

MEETINGS: 5  
NO. OF REGULAR: 5

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
May 24, 2021 7:00PM**

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

**ON A MOTION BY**, Trustee Kucewicz and seconded by Trustee Hamernik, the May 10, 2021 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Hamernik and seconded by Deputy Mayor Stempniak, the May 6, 2021 Planning Board Minutes were approved.

1. 42 S Warsaw, Matthew Dombrowski, requesting approval to subdivide the existing parcel to accommodate sale of existing building on southern portion of lot as per Chapter 260, §260-10 (C). Approved with stipulation that the addition of 16ft driveway entrance be shown on drawings submitted to Code Enforcement.
2. 4854 Broadway, Daniel Tomasello, on behalf of Tomasello Truck & Auto Sales, Service LLC, requesting a special use permit to operate an auto repair facility in a C-2 zone as per Chapter 260 § 260-27 under the guidelines of Chapter 260 § 260-33(N). Approved with the stipulation that no more than one car be for sale on the lot.
3. 6160 Transit Rd, Joseph Mancini on behalf of PJ Cools. Requesting revised site plan approval for exterior dining to increase the number of seats allowed per Chapter 260 §260-33(M). Denied.

**ON A MOTION BY**, Trustee Ziembra and seconded by Trustee Kucewicz, the May 13, 2021 Zoning Board Minutes were Accepted.

1. Robert and Barbara Charvat, for property located at 65 Eagle Terrace. They are requesting of Chapter 260, §260-14B (4) (b2) to request a setback of approximately 10ft from the right of way on corner lot. Denied.
2. Keith McFadden for property located at 4978 Broadway, they are requesting of Chapter 260, §260-14B(4)(c) to permit him to erect a fence within the required front yard setback of 30ft for a corner lot in a nonresidential district as required by the Village Ordinance. Granted with stipulation that the greenspace is restored between the fence and the sidewalk and the sidewalk and the road.
3. Corey Cannon for property located at 45 Mona Ct, they are requesting of Chapter 260, §260-31F (4) to permit her to erect a 6ft fence within the front required setback as required by the Village Ordinance. Denied

**AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR PUBLIC HEARING –  
NO PARKING SIGNS IN VARIOUS POINTS IN THE VILLAGE OF DEPEW.**

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

**WHEREAS**, the Chief of Police has determined that a safety issue occurs due to a lack of sight lines when cars are parked at the following corners of the Village of Depew:

1. West side of Candace 20 feet from George Urban
2. North side of French Rd. from Transit rd. to Lewan Drive
3. **Bellevue Ave- No Parking west side from Terrace to Gould - Recommend continuing west side restrictions from Terrace to Broadway**
4. **Ellington St- No restrictions - Recommend west side restrictions**
5. **Canton St- No Parking east side from Broadway to Terrace - Recommend no parking on west side from Gould to Broadway**

6. *River St- No Restrictions - Recommend restricting west side from Broadway to Gould Ave.*
7. *N. Bryant- No Restrictions - Recommend restricting west side from Broadway to Gould Ave.*
8. *Lackawanna- No Parking east side from Broadway to Terrace - Recommend no parking on west side from Broadway to Gould*
9. *Erie - No Parking east side along gravel lot*
10. *Lehigh- No Restrictions - Recommend restricting east side*
11. *A St- No Restrictions - Recommend restricting east side*
12. *Terrace- No Standing both north and south side, west of A St. - Recommend restricting north side from Transit to A St.*
13. *Gould - No Parking north side, west of Lackawanna*

And

**WHEREAS**, the Chief of Police has recommended that a “No Parking Here to Corner” sign, be placed at the above streets and intersections, and

**WHEREAS**, the Village Board of Trustees wishes to follow the recommendation of the Chief of Police and place a “No Parking Here to Corner” sign as set forth above,

**BE IT RESOLVED**, the Village Administrator is hereby authorized to advertise for public hearing to be held on June 14, 2021 at 7 PM in the Council Chamber, 85 Manitou St, Depew NY for the purpose of discussing the placement of recommended no parking signs.

The forgoing resolution was seconded by Trustee Kucewicz, and **CARRIED**.

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

**AUTHORIZE MAYOR TO SIGN AGREEMENT – ARCHIVE SOCIAL**

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

**WHEREAS**, the Village of Depew would like to use Archive Social, PO BOX 3330, Durham, NC 27702 for a social media archiving program. The program will back up and archive any postings made to the 4 social media Facebook accounts and all Village websites. It will preserve records indefinitely those accounts that we have. The cost is \$399 per month paid annually, which comes out to less then \$5k for the year.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is authorized to sign the Archive Social agreement.

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

## **APPROVE MS4 REPORT**

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

**BE IT RESOLVED**, the MS4 report is completed and available for review on the Village of Depew website.

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

## **PERMISSION – DEPEW HIGH SCHOOL BONFIRE**

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

**BE IT RESOLVED**, permission is hereby granted to the Depew High School Varsity D Club to hold their annual bonfire on Wednesday June 9, 2021 at 8:30 PM on the football practice field behind the Depew Schools bus garage. The Depew Fire Department will be present to provide fire protection with the following stipulations:

1. The Fire Marshall must meet with an adult advisor prior to 7:30 pm on the day of the event to inspect the site and review emergency procedures.
2. No flammable liquids are to be used in lighting the bonfire.
3. The Depew Fire Department will supervise the lighting of the bonfire and will remain on standby for the duration of the event.
4. The Depew Fire Department reserves the right to cancel the bonfire in the event of adverse weather conditions (high winds) or any other condition that may adversely affect public safety.

Depew Police personnel will be present to maintain order and supply necessary traffic enforcement.

The forgoing resolution was seconded by Trustee Ziembra, and **CARRIED**

## **PERMISSION – DEPEW HIGH SCHOOL MOTORCADE**

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

**WHEREAS**, the Depew High School Student Senate has made application for a Motorcade escort for Wednesday, June 9, 2021 at approximately 7 PM, and

**WHEREAS**, said motorcade route and traffic enforcement has been authorized by the Police Department and the Depew Fire Department will participate in the Motorcade.

**NOW, THEREFORE BE IT RESOLVED**, that permission is granted to the Depew High School Senate to hold the above-mentioned Motorcade on Wednesday, June 9, 2021.

The forgoing resolution was seconded by Trustee Kucewicz, and **CARRIED**.

## **EMPLOYMENT APPLICATIONS** – N/A

## **DEPARTMENT HEAD REPORTS**

Fire Chief's Report  
Village Board Meeting May 24, 2021

1. Current Roster: 117 firefighters, 6 explorers
2. May 2021 Calls to Date: 13 YTD 2021 Calls: 106

3. 3) YTD Damages: \$57,500
4. 4) Depew firefighters continue to train hard and respond to emergencies throughout the Village. I want to thank each of them for their continued dedication to our Village and the residents. The community should know that when they call for the fire department, they can rest assured that they are having competent volunteer firefighters that will respond with the utmost professionalism to every incident.
5. 5) Mulch fire season is upon us. We have recently seen a large uptick in mulch fires being reported. Majority of these fires are caused by careless discarding of cigarettes. Residents are reminded to properly discard cigarettes in a manner to ensure they are extinguished, and to avoid tossing them out of their car windows. Although most of these fires are reported rather quickly, these fires could have the potential to spread uncontrollably to surrounding structures and cause significant damage if given the opportunity.

Respectfully Submitted,  
Todd J. Rzeszutek  
Todd J. Rzeszutek Fire Chief

Chief Miller – see attached report

Attorney Alba – Oral arguments went well for the lawsuit we face. The Judge requests a copy of the un-redacted police report, which is a common occurrence. The DEC contacted him about the Village not moving forward for the reclamation landfill. Sam informed them that we have indeed been moving forward and are working on the process as we speak.

Trustee Kucewicz reported for the Recreation Dept that the pool will open on 6/22 for residents of the Village only. There will be adult swim only from 6-7pm. There will be no swimming lessons and the pool will be open from 11am-7pm. Co-ed softball starts on 6/8, Lacrosse starts on 6/7 and yoga beings on 6/19 Wednesdays and Saturdays. Softball will cost each team \$150. There will be a pay app on the website to purchase swimming passes.

Mayor Peterson reported that the W. Dawson Park update is back on track now. We will be receiving a few bonuses that the Pour In Place supplier will give to the Village so they can use our park as a model. Hope to open in early July.

Trustee Hamernik attended a ZOOM meeting regarding housing protection for those that may not be able to pay their rents/mortgages right now. Tuesday is Matthews' table, it will again be a drive through.

Trustee Kucewicz shouted out a thank you to the DPW for picking up her shrubs that she removed from her property.

Deputy Mayor Stempniak said she will at the next Village Board Meeting. She now has seedlings that will be available to residents. If anyone wants some, please contact someone from the Tree Board and we will get them to you. The RFP for Arborist is almost finalized and she will be getting that out soon, after reviewing it with DPW Super. Pyc.

Tony Fischione will be doing a ZOOM meeting on the 22<sup>nd</sup> of June for Zombie housing, anyone on the board is welcome to join him. Mayor Peterson asked if we will be getting a list for lawn cutting in the near future and Tony said yes, at the next board meeting.

Mayor Peterson told everyone that the George Urban Blvd. Safety Project is still being tweaked by electrician George DelConte. Height adjustments have to be made. The Cantalician Center signs will run 365 days per year and the flashing lights from 7am – 4pm. Speed detector will be 24/7 as well. No pictures of speeding vehicles will be taken by the equipment. The Chief has noticed a reduced number of speeders lately as well.

The Dawson baseball will have the first pitch thrown out on 6/5. Summer concerts series will begin 6/24 and go through 7/23. Hit & Run has also agreed to do an additional concert in connection with Founders Day on 7/23. If anyone is interested in being a sponsor of Founder's Day, which no tax dollars go toward, the amounts are \$600, \$300 or \$100 to become one. Thank you Trustee Hamernik for once again being a sponsor. The Legion will have a small Memorial Day Celebration at Veteran's Park Saturday at 11am.

Representing Senator Kennedy's office, Bob Brandon reported that the Senator is working on many bills, some of which are small, but necessary. One is for highway works safety, with increased penalties to parties speeding in those work zones. Trustee Ziembra asked if those will pertain to Our DPW workers and Bob will do a follow up for him. Another one is for Smart App users who take advantage of Uber and Lyft services. It will give the person using the service the ability to identify the driver as the person they are expecting and not some stranger who may be there to cause them harm. Data privacy legislation is another one and also one to make the Prime Contractors on a job responsible for paying Sub Contractors to make certain that they receive payment for services rendered.

Ms. Charlene Wilber addressed the board as a concerned citizen who lives at 222 Darwin. There is a homeowner in Depew that needs to clean up his yard. It is a mess. The house is located at 42 Hanwell, and Mr. Baker has a fridge outside by his back door, paraphernalia. He now has a carnival truck parked in his driveway as well. She is going to be selling her house in a few years and moving, how can she sell her house when the guy's house looks so terrible? No one will want to live next to that, she does not like it one bit. It's disgusting. Tony knows her, she has complained before, but he keeps fining the guy, the guy keeps paying the fine to lift the notice and then it starts right back up again!! The fine is \$4,000 and he obviously doesn't care about paying it. How does he get away with this? Tony told the Mayor that he will be sending out the notice of court appearance soon, but the Judge just keeps doing what they do. Mayor Peterson suggested meeting with our new Judge prior to the hearing to give her the background on this one to see if anything else can be done. Ms. Wilber told the board that she has seen the inside of his garage and it is a fire hazard!!!! Tony explained that he cannot just go onto the property to look into the garage, he would need a court order to do so. He said his order to remedy will expire around the 3<sup>rd</sup> week in June. No one else has come before the board or filed a formal complaint and he cannot go door to door asking them to. She said she can and will. Mayor Peterson asked to be kept informed of the updates on this one. Ms. Wilber also addressed Chief Miller about the freeway on Darwin Drive!!! People are easily going 40-50 mph on that street and she is afraid that a child is going to get hurt. He assured her that he will have his officers look into this.

### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Kucewicz and seconded by Trustee Hamernik, the following claims are to be paid: \$176,894.12 General, \$441.71 Sewer, \$4,900.00 Capital Projects \$182,235.83 Capital was **CARRIED**.

### **ADJOURNMENT**

**ON A MOTION BY** Deputy Mayor Stempniak, seconded by Trustee Hamernik the meeting was adjourned with a moment of silence for Hyview Member Eisenhower, he was a village resident, All Veterans on Memorial Day and prayers for Mayor Peterson's dad at 8:14 PM. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator