

MEETINGS: 15  
NO. OF REGULAR: 14

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
October 15, 2019 7:00PM**

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

**ON A MOTION BY**, Trustee Voll, and seconded by Trustee Stempniak the September 23, 2019 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Hamernik and seconded by Trustee Jakubowski the Zoning Board Minutes October 15, 2019 were accepted:

1. Kassandra Musial of 4755 Broadway. She is requesting to permit her to erect a 6ft. high wooden privacy fence within the required front setback as required by the Village Ordinance. – Granted

**PUBLIC COMMENT** n/a

**APPOINT PART TIME CODE ENFORCEMENT**

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint

Kenneth Menard

to the position of Part Time Code Enforcement Officer effective October 16, 2019. Pay rate is per the contract.

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

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

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

**A BOND RESOLUTION, DATED OCTOBER 15, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE MUNICIPAL BUILDING, AT AN ESTIMATED MAXIMUM COST OF \$855,750 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$855,750 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.**

WHEREAS, the Village Board of Trustees of the Village of Depew, in the County of Erie, New York (the "Village") desires to undertake the reconstruction of and construction of improvements to the Village Municipal Building; and

WHEREAS, the Village has concluded that it is best to readopt the bond resolution considered at the September 9, 2019 Board meeting to correct a technical requirement related to publication;

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake the reconstruction of and construction of improvements to the Village Municipal Building including, but not limited to, roof replacement, installation of new windows and HVAC improvements, as well as other improvements as more fully identified in (or contemplated by) a report prepared by GHD in connection with such project, and including all preliminary work and necessary equipment, materials and related site work, and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$855,750.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$855,750 hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 25 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed,

raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village has determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or  
(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

**and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or**

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

\* \* \* \* \*

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

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

**APPROVE – FEE RATES**

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

**WHEREAS**, the Recreation Department have proposed new rink fee rates for the services that are provided.

**BE IT RESOLVED** that the new department fee rates for the Recreation Department are hereby approved.

See attached lists:

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

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

Youth resident card holder 12 & under	\$2.00	
Youth non-resident 12 & under	\$3.00	<b>New rate of \$5.00</b>
Adult resident card holder 13 & over	\$3.00	
Adult non-resident 13 & over	\$4.00	<b>New Rate of \$7.00</b>
Individual resident card	\$5.00	
Family of 4 resident cards	\$15.00	

**New Category Individual Non-Resident Card \$10.00**  
**New Category Family of 4 Non-Resident Card \$30.00**

Skating lessons are Monday evenings for 7 weeks \$50.00 **Resident Cost stays the same**

**Non-Resident Skating Lessons \$75 for 7 Weeks**

We offer 3 sessions of 7 week skating lessons.

We will also charge \$3.00 for skate rentals

**New Category Non-Resident Skate Rentals \$4.00**

**AUTHORIZE MAYOR TO SIGN COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT 2020**

Trustee Voll 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 Erie County Community Development Block Grant (ECCDBG) program for the following project(s) upon approval of ECCDBG:

Sidewalks

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

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

**AUTHORIZE MAYOR TO SIGN JUSTICE COURT GRANT APPLICATION**

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

**WHEREAS**, grant monies are available through the New York State Unified Court System to enhance the operation, security, and facilities of municipal Justice Courts;

**NOW THEREFORE, BE IT RESOLVED**, that the Village of Depew Justice Court is authorized to submit a grant application for a JCAP grant in the 2019-2020 grant cycle up to \$30,000.00 and

**BE IT FURTHER RESOLVED**, that Mayor Kevin Peterson and the Board of Trustees hereby approve this application and Mayor Kevin Peterson is authorized to sign the Justice Court Assistance Program Grant Application.

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

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

**PERMISSION CONFERENCE**

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

**BE IT RESOLVED**, permission is hereby granted to Police Chief Jerome Miller to attend the Organization of Public Employer Negotiators Training Conference on October 25, 2019 hosted by Goldberg Sagalla, 665 Main St, Buffalo, NY 14203. The fee is \$130.00 for the conference. Use of a village vehicle is authorized.

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

**PERMISSION – LANCASTER HIGH SCHOOL MOTORCADE**

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

**WHEREAS**, the Lancaster High School Student Senate has made application for a Motorcade escort for Friday, October 18, 2019 at approximately 3:45PM, and

**WHEREAS**, said motorcade route and traffic enforcement has been authorized by the Police Department and the Depew Fire Department will participate in the Motorcade.

**NOW, THEREFORE BE IT RESOLVED**, that permission is granted to the Lancaster High School Senate to hold the above-mentioned Motorcade on Friday, October 18, 2019.

The forgoing resolution was seconded by Trustee Voll, and **CARRIED**.

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to the Depew Fire Department to take two pieces of apparatus to the 100-year anniversary of the Depew / Lancaster Rivalry Community Event on Saturday October 19, 2019 from 10:00 AM–2:00 PM.

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

**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

See attached List

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

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

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to The Depew Fire Department to have Engine #41 to participate in the Christmasville Parade in the Village of Lancaster on November 30, 2019 from 4:00 PM to 10:00 PM. Permission is hereby granted to The Depew Fire Department to have non-members ride in the Christmasville Parade in the apparatus. The apparatus will be out of service.

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

**EMPLOYMENT APPLICATIONS** – Rec – Nolan Witt, Maria Sierk, Nina Wargula

**DEPARTMENT HEAD REPORTS**

**UNFINISHED AND OTHER BUSINESS** N/A

**PUBLIC CONCERNS AND COMMENTS**

Mayor Peterson welcomed Deb from Legislator Brusco’s office and Liz from Monica Wallace’s office, along with Matt from the Town of Lancaster. Each gave a brief statement of past successful outings.

CEO – Recapped Sept report, excited to start working with Ken, new part time code enforcement officer, Dollar General was approved at the Planning Board and will be located on Walden between West 2<sup>nd</sup> and West 3<sup>rd</sup>. They also received a new permit for a Doctor’s office on Transit and 2 new homes.

Chief Miller – Recapped September report, this time of year his staff is involved in a lot on hands on training on active shooter scenarios. Working with CEO and Attorney on plow permits and the bridge issue on George Urban.

George in Electrical – NYSEG has re-assured him that we have moved up to #8 on the light replacement list and that they should be complete before the end of year. He also recapped his report.

Judy in OEM – Reminder that Skywarn training is 10/24 at 7pm at the EC Fire Training Academy on Broadway in Cheektowaga.

Attorney Alba – working on 5g small cell wireless agreement

Trustee Voll reported on the Fire Dept for Chief Nussal and recapped his report. Also it is Depew/Lancaster week so please, everyone enjoy and stay safe.

Trustee Stempniak – October is Breast Cancer Awareness month and reminded everyone to be tested, especially if you are at a high risk of it.

Trustee Hamernik – Free Lending Library will open on 10/25 at 4pm with a ribbon cutting ceremony. They completed their food drive and also raised \$1,000 for Tri Community, hats, gloves and boots are still being collected for the Harvest House and City Mission.

Mayor Peterson was at the new HSBC retail branch ribbon cutting ceremony tonight at Walden & Dick Rd, where they once were located. No doubt one of the Village's largest employers with 1500+ employees. Have fun at the festivities for Depew/Lancaster week and just remember to stay safe. Lancaster's Mayor and he have a friendly bet that whoever wins the football game, the other has to wear the winner's jersey.

Kathleen Staebell, 307 Ellington asked the board what they could do about 266 Bellevue, the grass is so high, it is attracting rodents. CEO Fischione said that he has sent out the letters notifying the home owners of the issue and their need to address it. He has yet to hear anything, but with the Board's direction, he will give this to the DPW and ask that they mow the lawn and we can then put it on the tax bill.

At 32 Autumn Lee, after neighbors came before the board, neighbors got together and worked in the yard to clean up. The homeowner came out and worked side by side with everyone, thanking them for their help. Mayor Peterson said what a refreshing sight to see neighbors helping neighbors.

Mr. Art Domino, 76 Chautau Court brought to the board's attention the poor conditions of the "Welcome to Depew" signs in various locations in the Village. Over the years, the signs that were sometimes donated, have deteriorated immensely. One in particular is the one across from D&L Plaza, slats are missing, etc. He believes that this sign was vandalized after the dissolution vote went down and the Village remained in effect. Trustee Jakubowski to look into the signs to see what can be done.

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Voll and seconded by Trustee Hamernik, the following claims are to be paid: \$414,867.81 General, \$12,186.42 Sewer, \$427,054.23 Capital was **CARRIED**.

#### **ADJOURNMENT**

**ON A MOTION BY** Trustee Jakubowski, seconded by Trustee Hamernik, the meeting was adjourned at 7:51 **PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator