

MEETINGS: 4
NO. OF REGULAR: 4

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
May 10, 2021 7:00PM**

ROLL CALL: Trustee Ziemba
Trustee Kucewicz
Trustee Hamernik
Deputy Mayor Stempniak
Mayor Peterson

ON A MOTION BY, Trustee Ziemba and seconded by Trustee Kucewicz, the April 26, 2021 Village Board Minutes were approved.

Village of Depew
Notice of Public Hearing

A public hearing will be held on Monday May 10, 2021 at 7:00PM in the Depew Village Hall Council Chambers the purpose of the hearing discussions on the possibility of deferring Village of Depew tax payments for a term of 30 days past the July 1, 2021 due date per the Governors Executive Order that was signed January 30, 2021.

Public Hearing was opened by Deputy Mayor Stempniak and seconded by Trustee Hamernik at 7:24 PM. There was no public comment on the public hearing. The Public Hearing was closed by Deputy Mayor Stempniak and seconded by Trustee Hamernik at 7:28 PM.

Time was given for residents requesting chickens to address the Board. Karl and Leslie Beresniewicz explained that they completed the proper paperwork and submitted it to the Board for review. They have approximately 1.5 acres. Neighbors signed the petitions saying they have no objections to them keeping chickens. They are too far away to hear or smell anything from their yard. It's in the board's hands on what the outcome will be. Trustee Stempniak asked approximately how many chickens were they thinking of keeping. Karl responded that they are not 100% sure they will even get them, they are doing everything properly prior to making their decision by coming to the Board first. But it would be 6 at the most and it is for hobby for the kids really. They make their own Maple syrup and that's just the kind of people they are. They would have a coup that would be all fenced in. They have seen fox, coyote, eagles, etc. on their land. The chickens would be for egg production only. Tractor Supply in Alden sells the chickens. Trustee Hamernik asked if their yard was fenced in and he responded no. Trustee Kuciewicz asked if they have storage for food and the answer is yes. Trustee Ziemba asked if they checked with their neighbors across the street. Mr. Beresniewicz replied that his neighbor across the street is about 100-150 ft away. They live in the most rural part of Depew. He thanked the Board for their time and consideration.

Scott & Jennifer Kapperman explained that they live on Lee Street and they only are looking to buy 2-3 chickens that do not produce eggs. They too, asked their neighbors and not one of them had any objections. Trustee Hamernik informed them that at the time that's fine, but if one were to move out and another move in that do NOT want chickens, they would have to get rid of them in that instance. They understand. Mayor Peterson explained that he is looking to put a Committee together that would consist of 2 Board members the Code Enforcement Officer and our Legal department to review these types of requests comparing it to our current code.

We will look at bringing this back up at our June 28th meeting and will hold a public hearing on the matter as well. Please give us 5-6 weeks to take care of it.

Both parties thanked the Mayor and the Board for their time and consideration.

Mr. Brandon told everyone that the Senator was able to secure Broadband funding in the State budget. For low to moderate income families can qualify for this if they are on food stamps, Medicaid, etc.

Liz explained that the Assemblywoman is working on getting the necessary staffing for nursing homes and hospitals. They were able to secure \$25 for the Lancaster Post on Walden to re-do their much needed repairs to the parking lot!

Superintendent Pyc said the guys will be back to focusing on Dawson Field now that their other work is caught up. RJ Nieman explained that there will be a meeting on ht 19th of May to review everyone's risk assessment plan.

Mayor Peterson explained that Rec Director Kevin Ferguson is looking for about 12 people to fill Lifeguard positions. There is a lot of activity going on at Fireman's park this summer as well.

Trustee Hamernik said that the food panty went very well last Saturday, a little short staffed perhaps, but it went very well.

Mayor Peterson ended the evening by wishing all the Mother's and Soon-to-be Mother's a Happy Belated Mother's Day and hoped that their day was a very special one.

RESOLUTION

May 10, 2021

SPECIAL USE PERMIT TO KEEP CHICKENS

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

WHEREAS, Karl and Leslie Beresniewicz of 194 Zurbrick Road in Depew. If approved there would be stipulations of no roosters, coup must be maintained as to not create an odor for the neighbors and village code must be followed regarding noise and property maintenance.

BE IT RESOLVED, a special use permit is hereby APPROVED to Karl and Leslie Beresniewicz of 194 Zurbrick Road in Depew.

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

This resolution was TABLED

Trustee Hamernik -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Stempniak -
Mayor Peterson -

RESOLUTION

May 10, 2021

SPECIAL USE PERMIT TO KEEP CHICKENS

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

WHEREAS, Scott & Jennifer Kapperman of 137 Lee St in Depew. If approved there would be stipulations of no roosters, coup must be maintained as to not create an odor for the neighbors and village code must be followed regarding noise and property maintenance.

BE IT RESOLVED, a special use permit is hereby APPROVED to Scott & Jennifer Kapperman of 137 Lee St in Depew.

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

This resolution was TABLED

Trustee Hamernik -
Trustee Ziemba -
Trustee Kucewicz -
Deputy Mayor Stempniak -
Mayor Peterson -

RE APPOINT PLANNING BOARD CHAIRMAN

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin Peterson do hereby Re-appoint Ronald Maciejewski to the position of Village Planning Board Chairman, said term to expire at noon on the first Monday of April 2026, at a salary of \$64 per meeting.

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

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

ACCEPT RESIGNATION –POLICE OFFICER

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

BE IT RESOLVED, the resignation of Thomas O'Donnell, Police Officer effective April 23, 2021 is accepted.

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

AUTHORIZATION FOR MAYOR TO SIGN SHARED SERVICES AGREEMENT

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

WHEREAS, in cooperation with the Erie County Shared Services Plan, The Village of Depew's Mayor Peterson and Board of Trustees hereby approves the Intermunicipal Cooperation Agreement to share services, supplies and materials between the Village of Depew and the Town of Lancaster, allowing The Depew Village Administrator and the Lancaster Highway Superintendent, to rent, exchange, borrow and lend highway and park equipment and necessary personnel to operate said equipment, to assist with the maintaining of highway / park properties in their respected municipalities.

WHEREAS, the previous contract expired according to its terms on April 30, 2020 and due to the COVID-19 pandemic and precautions in place it was allowed to remain in effect as an emergency services necessity.

BE IT RESOLVED, that The Village of Depew and the Town of Lancaster hereby authorizes the Village Administrator to execute this agreement which will commence retral to May 1, 2020 and terminate April 30, 2023.

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 Ziemba - Y
Trustee Kucewicz - Y
Deputy Mayor Stempniak - Y
Mayor Peterson – Y

AUTHORIZATION FOR MAYOR TO SIGN DEPEW SCHOOL SALT AGREEMENT

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

WHEREAS, The Village of Depew’s Mayor Peterson and Board of Trustees are hereby approving the agreement between the Depew School District and the Village of Depew to allow the Depew School District to purchase and load salt from the Department of Public Works salt barn. This arrangement is cost saving on materials and labor for Depew School District.

WHEREAS, in previous years, the agreement was that the Depew Schools would be billed at the rate that DPW purchased the salt in bulk. There will be 120 tons reserved for the district’s needs.

BE IT RESOLVED, that The Village of Depew and The Depew School District is allowed to enter into this agreement

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

Trustee Hamernik - Y
Trustee Ziembra - Y
Trustee Kucewicz - Y
Deputy Mayor Stempniak - Y
Mayor Peterson – Y

VILLAGE OF DEPEW LOCAL LAW NO. 3 OF 2021 REGARDING DEFERMENT OF VILLAGE PROPERTY TAXES DURING THE COVID-19 STATE OF EMERGENCY

Deputy Mayor Stempniak, offered the following resolution and moved for its adoption: Be it hereby enacted by the Board of Trustees of the Incorporated Village of Depew as follows:

Section 1. Purpose and Intent.

WHEREAS, on January 30, 2021, the Governor signed into law Senate Bill No. 8138-B of 2020, which enacted Section 1910 of the Real Property Tax Law (RPTL).

WHEREAS, under the new law, local taxing jurisdictions are permitted to adopt a single local law deferring the deadline for payment of property taxes in response to a declared state of emergency.

WHEREAS, in light of the on-going hardships related to the COVID-19 state of emergency, the Board of Trustees finds that it shall be in the best interests of the Village of Depew and its residents to take advantage of this opportunity by deferring the deadline for payment of village property taxes on a short-term basis.

Section 2. Enactment.

Pursuant to RPTL § 1910, the Board of Trustees hereby decrees that the current deadline for the payment of village property taxes is hereby extended from July 1, 2021, to August 1, 2021. Accordingly, notwithstanding any State or local law to the contrary, village property taxes due for the 2021 tax year will be treated as timely, and may be paid without penalty or interest, if paid or postmarked on or before August 1, 2021.

Nothing herein shall affect the deadline for payment of taxes assessed by any other municipal subdivision, school district, or special district.

Section 3. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered. Section

4. Effective date.

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

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 Ziembra - Y
Trustee Kucewicz - Y

Deputy Mayor Stempniak - Y
Mayor Peterson – Y

RESOLUTION

May 10, 2021

RESOLUTION REGARDING BROADWAY SOLAR PROJECT

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

WHEREAS, after Resolution by the Village Board to enter into a Purchase and Sale Agreement to sell 15 acres of real property commonly referred to as 4309 Broadway, Village of Depew, NY, owned by the Village, the Village executed a Purchase and Sale Agreement dated September 28, 2020 with 4293 Broadway LLC; and

WHEREAS, on November 23, 2020, the Village Board approved the Special Use Permit and Site Plan for 4293 Broadway LLC for a solar farm development consisting of 24.97± acres consisting of a Portion of (15 acres) of 4309 Broadway, Village of Depew, NY, bearing S.B.L. No. 103.19-1-13 and 4293 Broadway, Village of Depew, NY, bearing SBL No. 103.19-1-10, with said project referred to as “Broadway Solar Project”, which included the real property owned by the Village that the Village agreed to sell to 4293 Broadway LLC; and

WHEREAS, said Special Use Permit and Site Plan were contingent upon the 4293 Broadway LLC receiving approval from the New York State Department of Environmental Conservation (“DEC”) for a change of use plan for the closed landfill at the aforesaid properties; and

WHEREAS, the DEC has required that approximately 26,000 cubic yards of fill be brought to the Project Site and spread at the Project Site to ensure the proper landfill cap; and

WHEREAS, the aforesaid Purchase and Sale Agreement is estimated to close in June 2021, but the work required by DEC must occur prior to said closing.

NOW, THEREFORE, it is hereby

RESOLVED, The Village authorizes the fill to be brought to the site and spread as of the date of this Resolution consistent with DEC requirements provided that:

- a. 4293 Broadway LLC indemnifies and holds the Village harmless from any claim or lawsuit related to the aforementioned fill work, environmental hazards associated with the fill work on the site including latent hazards, as well as any other tort or property damage claim; and
 - b. 4293 Broadway LLC’s contractor provides insurance in the amount of One Million Dollars naming the Village as additional insured; and
2. Due to a change in circumstances involving a proposed park at the balance of the site, the Village hereby modifies the Site Plan Approval to allow the road to be constructed to be a gravel road, instead of a paved road and the Mayor is authorized to sign any such purchase agreement amendment; and
 3. The Village authorizes the Village owned property to be subdivided pursuant to the Purchase and Sale Agreement and then upon 4293 Broadway LLC’s acquisition of both of the following properties: a Portion of (15 acres) of 4309 Broadway, Village of Depew, NY, bearing S.B.L. No. 103.19-1-13 and 4293 Broadway, Village of Depew, NY, bearing SBL No. 103.19-1-10; that these properties be merged by Deed to be recorded at the Erie County Clerk’s Office thereby forming one property consisting of 24.97± acres.

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

Trustee Hamernik - Y
Trustee Ziembra - Y

Trustee Kucewicz - Y
Deputy Mayor Stempniak - Y
Mayor Peterson – Y

DPW TREE REMOVAL

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

WHEREAS, the village has encountered complaints of dead and dangerous tree on a lot located at 51 Dean Rd, Depew, NY (SBL: 103.07-5-28) orders to remedy have been issued to the property owner on record;

BE IT RESOLVED, permission is granted for the Department of Public Works or a contracted company to remove the tree from the vacant lot. The owner on record will be sent an invoice for the work performed, if not paid by the owner, the cost will be attached to the village tax bill for that property.

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 Ziembra -Y
Trustee Kucewicz -Y
Deputy Mayor Stempniak -Y
Mayor Peterson -Y

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to Depew Hose Co. #1 to use the Northside Fire Station for their Company Installation Dinner on Saturday May 22, 2021 from 4:00 PM–11:00 PM. All current COVID-19 guidelines will be followed.

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

PERMISSION – FIRE DEPARTMENT

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

WHEREAS, Permission is hereby granted to the Depew Fire Department Engine 1, Engine 4 and Ladder 5 to attend a training exercise at the Twin District Fire Company Training Facility, 4979 William St, Lancaster on Tuesday, May 11, 2021 from 7pm-10pm. A Fire Chief will be present for the duration of the training, and one truck will remain in service for emergency response during the entire exercise.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department Engine 2 to attend the New York State Interior Firefighting Operations Course on Sunday, May 23, 2021 from 7am-1pm at Erie County’s Chestnut Ridge Training Center, 6121 Chestnut Ridge Rd, Orchard Park, NY.

And

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

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

DEPARTMENT HEAD REPORTS – Police April 2021

Depew Police Report

National Police Week is this week May 9th through May 15th as a tribute to law enforcements service and sacrifice. Remembering and honoring the brave men and women who have made the ultimate sacrifice and to honor those that have chosen the policing profession, who continue to serve keeping our communities safe. I'd like to thank the officers of the Depew Police Department for their unyielding commitment to public service.

Buckle up NY will take place the last week of May into the first week of June. Officers will be conducting a seat belt enforcement campaign through a grant from the Governor's Traffic Safety Committee.

The Depew PBA donated over \$4000.00 to the Depew HS class of 2021. The fundraiser was coordinated by School Resource Officer Scott Hossfeld. The seniors have not been able to conduct their usual fundraising activities this year and the donation will be used to offset the costs and add entertainment for senior events like the Prom on June 4th and the Senior Celebration on June 9th.

Capt. Timothy Norek

Fire Chief's Report Village Board Meeting May 10, 2021

- 1) Current Roster: 117 firefighters, 6 explorers
- 2) May 2021 Calls to Date: 8 YTD 2021 Calls: 101
- 3) YTD Damages: \$57,500
- 3) A major recall announcement came out from Kidde, who manufactures smoke and carbon monoxide detectors. The Consumer Product Safety Commission has announced that Kidde is recalling several different smoke and combination alarms due to a failure to alert consumers to a fire. The detectors were sold at retailers nationwide between May 2019 and September 2020. This recall involves Kidde TruSense Smoke detectors and Combination Smoke/Carbon Monoxide detectors. The model numbers are 2040, 2050, 2060 and 2070, located on the back of the detector. Only alarms with the TruSense logo or "Amber=Fault" printed on the front of the alarm are included in this recall. About 226,000 units are involved. No incidents or injuries have been reported to date, however, customers should contact Kidde immediately for a replacement detector. Further information can be found on our department Facebook page.

Respectfully Submitted,
Todd J. Rzeszutek
Fire Chief

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz and seconded by Trustee Hamernik, the following claims are to be paid: \$64,813.13 General, \$2,567.44 Capital Project, \$5,128.25 Capital Project – Building Reno \$72,508.82 Capital was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Deputy Mayor Stempniak, seconded by Trustee Ziembra the meeting was adjourned with message of have a Happy Mother's Day at 8:34 **PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak
Village Administrator

