New York State Department of Environmental Conservation (“DEC”) for a change of use plan for the closed landfill at the aforesaid properties; and

**WHEREAS**, the DEC has required that approximately 26,000 cubic yards of fill be brought to the Project Site and spread at the Project Site to ensure the proper landfill cap; and

**WHEREAS**, the aforesaid Purchase and Sale Agreement is estimated to close in June 2021, but the work required by DEC must occur prior to said closing.

NOW, THEREFORE, it is hereby

**RESOLVED**, The Village authorizes the fill to be brought to the site and spread as of the date of this Resolution consistent with DEC requirements provided that:

- a. 4293 Broadway LLC indemnifies and holds the Village harmless from any claim or lawsuit related to the aforementioned fill work, environmental hazards associated with the fill work on the site including latent hazards, as well as any other tort or property damage claim; and
  - b. 4293 Broadway LLC’s contractor provides insurance in the amount of One Million Dollars naming the Village as additional insured; and
2. Due to a change in circumstances involving a proposed park at the balance of the site, the Village hereby modifies the Site Plan Approval to allow the road to be constructed to be a gravel road, instead of a paved road and the Mayor is authorized to sign any such purchase agreement amendment; and
  3. The Village authorizes the Village owned property to be subdivided pursuant to the Purchase and Sale Agreement and then upon 4293 Broadway LLC’s acquisition of

both of the following properties: a Portion of (15 acres) of 4309 Broadway, Village of Depew, NY, bearing S.B.L. No. 103.19-1-13 and 4293 Broadway, Village of Depew, NY, bearing SBL No. 103.19-1-10; that these properties be merged by Deed to be recorded at the Erie County Clerk's Office thereby forming one property consisting of 24.97± acres.

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

Trustee Hamernik -  
Trustee Ziemba -  
Trustee Kucewicz -  
Deputy Mayor Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW BOARD MEETING May 10, 2021  Agenda Item # 11  ___Approved ___Denied
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RESOLUTION

May 10, 2021

**DPW TREE REMOVAL**

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

**WHEREAS**, the village has encountered complaints of dead and dangerous tree on a lot located at 51 Dean Rd, Depew, NY (SBL: 103.07-5-28) orders to remedy have been issued to the property owner on record;

**BE IT RESOLVED**, permission is granted for the Department of Public Works or a contracted company to remove the tree from the vacant lot. The owner on record will be sent an invoice for the work performed, if not paid by the owner, the cost will be attached to the village tax bill for that property.

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

- Trustee Hamernik -
- Trustee Ziemba -
- Trustee Kucewicz -
- Deputy Mayor Stempniak -
- Mayor Peterson -

VILLAGE OF DEPEW BOARD MEETING May 10, 2021  <b>Agenda Item # 12</b>  __Approved __Denied
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RESOLUTION

May 10, 2021

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to Depew Hose Co. #1 to use the Northside Fire Station for their Company Installation Dinner on Saturday May 22, 2021 from 4:00 PM–11:00 PM. All current COVID-19 guidelines will be followed.

The foregoing resolution was seconded by Trustee \_\_\_\_\_, and **CARRIED.**

VILLAGE OF DEPEW  
BOARD MEETING  
May 10, 2021  
Agenda Item: 13  
  
\_\_Approved \_\_Denied

RESOLUTION

May 10, 2021

**PERMISSION – FIRE DEPARTMENT**

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

**WHEREAS**, Permission is hereby granted to the Depew Fire Department Engine 1, Engine 4 and Ladder 5 to attend a training exercise at the Twin District Fire Company Training Facility, 4979 William St, Lancaster on Tuesday, May 11, 2021 from 7pm-10pm. A Fire Chief will be present for the duration of the training, and one truck will remain in service for emergency response during the entire exercise.

And

**WHEREAS**, Permission is hereby granted to the Depew Fire Department Engine 2 to attend the New York State Interior Firefighting Operations Course on Sunday, May 23, 2021 from 7am-1pm at Erie County's Chestnut Ridge Training Center, 6121 Chestnut Ridge Rd, Orchard Park, NY.

And

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

Trustee Hamernik -  
Trustee Ziembra -  
Trustee Kucewicz -  
Deputy Mayor Stempniak -  
Mayor Peterson -

VILLAGE OF DEPEW  
BOARD MEETING  
May 10, 2021

Agenda Item # 14

  Approved   Denied