

MEETINGS: 8  
NO. OF REGULAR: 7

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW  
June 24, 2019 7:00PM**

ROLL CALL: Trustee Jakubowski - Here  
Trustee Stempniak - Here  
Trustee Hamernik - HERE  
Trustee Voll - Here  
Mayor Peterson—Here

**ON A MOTION BY**, Trustee Stempniak, and seconded by Trustee Jakubowski, the June 10, 2019 Village Board Minutes were approved.

**ON A MOTION BY**, Trustee Jakubowski, and seconded by Trustee Voll, the June 6, 2019 the Planning Board Minutes were approved

1. Kuljit Singh - 4535 Broadway, Depew, NY. Requesting the following: site plan approval to add three (3) additional vacuums at the South end of the property and consideration for a canopy type enclosure located at the entrance to the car wash. Approved with Stipulations
2. Wendel Companies on behalf of Emerald Heating and Cooling - 5001/5003 Broadway, Depew, NY. Requesting the following: Site plan approval for a proposed building addition and parking lot expansion. This property is zoned C-2 Shopping Center District. Approve with stipulations.

**ON A MOTION BY**, Trustee Voll, and seconded by Trustee Stempniak, the June 13, 2019 the Zoning Board Minutes were accepted

1. Carrie Sheehan -Emerald Heating and Cooling for two variances on property located at 5001/5003 Broadway to permit her to erect a building addition within the required rear setback (requesting 3.58') and expand the parking lot within the required side setback (requesting 0') as required by the Village Ordinance – approved with stipulations
2. Robert Todtenhagen, for two variances at 544 Penora Street of Chapter 260, §260-24B(2) to permit him to erect a garage within the required side setback (requesting 2' on both sides of property) as required by the Village Ordinance. Amended variance to make 3' foot on both sides of the property – approved.
3. Peter Mrzyglod, for two variances on 156 Princeton Avenue of Chapter 260, §260-23A(2) to permit him to erect a garage addition within the required front setback (requesting 5') and required rear setback (requesting 7.5') as required by the Village Ordinance. Denied

**PUBLIC COMMENT** N/A

**APPOINT ALTERNATE PLANNING BOARD MEMBER**

Pursuant to Section 4-400 of Village Law, I, Mayor Kevin Peterson do hereby appoint Arthur Aigner of 71 Doehaven Circle, Depew, NY 14043 to the Village Planning Board as an Alternate, for a nearly four year term said term to expire at noon on the first Monday of April 2023, at a salary of \$50 per meeting when filling in for a Planning Board member.

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

Trustee Jakubowski - Y  
Trustee -Hamernik - Y  
Trustee Stempniak- Y  
Trustee Voll III - Y  
Mayor Peterson - Y

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

Trustee 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, 2019 until June 30, 2021.

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

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

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

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

Trustee Jakubowski, 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;

**WHEREAS**, the Village of Depew would like to continue this Professional Engineering Service with an amendment to the bid packet portion of the agreement.

**NOW THEREFORE BE IT RESOLVED**, that Mayor Kevin Peterson is authorized to sign the Professional Engineering Service Agreement with the new bid packet agreement.

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

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

**AUTHORIZE GHD TO ADVERTISE**

Trustee Voll, 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 authorizes GHD to advertise for sidewalk replacement on Zurbrick at Transit and the east side of S. Ellington.

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

Trustee Jakubowski - Y  
Trustee Stempniak -Y  
Trustee Hamernik – Y

Trustee Voll – Y  
Mayor Peterson – Y

**PERMISSION - FOOD TRUCKS FOR THE SUMMER CONCERT SERIES**

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

Permission is hereby granted to Maria's Bene Cibo Food Truck, Green Acres Ice Cream Truck, Lloyd's Taco Truck, Cheesy Chick Food Truck, and WNY Food Cart to operate in Veteran's Park during the Carnival Kids Steel Orchestra concert on June 27, 2019.

And

Permission is hereby granted to Lloyd's Taco Truck, Green Acres Ice Cream Truck, The House of Munch Food Truck, WNY Food Cart, Great Aussie Bite Food Truck, Sweet Indulgence Food Truck, The Thai Me Up Food Truck and the Cubs Scout Pack 601 to operate in Veteran's Park during the Terry Buchwald concert on July 11, 2019.

And

Permission is hereby granted to The House of Munch Food Truck, WNY Food Cart, Maria's Bene Cibo Food Truck, Green Acres Ice Cream Truck and the Cheesy Chick Food Truck to operate in Veteran's Park during The Ramblin' Lou Family Band concert on July 18, 2019.

And

Permission is hereby granted to Green Acres Ice Cream Truck, The House of Munch Food Truck, Sweet Lisa's Cake & Dessert Truck and Thai Me Up Food Truck to operate in Veteran's Park during the Easy Street Big Band concert on July 25, 2019.

And

Permission is hereby granted to Maria's Bene Cibo Food Truck, Green Acres Ice Cream Truck, Lloyd's Taco Truck, Cheesy Chick Food Truck, The Thai Me Up Food Truck, Great Aussie Bite Food Truck and WNY Food Cart during the Lancaster Town Band Concert on August 1, 2019.

And

Permission is hereby granted to any other trucks that may need to replace one of the named trucks to operate during concert in Depew Summer Concert Series in Veteran's Park.

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

**PERMISSION – VETERANS PARK CONCERTS**

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

Permission is hereby granted to Carnival Kids Steel Orchestra (CKSO) to use Veterans Park Gazebo on Thursday June 27, 2019. And

Permission is hereby granted to Terry Buchwald to use Veterans Park Gazebo on Thursday July 11, 2019. And

Permission is hereby granted to The Ramblin' Lou Family Band to use Veterans Park Gazebo on Thursday July 18, 2019. And

Permission is hereby granted to The Easy Street Big Band to use Veterans Park Gazebo on Thursday July 25, 2019. And

Permission is hereby granted to The Lancaster Town Band to use Veterans Park Gazebo on Thursday August 1, 2019.

Permission is hereby granted to The Nerds Gone Wild Band to use Veterans Park and perform in the beer Tent on Friday July 26, 2019 as a part of the 125<sup>th</sup> Anniversary Celebration of the Incorporation of the Village/ Founder's Day Event.

Permission is hereby granted to The Noblemen Band and the Depew High School Alumni Band to use Veterans Park Gazebo Saturday July 27, 2019 as a part of the 125<sup>th</sup> Anniversary Celebration of the Incorporation of the Village/ Founder's Day Event.

Permission is hereby granted to The Hit N Run Band to use Veterans Park and perform in the beer Tent on Saturday July 27, 2019 as a part of the 125<sup>th</sup> Anniversary Celebration of the Incorporation of the Village/ Founder's Day Event.

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

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

### **AUTHORIZE FOUNDERS DAY**

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

**BE IT RESOLVED**, permission is hereby granted to hold a Depew Founders Day / 125<sup>th</sup> Anniversary Celebration in the Village of Depew on Friday, July 26, 2019 from 4:00PM until 9:00PM and on Saturday July 27, 2019 from 12:00PM to 10:00PM.

**MUSIC** – Permission is hereby granted to The Nerds Gone Wild Band to use Veterans Park and perform in the beer Tent on Friday July 26, 2019 as a part of the 125<sup>th</sup> Anniversary Celebration of the Incorporation of the Village/ Founder's Day Event from 6:00PM to 9:00PM. And

Permission is granted to Noblemen Band and the Depew High School Alumni to perform in the Gazebo starting at 1:30PM to 6:00PM on Saturday July 27, 2019. And

Permission is hereby granted to The Hit N Run Band to use Veterans Park and perform in the beer Tent on Saturday July 27, 2019 as a part of the 125<sup>th</sup> Anniversary Celebration of the Incorporation of the Village/ Founder's Day Event from 6:00PM to 10:00PM.

**FOOD** – There will be a variety of food trucks and local area restaurants.

**PARADE** – A parade will be held on Saturday July 27<sup>th</sup> at 12:00PM starting at the corner of Main Street and Neoga Street, going east on Main Street, turning right at Sanilac Street, then turning right onto Terrace Blvd. and the turning left onto Marengo Street ending at Broadway.

Permission is also granted for use of restrooms at the Southside Fire Station.

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

Trustee Jakubowski – Y  
Trustee Hamernik - Y  
Trustee Stempiniak - Y  
Trustee Voll III - Y  
Mayor Peterson - Y

**EMPLOYMENT APPLICATIONS** – – REC -Ryan Robinson, Village Hall – Corey Baskerville, Richard Jankowski, Ann Schubert, Kenneth Menard, James Spatz, Arthur Aigner

### **DEPARTMENT HEAD REPORTS**

**ON A MOTION BY**, Trustee Stempniak, and seconded by Trustee Hamernik, the department head reports were approved.

Fire – Reported call numbers; There will be crews on stand-by at the South Side Fire Hall during Founders Days

DPW – Absent

REC - Pool opens Sunday, guards are certified in CPR and First Aid. He brought in his staff and reviewed what he expects of them this season at the Parks, etc. Senior's will be

driven to the concert s in the park series. They will also be present for all Founder's Days Activities.

TONY – Absent

ADMIN – N/A

POLICE Captain Ken Kazmarek was filling in for vacationing Chief Miller and told the board that the Bike Patrol will be around the concert series in the park and all OEM – Updating the Incident Plan for Concert Series and Founders Days, but it will be complete. Attended a training at the Buffalo International Airport, the actual drill will take place in September.

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

### **PUBLIC CONCERNS AND COMMENTS**

Dan Buetler, 26 Tyler Street attended a Town of Lancaster Board meeting to complain about the Ash tree problem and they told him it is not their issue, could be ours or the County. They suggested sending DEC a letter. He addressed the Administrator to say that the letter I sent did not even pertain to him. He is not near a creek at all. Attorney Sam Alba spoke to let him know that the letter was developed for the many people along that creek bed and we were under the impression that was what he spoke to Trustee Jakubowski about. Mr. Buetler said to take a ride up Transit, look by Olmsted or anywhere on George Urban, we are seriously going to have problems. Mayor Peterson asked if he was acting on behalf of any residents and he said he has never spoken to a resident about it. The Village Attorney will be drafting a very stern letter to the Dec letting them know that the Village expects them to do whatever is necessary to clean up the entire area.

Paul Sprada – The Carnival Kids will be at the 1<sup>st</sup> of 5 concert series and people should get together and attend, “these kids are absolutely something else”.

Primary Day is tomorrow and he wanted everyone to know that even though it may not affect the Village directly, there is a contentious race going on in Lancaster and Cheektowaga and to get our and vote.

He hired Mays Tree Service to come out and take down 6 trees on his property, they were magnificent job, removed all but a few branches, etc which he put to the curb, and like always, soon enough, the DPW guys were there to remove them. Thanked them again for always doing such a great job!

### **EXECUTIVE SESSION**

**ON A MOTION BY**, Trustee Voll, pursuant to Open Meeting Law Section 105 we adjourn to executive session to discuss a personnel matter. The motion was seconded by Trustee Stempniak. Roll Call Vote to adjourn:

Trustee Jakubowski – Y

Trustee Hamernik - Y

Trustee Stempiniak - Y

Trustee Voll III - Y

Mayor Peterson - Y

The Executive Session Began: 7:47 PM and was adjourned with the meeting being called back to order by Mayor Peterson at 8:06 PM

Roll Call Vote to come out of executive session

Trustee Jakubowski – Y

Trustee Hamernik - Y

Trustee Stempiniak - Y

Trustee Voll III - Y

Mayor Peterson - Y

### **CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Voll, seconded by Trustee Stempniak, the following claims are to be paid: \$454,540.00 General, \$1,256.67 Sewer, \$25,000 Capital Projects \$571,796.67 Capital was **CARRIED**.

**ADJOURNMENT**

**ON A MOTION BY** Trustee Jakubowski, seconded by Trustee Hamernik, the meeting was adjourned with a moment of silence for Edward “Butch” Wargala, President of Depew Milk Company, Inc. at **8:08 PM**. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak  
Village Administrator