

MEETINGS: 24
NO. OF REGULAR: 23

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
February 24, 2020 7:00PM

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

ON A MOTION BY, Trustee Jakubowski, and seconded by Trustee Hamernik the February 10, 2020 Village Board Minutes were approved.

ON A MOTION BY, Trustee Hamernik, and seconded by Trustee Jakubowski the February 13, 2020 Zoning Board Minutes were accepted.

1. Lisa Marie Palma - 64 Hawro Place. Requesting permit to erect a 4ft chain link fence within the required side setbacks (at east & south property lines) on a corner lot as required by the Village Ordinance. – Granted

PUBLIC COMMENT – none

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING
TAX CAP OVERRIDE – LOCAL LAW 2 OF 2020

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

Be It Resolved, the Village Administrator is authorized to advertise for a public hearing. The public hearing will be held on Monday March 23, 2020 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 2 of 2020 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

Trustee Jakubowski - Y

Trustee Stempniak -ABS
Trustee Hamernik -Y
Mayor Peterson – Y

APPOINT DEPUTY MAYOR

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin Peterson, do hereby appoint Erica Stempniak to the position of Deputy Mayor effective February 24, 2020, for the term to expire at noon on the first Monday in April 2020, at no additional salary.

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

ACCEPT RESIGNATION – EMERGENCY MANAGER

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

BE IT RESOLVED, the resignation of Judith A. Michaels from the Emergency Manager position effective February 24, 2020 is accepted.

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

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

APPOINT TRUSTEE TO FILL VACANCIES

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin Peterson do hereby appoint Judith A. Michaels to the position of Village Trustee to fill the vacancy on the Village Board, said term is to begin effective February 24, 2020 and for the term to expire at noon on the first Monday in April 2020.

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

APPOINT PART TIME PUBLIC SAFETY DISPATCHER POLICE

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

Timothy Schaefer

to the position of Part Time Public Safety Dispatcher Police effective February 25, 2020.

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

Trustee Jakubowski -Y
Trustee Michaels -Y
Trustee Hamernik - Y
Trustee Stempniak - ABS
Mayor Peterson – Y

COMMITTEES

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

BE IT RESOLVED, upon recommendation of Mayor Kevin Peterson the following Standing Committees for the official year 2020, consisting of the following members of the Village Board are hereby appointed, the first named Chairman:

Finance, Purchasing & Insurance

Michaels, Jakubowski

Disaster Preparedness & Public Safety
Michaels, Stempniak

Zoning & Community Development
Michaels, Stempniak

Personnel
Jakubowski, Hamernik

Public Works & Solid Waste
Michaels, Jakubowski

Intermunicipal Co-operation
Stempniak, Hamernik

Recreation, Seniors & Veterans
Stempniak, Jakubowski

Depew Business Liaisons
Jakubowski, Hamernik

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

Trustee Jakubowski - Y
Trustee Michaels - Y
Trustee Hamernik - Y
Trustee Stempniak - ABS
Mayor Peterson - Y

AWARD BID- SEWER BID

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

BE IT RESOLVED, that upon the recommendation of the Village Engineer, the bid for the Phase 4 Main St & Manitou St. from the bid opening February 6, 2020 in the bid amount of \$1,141,105.00 be awarded to:

Kenyon Pipeline Inspection
68 Park Rd.
Queensbury, NY 12804

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

Trustee Jakubowski - Y
Trustee Michaels - Y
Trustee Hamernik - Y
Trustee Stempniak - ABS
Mayor Peterson - Y

SEQR Type II Determination

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

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the state Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE BE IT RESOLVED, that the Village of Depew hereby determines that the proposed engineers study for the comprehensive evaluation of I/I within the Sewer Collection System is a Type II action in accordance with 6 NYCRR Section 617.5 (C) 1(8) which constitutes the information collection including basic data

collection and engineering studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action, and is therefore not subject to review under 6 NYCRR part 617.

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

Trustee Jakubowski - Y
Trustee Michaels -Y
Trustee Hamernik- Y
Trustee Stempniak -ABS
Mayor Peterson - Y

Authorization for Mayor to sign Grant Agreement

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

BE IT RESOLVED, that the Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project – I&I investigation of Phase 6 sewershed area (Rehm Road) and to fulfill the Village Of Depew’s obligation under the Engineering Planning Grant Agreement

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

Trustee Jakubowski - Y
Trustee Michaels -Y
Trustee Hamernik - Y
Trustee Stempniak - ABS
Mayor Peterson - Y

APPROVE CAYUGA HEIGHTS SCHOOL SPEED ZONE

Trustee Jakubowski 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 school speed zone is met in accordance with NYSDOT Traffic Engineering Directive OS 03-002; and

WHEREAS, the section of Como Park Blvd in front Cayuga Heights School under the jurisdictions of Erie County, and

WHEREAS, by referral, Erie County Department of Transportation reviewed the request and determined that it will establish a 25 mile per hour school speed limit on Como Park Blvd in front of Cayuga Heights School between the hours of 7:00 AM – and 6:00 PM; and

WHEREAS, the Village of Depew confirmed through conversations with Erie County Department of Public Works (ECDPW) that these signs may be posted along Como Park 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 establish a 25 MPH school speed zone on Como Park Blvd; and

THEREFORE, BE IT FURTHER RESOLVED; the school speed zone shall be effective only on school days between the hours of 7:00AM – 6:00 PM; and

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

Trustee Jakubowski – Y

Trustee Michaels –Y
Trustee Hamernik - Y
Trustee Stempniak - ABS
Mayor Peterson - Y

PERMISSION 15 K RACE and LIVE MUSIC WITH A BEER TENT

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

WHEREAS, St. Martha’s Parish requested permission to hold their 5K Race on Friday May 1, 2020 starting at 6:00 PM.

WHEREAS, said race route and traffic enforcement will be authorized by the Police Department.

WHEREAS, traffic enforcement will be provided by the Depew Fire Department.

WHEREAS, there will be a beer tent with music from 6:30 PM -10:30 PM on St. Martha’s grounds.

BE IT RESOLVED, the race is approved. The race will last about one hour.

BE IT FURTHER RESOLVED, the Chief of Police must be provided the list of security officers and their credentials at least two weeks prior to the event. The Fire Department must approve site and Village code must be adhered to. The Tent Structure Permit needs to be applied for and the application fee will be waived.

The forgoing resolution was seconded by Trustee Michaels and **CARRIED**.

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Michaels, 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 their physicals

Depew Hose Co. #1

Christopher Wrobel
Kora L. Daege

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

Trustee Jakubowski - Y
Trustee Michaels -Y
Trustee Hamernik - Y
Trustee Stempniak -ABS
Mayor Peterson - Y

PERMISSION – FIRE DEPARTMENT

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

WHEREAS, Depew Fire Department Hook & Ladder Company is requesting permission to take Ladder #5 to The Buffalo Niagara International Airport, 4200 Genesee St, Buffalo, NY 14225 for a joint drill with Lancaster and the BNIA FD on Wednesday February 26, 2020 from 6:30 PM – 9:30 PM.

And

WHEREAS, Depew Fire Department is requesting permission to take Engine #2 to The Erie County Training Facility, 3359 Broadway # 2, Buffalo, NY 14227 for a state interior Firefighters Operations Course on Sunday April 19, 2020 from 8:00 AM – 4:30 PM

THEREFORE, BE IT RESOLVED: The above foregoing resolutions were seconded by Trustee Jakubowski and duly put to a roll call vote which resulted in the following:

Trustee Jakubowski -Y
Trustee Michaels -Y
Trustee Hamernik - Y
Trustee Stempniak - ABS
Mayor Peterson - Y

EMPLOYMENT APPLICATIONS – Rec Dept – Michael Alberti, Nathan LeFever, David Thompson

DEPARTMENT HEAD REPORTS – Police – January 2020

UNFINISHED AND OTHER BUSINESS - None

PUBLIC CONCERNS AND COMMENTS

Elizabeth, wanted to send Assembly Member Monica Wallace’s congratulations to Trustee Judy Michaels on her appointment to the Village Board.

CEO – Attended the Zombie Foreclosure task force meeting downtown a few weeks ago. The Village has made a lot of progress with the help of the organization. Tony is always open to residents to call with their concerns of properties in your areas regarding this subject. Years ago the Village had about 109 zombie properties and today we are down to approximately 25-30.

PD – Cantalician Center speed zone was introduced today and the reason this reductions was put into place is to prevent a tragedy with any student that attends the school. The students have different levels of being handicap and we are trying to keep all of them safe. Social Media has portrayed the reason for this reduction in a different manner and the Chief wants everyone to be aware of the real reason for it. Mayor Peterson asked Elizabeth to thank Monica Wallace and Senator Kennedy for their help with this matter. The department is still working on the Reveal Mandate to try and make it easier for his staff to meet the requirements.

Trustee Michaels read the Fire Department update from the Chief

DPW – Working on general clean up, sewer flushing and tree removal. Potholes are also being addressed. Trustee Jakubowski thanked the department on the outstanding job they do with tree removal, “wouldn’t even know the guys were there they do such a nice job of cleaning up”.

Attorney Alba – A DEC meeting is scheduled to discuss the Village’s clean-up plan. Will be working on amending the Tote Law.

Trustee Jakubowski is waiting to hear from his contact at NEST to finalize 2019’s yearly recycling report. Hopes to hear tomorrow and get the report submitted soon.

Trustee Hamernik thanked the Lancaster Sun for the nice article they wrote on the 55 adopted soldiers the Village is collecting items for. There are a lot of items that will be packed up and mailed tomorrow.

Trustee Michaels thanked the department heads and said she looks forward to working with them as a board member. She is looking forward to continue to serve the community in her new role, which she held 25 years ago. Judy thanked her family for their support as well.

Mayor Peterson welcomed everyone to the next community meeting which will be held on March 2nd at 7pm at the West End Fire Hall on George Urban. Everyone is welcome to come, ask questions and voice their concerns.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee and seconded by Trustee, the following claims are to be paid: \$304,190.77 General, \$992.00 Sewer, \$19,876.05 Capital Projects, \$13,586.00 Capital Project – Building Reno, \$215,000.00 Capital Projects – Street Sweeper and \$553,644.82 Capital was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Jakubowski, seconded by Trustee Michaels, the meeting was adjourned with a moment of silence for Todd Pacer of Pacer Funeral Home

On a lighter note, my Grand Daughter was born on Jan.10, 2020. Her name is Olivia Jakubowski. Father is my son Jaime and mother is Jenna.

Meeting then adjourned at 7:52 PM. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak
Village Administrator