

MEETINGS: 6  
NO. OF REGULAR: 6

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**June 14, 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 May 24, 2021 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Kucewicz and seconded by Trustee Ziemba, the May 27, 2021 Zoning Board Minutes were accepted.

1. Amy Hoffman of 128 Autumn Lea. Of Chapter 260, §260-14B(1)(h) to seek relief of the 3ft required setback to widen driveway, encroaching by 4in. Granted.

**ON A MOTION BY**, Deputy Mayor Stempniak and seconded by Trustee Hamernik, the June 3, 2021 Planning Board Minutes were approved.

1. 60 Preston St, Jeff Kupka on behalf of the Boys&Girls Club of Depew, Seeking approval to replace 6000sqft of grass with artificial turf and install associated bedding and drainage. Approved as submitted.
2. 4870 Broadway, John Fleming on behalf of The Smokin' Little Diner, seeking approval for outdoor dining area. Approved outdoor dining area as presented with stipulation that an updated survey and updated drawing to scale be submitted.

Village of Depew  
Notice of Public Hearing

A public hearing will be held on Monday June 14, 2021 at 7:00PM in the Depew Village Hall Council Chambers The purpose of this hearing is to consider the possibility of placing no parking signs at the following streets within the Village of Depew:

1. West side of Candace 35 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**

The meeting room is wheelchair accessible.

By order of the  
Board of Trustees  
Teresa Wachowiak  
Village Administrator

The Public hearing was opened at 7:19 by Trustee Hamernik and Deputy Mayor Stempniak and closed at 7:21. There were no public comments

### **ACCEPT RETIREMENT – DPW LABORER**

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

**BE IT RESOLVED**, the retirement of Bernard Maryniewski, Department of Public Works Laborer effective June 26, 2021 is accepted.

The foregoing resolution was 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

### **ACCEPT RESIGNATION – PART TIME CODE ENFORCEMENT OFFICER**

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

**BE IT RESOLVED**; the resignation of Drew Ortega, Part Time Code Enforcement Officer effective June 8, 2021 is accepted.

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

CEO Fischione said that Drew’s resignation was very unfortunate for his department but we all wish him well and if he should want to come back at a later date to please stay in touch.

### **PERMISSION TRAINING**

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

**BE IT RESOLVED**, permission is hereby granted to Police Chief Jerome Miller to attend the NY State Chiefs of Police Training conference on July 25<sup>th</sup>-28<sup>th</sup>, 2021 in Glen Falls, NY. Use of a village vehicle is authorized.

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

### **AUTHORIZE MAYOR TO SIGN J. O’CONNELL & ASSOCIATES, INC AGREEMENT**

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

**WHEREAS**, the Village of Depew would like to utilize J. O’Connell & Associates, 10646 Main Street, Clarence, NY 14031 for the purpose of grant consultation.

**WHEREAS**, the Village of Depew will use J. O’Connell & Associates for the agreed upon price of \$8,500 per quarter for the grant consultation services from July 1, 2021 until June 30, 2023.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is authorized to sign the service 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 Ziemba - Y  
Trustee Kucewicz - Y  
Deputy Mayor Stempniak - Y  
Mayor Peterson -Y

**PERMISSION – FREED MAXICK AUDITING FIRM**

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

**WHEREAS**, Freed Maxick to be hired for the Annual Village Audit, for a period of three years at a locked in rate.

**THEREFORE, BE IT RESOLVED:** The above 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 Ziemba - Y  
Trustee Kucewicz - Y  
Deputy Mayor Stempniak - Y  
Mayor Peterson - Y

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

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

**WHEREAS**, the Village of Depew would like to use GHD Engineering to provide professional engineering services in connection with the Walden Transit Sanitary Sewer Improvement Project (Phase 5 CAP) for a total fee not to exceed amount of \$ 321,700 as described in GHD letter proposal dated June 9, 2021.

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

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

**PERMISSION – VETERANS PARK CONCERTS**

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

Permission is hereby granted to The Noblemen to use Veterans Park Gazebo for their concert on Thursday June 24, 2021 at 7:00 PM.

And

Permission is hereby granted to Christian Kramer and the Backwoods Revival to use Veterans Park Gazebo for their concert on Thursday July 1, 2021 at 7:00 PM.

And

Permission is hereby granted to The Carnival Kids Steel Orchestra (CKSO) to use Veterans Park Gazebo for their concert on Thursday July 8, 2021 at 7:00 PM.

And

Permission is hereby granted to The Ramblin' Lou Family Band to use Veterans Park Gazebo for their concert on Thursday July 15, 2021 at 7:00 PM.

And

Permission is hereby granted to Terry Buchwald to use Veterans Park Gazebo for his concert on Thursday July 22, 2021 at 7:00 PM.

And

Permission is hereby granted to Hit N Run to use Veterans Park Gazebo or the event trailer to celebrate Founder's Day and the Village's 127<sup>th</sup> Anniversary of the Incorporation of the Village of Depew on Friday July 23, 2021.

And

Permission is hereby granted to The Screaming Pineapples to use Veterans Park Gazebo for their concert on Thursday July 29, 2021 at 7:00 PM.

And

Permission is hereby granted to The Lancaster Town Band to use Veterans Park Gazebo for their concert on Thursday August 5, 2021 at 7:00 PM.

Permission is also granted for use of electric power and use of restrooms at the Southside firehall.

The foregoing resolution was seconded by Trustee Kucewicz and CARRIED.

### **PERMISSION - FOOD TRUCKS AT SUMMER CONCERTS**

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

**WHEREAS;** Permission is hereby granted to the following food trucks to operate with valid permits only during the Summer Concert series at Veterans Park from June 24, 2021 thru August 5, 2021. The food truck permit fee will be waived, but all other required documentation is to be submitted to the Code Enforcement Office before the permit is issued.

Maria's Bene Cibo

Sweet Lisa's Dessert Truck.

Green Acres Ice Cream Truck

WNY Food Cart

House of Munch

Great Aussie Bites Food Truck

KCafe Food Truck

Cheesy Chick Food Truck

Plus, any other food truck that we offer the ability to serve during one of our Thursday or Friday Village Summer Concert during the time frame of June 24<sup>th</sup> and August 5, 2021.

**WHEREAS;** Permission is hereby granted to The Depew Fire Department Junior Firefighter program to have a hot dog sale fundraiser during the summer concert series.

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

**EMPLOYMENT APPLICATIONS** - Rec -Michael Steffens, Timothy Steffens, Anthony Maki, Benjamin Wypij Police – Jeremy Seamans

**DEPARTMENT HEAD REPORTS** - Police May 2021, Building May 2021

Fire Report

CURRENT ROSTER: 117 FIREFIGHTERS, 7 EXPLORERS

JUNE 2021 CALLS TO DATE: 15 YTD CALLS: 126

YTD DAMAGES: \$10,000 (as if June 1, 2021 – Village Fiscal Year

THE FIRE DEPARTMENT CONTINUES TO REMAIN HARD AT WORK. OUR TRAINING HOURS HAVE INCREASED TREMENDOUSLY SINCE THE EASING OF COVID RESTRICTIONS. WE ALSO STARTED TO TRAIN WITH SURROUNDING DEPARTMENTS AGAIN TO ASSIST WITH OUR INTEROPERABILITY WHEN IT COMES TO MUTUAL AID. I WANT TO AGAIN THANK MY STAFF FOR THEIR COMMITMENT TO THE VILLAGE AND ITS RESIDENT. I APPRECIATE THEIR CONTINUED DEDICATION TO THIS VILLAGE AND OUR DEPARTMENT.

OUR FIRE PREVENTION DETAILS ARE ONCE AGAIN STARTING TO INCREASE IN FREQUENCY. LAST WEEK WE PARTICIPATED WITH THE FAMILY DAY EVENT FOR THE NORTHPOINT CHURCH. TODAY OUR CREWS WERE OUT AT ST. MARTHA’S FOR A DAYTIME FIRE PREVENTION DETAIL. WE ALSO HAVE SEVERAL MORE DETAILS IN THE NEAR FUTURE, AND WE WILL ALSO BE ON LOCATION AT EVERY ‘CONCERT IN THE PARK’ THIS YEAR IN THE VILLAGE. WE LOOK FORWARD TO CONTINUE INTERACTING WITH THE COMMUNITY AND OUR RESIDENTS DURING THESE EVENTS.

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

Bob Brandon invited the board to attend a webinar on 6/22 on Zombie properties and how residents can get help through many programs offered to help them remain in their homes. CEO Fischione will send another reminder to the board with a link to join.

Resident Candace Mutignani at 28 & 41 Center Drive addressed Bob Brandon of Senator Kennedy’s office. Why is there nothing being done for people in need of health care? She has a daughter who needs 24/7 care and her and her husband are doing it all while trying to work full time jobs. COZZA in Buffalo is turning people away who need care. There is not enough nurse to patient help. She has been in the health care field for 40 years and the ratio of patients to nurses is 9 to 1. It is insane what they are going through. Nursing homes/hospitals say they check on patients routinely, and they DO NOT! She and her husband never left her daughter’s side and know for a fact they sign documents saying they do check on the patients. Something needs to be done! The Senator should focus his attention on health care and not worry about Humboldt Parkway. Human lives demand first rate attention. Mr. Brandon stated that the Senator will work for her and that he fully backs funding for proper nurse to patient ratios. Trustee Ziembra also has some people he can contact on her behalf and said he will talk with her after the meeting to get her contact information.

Code – Piggy backing off of Bob, he urges the board to do the webinar on Zombie homes and will send them the link again. Grass cutting will be on the next agenda. The loss of Drew in his office will be a big loss, but they will continue to try and keep up the coverage. He also has a replacement for him in mind. Mayor Peterson said he made a commitment to the department and the position is budgeted.

Emergency Management has filed the Hazard Mitigation Plan, we're the first to file with the county by the way. RJ & Galen are working on Action Plans for our upcoming events for the summer. Each event will have an Action Plan and RJ explained what is involved in the plans to the audience for Mayor Peterson.

Trustee Kucewicz read the report for the Rec Department.

Attorney Alba said that the ruling from the Judge in the Channel 4 lawsuit is to do a camera review of the documentation from the scene. This was expected and we are very comfortable in our position. He will have some more information on the chicken law and other animals in the Village at the next board meeting. He has a meeting tomorrow with the DEC at the old reclamation land fill.

Trustee Ziembra attended the NYCOM meeting last week which was very interesting and was given a lot of information.

Trustee Kucewicz thanked the residents for coming out to attend our meeting in person. We love to see the residents come to the meetings.

Trustee Hamernik reported that the food truck last week fed 130 families. Wednesday and Thursday, new windows will be going into the old Dom Pulski building and employees from M&T have volunteered to do the interior cleaning of the building as well. The Depew Day Of Caring is tomorrow and many DHS school students will be volunteering to deliver the flyers to residences to those who have not gotten them to Lock your car, etc. They will be given a pizza party afterward. A non-perishable food drive will be conducted as well and all donations will be given to the food pantry.

Deputy Mayor Stempniak said that in the Spring and Fall of each year, we will have trees to give to residents who request them.

Resident Anthony Schiavone came to the board to say a much earned Congratulations to Mayor Peterson for his work on GUB with the over-pass and school speed zone signs. They are all working!!!!!! Number of bridge hits is much, much less and people are actually slowing down around the school zone!!!!!! It's great!!!! His other question was who paid for the repairs to the Gazebo? It should not have been the responsibility of the Village!!! Mayor Peterson told him that an insurance company will be responsible, not the Village. And his last comment was to Bob Brandon that he sure hope Senator Kennedy does NOT support the Bail Reform that is going on right now. Because of that, Chief Miller had to release the person responsible for hitting the Gazebo!!!! It is just wrong!!!!!! Mr. Brandon said that Senator Kennedy does not support that law.

Ms. Canace Mutignani wanted to address the board about the speeding on her street, Center Drive. It is not a thruway nor a race way. Yet no one is ticketing or even watching! She has put up signs on her properties to SLOW DOWN. Other residents have done so as well. They have 28 small children in their neighborhood and someone, God forbid, is going to get hurt!!!!!! Chief Miller told Ms. Mutignani that the portable speed sign will be moved to her area and he will put extra cars on the streets around her. Her second complaint was that there are no sidewalks in the area. The Mayor explained that part of that area belongs to Lancaster but we will see if it can be addressed. She wanted to tell the board that a new neighbor has an Autistic child and should have a sign on the street for that as well.

#### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Kucewicz and seconded by Trustee Hamernik, the following claims are to be paid: \$467,796.43 General, \$65,252.68 Community Development, \$40,630.04 Sewer, \$2,761.70 Capital Projects \$16,693.50 Capital Projects Building Reno, \$593,134.34 Capital was **CARRIED**.

#### **ADJOURNMENT**

**ON A MOTION BY** Trustee Hamernik seconded by Deputy Mayor Stempniak the meeting was adjourned at 8:18 **PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator