

MEETINGS: 25  
NO. OF REGULAR: 24

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
March 9, 2020 7:00PM**

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

**ON A MOTION BY**, Trustee Hamernik, and seconded by Trustee Michaels the February 24, 2020 Village Board Minutes were approved.

**PUBLIC COMMENT** – N/A

**AUTHORIZE MAYOR TO SIGN SERVICE AGREEMENT - GHD**

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

**WHEREAS**, the Village of Depew is currently utilizing GHD 285 Delaware Ave. Suite 500 Buffalo, NY 14202 for Engineering Services in the village of Depew;

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is authorized to sign the Professional Engineering Services Proposal for the Phase 6 Sewer project.

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

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

**DECLARE SURPLUS PROPERTY & AUTHORIZE AUCTION**

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

**BE IT RESOLVED**, the Fire Department, Police Department, Department of Public Works, and Village Hall have items listed on the attached list that is not used and needs to be auctioned off or recycled per the attached list in the near future. Auctions International is authorized to auction off the equipment in the next 90 days.

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

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

**PROCLAMATION - BUILDING SAFETY MONTH — MAY 2020**

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

**WHEREAS**, The Village of Depew is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and;

**WHEREAS**, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

**WHEREAS**, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play, and;

**WHEREAS**, our nation benefits economically and technologically from using the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world;

**WHEREAS**, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; which, according to a FEMA commissioned study by the National Institute of Building Sciences, provide \$11 in future mitigation benefits for every dollar invested, and;

**WHEREAS**, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to America's prosperity, and;

**WHEREAS**, "Safer Buildings, Safer Communities, Safer World," the theme for Building Safety Month 2020, encourages all Americans to raise awareness about the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2020 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses, and;

**WHEREAS**, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

**NOW, THEREFORE**, I, Mayor Kevin Peterson, of The Village of Depew do hereby proclaim the month of May 2020 as Building Safety Month.

Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

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

Trustee Jakubowski - ABS

Trustee Michaels -Y

Trustee Hamernik -Y

Trustee Stempniak -Y

Mayor Peterson -Y

### **RENEWABLE ENERGY**

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

**WHEREAS:** On February 21, 2020, Governor Cuomo submitted a 30-day budget amendment entitled “Accelerated Renewable Energy Growth and Community Benefit Act” for the purposes of meeting the Governor’s goals for renewable energy, and

**WHEREAS:** This amendment would establish a new system for permitting and siting renewable projects, setting aside the current “Article 10 Siting Board” process, and

**WHEREAS:** Permitting will now be under the jurisdiction of a new entity – Office of Renewable Energy Siting (ORES), and

**WHEREAS:** the powers assigned to ORES will totally usurp and diminish local home rule, local zoning codes, local planning and Local Waterfront Revitalization Plans when permitting and siting renewable energy projects, and

**WHEREAS:** ORES will now have the power to

- Make available to developers “build – ready” sites
- Develop “uniform permitting standards”
- “coordinate, approve, evaluate, issue, amend, transfer and enforce siting permits”
- Limit the ability of local governments to raise objections to proposed projects
- Direct local appeals to ORES decisions to litigation through the Article 78 process
- Prohibit local governments from requiring any additional approvals or permits

**WHEREAS:** By filing this action as a 30-day budget amendment, is ignoring

and bypassing the legislative process of formulating policy through public input, public hearings and public debate in favor of a rushed and secretive process, and

**WHEREAS:** This amendment represents a blatant attempt to usurp local government's historical and constitutionally power of home rule in the areas of planning, zoning and land use,

**NOW THEREFORE BE IT RESOLVED** that the Association of Erie County Governments does hereby go on record strongly opposing this Governor's attempt to dilute and usurp the roles and powers of local governments in New York State, and

**FURTHER BE IT RESOLVED** that The Association of Erie County Governments urges New York State Legislators to oppose this amendment and have it removed from the final budget document and,

**BE IT FURTHER RESOLVED,** that a certified copy of this resolution be forwarded to Honorable Governor Andrew M. Cuomo, , Lieutenant Governor Kathy Hochul, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Democratic Minority Leader John J. Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.

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

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

### **PERMISSION WORKSHOP**

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

**BE IT RESOLVED,** permission is hereby granted to LT. Jeffrey Gorski, LT. Jason Ostrach, LT. Timothy Norek, LT. Justin Refermat to attend the BJA VALOR Mid-Level Leadership Workshop on Thursday March 19, 2020 in Onondaga Co. There is no fee for this workshop. Use of a village vehicle is authorized.

The foregoing resolution was seconded by Trustee Hamernik, and **CARRIED**.

### **PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT**

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 pending the passing of his physical:

#### **Depew Hose Co. #1**

Angelo Rimes

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

### **PERMISSION SPONSOR SIGNS**

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

**WHEREAS**, Lancaster Baseball Booster Club has requested permission to have the ability to install up to fifty (50) 4' X 8' sponsor signs affixed to the outfield chain fence at Historic Dawson Field.

And

**WHEREAS**, Lancaster Baseball Booster Club has requested permission to have the ability to install up to ten (10) 4' X 8' sponsor signs affixed to the elevated chain link fence along the first base line along Columbia Ave facing Historic Dawson Field.

And

**WHEREAS**, Lancaster Baseball Booster Club has requested permission to have the ability to install up to four (4) 4' X 8' sponsor signs affixed to the chain link fence that lines the perimeter of Historic Dawson Field.

And

**WHEREAS**, Lancaster Baseball Booster Club has requested permission to have the ability to install up to two (2) 4' X 8' sponsor signs affixed to the new cage backstop to be installed at Historic Dawson Field.

**BE IT RESOLVED**, the sponsor signs will be installed in late May and taken down when the field is shut down in early October. The sponsor signs will be one sided, mesh fabric and ground crew will quickly repair any cable ties that snap or break.

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

Trustee Jakubowski - ABS

Trustee Michaels - Y

Trustee Hamernik - Y

Trustee Stempniak - Y  
Mayor Peterson - Y

### **PERMISSION CHICKEN BBQ**

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

**BE IT RESOLVED**, permission is hereby granted to Lancaster Baseball Booster Club to hold a Chicken BBQ at Historic Dawson Field on May 16, 2020 from 12:00 pm until 3:00 pm. Dinner pickups will be scheduled along the North West side of our property just outside the double gates on Columbia Ave.

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

### **PERMISSION – To Hold the Annual Reorganization Meeting**

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

**BE IT RESOLVED**, The Administrator is authorized to advertise the annual reorganization meeting.

**BE IT RESOLVED**, the Annual Reorganization Meeting of the Village of Depew will be held on Monday, April 6, 2020 at 7:00 PM.

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

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

### **AUTHORIZATION FOR BLOCK PARTY**

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

**WHEREAS**, on Saturday June 13, 2020, from the hours of 2 pm to 11pm the residents of Center Drive are planning a block party.

**BE IT RESOLVED**, permission is granted by the Village Board to have the road closed from 2 pm to 11 pm, June 13, 2020.

**WITH THE STIPULATIONS**, from the Police and Fire Chiefs.

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

Trustee Jakubowski - ABS  
Trustee Michaels - Y

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

**EMPLOYMENT APPLICATIONS** – – DPW - Christopher Dailey, Austin Zuppa,  
Brandon Young, Lucas Greis, REC – Aaron Barr

**DEPARTMENT HEAD REPORTS -** Building February 2020

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

**PUBLIC CONCERNS AND COMMENTS**

Elizabeth from Monica Wallace’s office said the Assembly member was successful in getting signs for families with autistic children to request them being put in their neighborhood alerting drivers that an autistic child lives in the area. Chief Nusall asked what kind of proof a resident needs to obtain one of these signs. The child just has to live in the residence where a homeowner is requesting the sign. Trustee Hamernik asked if someone in an apartment building could request one of the signs and Elizabeth said that the property manager would have to request it. Mayor Peterson also reiterated that the same circumstances are part of the reason for the new reduced speed zone signs are on George Urban Blvd by the school.

Code – Department is busy and the have now updated the web page, adding a lot of links on it to get to codes, links to zombie properties, etc.

PD – the new flashing speed limit signs on George Urban Blvd allows him to print reports on the number of vehicles going over the speed limit and what the speeds were on a particular day.

Fire – Chief reviewed his report and members of the department

DPW – crews are working on Village clean up, spring pick up, etc.

OEM – RTF training has gone very well. Assured everyone that no Corona Virus has been detected in Erie County to date. Residents can check out the OEM website for more information.

Legal – Mayor Peterson reviewed Attorney Alba’s report to the Board.

Trustee Michaels wanted to “piggy back” on RJ’s report by saying please make sure the hand sanitizer you are using has not expired.

Trustee Stempniak reported that a \$1000 Arbor Day Grant was awarded to the Village which is great news. On 4/25 the Village will host an Arbor Day celebration in Fireman’s Park. Her and the Mayor met with the Village Engineer to review possible improvements to the ice rink and making additions where possible.

Trustee Hamernik thanked everyone for their donations to our “adopted” soldiers’ packages. They were boxed, mailed and received by the troops who loved them and ate them all while looking forward to their next month’s packages.

Jarrold Nawojski of 1037 Sherwood Court came before the board to appeal to them to remove dead trees that are in the ROW at his house. A tree fell the other day where his daughter waits for the bus, just a few feet away. He is asking that the DPW come and remove these trees as they are a danger to the kids, property and the creek. CEO Fischione said that the trees in the creek area are owned by the County and Legislator Todaro, who was at the meeting said he will help get this situation resolved. He asked Mr. Nawojski to talk with him after the meeting.

Legislator Todaro announced that he was making his rounds and that if anyone has any concerns, just contact his office.

Alice Sitolla of 55 Dorsett also has a problem with trees in her area. There are 5 in front of her house. Her daughter has written to the board about them, asking for them to be removed. The roots are causing back-ups in her basement with the roots getting into the lines. She had to remove one toilet from the basement to try and resolve the issue. Mayor Peterson explained that in order to get these removed, a tree removal form needs to be filled out and sent to the DPW who will then take a look at the situation and remove the trees as needed.

John Nawojski came in support of his son and also stated that the tree situation is a mess. He also wanted the board to know that the number of semi’s traveling on George Urban Blvd seems to be growing. Today alone there were 4 of them. Mayor Peterson stated that he cannot reveal a whole lot, but that Assembly Woman Wallace has been working with the Village to try and alleviate this issue as well. His next concern was the old Village Inn on Gould and Transit, it’s an eye sore and it’s going to collapse! CEO Fischione stated that there is no mortgage on the building so therefore, there is no one to go after with the Zombie Home law. Someone just bought the property last week. A letter literally went out last week to the owner and they have 30 days to respond. But the good news is that it is finally in a private owner’s name.

Paul Sprada, 58 Argus – Wanted to thank Ken and the DPW crew for their work removing trees, they do great work!! He is glad that the autism signs are approved, there is a person who lives on his street that may be interested in obtaining one. He again mentioned the conditions of the viaducts. Mayor Peterson said to stay tuned, he may have something in place to get them painted along with the rail cars. Who is planting the trees in Fireman’s park for the Arbor Day celebration? Ken replied that the DPW worker’s will dig the holes and plant the trees. Has there been any word on solar power coming to the Village? Again, Mayor Peterson replied that once the issue with the DEC is resolved on Broadway, he is thinking that this location would be an ideal spot for that.

Has anyone asked Lancaster if they are going to assign another representative to attend our Village board meetings? It was always nice to have Matt here to get updates on the events going on there. Mayor Peterson will reach out to them.

**EXECUTIVE SESSION ON A MOTION BY**, Trustee Stempniak, pursuant to Public Officers Law Section 105 ( E ) we adjourn to executive session. The motion was seconded by Trustee Michaels. The Executive Session Began: 8:05 PM and was adjourned with the meeting being called back to order by Mayor Peterson at 8:38 PM



**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Michaels and seconded by Trustee Stempniak, the following claims are to be paid: \$60,615.16 General, \$9.90 Sewer, \$8,879.00 Capital Projects and \$69,504.06 Capital was **CARRIED**.

**ADJOURNMENT**

**ON A MOTION BY** Trustee Hamernik, seconded by Trustee Michaels, the meeting was adjourned at 8:40 **PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator