

MEETINGS: 18  
NO. OF REGULAR: 17

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**November 22, 2021 7:00PM**

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

**ON A MOTION BY**, Deputy Mayor Stempniak and seconded by Trustee Hamernik, the Special Meeting Minutes from November 1, 2021 were approved.

**ON A MOTION BY**, Trustee Ziemba and seconded by Trustee Kucewicz, the November 8, 2021 board meeting minutes were approved.

**ON A MOTION BY**, Trustee Kucewicz and seconded by Deputy Mayor Stempniak, the November 4, 2021 planning board meeting minutes were approved.

1. Debra Marrano for property located at 31 Domino Ct. To amend approval from the January 2, 2020 Planning Board meeting for subdivision of the parcel at 31 Domino Ct. to include the existing structure as per Chapter 260, §260-10C. Approved with stipulations: 1. Must go to Zoning Board of Appeals, 2. Must follow all Code stipulations per record of this meeting, 3. No commercial business out of the garage, to be used for storage only, 4. Minimum of 10ft greenspace length of property from Rehm Rd to the back property line.
2. John Connors on behalf of Connors Enterprises for property located at 30 Humboldt Pl. : Seeking approval to subdivide existing lots to create a conforming single family residential parcel and to expand parcel with existing paved lot as per Chapter 260, §260-10C. Approved with stipulations: 1. Blacktop be removed from the 60x125ft parcel with the house on it, and put in grass or greenspace 2. Notification given to the purchaser of the parking lot parcel that they will have to come before Depew to gain proper permits.

**Public Comment on Agenda Items**

Paul Sprada – Question of the first – resignation of Tony. I see you have Assistant Code Enforcement officer. Who is the Code Enforcement Officer? Mayor Peterson answered that Tony has always been the Assistant. That is why I was trying to change him to Supervising Code Enforcement Officer in the new contract with the white collar. However, we have yet to get that signed and sealed as far as the white collar. Unfortunately, Tony will not be around for the promotion that we were giving him and the additional funds. Paul asked if have any leads on who is taking his place. Mayor Peterson said we are conducting interviews. Tony has some big shoes to fill. Mr. Sprada Yes, Tony has done a great job. I don't know how he handled most of it, by himself for the most part. Most of the Part Timers came and went. Mayor Peterson states that he believes in the code enforcement office from when I was a trustee. We were lucky and got two really qualified people last January. At one point in March, we had 3-part timers and 1 Full Timer. The two guys we hired in January were excellently qualified.

**ACCEPT RESIGNATION – ASST. CODE ENFORCEMENT OFFICER**

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

**BE IT RESOLVED**, the resignation of Anthony Fischione, Asst. Code Enforcement Officer effective November 30, 2021 is accepted.

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

Trustee Hamernik - Y

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

**AUTHORIZE MAYOR TO SIGN RECORD MANAGEMENT SERVICES**

Trustee Hamernik 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 Municipal Records Management Consultant Services.

1. Alden Stevens, 392 Ontario St, Sackets Harbor, NY 13685 for the amount of \$12,689.00
2. Barbara Warren, 392 Ontario St, Sackets Harbor, NY 13685 for the amount of \$12,310.00.

For a total of \$24,999.00

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

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

**MINIMUM WAGE INCREASE**

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

**BE IT RESOLVED**, that the Village Administrator is authorized to raise the minimum wage for the rink guards and rink cashiers to \$15.00 effective immediately.

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

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

**AUTHORIZE MAYOR TO SIGN CONSULTING AGREEMENT – UTILITY SAVINGS AUDIT**

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

**WHEREAS**, the Village of Depew currently received Gross Receipt Tax and Franchise Fees as Revenue; and

**WHEREAS**, the Village of Depew would like to have these Revenues Audited to see if there have been underpayments.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is authorized to sign a Consulting agreement with Computel Consultants.

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

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

**AUTHORIZE MAYOR TO SIGN MAINTENANCE AGREEMENT – CUMMINS SALES & SERVICE**

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

**WHEREAS**, the Village of Depew is currently utilizing Cummings Sales & Services for the maintenance of the Generators at the Village of Depew facilities;

**WHEREAS**, the Village of Depew would like to continue the Planned Maintenance Agreement for \$4,099.43 per year.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is authorized to sign the Planned Maintenance Agreement.

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

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

**REJECT BIDS FOR THE MUNICIPAL FACILITIES IMPROVEMENTS PROJECT**

Deputy Mayor Stempniak, offered the following resolution and moved for its adoption: WHEREAS, there was a bid opening at Village Hall, 85 Manitou St on October 5, 2021 at 10:00 a.m. in the Council Chambers for the Reclamation Embankment Restoration Project.

WHEREAS, one bid was received by NFP & Sons, Inc, in the amount of \$323,700.00. 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 bid provided by GHD, that the Village of Depew hereby rejects the bid for the Reclamation Embankment Restoration Project as not being in the best interest of the Village.

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

**MOTION TO WITHDRAW THIS ITEM FROM THE AGENDA**

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

**AWARD BID- RECLAMATION EMBANKMENT RESTORATION PROJECT.**

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

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, the bid for the Reclamation Embankment Restoration Project from the bid opening October 5, 2021 in the bid amount of \$323,700.00 be awarded to:

NFP & Sons, Inc  
7311 Ward Rd # B,  
North Tonawanda, NY 14120

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

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

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to West End Hose Co #6 to use the West End Fire Station for their Christmas Party on Saturday December 18, 2021 from 5:00PM – 12:00AM.

and

Permission is hereby granted to AETNA Hose Co. to use the South Side Fire Station for their Children’s Christmas Party on Saturday December 11, 2021 from 10:00AM – 12:00PM.

and

Permission is hereby granted to AETNA Hose Co. to use the South Side Fire Station for their Christmas Party on Saturday December 11, 2021 from 5:00PM – 12:00AM.

and

Permission is hereby granted to the Depew Fire Departments Junior Firefighters to use the Southside Fire Hall for their Christmas party on Sunday December 12, 2021 from 4:00PM – 9:00PM.

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

**PERMISSION – FIRE DEPARTMENT**

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

**WHEREAS,** Permission is hereby granted to the Depew Fire Department to take Engine #2 and Engine #3 to attend trainings at the Twin District Training Facility, 4999 William St, Lancaster, NY on November 23, 2021 from 6PM – 10PM.

**THEREFORE, BE IT RESOLVED:** The above foregoing resolution was seconded by Trustee Kucewicz and duly put to a roll call vote which resulted in the following:

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

**DEPARTMENT HEAD REPORTS -**

Emergency Manager – RJ – Mask mandates are back as of 11-23-2021. He will ask the departments if they need gloves, masks and wipes. You need to wear your mask even if vaccinated. There are no gathering rules yet or having to show proof of vaccine for restaurants. State of Emergency has been declared for the Village of Depew. We will be looking to have a 6 month supply on hand. Thank you to Mayor Peterson and the Village Board for the grant allotment for the radios that we will be receiving. We are waiting for them to come in. We will be working with Regina for the tree lighting and writing the Action Plan for that. An email will be going out the department heads for the annual winter storm meeting.

Depew Police Dept – Every patrol officer has been issued a body camera. They are being used on a daily basis. We had a major incident over the weekend. Without giving out a lot of details, our officers acted very professional. They arrived at a very violent scene, their training and experience took over. I am very proud of their efforts and they were able to apprehend the suspect pretty quickly. We had assistance from Amherst PD, Cheektowaga and Lancaster. The cooperation we had a group was awesome and on scene we had our two pastors, Pastor Brian and Pastor Galen Purpura to help the guys deal with the stress of this call. Thank you.

DPW – Ken – Plows and salters are ready. The parking ban has been extended until December 1<sup>st</sup>. Please do not call when you are raking your leaves, we will be around to get them. Do not put them in the streets.

Depew Fire Dept – Chief Todd R. – Currently 112 Firefighters, 6 Junior Firefighters. November 2021 calls to date are at 17. Our year-to-date calls are 293. Year to date structural damage is 545,000. The Depew Fire Dept continues to work hard day in and day out responding to calls and dedicating their time to training. The fire dept will continue to remain ready to any calls that we are called too and will continue to respond with professionalism. I want to offer my sincere gratitude to my firefighters, officers, and my command staff for their continued dedication to the Village of Depew and the residents that we serve. An issue at the end of last week with Ladder 5, it is currently out of service and will be for the foreseeable future. The truck was on its way back last week from getting some electrical work done and the radiator blew, it was found to have a crack in the top corner and it will need a full replacement. Colden Enterprises, who maintains our fleet currently has our truck. They are looking at the possibility of a used after market radiator, if this works then we are looking at a \$5,000 - \$6,000 bill. If not, a new replacement will be \$15,000+ for ladder 5 and until that is done our ladder truck is out of service. We do have mutual aid agreements in place if need be. I was going to also report that Engine #6 is out of service, but from the pre board meeting until now, it's fixed. That's again to Colden who came out. I mentioned this last month and I want to mention it again, it's very serious, all residents are reminded to have working carbon monoxide detectors and smoke detector in your homes and apartments as the weather is getting colder our furnace's and boilers and firing up for the first time and this is the time of year that the majority of the issues arise. Carbon monoxide gas is deadly as it is colorless and odorless, meaning you can't smell, taste or detect it any other way. Smoke detectors forewarn occupants in a structure. Issue with sewer system at The North Side, we are looking to Pipeworks to have the rectified for us.

Trustee Ziemba – Happy Thanksgiving. DEC – Styrofoam ban is starting January 1, 2022. The information is on the DEC website. We will get it on the Village website. It will be phased in, probably will not see the full effect for another year.

Trustee Hamernik – Happy Thanksgiving. On behalf of being a Trustee for the Village of Depew I have delivered Fresh turkeys with fixings. I will deliver prepared dinners tomorrow (Tuesday 11/23/2021). They are going to the residents over in the Main St & Penora St. area. They were donated by Kiwanis Club and some residents. Community Center update – a Depew business donated 3 furnaces along with the labor to our building. We are thankful for that. Businesses in Depew, Lancaster and Cheektowaga have donated over \$100,000 to our community center. We just received notice from Legislature Frank Todaro that we were awarded \$15,000 for our community center.

Thank you to him. I started this about 5 months ago, I formed an alliance Tri Community Food Pantry, called Tri Com Delivers. We started with five families. We deliver food every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month. These are disabled residents who would not be able to make it to the food pantry. We are working on expanding the program.

Trustee Kucewicz – I want to thank Tony, who is not here today, for his long service with the Village of Depew and wish him the best in his next adventure. He will be missed. Happy Thanksgiving.

Deputy Mayor Stempniak – Davey Resource Group is out doing the tree inventory. Please do not call to report suspicious persons. We know they are out there. Thank you to Assembly Member Wallace for looking into the daycare situation in NYS. I am fortunate to be able to pay for daycare while being a working mom, but that is not the case for many families. I am very happy this is being examined, something needs to be done so more women are able to enter the workforce. Happy Thanksgiving and GO Bills.

Legal – We are not too busy this week. Going through a few contracts and checking into a few things. Tried to discourage Asst. Code Enforcement Fischione from resigning, but it didn't seem to work. The big project in next couple weeks we will be soliciting a shared services agreement for a code enforcement officer for the building department. Mr. Brandon or Ms. Brinkworth if you know of any building departments that don't have enough work, we would love to talk to them. While we are looking to fill the position, we will be happy to enter into a shared service with someone just so there is no shortage. Nothing on the litigation front and that is always good.

Mayor Peterson – Annual Tree Lighting will be Monday November 29, 2021 at Fireman's Park. Santa will be with us. Our long time Village Santa Jeff Schuler will not be doing it this year. Mr. Schuler stated this would have been his 50<sup>th</sup> year playing Santa, but is not able to because of his heart. It should be good for next year, which will be my final year. I am writing a book "What it takes to be Santa". It will be out in 2023 and will have a big party at The ELKS for my customers and the Village people. I will have a big parade to the party from the mayor. Jim Kelly will be there because I know his kids. I am not taking any money; this is my way of saying Thank you for all I have done and I have done a lot. The Village knows, the book is coming out so the people of the United States can see when I have done. It's not about me, it's about the kids. Jim Kelly is having it published for me. I am praying in 2025 when we do the Radiothon for Make a Wish. I am keeping one suit, I have three. I told the Mayor that I will let the gentlemen that is playing Santa this year, they can use it. I have no problem with it. When they do the Radiothon, when they do the total, I am walking in as Santa one last time and matching the total so every kid gets his wish. It's all about the kids. I have had a great ride, I cannot complain. I am going to miss it this year. I am helping the Santa out this year. I have some customers if wants to do it. Last year was a great time going around the Village. Next year I am not going to have anything else planned except the Village. I have had 45 years at the Buffalo Airport welcoming home the troops. I got to fly with The Blue Angels. I just want to say Thank you. Mayor Peterson stated there will be Mrs. Clause and firepits for roasting marshmallows supervised by the Depew Fire Dept.

## **PUBLIC COMMENTS OR CONCERNS**

Bob Brandon - Senator Kennedy's office – Thank you for having me again. Our office organized and participated in turkey give away's in two areas of our district. Last Wednesday we were at Tops Markets on Jefferson Avenue and gave away 750 turkeys. Last Saturday we were at the Lackawanna Senior Center where we gave away 250 turkeys and grocery gift certificates. I personally delivered 21 to mostly immigrant families so they could have a Thanksgiving dinner. A driver from NFTA brought a van with him. The Senator had his monthly radio show and had representatives from HEAP (Home Energy Assistance Program) as far as who qualifies and how to get utility bill funding. National Fuel was one discussing the payment plan options. Partial payments are acceptable. The Senators radio program is always the 3<sup>rd</sup> Sunday of the month on WUFO. The Senator is Chairman of the State Transportation Committee and he stated that more than 1,700 bridges, 7,300 miles of highways and local roads, as well as the states passenger and commercial railroads are in poor condition, money from the 2.1 trillion-dollar Infrastructure bill that President Biden signed last week will go a long way to repairing them. He mentioned that the money from the infrastructure bill could also be used for water supply, replacing lead pipes, modernize the power the power grid and

expand speedy internet access. Check out the Cheektowaga Bee for more information regarding the infrastructure bill. Happy Thanksgiving from Senator Kennedy and myself. Mayor Peterson - that when the infrastructure bill was first being discussed it was approached to me that the Transit Road bridges and the work that would need to be done to widen Transit Road. It was explained to me that Delaware Ave project through the park was a big deal and so was the Skyway. Bob stated that the 33, they would like to cover it. Mayor Peterson stated with the changes with the Skyway, maybe there is some money to widen that bottleneck that comes from the North down Transit through Depew and Lancaster. The agencies will have leeway as to how to spend the money. They set the priorities and that is where the money is spent.

Liz Brinkworth – Assembly Member Monica Wallace’s Office – Toured a child care center with Senator Brisport and Assembly Member Hevesi as part of their statewide education collation task force, to see how we can assist on a state wide level for child care. There are over 3 million women nationwide not in the work force due child care issues so we are looking at ways to help. They toured Little Angels Day Care in the Town of Cheektowaga and met with staff and the owner. Thanked the Governor for signing a legislation that Monica Wallace sponsored to create a committee to represent female veterans with their own committee. This would give female veterans programs and services that meet their needs. December 4, 2021 Member Wallace is hosting an e-recycling event, there are 100 slots left. Apply online. Getting word out about the NYS Troopers exam, for more information go to [joinstatepolice.ny.gov](http://joinstatepolice.ny.gov). The exam is open mid-January until April 2022. Happy Thanksgiving.

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee and seconded by Trustee, the following claims are to be paid: \$257,849.02 General, \$1475.72 Sewer Fund, \$48,195.35 Capital Projects, \$29,973.35 Capital Project Building Reno and \$337,493.44 was **CARRIED**.

**EXECUTIVE SESSION:** Deputy Mayor Stempniak made the motion to enter into at 7:53 pm., seconded by Trustee Hamernik. At 8:28pm Deputy Mayor Stempniak made a motion to end the executive session and Trustee Hamernik seconded the motion.

#### **ADJOURNMENT**

**ON A MOTION BY** Trustee Kucewicz and seconded by Trustee Ziembra the meeting was adjourned with wishing everyone a Happy Thanksgiving and see you at the Annual Tree Lighting at 8:29 PM. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator