

MEETINGS: 11
NO. OF REGULAR: 11

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
August 22, 2022 7:00 PM

ROLL CALL: Trustee Adolf - PR
Trustee Ziemba - PR
Trustee Kucewicz - PR
Deputy Mayor Hamernik - PR
Mayor Peterson – PR -

ON A MOTION BY, Trustee Adolf and seconded by Trustee Ziemba the August 8, 2022 board meeting minutes were approved.

ON A MOTION BY, Deputy Mayor Hamernik and seconded by Trustee Adolf the July 28, 2022 Zoning Board Minutes were accepted by a roll call vote.

1. Richard A. Johnson on behalf of X-Press Signs Inc for the property located at 3941 Broadway, of Chapter 260, §260-37(E)(2) Pole Sign, to allow him to erect a sign greater than the maximum allowable. Granted.
2. Richard A. Johnson on behalf of X-Press Signs Inc for the property located at 6348 Transit Rd, of Chapter 260, S260-37(E)(3) Fascia Sign, and of Chapter 260, ~~§260-37(E)(1)~~ Wall Sign, Chapter 260, S260-37(E)(3) Wall Sign, and of Chapter 260, S260-37(E)(4) Wall Sign. Granted
3. Joshua Hulton behalf of 3D Concrete for the property located at 12 Candace Lane, of Chapter 260, §260-14(B)(1)(h), to allow him to construct a driveway within the required minimum setback of three feet to any interior, rear or exterior property line and such driveway does not project greater than five feet directly in front of the principal dwelling. Granted.
4. Ronald Misinec Jr. for the property located at 11 Alys Dr East, of Chapter 260, §260-31(F)(4) to allow him to erect a fence within the required front yard setback. Granted.

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

Public Comment Agenda Items Only:

Paul Sprada – 58 Argus Dr. – Question regarding agenda number 13, asking if that is with the car wash. Wondering if there were anymore specifics about it, what exactly is a SEQR. Sam explained that the first item of the planning board minutes was the use summary of the site plan for the car wash. He let Mr. Sprada know that this is a law requirement of a quality review summary to make sure we are doing everything correctly and not have any adverse effect on the environment. He also said that the attorney for the project is here and if Mr. Sprada has specific questions, he can ask him after the meeting if he is still here. Mr. Sprada stated his main concern is the intersection is busy enough and was wondering if turning lanes on Broadway or Transit is going to be put in to access the car wash. Mayor Peterson said there was a 9-month traffic study process. Sam, Village Attorney, stated that the traffic study had to be taken to the planning board for board approval. Sam believes it went through Zoning, but Mr. Sprada said it was tabled. He was told that it's coming back to the Zoning Board for approval.

ACCEPT RESIGNATION – ZONING BOARD MEMBER

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

BE IT RESOLVED, the resignation of Steven Hoffman, Zoning Board Member effective April 21, 2022 is accepted.

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

Trustee Adolf - Y
Trustee Ziemba - Y

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

APPOINT FULL TIME ASSISTANT CODE ENFORCEMENT OFFICER

Pursuant to Section 4-400 of Village Law, I Mayor Kevin Peterson, do hereby appoint

Kathryn Zaganiaczyk

to the position of Full Time Assistant Code Enforcement Officer effective September 6, 2022. The rate of pay will be per the budget.

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

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

**AUTHORIZE MAYOR TO SIGN ENGINEERING AGREEMENT –
NUSSBAUMER & CLARKE, INC**

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

WHEREAS, the Village of Depew would like to utilize Nussbaumer & Clarke, Inc 3556 Lake Shore Rd, Suite 500, Buffalo, NY 14219 for Engineering Services in the Village of Depew.

WHEREAS, the Village of Depew would like to enter into a Professional Engineering Service Agreement with Nussbaumer & Clarke, Inc. in accordance with their proposal dated August 10, 2022 for the calendar year June 1, 2022 – May 31, 2023.

WHEREAS, David M. Britton, P.E. will be designated Municipal Representative for the Village of Depew at a billing rate of \$139/hour.

NOW THEREFORE BE IT RESOLVED, that Mayor Kevin Peterson is authorized to sign the Professional Engineering Service Proposal from Nussbaumer & Clarke, Inc. dated August 10, 2022, with the condition that schedule A can be modified and approved by the Village Attorney.

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

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

**AUTHORIZE MAYOR TO SIGN SERVICE AGREEMENT – AUCTIONS
INTERNATIONAL**

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

WHEREAS, the Village of Depew is currently utilizing Auctions International for the sale and auction of surplus village property at the Village of Depew facilities;

WHEREAS, the Village of Depew would like to continue the Auction Services Agreement for \$30.00 per vehicle and \$5.00 for non-vehicle auctions.

NOW THEREFORE BE IT RESOLVED, that Mayor Kevin Peterson is authorized to sign the agreement with Auctions International.

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

This contract was reviewed and approved by Sam, Village Attorney, before the voting was conducted.

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

PERMISSION – FIRE DEPARTMENT

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

WHEREAS, Permission is hereby granted to the Depew Fire Department to take Engine 2 out to Lancaster’s Walden Pond Park for their annual charity softball tournament and touch a truck event. The date is Sunday August 21,2022 with a rain date of Sunday August 28, 2022. The time from 9am to 1pm.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take engine (yet to be determined) to the BNIA (Buffalo Niagara International Airport) for a Training exercise on Saturday August 27th from 7:30am to 12:30pm.

And

WHEREAS, Permission is hereby granted to Chief Gauthier to take the Fire Chief vehicle to Mount Morris New York on Tuesday and Wednesday August 30 and 31, 2022 for Fire Training. Location of the class will be at Livingston County OEM at 3360 Gypsy Lane Mount Morris New York 15510.

THEREFORE, BE IT RESOLVED: The above foregoing resolution was seconded by Trustee Ziemba and duly put to a roll call vote which resulted in the following:

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

PERMISSION – FIRE DEPARTMENT

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

WHEREAS, Permission is hereby granted to the Depew Fire Department to take – Engine 3, Engine 4, Ladder 5, and Rescue 7 to Townline Fire Department in Lancaster for a department drill on Tuesday, August 23rd from 6:30 PM – 9:30 PM.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take an engine to Crittenden Fire Department in Alden, NY on Thursday August 25, 2022 for a Lancaster Town Drill from 6:30 PM – 9:30 PM.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take an engine to Townline Fire Department in Lancaster, NY on Saturday August 27, 2022 for the Junior Firefighter Day training from 8:00 AM – 4:00 PM.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take Ladder 5 and Rescue 7 to Hyview Fire Company in Cheektowaga, NY on Tuesday August 30, 2022 for the morning drill at 9:00 AM – 11:00 AM and again for the evening drill from 7:00 PM – 9:00 PM.

And

WHEREAS, Permission is hereby granted to the Depew Fire Department to take Ladder 5 and Engine 4 to St. Phillips Church, 950 Losson Rd, Cheektowaga, NY on Sunday September 11, 2022 for the Cheektowaga / Depew Firefighters Mass & Breakfast from 7:30 AM – 10:30 AM.

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

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR BIDS - AMENDED

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

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for bids for the General Contractor, the Electrical Contractor and the combined Plumbing and Mechanical Contracts for the Fireman’s Park Pavilion Project. The bid openings will take place on September 15, 2022.

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

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

SEQR TYPE II DETERMINATION (PHASE 7)

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

WHEREAS, the Village of Depew (Village) is currently under an Order of Consent with the New York State Department of Environmental Conservation (NYSDEC) to address sanitary sewer overflows (SSOs) in the Village’s sanitary sewer collection system; and

WHEREAS, the Village completed the Phase 7 Sanitary Sewer Evaluation Survey (SSES) in Sewershed 10A/B to identify potential corrective actions; and

WHEREAS, the Village of Depew Board of Trustees is considering various improvements to correct sewers system defects and reduce inflow and infiltration; and

WHEREAS, the Board of Trustees is seeking funding assistance under the New York State Cleanwater State Revolving Fund, and is, therefore subject to environmental review obligations required to participate in the funding program; and

WHEREAS, pursuant to sections 617.5(c)(1), 617.5(c)(2) and 617.5(c)(6) under SEQR, this project is a Type 2 Action as it involves the maintenance, repair and replacement in

kind of existing sewer infrastructure with no substantial change to the existing sanitary sewer collection system.

NOW THEREFORE BE IT RESOLVED, that as a Type 2 action under SEQR, the project has been found categorically to not have significant adverse impacts on the environment and no further review under SEQR is required.

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

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

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

A BOND RESOLUTION, DATED AUGUST 22, 2022, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PHASE 7) IN RESPONSE TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ORDER ON CONSENT NO. R9-20140128-1, AT AN ESTIMATED MAXIMUM COST OF \$2,200,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,200,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, the Village of Depew, Erie County, New York (the "Village") has entered into a Consent Agreement with the New York State Department of Environmental Conservation (DEC) to remediate issues related to the discharge of sewer system overflow; and

WHEREAS, such DEC agreement requires that the Village undertake sewer system monitoring, repair, remediation and reconstruction in order to avoid civil fines and penalties; and

WHEREAS, the Village Board of Trustees of the Village desires to undertake a capital improvements project (Phase 7) for the reconstruction of and construction of improvements to the Village Sewer System; and

WHEREAS, the Village intends to apply for grant funds from the New York State Environmental Facilities Corporation.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1 The Village is hereby authorized to undertake a certain sewer system capital improvements project being undertaken in response to a New York State Department of Environmental Conservation Order on Consent No. R9-20140128-1, such work to generally consist of (but not be limited to) the installation of a cured-in-place pipe ("CIPP") lining system for approximately 22,150 linear feet of sanitary sewer pipe, manhole rehabilitations, replacement of defective sanitary sewer pipe, point repairs to sanitary and storm sewer pipes, replacement and installation of sewer pipe and various restoration work, as well as other improvements as more fully identified in (or contemplated by) a report dated June 15, 2022 that was prepared by GHD in connection with the project, all of the foregoing to include all preliminary work and necessary equipment, materials, apparatus and related site work and other improvements and costs

incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$2,200,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$2,200,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, any grant funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the purpose is a class of objects or purposes described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized including, but not limited to, authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village’s “official intent” to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Village Treasurer is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Village officials and the Village's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Village Clerk.

SECTION 13. The Village determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 14. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 15. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 16. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 17. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

SECTION 18. This Resolution is effective immediately pursuant to Section 36.00(a)(5) of the Local Finance Law.

* * * *

THEREFORE, BE IT RESOLVED: The above foregoing resolution was seconded by Trustee Adolf and duly put to a roll call vote which resulted in the following:

AYES: 5

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

NOES: 0

ABSENT: 0

The foregoing resolution was thereupon declared duly adopted.

AUTHORIZE MAYOR TO SIGN CONTRACT – MOLLENBERG BETZ

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

NOW THEREFORE BE IT RESOLVED, the Mayor is authorized to sign a contract with

Mollenberg-Betz,
300 Scott Street,
Buffalo, NY 14204

for the Annual Compressor Inspection which includes the startup, shutdown and overhaul of both compressors for an annual fee of \$8,959.00 and the Monthly inspections for the Depew Rink at an annual cost of \$4,925.00. This contract is for a one-year agreement effective August 1, 2022 – July 31, 2023.

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

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department for their Fill-the Boot Fundraising effort on Monday September 12, 2022 from 3:30pm until 6:30 pm at various intersections in the Village. In the event that it is raining that night, the Fill The Boot drive will then be held on September 13, 2022.

The foregoing resolution was seconded by Trustee Ziemba, and
CARRIED.

APPROVE CONTRACT FOR DUBS CONSTRUCTION

Trustee Kucewicz offered the following resolutions are moved for its adoption:

BE IT RESOLVED, that the Board of Trustees approves the contract for court finishing work by:

Dubs Construction
88 Randy Way
Cheektowaga, NY 14227

The foregoing resolutions were seconded by Trustee Ziemba, and duly put to a roll call vote which resulted in the following:

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

SEQRA- NEGATIVE DECLARATION - 4801 Broadway Street, SBL 104.17-1-12.111 and 0 Broadway Street, SBL 104-7-1-12.112

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

WHEREAS, Royal Wash Development seeks to construct a 4,100 SF car wash facility with approximately 25 parking and vehicle vacuum stations at 4801 Broadway Street, SBL 104.17-1-12.111; 0 Broadway Street, SBL 104-7-1-12.112; the total Project site is 1.35 acres; the Project includes dual access drives from Broadway and Transit; the Project also includes vehicle circulation and stacking lanes, surface parking, perimeter landscape buffers, and site lighting.

WHEREAS, the proposed action described above is subject to review under the State Environmental Quality Review Act ("SEQRA")

WHEREAS, the Village Board preliminarily declared itself Lead Agency, classified the proposed action as Unlisted, and conducted a coordinated environmental review of the proposed action pursuant to SEQRA.

WHEREAS, more than thirty days have passed since the Village Board transmitted its Lead Agency Solicitation notice, together with a full statement of the proposed action, to all involved and interested agencies; and

WHEREAS, the Village Board, has considered the Environmental Record prepared for this action, including any comments received from the public and Interested and Involved Agencies, this proposed Negative Declaration, and documents from the Project Sponsor, including Downstream Sewer Capacity Analysis, Traffic Impact Study, Short Environmental Assessment Form, Site Plan Drawings as revised, Application documents submitted on January 20, 2022; February 9, 2022; and June 3, 2022.

WHEREAS, the Depew Village Board, as lead agency, has reviewed the minutes of the Depew Planning Board meeting held on August 4, 2022, in which the Planning Board recommended to the Village Board, as lead agency, that the proposed action is consistent with an unlisted SEQR action and furthermore, that the proposed action will not have a significant adverse impact on the environment and that a negative declaration should be issued; and

WHEREAS, the Village Board of the Village of Depew, as lead agency, concurs with the recommendation of the Planning Board;

WHEREAS, the Village Board, as lead agency, has completed Parts 2 and Part 3 of the SEQRA Environmental Assessment Forms enclosed with this Resolution and applied the criteria listed in 6 NYCRR 617.4(b) to this action and considering all the relevant documentation and information submitted, determines that this action will not have a significant adverse impact on the environment;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board, as lead agency for the SEQRA review of the proposed action, hereby issues a negative declaration in connection with this unlisted activity and finds that the proposed action will have no significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any necessary documents relating to an issuance of a negative declaration.

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

- Trustee Adolf – Y
- Trustee Ziemba-Y
- Trustee Kucewicz - Y
- Deputy Mayor Hamernik - Y
- Mayor Peterson – Y

Agency Use Only [If applicable]

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Every Question in Part was answered "no, or small impact," and no additional explanation is required. Lead Agency conducted a coordinated review of an unlisted proposed action and adopted a corresponding negative declaration.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Village of Depew Village Board	August 22, 2022
Name of Lead Agency	Date
Kevin Peterson	Village of Depew Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

EMPLOYMENT APPLICATIONS – Charles Moore II

DEPARTMENT HEAD REPORTS – Building and Police July 2022

Captain Norek -Depew Police Dept – He read the July report. 95 criminal complaints, 915 Non-Criminal complaints, for a total of 1010 complaints. 4 Stolen vehicles, 4 recovered vehicles. Property damage accidents 25, Injury accidents 7, pedestrian injury 1, 31 male arrests, 15 female arrests, 2 juvenile arrests, 131 traffic summons issued. We have been doing active shooter training at the high school. All of our officers were re certified. Our Drug Recognition Expert (DRE) had his first call out to the Town of Hamburg over the weekend for a car accident. He was able to perform an evaluation. All of his overtime is covered under an Erie County grant. It was nice for him to get out and use his new skills.

Asst. Fire Chief Brian Musielak – 13 Calls for the month and 205 calls for the year. The Junior Firefighters have been doing lots of training. We are up to 15 juniors with a couple pending applications, they are a great group of kids, it’s also the largest group we have ever had. They went to a daylong training last week and they are going to another day long training this Saturday. We hope when they turn 18, they stay to become active firefighter they are future of the department. It’s hard to imagine, but the weather will be

turning colder and with that people will be turning their furnaces on. Please check your CO detectors. Make sure they are working properly, up to date and the batteries are changed. Usually when we start closing up our houses if when we have an uptick in the CO incidents. When you fire up the wood stoves, pellet stoves and furnaces. If you have wood stove please make sure you get the chimney cleaned and inspected. Prior to firing it up for the first time.

Kevin Ferguson – Rec Director – Final week of summer programs – La Crosse, Softball, Kickball, volleyball. Last week for the pool as well. 15 lifeguards stay on full time all summer long. The guys are going to start going inside and preparing the ice for the upcoming winter season. Also the big logo is going down.

Ken Pyc – DPW Superintendent – Just about completed our black top project for the year. There are a couple dead ends off Zurbrick that we are going to take care of. We are helping the Town and Village of Lancaster. They helped us and we are reciprocating. Mayor Peterson asked where the dead ends are on Zurbrick? South side or North side. Ken replied North side.

Sam Alba – Legal Department – Sam stressed to send all contracts to the legal department for him to look over. There were a few issues that stemmed from his not seeing the contracts before it was on the agenda or not seeing the contract at all. I am here to help with all contracts, even if you have signed them in prior years. Please send them to me. I just saw the Auctions International agreement tonight, it took 5 minutes to look over and we are ok with it and can be approved. The Nussbaumer agreement, there is an issue with it and I didn't see the contract in time to address the issue which why there is a caveat to the resolution, the other party is willing to talk to me about. That man not always happen. On a positive note I heard from the attorney representing The Solar Project, two updates 1. We are closer to the lease to lease the lower parcel, they are providing the fill which is great news. 2. The upper parcel, there are some delays, I know the sign says Spring 2022, but it might be more likely to be Spring 2023, largely due to supply chain issues. The Mayor asked that with leasing the second 13 acre plot, the amount of money we would have taken in from the sale of the original 15 acres and the lease should virtually cover the cost of the DEC consent. That is the hope, especially with this additional fill being covered as part of the lease.

Trustee Kucewicz – Nothing

Trustee Adolf – Nothing

Trustee Ziembra – Happy Labor Day. Organized Labor has a parade and the picnic is in Cazenovia Park. All is invited, please come. Mayor asked if they were successful getting the Mounted Division. Trustee Ziembra said yes we were. The Mounted Division will lead the parade with the people from Tops Supermarket. We will be sashing them, the people from the Tops Supermarket shooting. Sam asked what time the parade and picnic will be. Parade line up is 11 am, Parade starts at 12:00 with picnic after the parade. The parade starts in Lackawanna and ends in Cazenovia park. Open to anyone. All are welcome.

Deputy Mayor Hamernik - Good Job to Jackie to the soon up and running website. Kudos to the Mayor and everyone who worked on the Fitness Park. Stop by Fireman's park to see the fitness park, it is awesome and a fantastic addition to the Village of Depew.

Mayor Peterson – Thanked all the sponsors for the Summer Concerts this year. There were 29 of them, which paid for 8 bands this year. The Founders Day beer tent was maned by TIPS trained Firefighters and auxiliary members. Beautiful weather for everyone of the days. It was a good season, that we would like to see continue next year. We have had requests from different bands.

PUBLIC COMMENTS OR CONCERNS –

John Morphus and his mother Alexandra – Owners of Antoinette's Sweets Inc - 5981 Transit Rd, Depew, NY 14043, on the corner of Transit and French. Came in front of the Board because we have an addition renovation that we are doing on one of the entrances to the store, the entrance off Transit Rd that will make it an ADA compliant entrance. We will also have an ADA compliant bathroom. Right now, customers have to walk through the packing room and down the stairs to the basement to get to the bathroom and there is

also a step that no one sees, even though there is a big sign that says step in yellow. Being in the basement, it is not convenient for some people. The additions following the existing lot line of the building that is along Transit Rd. We were not aware that the line is not the proper current code back. There was an easement or variance given back in the 70's when the addition was done, this is following the same line of that variance. We did not hear about this until Friday, that there was a possible violation, and we must go in front of the zoning board, but you can't do it until October because the application for September meeting had already passed. The issue for us is the builder can't start this if he must start in October. He would be able to start, but not finish it before the snow, that pushes it out to the following year. I can give details to any aspect of this project. We are asking if we can get on the agenda for the September planning board meeting. Our architect Dave Wyler is here if you need any other details. Sam stated that the Board of Trustee and their subordinates' boards, Planning and Zoning boards are required to follow public officers' law in the State of NY. They are required to do that to protect themselves and the applicants. When someone doesn't like the decision of the Zoning Board, they can file an article 78 to overturn it, which he never like to see, we like to do things right. They also challenge you in the article 78. If we were to add you to the agenda for the meeting past the deadline, we are required to publish in the newspaper to give the public adequate notice of when the meetings are so if we dispense of that, we will be in direct violation of public officer's law, which opens us up to a challenge I couldn't defend. If someone came in and said you didn't comply with the public officer's law in putting this on the agenda, I want this overturned, I couldn't go in and say no we were right. We would have to agree we were wrong. That protects you and us, we do not want them to grant your variance and have someone file a challenge. Our hands are really tied in the situation. Sam asked if there was an alternative Mayor Peterson stated that in the past that we have had more then one Zoning Board Meeting in a month. Paul Sprada who sits on the committee confirmed that there can be two meetings in a month. You can get in on the second meeting in September. Regina (Mayor's secretary) stated that there is more then enough time to get on the agenda for the Zoning Board Meeting on September 22, 2022. Mr. Morphus stated that his attorney did bring up the state code that Sam mentioned, he wanted me to ask about the schedule or docket for the Zoning board meeting gets published in the Depew Bee. He asked it we could get it in another publication perhaps The Buffalo News but was told The Depew Bee is the official publication for the Village of Depew and that is the paper that we must use. Mr. Morphus agreed to be on the September 22, 2022 Zoning Board agenda. Sam stated another alternative might be to start the work without the variance, perhaps that interior bathroom could be carved out. Don from Code Enforcement said it all fits in the addition. They could start it but if the Zoning board turned down the project, they would have to put it back to the way it was before the construction started, that is up to the Board. Sam stated that we could informally poll the Zoning Board to see if they are on board with you starting the project. Have your architect put together a proposal for the Zoning Board and we can send it to them, and we can poll the Board. Mayor Peterson asked if you are looking at the building, it's the south end of the parking lot? Mr. Morphus said yes, it's the south side and you are looking north at it. Where the door is now, is where the new bathroom will be, and the door will be down a little further. Sam did state the there is no guarantee that the Zoning Board is going to act a certain way, an informal poll does not mean your project is approved, we can certainly take an email regarding the project and see if the board will give a soft yes. Alexandra (Mr. Morphus's Mother) said she will wait to go in front of the board for the formal yes to the project.

Ari Goldberg – Law Firm of Barclay Damon – 200 Delaware Ave, Buffalo, NY 14202 – Attorney for Royal Wash Development. He let the board know that it was a very enjoyable experience working with them during this project. Kudos to the Code Enforcement Officer and glad to see he is getting help. He looks forward to the next project in the Village.

Paul Sprada – 58 Argus Dr. – The summer concerts that just finished – we had 8 this year. I remember only having 1 during the summer, which was the Lancaster Town Band. Thank you to the current Mayor and the Board, who got sponsors to pay for them, so it doesn't cost the taxpayers anything. Everyone enjoyed it and brought out a lot of people. I hope it continues into next year. Most people were asking about Terry Buchwald. Paul thanked the police department for the new stop sign on Argus at Kreiger. Many people are blowing through the stop signs on Argus. This past week an officer was parked on Kreiger. I stopped at the officer's car and thanked her for being

there. She was warning drivers. Paul was not sure if she wrote any tickets, but she warned them. Thank you!!

Jake Jakubowski – 54 Warner Rd. – I want to compliant the board for taking care of the owners of Antoinette’s. As opposed to just saying, no you are out of luck. It was nice to see the board come up with alternatives and at least give them a shot at what they want to do. That is what we are here for. Audrey agreed, to help the residents. Mayor Peterson thanked Jake for all the years of service to the Village of Depew.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Adolf and seconded by Trustee Kucewicz, the following claims are to be paid: \$618,018.97 General, \$38.52 Sewer, \$10,332.00 Capital Projects, \$628,389.49 Capital was **CARRIED**.

EXECUTIVE SESSION

At 8:03 PM Trustee Kucewicz made a motion to enter into executive session, Trustee Ziembra

At 9:30 PM Trustee Kucewicz made a motion to exit out of executive session, Trustee Ziembra seconded.

No decisions were made

ADJOURNMENT

ON A MOTION BY Deputy Mayor Hamernik and seconded by Trustee Ziembra the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Teresa Wachowiak
Village Administrator