

MEETINGS: 27
NO. OF REGULAR: 26

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
March 28, 2022 7:06 PM

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

ON A MOTION BY, Trustee Ziemba and seconded by Trustee Adolf the March 14, 2022 board meeting minutes were approved.

ON A MOTION BY, Trustee Hamernik and seconded by Trustee Kucewicz the March 10, 2022 zoning board minutes were accepted:

1. Debra Marrano for property located at 31 Domino Ct of Chapter 260, §260-23(A)(2) for relief of the minimum lot area requirement of 6600sqft, requesting 5800sqft. – Approved
2. David Cox, of Passero Associates, on behalf of Royal Wash Development LLC for property located at 4801 Broadway, for two variances, of Chapter 260, §260-26(A)(2) for relief of the required side yard setback of 10ft in a non-residential district, requesting 5.9ft and of Chapter 260, §260-37(E)Wall Sign(4), for relief from the maximum wall sign coverage on a single parcel of 100sqft, requesting an increase to 142sqft. Tabled.

Public Comment Agenda Items Only: N/A

Public Hearing on the Tax Cap opened at 7:17 by Deputy Mayor Hamernik and seconded by Trustee Kucewicz: There we no comments. Hearing was closed at 7:19 by Deputy Mayor Hamernik and seconded by Trustee Kucewicz.

Please take notice that the Village of Depew Board of Trustees passed a resolution at their March 14, 2022 Village Board meeting to conduct a public hearing in the Council Chambers of the Depew Municipal Building, 85 Manitou St, Depew NY on Monday March 28, 2022 at 7:00 pm.

The purpose of this hearing is to consider Local Law 2 of 2022 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, 2022 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, 2022 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, form 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.
At said hearing all persons so desiring shall have the opportunity to be heard.

A public hearing will be held on Monday March 28, 2022 at 7:00PM in the Depew Village Hall Council Chambers. The purpose of the hearing is to discuss the Local Law #1 – 2022 The Non-Domestic Animal Law. The meeting room is wheelchair accessible.

The Public Hearing was opened by Deputy Mayor Hamernik and seconded by Trustee Kucewicz at 7:20 PM

Scott Kapperman – 137 Lee St – Thank you for the opportunity. I know it takes some time to discuss this. My grandma had them in Depew. My wife loves the silk ones. Thank you for taking the time for everyone. Not dog / cat issue, this is a person issue. I am sure it will come to fruition. The law seems extremely clear,

Paul Sprada – 58 Argus – I grew up with chickens in Cheektowaga. Bantam chickens, 3 hens & rooster – provision in law. Pigeons were popular. I raced them. My Uncle and Father lived in South Buffalo. Any issues? Kevin answered No Section 9 not specific but the Zoning Board will not support them. Kevin stated that the Village areas of Zurbrick and Rehm Rd are more susceptible to roosters. Paul asked how many chickens. Kevin stated 6 chickens max. Cleaning of the coop per day is in the code. Bike card farm processes chicken waste and is horrendous smelling. Code has enforcement by the law to cite board can take away. 5-year permit fee would rescind fee. Kevin – bees a few years ago, would take water from pond and bring it back to the hive.

Darrin Ziemba – 68 Lewan Dr. – He has concerns since this is not a farming community. Neighbors deciding what's going on which puts neighbors against neighbors. Code is already busy and this would be burdensome for them. Sam states that this law stops just that.

Mayor Peterson reported that in his first 4 years as a Trustee, we had a number of requests for chickens, we went to look at the neighborhood and told them no chickens.

Trustee Hamernik – offered that she feels this is a means of guidelines. She is not for or against, prior to now, there were none and people could have 6 chickens but had 25 chickens because there were no guidelines.

Public Hearing was closed at 7:40 PM with a motion by Trustee Kucewicz and seconded by Trustee Ziemba.

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING FOR TENTATIVE 2022-2023 BUDGET

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for public hearing for the tentative 2022 - 2023 budget to take place on Monday April 11, 2022 at 7:00 PM in the council chambers.

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

AMEND 2021/2022 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to amend the 2021/2022 Budget to reflect American Rescue Plan Funds (ARPA) deposits in the amounts of \$766,662.46 and \$3,130.11 in the general fund.

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

AUTHORIZE MAYOR TO SIGN AGREEMENT –U & S SERVICES

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

BE IT RESOLVED, that Mayor Kevin Peterson, is authorized to sign an agreement with U & S Services Inc, 95 Stark Street, Tonawanda, NY 14150 beginning May 1, 2022 for a service agreement to cover the equipment and service calls for the CPU units, peripheral equipment, field panels and software associated with the Village heating and air conditioning systems at a cost of \$6,400.00 per year.

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

AWARD BID- SENIOR CENTER HVAC SYSTEM

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

BE IT RESOLVED, that upon the recommendation of the Village Engineer, the bid for the Senior Center HVAC System from the bid opening March 22, 2022 in the bid amount of \$83,984.00 be awarded to:

John W. Danforth Company
300 Colvin Woods Pkwy.
Tonawanda, NY 14150

The following 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 - Y
Trustee Kucewicz - Y
Deputy Mayor Hamernik - Y
Mayor Peterson - Y

APPROVE LEAVE OF ABSENCE REQUEST

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

WHEREAS, Donald Bielefeld, Full Time Code Enforcement Officer is a newly hired employee and was not yet eligible for any paid time off under the CBA. He is requesting permission to take an unpaid leave of absence from April 11, 2022 until April 15, 2022, as his vacation was already planned prior to being hired.

WHEREAS, Teresa Wachowiak, recommends the approval of this request;

NOW THEREFORE BE IT RESOLVED, the Village Board approves the period of unpaid leave stated above.

The following 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 - Y

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

APPROVE LEAVE OF ABSENCE REQUEST

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

WHEREAS, Craig Blanchard, Full Time Assistant Code Enforcement Officer is a newly hired employee and was not yet eligible for any paid time off under the CBA. He is requesting permission to take an unpaid leave of absence from April 18, 2022 until April 25, 2022, as his vacation was already planned prior to being hired.

WHEREAS, Teresa Wachowiak, recommends the approval of this request;

NOW THEREFORE BE IT RESOLVED, the Village Board approves the period of unpaid leave stated above.

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

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

Calling for an Increase in AIM Funding

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

Whereas, AIM funding plays a pivotal role in funding essential municipal services such as water, sewer, public works, police, fire and ambulance for cities and villages across New York State and,

Whereas, the State has not increased AIM funding in 13 years and,

Whereas, inflation has eroded AIM funding by roughly 29% over that time period and,

Whereas, the New York State Conference of Mayors and nearly 400 of its members have signed onto a letter to the Governor requesting an inflationary increase of \$210 million in AIM funding and,

Whereas, the Governor's Executive Budget proposed keeping AIM funding flat and,

Whereas, the New York State Senate and Assembly have included increases of \$210 million and \$150 million, respectively, to AIM funding in their one-house budgets and,

Whereas, an increase in AIM funding would reduce the local tax burden and help revitalize communities across New York, and

Now, therefore, be it resolved that Mayor Kevin Peterson urges Governor Hochul to work with the leaders of the Senate and Assembly and increase AIM funding in the 2022-23 adopted State Budget.

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

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

Mayor Peterson - Y

ADOPT LOCAL LAW #2 OF 2022 – TAX CAP OVERRIDE

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

WHEREAS, the Board of Trustees of the Village of Depew, New York held a public hearing on March 28, 2022, at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

WHEREAS, all persons were given an opportunity to speak for or against this local law;

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.

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, 2022 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, 2022 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 following resolution was seconded by Trustee Adolf, and duly put to a roll call vote which resulted in the following:

Trustee Adolf - Y

Trustee Ziemba - Y

Trustee Kucewicz - Y

Deputy Mayor Hamernik - Y

Mayor Peterson - Y

PERMISSION – POLICE CONFERENCE

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

WHEREAS, Permission is hereby granted to Police Chief Jerome Miller and Police Captain William Curr to attend The International Association of Chiefs of Police 2022 Annual Conference, October 15-18, 2022 in Dallas, TX.

THEREFORE, BE IT RESOLVED: The above 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 - Y

Trustee Kucewicz - Y

Deputy Mayor Hamernik - Y
Mayor Peterson - Y

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

Trustee Adolf, 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:

Depew Hose Co. #1

Thomas McLain

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

Trustee Adolf - Y
Trustee Ziembra -Y
Trustee Kucewicz -Y
Deputy Mayor Hamernik -Y
Mayor Peterson - Y

EMPLOYMENT APPLICATIONS – Rec Michael Steffens, Megan Clemens, Kera Kwiatkowski

DEPARTMENT HEAD REPORTS –

Police

Our department and our officers are doing a great job. They are engaged with the community and are working hard to keep this community safe.

We will be participating in the National Highway Traffic Safety Administration distracted driving educational campaign “U drive, U text, U pay” – April 4th-11th. This program was developed to discourage dangerous and often deadly motorist behavior. Distracted driving is one of the largest causes of motor vehicle accidents. We encourage everyone to put their phones down and drive safe.

Just a reminder - please remember to lock your cars, take your keys, and remove your valuables.

With the weather getting nicer, keep an eye out for motorcycles, bicycles and pedestrians- as I said before put you phones down, slow down and drive safe

Code – Don - We are just about caught up with backed up permits, moving to expired permits. Craig has finished 9D of his trainings and needs two more to be fully certified. We are working on the annual report for code enforcement activities in 2021. 5521 Transit Rd, The Hidden Shamrock has a new owner and wants to make it five-unit rentals. We are working on the parking issues but will be nice to see it done.

Legal – Sam- Solar Panels, Sanilac lease maybe, was expecting a lot of people and thank you for who did and Darrin Ziembra.

Fire – Todd – Do not park in front of the fire hydrants it’s for the safety of all. We will go through your vehicle to get to the water if we need to. Kevin mentioned that the new Chiefs vehicle is purchased and it’s a 2022 Tahoe. The gear can go in a separate container in vehicle since the turnout gear can give off gases that is a risk of cancer.

Recreation – Kevin – Sunday will be the last day for the rink and locker rooms. We changed the price of the pools and opened it up to non-residents this year. We need 15 guards to be able to have the learn to swim program.

DPW – Ken – 30 MPH on Main, stumps, will be going back to seed so the residents do not need to call about that. We are working on the All Inclusive Dawson Field, weather permitting.

OEM – 2 radios are installed as are the mobile units in both cars. The Hazard Mitigation plan has been submitted to FEMA, actions plans being worked on with the Administrator for our FEMA reimbursement for supplies during COVID. We are looking at handing out COVID test kits to public, here at Village Hall during normal business hours. We will have more information about that coming soon added Mayor Peterson.

Deputy Mayor Hamernik -Nothing

Trustee Ziemba – Nothing

Trustee Adolf – Being that we are a Tree USA group, we are planning an Arbor Day celebration. If anyone would like to be on the tree committee, please contact him.

Trustee Kucewicz -Nothing

Mayor Peterson – Former Mayor Barb Alberti passed away recently. She was Mayor from 2007-2011. She was the first female Mayor the Village had. She worked at Rec and was a clerk with the Village for a total of 23 years. The flag was lowered to half staff and Chief Miller and the police department led the escort for the funeral.

PUBLIC COMMENTS OR CONCERNS – N/A

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz and seconded by Trustee Ziemba, the following claims are to be paid: \$270,710.19 General, \$859.00 Sewer, \$271,569.19 Capital was **CARRIED.**

ADJOURNMENT

ON A MOTION BY Deputy Mayor Hamernik and seconded by Trustee Adolf the meeting was adjourned with a moment of silence for Past Mayor Barb Alberti and Lenny Pfol at 8:05 **PM.** The motion was **CARRIED.**

Respectfully submitted,

Teresa Wachowiak
Village Administrator