

MEETINGS: 19  
NO. OF REGULAR: 18

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
December 13, 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**, Trustee Ziemba and seconded by Trustee Kucewicz, the November 22, 2021 board meeting minutes were approved.

**ON A MOTION BY**, Deputy Mayor Stempniak and seconded by Trustee Hamernik, the November 11, 2021 Zoning Board Meeting minutes were accepted.

1. Gerald Fernandez for property located at 116 Meridian St of Chapter 260, §260-23(B)(2) to permit him to construct a garage within the minimum required 5ft setback from property line. Approved.
2. Todd Herkey for property located at 43 Pamela Dr. of Chapter 260, §260-14(B)(4)(b)(2) to permit him to erect a fence within the required 18ft minimum setback when the rear lot line abuts a side lot line of the neighboring lot for yards on corner lots. Approved.

**ON A MOTION BY**, Trustee Kucewicz and seconded by Trustee Ziemba, the December 2, 2021 Planning Board Minutes were approved.

1. Andriy Basisty on behalf of Upstate Bottle Return property located at 4730 Broadway. Seeking site plan approval for a beverage container redemption store per Chapter 260, §260-33D. Approved with following stipulations: 1. Updated site plan showing location of dumpster, snow storage, and sign 2. Parking lot striping be done by June 1, 2022.

Prior to explaining the agenda items, Mayor Peterson wanted to go over the first item, permission to advertise for a public hearing on our non-domestic animal law. He explained that most of the time, this law has been about chickens, but there's a lot of things that have been in our code for years under this. Bees, goats, horses, pigs, chickens, ducks and things like that. He wanted to try and get Attorney Alba on the phone because two of our trustees, Deputy Mayor Stempniak and Trustee Kucewicz, along with our Code Enforcement Officer at the time, spent a lot of time on this. It will come to a public hearing on January 24<sup>th</sup> at our regular board meeting. Mayor Peterson asked him to give a recap on the public hearing coming up in the month of January. Attorney Alba explained that the small animal law is meant to address and correct the issues we have in our local law for people that have animals which are not your typical domestic animals. So not your cats and dogs, more so your chickens, your exotic pets and other things like that. We looked into this quite a bit and Mayor Peterson put together a task force of two trustees and himself and they looked at what other municipalities have done and the trustees made a decision to allow a limited amount of non-domestic animals through the acquisition of a special use permit that can be granted by the Zoning Board of Appeals. There is also a built in provision for people that have non-conforming animals which will give them ample time to get before the Zoning Board of Appeals and acquire the proper permit. There are things that are prohibited like roosters, selling produce and other things from your animals. There are penalties built into this law for people for violate this law. But generally it's just to update our existing law and make it more in tune with surrounding municipalities as chickens and other things become more popular in residential areas. Attorney Alba asked if anyone had questions and Dave Burkhardt, 5 Autumn Lea addressed the board and Attorney, asking why we are having a public hearing, if we have the law and it doesn't permit these exotic animals? Mayor Peterson told him that the law is changing and in order to do that we have to have a public hearing so that people have the option of weighing in their opinions if they have any. Deputy Mayor Stempniak also explained that we decided to amend the law because there were a lot of people coming to us asking about chickens. We looked into it and kind of felt that there really wasn't a need to prohibit it so now we expanded it to include some other non-domestic animals. We looked at Williamsville, Amherst and some outside of NYS to see what other municipalities were permitting, especially Villages. Dave replied that as far

as he is concerned, cats and dogs and that's it, no other animals. Deputy Mayor Stempniak explained again that there are stipulations in the law that you have to get approval from all of your neighbors, within 100 feet. We'll publish it before the meeting so you can see it but we tried to make it so I can't just go out tomorrow if my neighbor is having issues with it, if there's any complaints, your permit gets revoked,. Dave asked with Amherst and West Seneca and all those towns, what do they say about this particular law? Attorney Alba said this is exactly what Amherst, Williamsville and other municipalities are doing so it's changed a little bit to fit our Village. But basically, the law we have now, says you can't have any of these animals without permission of the Village Board and that is not the way it's done. So now it's a Zoning Board of Appeals issue to get a special use permit to raise these animals and other things like that. It prohibits roosters, geese, fowl, swine, horses, cows, mules, goats, bees or other animals except domesticated pets without a special use permit. He things roosters are specifically prohibited. We really spent a lot of time trying to make sure that this was a law that didn't prohibit someone who wants to have residential chickens because residential chickens keep coming up. You have to come before the board. There are going to be instances where a neighbor comes in and says "I do not want this next door" and the Zoning Board of Appeals makes the decision of whether or not they should grant the application. They have absolute authority to deny the application.

Paul Sprada, 58 Argus: Asked if we do grant anyone these special use permits for non-domestic animals, will there be a time constraint on it? Attorney Alba responded that yes, there is and it's good for two years. But it's subject to renewal, they can apply to renew the permit. He replied that we'll have to set a permit fee for that....Attorney Alba said we did and he thinks it's \$100 but not 100% sure on that.

**Public Comment Agenda Items Only: N/A**

**EMPLOYMENT APPLICATIONS** – Rec -Salvatore Dellaneve, Vincent Tulumello, Maintenance – Daniel Orlikowski, Joshua Fleck, Nathaniel Vorwerk

**DEPARTMENT HEAD REPORTS –**

Police November 2021- Captain Norek mentioned that the Police Dept had a busy November with training. The Dept. recertified with the Tasers and also CPR which is a 2 year certification. The Dept. is finished up with our annual firearms qualifications handgun, shotgun and rifle. All of the Body worn cameras have been deployed. Our new recruits graduate from the academy this week and we can't wait to get them on the road and into the FTO program.

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING FOR NON-DOMESTIC ANIMAL LAW**

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

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for public hearing to discuss the non-domestic animal law. The public hearing will be held on January 24, 2022 at 7 PM in the Council Chambers, Village Hall, 85 Manitou St, Depew, NY 14043.

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

**PERMISSION – DRESCHER & MALECKI, LLP**

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

**WHEREAS**, Drescher & Malecki, LLP is to be hired for the Annual Village Audit, for a period of three from 2022-2024 with an optional two year additional term of 2025 & 2026.

**WHEREAS**, Mayor Kevin Peterson is authorized to sign the agreement.

**THEREFORE, BE IT RESOLVED:** Mayor Peterson is authorized to sign the agreement with Dresher & Malecki LLC for auditing services.

The above 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 MEMORANDUM OF AGREEMENT**

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

**WHEREAS**, the Village of Depew and The PBA have come to the mutual agreement to modify the working hours and shift assignments for Detectives and the Lieutenant assigned the Village of Depew Police Department (DPD) Detective Bureau.

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

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

**AUTHORIZATION EMERGENCY SEWER REPAIR**

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

**WHEREAS**, in response to a collapsed sewer line at The North Side Fire Hall, Brewster St, Depew, NY. The sewer is being repaired as part of an emergency order with MLP Plumbing and Mechanical, INC.

**BE IT FURTHER RESOLVED**, that the work is authorized to be completed as per the proposal from MLP Plumbing and Mechanical, INC.

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

**PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

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

**BE IT RESOLVED**, membership is hereby granted to the following in the Depew Fire Department pending the passing of his physical:

**AETNA HOSE CO.**

Stephen Beecher

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

### **PERMISSION – MEMBERSHIP – JUNIOR FIREFIGHTERS**

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

**BE IT RESOLVED**, membership is hereby granted to the following in the Depew Fire Department Junior Firefighters program pending the passing of their physicals:

#### **Junior Firefighters**

Aaron Ziccardi,  
Ryan Vargo  
Joseph Wasmund,

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

### **PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to the Depew Fire Department Hook & Ladder Co. #1 to use the Southside Fire Station on Saturday January 15, 2022 for a holiday party from 3:00 PM – 12:00 AM.

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

### **PUBLIC COMMENTS OR CONCERNS**

Liz with Assembly Member Wallace's office told the audience that the Assembly Member met today with Mayor Peterson and Deputy Mayor Stempniak to discuss the upcoming 2022 legislative session and the needs of the Village. They look forward to continuing that partnership and assisting in any way they can. Recently announced that Assembly Member Wallace secured \$10,000 in State funding to help support the Buffalo Peace Makers Youth Grounds and Gaming Intervention. They are a tremendous resource in our community, they help engage youth in our community and encourage them to make smart decisions that avoid violence and keep the peace. Their group currently enforces peace and order in places like the Galleria, the Cheektowaga Town Park & they have been an invaluable resource and this funding will allow them to ensure they continue to do good work. Lastly, Assembly Member Wallace congratulated Village Maria College and their president on their 60<sup>th</sup> Anniversary. She presented the college with a proclamation to mark this special milestone. She spoke at the Niagara University Professions to call for more State Investments in the SUNY systems, to assist young adults as they head off to college. As always, any issues on the State level, please call or email the local or Albany offices.

Bob Brandon from Senator Tim Kennedy's office offered that as we know, there is a new mask mandate in effect and he suggests using them even if you are vaccinated as an extra precaution. Last week the Senator sponsored a non-formal webinar for non-profit agencies. You'd be surprised how many small and not for profit agencies there are in the

area. A lot of them are very organized, some are very small and Senator Kennedy helped walk them through how to obtain grants for their agency. It's a very complex process and he helped to educate them on how to do that properly. They come to him for grants all the time. The Senator is Chairman of the State Transportation Committee and he participated in the ground-breaking ceremony for the new NFTA electric charging station. This facility will be ready in the spring of 2022 just in time for delivery of 20 electric buses. As he knows we discussed this at our pre-board meeting, there are some electric trucks out there. Lastly the Senator took part in the NYS Senator retreat. They got together in Albany and they are sort of planning for the upcoming session that starts in January & runs until June. They talked about what the priorities will be for the next session. Mayor Peterson mentioned to Bob while he was there that he knows he mentioned the infrastructure money and that the Senator is in charge of that committee at the State. Where does he foresee it? At one point it was to take down the Skyway, then converted from there to some kind of walking area and the Delaware Park area were the two hot buttons for some of that money. Bob said he thinks the Skyway kind of fell by the way. They just put a lot of money into it the last couple of years. President Biden and they put it to rebuilding communities, like the highways and Rt. 33 and 98. They went through the cities and broke it in half. President Biden wants to reconnect these cities again. Mayor Peterson asked him and said they know what we want to see and Bob replied yes.

Rec Director Ferguson reported that they are following the mask mandate and doing very well with it. There is a hockey tournament coming to the rink in January and it usually generates about \$6,000 in revenue for the rink. The tree lighting ceremony went great! Gina helped and was a big part of that, had cookies, books, food trucks, Santa and we received a lot of compliments on the event.

DPW Superintendent Pyc said his department is ready for the snow, whenever it comes. They will be focusing on getting the leaves picked up from the wind storm.

Fire Chief Report:

1) Current Roster: 113

firefighters, 12 junior

firefighters 2) YTD Damages:

\$525,000.00

4) I would like to take this opportunity to thank my firefighters for their response to the recent storm event we had this past Saturday. This was a major electrical emergency that affected a huge portion of the Village and other surrounding towns, and my crews did an exceptional job mitigating the various emergency calls we received. The DFD responded to 29 separate emergency incidents during the 4-hour event. I would also like this opportunity to thank our various partners, including the Emergency Managers, F-51 Fire Investigator, our Public Safety Dispatchers, the Department of Public Works, our Electrical Department, and Erie County ES-13 for assisting during and after this storm event. I also want to recognize the hard work put in by the NYSEG crews who worked diligently during the storm to restore power to the area. I am very grateful for the close working relationship we have with our emergency services partners, and this was another example of working together to solve a serious problem to help our community.

Chief said his definition of a hero is what NYSEG did, at Broadway and Transit that night, because he doesn't know of anyone who would do what they did. All on a flash cam for review, they did a phenomenal job! In just under 4 hours his department answered 29 calls which is usually like a monthly total for them. He wanted to thank his crews, who did have Christmas Parties to go to, but their families were there to enjoy them. Thank you to all who participated. 20 years in the department and that, by far, was the biggest electrical emergency he's been at.

Mayor Peterson told everyone that NYSEG was in contact with him and updated him on the outages situation. The number changed depending on the time of the check in, at one point to 120 and an hour later, less than that. NYSEG has offered water and dry ice here if a resident's power is still out. If you want dry ice to keep your food or whatever cold you can get some dry ice here. It is on the police department side of Village Hall. Please remember to bring/wear gloves, you should not touch dry ice without them.

Trustee Ziemba said that the State legislation for cannabis sales takes effect January 1, 2022. If the Village takes no action, we're in, if we want to take a vote to oppose we need to take a vote. He supports his Assembly person when she says prohibition hasn't worked and he's in favor of sale and use in the Village of Depew. He did want to wish everyone there and at home, a very Merry Christmas.

Trustee Hamernik read the following statement:

As trustee of village for the past five years and a resident of village since 1962, I want to say thank you to our village depts. Our village admin., mayor, secretary and fellow trustees. Our DPW, police, fire, recreation, and electrical depts.

Thank you police dept. - I know when I go to sleep at nite, I feel safe for me and our community.

Thank you fire dept.-you are always on call 24/7. How lucky we are as a village to have their protection.

Thank you DPW- We have the best, our streets are always cleaned of debris, leaves, snow and ice, before others around us.

Thank you Rec. for offering outstanding programs for our village residents, including our senior center.

I am proud to be a resident of the Village of Depew for the past 60 years.

Thank you and happy holidays to all.

Trustee Hamernik offered that she will abstain from the cannabis opinion.

Trustee Kucewicz thanked everyone who took part in putting our tree lighting ceremony together, it was a phenomenal job so thank you all parties. Also, to Todd's point she wants to thank everyone who helped out during the storm. We had the storm and then the electrical issue, there were people that had to leave a Christmas party to help out our residents so thank you. To Darrin's point that he brought up, she too supports the sale and use of cannabis and lastly, wishes everybody a safe and happy holiday.

Deputy Mayor Stempniak thank you to everyone for their hard work, some fun and some not so fun, so thank you. On the cannabis legislation, she is also in favor of opting in. She thinks there are a lot of benefits to it. She is more or less, she thinks it's great because there is some regulation with all of this because it can be dangerous if used in the wrong dosages. By opting in we can regulate the amount of THC, which will then be able to be contained. Have a great happy holidays.

Mayor Peterson announced that we just got word today that we were approved for another \$100,000 grant from CDGB on the County side, so the Lancaster side. This will be more sidewalks on Gould and around the Dawson Playground Park and the historic Dawson baseball fall, all the way around will be 5ft sidewalks. It will improve the walkability in that area as more people come to that area to play ball, watch their kids play ball, maybe have some kids come down to the new park while the older kids are playing so that was really good news today. We ranked 5<sup>th</sup> out of the 26 projects that were presented to the County. He thanked everyone for working together, saying all of our departments have worked extremely well together. It's great to be able to communicate with them as things are going on. As he was sitting at Broadway and Borden for a few hours he was able to reach Chief Miller and our DPW Superintendent and everything seemed to work rather smoothly. He really appreciates it and we all need to be able work in the same direction to make sure we're doing things in the right way for the best of the Village. With the cannabis initiative we brought together the 4 communities. Town and Village of Lancaster, Town of Cheektowaga and the Village of Depew, we started meeting in August and had another meeting in early October he believes, trying to bring as many people to the table to hear what others were doing. It was approximately 50/50 on wanting it and not wanting it. In his point of view, our Police Department is going to have to enforce marijuana use and there's going to be a cost involved. If we allow the dispensary in the Village of Depew, we'll receive some money on the back end. He's not thinking we're going to get rich doing that, but that the money could be funneled back into our police department as resources to enforce. There might be a drug recognition officer or equipment that might become available at some point in time to assist them if they have an incident with marijuana and drugs so to opt in, we don't need to do anything. However, he asked each of the trustees to share their thoughts since the majority of us would rather opt in. We did not do a resolution where everybody would vote no that would get confusing. Everyone shared their ideas so we'll be officially opting in at the end of this month.

Paul Sprada, one thing he wants to commemorate the Village for is all the Christmas decoration at Vets Park, they're all the recycled decorations, he thinks they look great and doesn't think Vets Park has ever looked this good! Mayor Peterson agreed that it is good to have the power back on because last year it was dark. The 4 large snowflakes there are all sponsored by people who paid \$100 to the group that Trustee Sojka in Lancaster has spearheaded. The ones in Fireman's Park too, the 6 large candy canes all around, those are also sponsored. There are only 2 lit, we need to do some work on the lampposts this year that George will be doing. One other thing, putting up a new long house, pavilion at Fireman's Park, he wondered if anyone knew when it was originally built? Mayor Peterson told him that according to senior fireman Brotz, he was laying bricks for that in 1961. Might be longer, but the ice rink was 50 years old this year so he imagines that block building was built around that time. Paul thinks this should have been done a long time ago, thinks our plan is a modest plan to the older one, but that ours is the right way to go. And since we have people from the County and State, those Transit Road bridges were built in 1937, in 16 years they'll be a century old and he hopes that the DOT and Railroads can get together and use the federal money on those bridges. You can travel and the bottleneck is right here in our Village. Mayor Peterson agreed and said what is said is that the cost of that has climbed dramatically in the last 20 years! Gone from maybe a \$10-\$15 million dollar project to a \$100 million dollar project. He encourages everyone to get vaccinated and wear masks to keep each other safe. His neighbors behind him both got it and one has just passed away. Mayor Peterson had a meeting with the County today and all of us have brought it up, they've each gotten "nasty grams" from people urging us to fight back against the mandate. Mayor Peterson doesn't want to wear one either, but show him what the solution is then. There's a problem and there needs to be a solution. Paul then brought up that everyone on the board is in favor for the sales of cannabis, Mayor Peterson interrupted that Audrey is abstaining from that, he's against selling it, how does the PD test for it? He thinks they're just doing it for the profit but history will show, he's against it. Mayor Peterson stated that unfortunately, the PD is going to have to enforce it one way or another.

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Kucewicz and seconded by Trustee Hamernik, the following claims are to be paid: \$487,081.11 General, \$52.22 Community Development, \$7,320.00 Sewer Fund, \$45,823.03 Capital Projects, \$31,381.50 Capital Project Building Reno and \$571,657.86 was **CARRIED**.

#### **ADJOURNMENT**

**ON A MOTION BY** Trustee Hamernik and seconded by Trustee Ziembra the meeting was adjourned a moment of silence for Richard Brandenburger Jr, grandfather of DFD Champlain / Asst. OEM Mgr. Galen Purpura, Former DFD E1 Exempt Member & Former Electrical Dept. Gloria Hoerner, Mother in Law of DFD Fire Captain John Spencer, Grandmother of DFD Member Michelle Trala. Husband of Terry's friend Joe Gabner, Virginia Cummings, mother of Past Chief Cummings. Gary Zagaria, Brother of exempt firefighter Mike at 7:57 **PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator