

MEETINGS: 14  
NO. OF REGULAR: 14

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**October 11, 2022 7:05 PM**

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

**ON A MOTION BY**, Trustee Kucewicz and seconded by Trustee Adolf the September 26, 2022 board meeting minutes were approved.

**ON A MOTION BY**, Trustee Adolf and seconded by Deputy Mayor Hamernik September 22, 2022 Zoning Board meeting minutes were accepted.

1. Alexandra Morphis, on behalf of Antoinette’s Sweets Inc. for the property located at 5981 Transit Rd, of Chapter 260, §260-26(A)(2), Principal and Accessory Use/Dimensional Standards, Minimum Front Yard Setback, Vehicle Use Area, requesting relief of 5ft. Granted.

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

2. Joseph O’Brien for five variances for the property located at 5473 Transit Rd, of Chapter 260, §260-24(A)(2) Maximum Building Coverage, requesting relief of 930sqft, and of Chapter 260, §260-24(A)(2) Minimum Lot Area, requesting relief of 4000sqft and of Chapter 260, §260-24(A)(2), Minimum Front Yard Setback, requesting relief of 25ft and of Chapter 260, §260-24(A)(2) Minimum Side Yard Setback, requesting relief of 4.5ft, and of Chapter 260, §260-24(A)(2) Minimum Lot Width Requirement requesting relief of 40ft. Granted.

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

**Public Comment Agenda Items Only:**

The public hearing was opened at 7:21 PM by Deputy Mayor Hamernik and seconded by Trustee Kucewicz

Village of Depew  
Notice of Public Hearing

A Public Hearing will be held on Tuesday October 11, 2022 at 7:00 pm in the Depew Village Hall Council Chambers regarding the use of Federal Community Development funds in the Village of Depew.

The Village of Depew is eligible for a Federal Community Development grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low- and moderate-income persons in the Village of Depew, Town of Cheektowaga, New York and Village of Depew, Town of Lancaster, New York.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Village of Depew’s selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The meeting room is wheelchair accessible.

By order of the  
Board of Trustees  
Teresa Wachowiak  
Village Administrator

Mayor Peterson told everyone that the CDBG for the Cheektowaga side of the Village is typically used to replace sidewalks and to help pay for the Senior Center expenses, such as labor and supplies. It is usually a 50/50 split of the \$100,000 for each. The CDBG for Lancaster has normally been used for sidewalk replacement, in fact they are being worked on now for the previous year's grant. The cost of materials went up so much, we couldn't complete the areas that we hoped to that year. So for the upcoming year, we are looking to complete what was started and also add in the sidewalk by the DCAT building and also more sidewalks on Gould that have not yet been addressed. The grant for next year has been increased to \$150,000 from \$100,000.

He also told the residents on the Cheektowaga side of the Village that soon, they will be receiving a letter from him regarding an income survey. The area of that side of the Village is rather small that is in the low to mod income level. We are hoping to open up that area with the income survey to include the area north of Broadway from there to Gould Ave which would include the streets from Bellevue to A Street and then maybe we can include the park's sidewalk. Administrator Wachowiak explained that the income survey will be coming to the residents will be imperative to this project. Please take the time to complete it and return it to the contractor you get it from. We need your help to help you to replace your sidewalks. Otherwise, as the Mayor said, the sidewalks are the responsibility of the homeowner.

The public hearing was closed at 7:27 PM by Deputy Mayor Hamernik and seconded by Trustee Kucewicz

### **APPROVE AUCTION RESULTS**

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

**BE IT RESOLVED**, that the results from Auctions International online auction ending 9-21-2022 totaling \$41,267.00 are approved

Lot 1 – 2020 Ford Explorer SUV / Police Interceptor	\$22,000	<u>R.Michael Duffy</u>
Lot 2 – 2015 Ford Taurus Police Interceptor	\$8,000	Steveo
Lot 3 – 1995 Ford F250 XL Super Duty Pickup Truck	\$2,250.00	JimPeckFarmsLLC
Lot 4 – 1995 Ford F350 Dump Truck	\$5,700.00	Movedirt
Lot 5 – Elgin Whirlwind Street Sweeper parts	\$32.00	thatguy
Lot 6 – John Deer 4.5 L, 4 Cyl. Diesel engine	\$3,150.00	JonF888
Lot 7 – Square D 3PH General Purpose Transformer	\$135.00	a0218f1991p

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

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

### **PERMISSION TO SIGN – FIRE CHIEF AND ASST. CHIEFS RESIDENCY EXPANSION**

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

**WHEREAS**, The Depew Fire Department is asking permission to expand the residency boundaries for the Fire Chiefs and Asst. Fire Chiefs for the Fire Chief's and Asst. Fire Chiefs Elections. The new boundaries will be: The thruway to the north, Union Road to the west, William/Losson to the south and the Lancaster

town/village line to the east. This will allow for any interested person to run for Depew Fire Department Chief and Asst. Fire Chiefs in the elections.

**NOW THEREFORE BE IT RESOLVED**, that permission is hereby granted to the Depew Fire Department to expand the boundaries as listed above.

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

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

### **APPROVE POLLING LOCATION AND ELECTION INFORMATION**

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

**WHEREAS**, the Village of Depew will have four election districts (1-4) covering the entire Village of Depew and the districts will be split up among the alphabet (registered voters last name).

**BE IT RESOLVED**, all voting for the Village election will be at the Village Hall, 85 Manitou St, Depew in the senior center. Polls will be open from 12:00 PM until 9:00 PM. The Village Administrator will send a certified copy of the resolution to the Board of Elections and post the notice in the Depew Bee.

And

**WHEREAS**, a General Village Election for the Village of Depew will be held on Tuesday, March 21, 2023 for the following offices:

Village Mayor – Four Year Term  
Village Trustee – Four Year Term  
Village Trustee – Four Year Term

**THEREFORE, BE IT FURTHER RESOLVED**, that the Village Administrator is hereby authorized to have published in the Official Paper for the Village of Depew a listing of the Offices to be filled by the March 21, 2023 General Village Election.

And

**WHEREAS**, as in past years the residents of the Village of Depew must register with the Board of Elections to be able to vote in a Village of Depew Election.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Village will not be holding a village registration day, however residents may register with the Erie County Board of Elections.

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

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

**PROCLAIM OCTOBER 31, 2022 AS OFFICIAL TRICK OR TREAT NIGHT**

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

**BE IT RESOLVED**, the Official Trick or Treat Night in the Village of Depew, in conjunction with the Town and Village of Lancaster and the Town of Cheektowaga, is hereby designated as Monday, October 31, 2022 between the hours of 6:00 PM – 8:00 PM.

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

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to The Depew Fire Department to put all the fire trucks in the Depew High School Motorcade. The date of the event will be Friday October 21, 2022 at 12:00 PM. A portion of the route will be going outside the village.

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

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

**REJECT BIDS FOR THE DEPEW FIREMAN’S PARK PAVILION**

Deputy Mayor Hamernik, offered the following resolution and moved for its adoption: WHEREAS, there was a bid opening at Village Hall, 85 Manitou St on September 15, 2022 at 10:00 a.m. in the Council Chambers for the Depew Fireman’s Park Pavilion.

WHEREAS, the bids were due by September 22, 2022 at 10:00 a.m. for three Contracts entitled General - GC, 2020-1M- Plumbing – PC/MC, and Electrical – EC.

WHEREAS, the Village Board has determined that the bid submitted was over the budget allocated for this project; and

WHEREAS, the Village of Depew reserves the right to reject any and all bids/proposals as not being in the best interest of the Village; now therefore, be it

RESOLVED, that based upon the review and assessment of the bids provided by DiDonato that the Village of Depew hereby rejects the bids for the Depew Fireman’s Park Pavilion as not being in the best interest of the Village.

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

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

**PERMISSION TO SIGN - LANCASTER CSD/DPD LIAISON OFFICER**

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

**BE IT RESOLVED**, Mayor Kevin Peterson is authorized to sign the agreement between the Village of Depew and the Lancaster Central School District, 177 Central Ave, Lancaster, NY 14086 to provide enhanced safety and security at the district's John Sciole Elementary school, 86 Alys Dr E, Depew, NY 14043, increasing community engagement, and creating increased police presence on the John A. Sciole grounds and within the John A. Sciole facilities.

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

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

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR RE-BIDS.**

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

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for re-bids for the General Contractor, the Electrical Contractor and the combined Plumbing and Mechanical Contracts for the Fireman's Park Pavilion Project. The re-bid openings will take place on November 8, 2022.

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

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

**EMPLOYMENT APPLICATIONS** – N/A

**UNFINISHED AND OTHER BUSINESS** – N/A

**DEPARTMENT HEAD REPORTS** – - Building Dept and Police Dept September 2022

**PUBLIC COMMENTS OR CONCERNS**

Ken – DPW – Parking signs are now up on Barnabas and Lackawanna as requested. The Mooney's sign disappeared the day after we put it up. PD went to speak with the establishment about the situation and another one was put up to replace it. Started picking up leaves already with the new street sweeper that was purchased on Auctions International.

Kevin – Rec - stated that the rink is in full swing and the learn to skate program will begin soon. High school hockey starts there in November. Mayor Peterson asked if the park on George Urban Blvd could be mowed maybe one more time. Kevin will have his guys there tomorrow when they get in at 2pm.

Chief Miller –

- Monthly Report for September
  - Total complaints – 1021 for the month and 9500 for the year
  - Non-Criminal - 921
  - Criminal – 100
  - We had three stolen motor vehicles and recovered one
  - We had 28 motor vehicle accidents - 25 PDO and 3 injury accidents
  - We had 35 arrest – 25 male and 10 female
  - We issued 220 traffic summonses

- Now that its darker in the morning and school now back in session – keep an eye out for the kids in the roadway and remember to stop and don't pass school busses.

Don and Katie – Code – Don reported that they are very close on the demolition letter comprehensive plan and that it is with the legal department now. Once he receives that back and the board's approval, they will implement it in order and address some of the residences in the Village. He also asked residents to address things like mowing your lawns for maybe one or two last times, also please clean up any debris around you homes to keep everything looking nice.

Trustee Kucewicz – Just wanted to give a Happy Pre-Birthday to Trustee Ziemba!!

Deputy Mayor Hamernik – told everyone that 186 families were taken care of at the food truck on the previous Saturday. There will not be any further food trucks now until January. She let everyone know that more and more families are in need lately and at this time of year it is imperative that we try to help them. Mayor Peterson asked if the \$31,000 donation to the DCAT building was expended yet and Audrey replied, yes, the roof has been repaired but that they could not have done it without that donation and she thanked the board for it!

John Wojcik of 75 Liberty Street came before the board to ask them to remove the no parking signs on Wenona. He knows the gentleman who came to the board about the same issue. He (Matt Green) was supposed to be here tonight with him, but obviously he's not here. John knows that Matt wants to be able to park in front of his house. The fire hydrants are on the East side of the street, where Matt lives, and typically they should not park there anyway. John suggested that the business be made to find parking for their employees. Chief Miller explained that it's a public street, we have no right to tell the business owner that he has to do this. Attorney Alba agreed, unfortunately we have nothing to enforce that even if we could tell them to find alternative parking. Ken told John that he went there to park his truck on one side of the street, across from a car on the other side. The distance measured to 7ft across, leaving no room for an emergency vehicle to pass. Plows have no way of getting down that street either when people park on both sides. Mayor Peterson suggested that the board draft a letter to them explaining the situation and perhaps we could reach an agreement that way.

RJ – OEM told the board that both he and Galen were now registered to take par in the Drone training in order to get their certification with the use of Drones.

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Kucewicz and seconded by Deputy Mayor Hamernik, the following claims are to be paid: \$169,631.92 General, \$2.00 Sewer \$14,648.50 Capital Projects, \$184,282.42 Capital was **CARRIED**.

#### **EXECUTIVE SESSION**

At 7:55PM Deputy Mayor Hamernik made a motion to enter into executive session, Trustee Kucewicz seconded.

At 9:41 PM Deputy Mayor Hamernik made a motion to exit out of executive session, that was held for a personnel issue and that no decisions were made during it. Trustee Kucewicz seconded.

#### **ADJOURNMENT**

**ON A MOTION BY** Deputy Mayor Hamernik and seconded by Trustee Kucewicz the meeting was adjourned asking to keep Bob Brandon's wife Camille in our prayers as she is having open heart surgery at 9:41 PM.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator

