

MEETINGS: 24  
NO. OF REGULAR: 24

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
March 8, 2020 7:00PM**

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

APPROVE VILLAGE BOARD MINUTES – February 22, 2021

Village of Depew  
Notice of Public Hearing

A public hearing will be held on Monday March 8, 2021 at 7:00 PM in the Depew Village Hall Council Chambers The purpose of the hearing is to discuss The Police Reform and Reinvention Collaborative to review and allow discussion about the report that will be sent to Governor Cuomo's office by April 1st. The meeting room is wheelchair accessible.

By order of the  
Board of Trustees  
Teresa Wachowiak  
Village Administrator

Deputy Mayor Jakubowski opened the public hearing at 7:13 and Trustee Hamernik closed it at 7:14

Village of Depew  
Notice of Public Hearing

A public hearing will be held on Monday March 8, 2021 at 7:00PM in the Depew Village Hall Council Chambers The purposes of the hearing is to discuss the possibility of the amendment of Local Law #3 of 2019 – Solid Waste. The meeting room is wheelchair accessible.

By order of the  
Board of Trustees  
Teresa Wachowiak  
Village Administrator

Trustee Stempniak opened the public hearing at 7:16 and Deputy Mayor Jakubowski closed it at 7:23.

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING  
TAX CAP OVERRIDE – LOCAL LAW #2 OF 2021**

Trustee Stempniak, 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 22, 2021 at 7:00 pm in the Council Chambers. The purpose of this hearing is to consider Local Law 2 of 2021 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, 2021 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, 2021 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 Deputy Mayor Jakubowski and duly put to a roll call vote which resulted in the following:

Trustee Hamernik - Y

Trustee Voll – Y

Trustee Stempniak - Y

Deputy Mayor Jakubowski - Y

Mayor Peterson – Y

**AUTHORIZE ADMINISTRATOR TO ADVERTISE CANVASS THE VOTE**

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

The Administrator is authorized to advertise a special meeting to Canvass the Vote of the March 16, 2021 Village Election, the meeting will take place on March 17, 2021 at 7 PM.

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

RESOLUTION

March 8, 2021

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

**WHEREAS**, Retiree James Taton filed a Notice of Claim, against the Village of Depew, on or about November 9, 2020, alleging that Village breached its contractual obligations to him as a retiree by failing to reimburse him for certain health insurance premium expenses in accordance with the collective bargaining agreement in place at the time of Mr. Taton’s retirement on January 22, 2012 (the “CBA”);

and

**WHEREAS**, The Village of Depew responded to the Notice of Claim, denying Mr. Taton’s allegations and alleging, amongst other things, that Mr. Taton failed to provide documentation to substantiate the health insurance premium expenses incurred;

And

**WHEREAS**, Mr. Taton has now provided documentation substantiating the health insurance premium expenses incurred, in satisfaction of the Village’s demand;

And

**WHEREAS**, Mr. Taton and the Village of Depew are desirous of settling this matter without the necessity of further litigation, and other proceedings, and expending the costs, expenses, resources, and time thereon.

**NOW THEREFORE BE IT RESOLVED THAT**, The Village Board of Trustees hereby authorizes the Village Mayor to execute a Stipulation of Settlement between James Taton and the Village of Depew wherein Mr. Taton agrees to withdraw the Notice of Claim and continue submitting documentation to substantiate any future reimbursable health insurance premium expenses; and wherein the Village agrees to pay Mr. Taton \$1,970.45, which represents unreimbursed health insurance premium expenses paid by Mr. Taton, for which he has now submitted documentation, satisfactory to the Village, to substantiate these expenses; thereby making them reimbursable to him under the CBA.

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

**EMPLOYMENT APPLICATIONS - DPW – Marc Adamberger, Rec – Luisa Pyc**

**DEPARTMENT HEAD REPORTS – Building February 2021**

EMERGENCY MANAGER REPORT:

everything is 100% complete with the Red Cross. VH / Senior center is a sanctioned shelter.

- recommendations have been given by the Union attorney in regards to the PEHEP (public employer Heath Emergency Plan). A copy of those revision has been sent out to applicable village reps. (Police, Village Admin, Rec. Dept, DPW). please return adjustments to Galen... he will update and finalize by April 1st.

- 4880 Broadway Fire- OEM assisted on scene with resident, Red Cross, support efforts for responders, and resource management assistance at the direction of Command / Operations.

- Galen will be attending an online training / Webinar on Wednesday regarding Risk management re: COVID- 19... information from the webinar will be shared post event.

- We've done some work on our in-house reports and forms to include more pointed categories as they pertain to our role. They have been developed as writable PDF so they can be accessed digitally in the field if need be.

FIRE CHIEF'S REPORT VILLAGE BOARD MEETING March 8, 2021

1) CURRENT ROSTER: 112 FIREFIGHTERS, 7 EXPLORERS

2) MARCH 2021 CALLS TO DATE: 8 YTD CALLS: 39

3) YTD DAMAGES: \$250,000

4) THE DFD HOSTED A FLASHOVER SIMULATION TRAINING ON SATURDAY AND SUNDAY, FEBRUARY 27TH AND 28TH AT OUR NORTHSIDE FIRE STATION. THIS TRAINING BROUGHT IN FIREFIGHTERS FROM ALL OVER THE COUNTY, WHICH UTILIZED A HIGH-TECH BURN TRAILER THAT IS OWNED AND OPERATED BY THE NEW YORK STATE ASSOCIATION OF FIRE CHIEFS. THIS TRAINING WAS THE FIRST TIME DEPEW HOSTED SUCH AN EVENT IN MY 20YRS IN THE DEPARTMENT. I HAVE BEEN TO THIS TRAINING BEFORE IN NIAGARA COUNTY, AND IT PROBABLY WAS ONE OF THE MOST VALUABLE TRAINING EXERCISES THAT I HAVE EVER BEEN A PART OF. FIREFIGHTERS GET TO SEE FIRST HAND THE PROCESS IN WHICH FIRE GROWS THROUGH THE PHASES OF A BURN, AND ALLOWS THEM TO BE EXPOSED TO LIVE FIRE GROWTH, BOTH VISUALLY AND PHYSICALLY, AND THE SUBSEQUENT

FLASHOVER SITUATION THAT CAN EMERGE. A FLASHOVER IS A THERMALLY-DRIVEN EVENT DURING A FIRE IN WHICH EVERY SINGLE COMBUSTIBLE MATERIAL IN A COMPARTMENT OR ENCLOSED SPACE IGNITES SIMULTANEOUSLY. THESE FLASHOVER SITUATIONS IN REAL-WORLD INCIDENTS OFTEN HAVE CAREER ENDING CONSEQUENCES, AND TOO MANY OF THEM RESULT IN THE DEATH OF FIREFIGHTERS. I WANT TO THANK OUR TRAINING COMMITTEE FOR SETTING THIS TRAINING UP, AND TO MY FIREFIGHTERS THAT ATTENDED, TO FURTHER THEIR KNOWLEDGE IN THE FIRE SERVICE TO BETTER SERVE OUR RESIDENTS.

5) THE DFD RESPONDED TO A MAJOR FIRE ON MARCH 1ST AT 4880 BROADWAY. THE STRUCTURE WAS A COMBINATION OF AN APARTMENT BUILDING AND A DENTISTRY OFFICE (DR. SCHWEGMANN & DR. PAWLOWSKI). I WAS OUT OF TOWN FOR THE FIRE, BUT I LISTENED IN THE ENTIRE TIME THANKS TO MODERN TECHNOLOGY AND A SMARTPHONE. THE CREWS MADE GOOD HEADWAY AT FIRST, BUT RAPID CHANGES IN WIND SPEED PROVED TOUGH FOR THE FIREFIGHTERS ON LOCATION. I WANT TO TAKE THIS OPPORTUNITY TO THANK MY COMMAND STAFF, THE ENTIRE DEPEW FIRE DEPARTMENT, AND ALL RESPONDING MUTUAL AID DEPARTMENTS FOR THEIR HARD WORK AT THE INCIDENT. THESE FIREFIGHTERS WERE ABLE TO PREVENT ANY SPREAD TO NEIGHBORING STRUCTURES, INCLUDING A PHARMACY AND A RESTAURANT, WHICH WERE IN CLOSE PROXIMITY TO THE AFFECTED STRUCTURE. AND A SPECIAL THANK YOU GOES OUT TO OUR AUXILIARY, WEGMANS, SMOKIN' LITTLE DINER, AND THE DEPEW DELI FOR THEIR GENEROUS DONATIONS OF WATER, FOOD, AND SHELTER FOR OUR FIREFIGHTERS ON LOCATION. IT WAS AN EXTREMELY COLD DAY. MY DEPUTY CHIEF, WHO WAS IN COMMAND OF THE INCIDENT, INFORMED ME THAT THE FIRE APPARATUS, HOSELINES, AND OUR FIREFIGHTERS THEMSELVES WERE COVERED IN ICE BY THE MIDDLE OF THE CALL. AND THE GENEROUS DONATIONS FROM THESE BUSINESSES AND OUR AUXILIARY ALLOWED OUR PERSONNEL TO REST, REGROUP, AND REHYDRATE/REFEED THEMSELVES BEFORE GOING BACK TO WORK. THE CALL LASTED SEVERAL HOURS, AND OUR FIREFIGHTERS DID A FANTASTIC JOB GIVEN THE CIRCUMSTANCES. I COMMEND EVERYONE THAT WAS ON SCENE FOR THEIR HARD WORK.

Depew Volunteer Fire Department 85 Manitou Street Depew, New York 14043

Professionally Staffed by Volunteers

Depew Hose Co. No.1 Aetna Hose Company Cayuga Hose Co. No.3

Central Hose Co. No.4 Depew Hook & Ladder Co. West End Hose Co. No. 6

Respectfully Submitted,

Todd J. Rzeszutek Todd J. Rzeszutek Fire Chief

**UNFINISHED AND OTHER BUSINESS – N/A**

**PUBLIC CONCERNS AND COMMENTS**

PD – please see report. The Chief also gave a brief over-view of the Police Department Reform and Reinvention Collaborative. There is a lot of time put into this effort and it was a very transparent collaborative.

Code – Tony gave a brief re-cap of the last attempt to modify the code to local law #3 of 2019 and why we are looking at amending it once again. Our goal is to put a maximum # of totes in our code. More explanation will be held at our next meeting. The terms and definitions have also been amended to clarify the meanings. Mayor Peterson will address comments tonight and additional comments that come in at our next meeting on 3/22/21. The bids for garbage/recycling pick-up re currently out and we are looking at awarding the bid in April with the new contract commencing on June 1, 2021. One question as to TV's and electronics was asked and the Mayor explained if you on the West side of the Village you may take them to the Cheektowaga sanitation department. If you reside on the East side watch for notices of upcoming drives for electronic pickups. Another resident asked if there will be a change to the one garbage and one recycling rule and the answer is no. Will recycling be picked up every week still? Probably not – we are expecting a large increase in this expense and as such, we may have to adjust the number of times the recycling is picked up. We will address after bids are received.

Fire – please see the Chief's report

Rec – Kevin Ferguson reported that the rink will be closing on April 10<sup>th</sup>. He is working together with Lancaster to see what their plans are for the summer projects. They will be taking the cover off of the pool to inspect, clean and make any repairs as needed. Mayor Peterson will reach out to the two respective Villages, as he did last year, to try and keep our plans in line with theirs.

Mayor Peterson reported on the OEM department – please see report.

Code – Tony wanted to add to the Fire Chief's comments to reiterate there is a reason for the codes that are in place and the importance of applying for and getting appropriate approval on all permits.

Bob Brandon said there are many bills that are being worked on currently. To name a few they had requests for information on how to get vaccinations. Their office compiled a list and were able to submit it to get people access to the vaccinations. They are now hosting a radio show on the 3<sup>rd</sup> Sunday of the month on WUFO regarding current and ongoing legislation. Front line workers and nursing home employees are workers that should be receiving the vaccinations by priority! Another area being worked on is the “grading” of nursing homes on how they perform.

Elizabeth Brinkworth stated that she was going to report on much of what Bob did, but to also give out a phone number for help in accessing the vaccinations: 833-697-4829. Unfortunately they, unlike Bob's office, do not have any type of list for people wishing to receive the shots.

Trustee Hamernik wanted to let everyone know that 3/9 is Mathew's Table and on the 13 the food truck will be at Village hall at 9am.

Trustee Stempniak is just getting back and looks forward to getting back to work on the tree inventory and our Arbor Day celebrations!

Deputy Mayor Jakubowski wanted to say great job to our fire department on their handling of the most recent fire. And to All of our departments! We have the best of the best right here in Depew.

Comments from the public included the Police department is awesome!!! Some residents have noticed more patrols on Transit Road so Thank you! Will recycling stay every week pick up? Probably not, we will be working with our grant writer to see if there is anything available to help with this as well. A resident asked why the Village is 2 to 3 years behind Town and School taxes. Because the Village runs on a different Fiscal year and we follow those governments the following year when working on exemptions. The Village does not handle exemption applications.

Mayor Peterson asked Bob and Liz if they know of any upcoming electronic recycling drives and neither one was aware of one. They have been very successful in the years that they have been held. The pandemic threw a couple of wrenches into this but hopefully around May there will be some further information.

Another resident wanted to say Thank you to the fire department and 1<sup>st</sup> responders.

Someone questioned whether the Village has hear anything about the house that burned on Norman earlier last year. Tony said the process of transferring new ownership is under way right now. He can check with the County tomorrow to inquire as the the deed transfer.

Mayor Peterson answered a question about filling the open laborers position. The interview process has the number of candidates down to 5, from approximately 45 applicants.

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Deputy Mayor Jakubowski and seconded by Trustee Hamernik, the following claims are to be paid: \$171,877.86 General, \$171,877.86 Capital was **CARRIED**.

#### **ADJOURNMENT**

**ON A MOTION BY** Deputy Mayor Jakubowski, seconded by Trustee Hamernik the meeting was adjourned with a moment of silence for Sam – Magistrate Judge, Louie Ziegler Murray – Hose #4 at 7:40 **PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator