

MEETINGS: 13
NO. OF REGULAR: 13

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
September 27, 2021 7:00PM**

ROLL CALL: Trustee Hamernik - ABS
Trustee Ziembra - PR
Trustee Kucewicz - PR
Deputy Mayor Stempniak - PR
Mayor Peterson - PR

Pastor Michael Wrigglesworth from Centerpointe Community Church announced that they are having a late November type of Thanksgiving drive to help the needy families in the Village, versus their usual Trunk & Treat. He is looking to partner with the Village on this event. Mayor Peterson – get with my secretary Gina, and she'll pass along the information. We would love to help.

ON A MOTION BY, Trustee Ziembra and seconded by Trustee Kucewicz, the September 13, 2021 minutes were approved.

ON A MOTION BY, Trustee Kucewicz and seconded by Trustee Ziembra, the August 26, 2021 Zoning Board minutes were accepted.

1. James Pierpaoli of 979 Sherwood Ct of Chapter 260, §260-14B(1)(h) to seek relief of the 5ft required setback to widen driveway and apron 10ft in front of house. Amended Variance Granted.
2. Frank Fusani for property located at 343 Canton St. of Chapter 260, §260-14B(1)(e) to permit him to install 13KW generator in side yard within required side setback. Amended Variance Granted.

Village of Depew
Notice of Public Hearing

A public hearing will be held on Monday September 27, 2021 at 7:00PM in the Depew Village Hall Council Chambers. The purpose of the hearing is to consider, the possibility of placing a no parking here to corner sign on the north side of Airview Terrace just west of Transit Rd. The meeting room is wheelchair accessible.

The public hearing was opened by Deputy Mayor Stempniak and seconded by Trustee Kucewicz at 7:17 PM and was closed by Deputy Mayor Stempniak and seconded by Trustee Kucewicz at 7:19 PM.

AUTHORIZE ADMINISTRATOR TO ADVERTISE PUBLIC HEARING - CDBG

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

The Administrator is authorized to advertise a public hearing to discuss the Community Development Block Grant for Lancaster and Cheektowaga sides of the Village of Depew at the Tuesday October 12, 2021 board meeting.

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

AUTHORIZE ADMINISTRATOR TO ADVERTISE FOR SPECIAL MEETING

Deputy Mayor Stempniak offered the following resolution and moved to table until November 1, 2021:

BE IT RESOLVED, the Village Administrator is hereby authorized to advertise for a special meeting to be held on Monday October 18, 2021 at 7:00PM to discuss the ARPA Funds.

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

AUTHORIZE ADVERTISE PUBLIC HEARING - CANNABIS LEGISLATION

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

The Administrator is authorized to advertise a public hearing to discuss the Cannabis Legislation at the Monday November 8, 2021 board meeting.

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

APPOINT FULL TIME REGULAR LABORER RECREATION

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

Kyle Ponosny

to the position of FULL TIME Laborer Recreation effective October 4, 2021.

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

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

PERMISSION - FOOD TRUCKS AND CRAFT VENDORS AT FALL FEST

Deputy Mayor Stempniak, 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 Village of Depew Fall Festival at Veterans Park on October 16, 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.

Babz BBQ

Maria's Bene Cibo

WNY Food Cart

House of Munch

KCafe Food Truck

Popp'n Shoppe

Plus, any other food truck that we offer the ability to serve during the Fall Festival on October 16, 2021.

Permission is also hereby granted to allow a maximum of 25 local vendors to operate during the Village of Depew Fall Festival on October 16, 2021 with the application fee to be waived.

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

PERMISSION – DEPEW AMERICAN LEGION POST 1528

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

Permission is hereby granted to The Depew American Legion Post 1528 to hold their American Legion Middle East Memorial Dedication Program at Veterans Park, Depew, NY 14043 on September 25, 2021 starting at 10:00AM.

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

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

PERMISSION –WAIVE PERMIT FEE

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

WHEREAS, The Vine Wesleyan Church has requested permission to waive the tent permit fee for their fall festival on Saturday October 2, 2021.

NOW, THEREFORE, BE IT RESOLVED, that permission is hereby granted to The Vine Wesleyan Church to waive the tent permit fee for their fall festival on Saturday, October 2, 2021 which will take place on the church grounds from 11AM – 2PM.

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

PERMISSION –WAIVE PERMIT FEE

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

WHEREAS, The Depew Community Action Team has requested permission to waive the permit fees pertaining to the concrete wall replacement work at 570 Gould Ave, Depew, NY 14043 to restore the Dom Polski building.

NOW, THEREFORE, BE IT RESOLVED, that permission is hereby granted to The Depew Community Action Team has requested permission to waive the permit fees pertaining to the concrete wall replacement work at 570 Gould Ave, Depew, NY 14043 to restore the former Dom Polski building.

The forgoing resolution was seconded by Trustee Ziemba and **CARRIED.**

PERMISSION FOR THE DEPEW VILLAGE COURT TO APPLY FOR A JCAP GRANT

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

WHEREAS, the Village of Depew has always sought to maintain a professional, secured and legally appropriate space for all functions of the Depew Village Court, and

WHEREAS, the Depew Village Court presently has limited space for people waiting to meet with the Village Prosecutor, and

WHEREAS, the Depew Village Court presently has no private location for attorneys to meet with their clients to discuss and resolve cases before the court, and

WHEREAS, the Depew Village Court wishes to apply for grant money from the Justice Court Assistance Program for the 2021-22 grant cycle, to reconfigure existing rooms to provide both private attorney/client space, and a healthier waiting space for defendants meeting with the Village prosecutor,

NOW, BE IT RESOLVED that the Board of the Village of Depew authorizes the Depew Village Court to apply for a JCAP grant in the 2021-22 grant cycle up to \$30,000.00.

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

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

AUTHORIZE –NO PARKING SIGN ON AIRVIEW TERRACE.

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

BE IT RESOLVED, a public hearing for a no parking sign here to corner on the north side of Airview Terrace just west of Transit Rd., took place on Monday September 27, 2021 at 7:00 PM in the council chambers.

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

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

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

PERMISSION – E-WASTE RECYCLING EVENT

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

Permission is hereby granted to Buffalo Computer Recycling to hold a Village of Depew E-Waste recycling event on Saturday October 23rd from 9AM to 2PM at the Village Hall Parking Lot 85 Manitou Street. Available for Village of Depew residents only (Proof of Village residency required)

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

PERMISSION – MEMBERSHIP – DEPEW FIRE DEPARTMENT

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

BE IT RESOLVED, membership is hereby granted to the following in the Depew Fire Department pending the passing of his physical:

Aetna Hose Co.

Michael Kitt

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

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

PERMISSION – DEPEW FIRE DEPT

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

Permission is hereby granted to the Depew Fire Department Hook & Ladder Co. #1 to use the Southside Fire Station on November 13, 2021, host the 25th Anniversary Dinner for Assistant Chief Brian Musielak from 4:00 PM – 1:00 AM.

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

Authorization for Mayor to sign GHD Engineering Agreement

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

BE IT RESOLVED, that Mayor Peterson is authorized to execute the engineering agreement with GHD in the amount of \$120,000 to complete Phase 7 as outlined in GHD proposal dated September 16, 2021 as part of the awarded Engineering Planning Grant 105349.

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

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

EMPLOYMENT APPLICATIONS – N/A

DEPARTMENT HEAD REPORTS – Police August 2021

PUBLIC COMMENTS OR CONCERNS

Paul Sprada, 58 Argus – questioned what side of the street are the fire hydrants on down Airview? Captain Norek was not certain. Mayor Peterson said that we act on these motions based on the recommendations of the Police Chief. These types of items are normally taken into consideration prior to getting onto the agenda. CEO Fischione wanted to state for the record, that these types of issues normally arise from resident complaints.

Mayor Peterson just wanted to inform the public that the reason the fees are being waived for the event on October 16th, the Fall Fest, is because it is a first time event. We can't guarantee the weather and we don't know how the turn-out will be. Hopefully it will be a big success and be around for years to come.

Superintendent of PW – Ken Pyc let the public know that the crews will be working at West Dawson Park getting the new playground equipment installed and the foundation poured. They cleaned up around the signs in the Village and look much better. The wooden signs have been taken down.

CEO – Tony has a request of the residents...please, if you notice a vacant home and one that is in need of attention, such as a zombie home, call his office to report it. They are seeing good results working with the County, etc. on getting some issues resolved.

Deputy Mayor Stempniak reported on the Recreation Department for Director Kevin Ferguson, the hockey teams are starting up and games and practices are taking place. The humidifier is working fantastically, he can attest that the reduction in fog is great! A lot of people are looking forward to open and learn to skate starting soon.

Captain Norek shared results of the speed zone reports. The unit was on Rehm Road for 5 weeks, it was there from 8/1-9/6. The sign captured vehicles traveling westbound on Rehm from Transit. The sign was placed on the Northside of the road. 12,613 vehicles passed through that time. 91% were less than 30mph, 8% were 31-35mph, .69% were

36-40, .10% were 41-45mph and .02 were 46-65mph. The sign is now on Main Street for 2 weeks so far. It captured vehicles heading West on Main from Central, 17,037 cars. 78% were less than 30mph, 18% were 31-35, 2% were 36-40mph, .30% were 41-45 and .1% were 46-65. Mayor Peterson asked his thoughts on using the device. Captain Norek explained that normally an officer would have to sit in a patrol car and conduct radar to get the results. This unit alleviates the use of an officer and allows them to remain in the field. He explained that Trustee Stempniak asked a good question in the Pre-Board meeting of “at which point does the speed get captured, as soon as you enter the speed zone or when you begin to slow down?” To which Trustee Stempniak wanted to correct the statement and say, for the record, that Trustee Kucewicz is the one who asked the question. Captain Norek to follow up for that answer. 2 of our officers have completed fire arms training and can begin training and developing courses for our other officers.

Attorney Alba explained that the tax challenge most recently is one we had to pay. However moving forward he will be attending all challenges to make the Village’s voice heard of disagreement. We won our last FOIL challenge and if it is appealed he will inform the board. He held a trial here not long ago on Extreme Risk Protection, a new law, and we won the case. This Wednesday he will be presenting his execution of this new law and the event is sold out! Not many agencies are even aware of this new law. The small animal law will be on the agenda next week to advertise for a public hearing on it.

Trustee Ziembra told everyone that he attended the installation of the Fire Chief Saturday and the Assistant Chiefs, a lot of dedicated residents with a lot of years of experience serving our Village, they’ve got me, he said he’ll never be able to match that in his lifetime, but hats off to those guys. The American Rescue monies, there was a date earlier proposed to have a public hearing, there were some conflicts on his end so he appreciates the board moving the date back so that he can attend that. We did want to do it sooner than the proposed date. I’m trying to educate myself on the proposed plan and talk to our Code Enforcement Officer before the meeting and got a little bit of education on some of the infrastructure ideas he had and nothing seems to be as simple as you seem to think it might be, you might want to say well why can’t we just install something it needs other adjustments that have to be made, so we’re trying to do our homework. All set.

Deputy Mayor Stempniak reported that she attended the Village Officials Meeting with Terry and Mayor Peterson last week where there was a presentation given by Hodgson Russ bond counsel, on ARPA funding and the allowable uses of. It was very informative and we were able to ask specific questions of them.

Administrator Wachowiak explained the “reward check” the Village received from Comp Alliance represents the Village keeping its claims down for the fiscal year ending 5/31/21. The Village received \$5,844 as a reward this year.

Bob Brandon explained that the Senator is trying to bring international flights to the Buffalo International Airport. Such as those from Europe. He is very hopeful that this will be a success. A couple of years ago, Poland actually reached out to the Senator for the same reason. The vaccination mandate is getting harder and harder to avoid now. All State employees must have it, and now also nurses, health care workers and hospitals are added to the mandate that new Governor Hochul backs.

Elizabeth Brinkworth told the audience that Assemblywoman Wallace just congratulated two Lancaster youth groups for winning a Battle of the Books competition!

Mayor Peterson thanked Maria, our reporter from the Bee, for her coverage and help over the last year, year and a half. Maria is moving on and he wishes her well! Her replacement at our meetings will be Jim Sinner.

Mayor Peterson asked past Mayor Domino, who was in attendance, if he had anything he wanted to talk about, Mayor Domino did not.

Steve Hoffmann of Ridgeway Street told Captain Norek that he absolutely loves the data he shared tonight with everyone regarding the speed zone percentages. He is a big data fan. He also wanted to correct his statement from the last board meeting, the monument at Fireman’s Park was not erected 41 years ago, it was actually done 51 years and 10 days ago. He asked if the board members have gotten together since the last meeting to discuss the grant that was applied for on Fireman’s Park. We have not because it’s a

process to follow in order to get it advertised so everyone is aware of the meeting. We will be meeting on November 1st to review everything. He asked Deputy Mayor Stempniak if she ever followed up with Trustee Kucewicz with the email she requested. Deputy Mayor Stempniak will do so.

Has anyone, Samuel, given thought to the email traffic suggestions in order to take non-profit donations? Possibly to hold fundraiser for the Park? Attorney Alba has not, but he will look into it. Typically a Village does not participate in any non-profit groups. Lancaster had a volunteer group to help them. Erica would like to look into that also, for example, to take down the back fence at the Park that is in need of replacement. Maybe to replace it with a berm. Mr. Hoffmann asked of all of the board, who has the most knowledge of the grant itself that was applied for? Deputy Mayor Stempniak replied that either she or Mayor Peterson would be the ones with the most knowledge. He asked if they could send something in detail to the other board members for them to review the specifics on the proposed grant.

EXECUTIVE SESSION

ON A MOTION BY, Deputy Mayor Stempniak, pursuant to Open Meeting Law Section 105 we adjourn to executive session to discuss a matter.

The Executive Session Began: 8:00 PM and was adjourned with the meeting being called back to order by Mayor Peterson at 8:16 PM

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Kucewicz and seconded by Trustee Ziembra, the following claims are to be paid: \$300,068.48 General, \$1,098.10 Sewer Fund, and \$301,166.58 was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Ziembra and seconded by Deputy Mayor Stempniak the meeting was adjourned at 8:16 PM. The motion was **CARRIED**.

Respectfully submitted,

Teresa Wachowiak
Village Administrator