

# Village of Depew, NEW YORK

*"The Village of Unrecalled Opportunity"*



MEETINGS TO DATE: 23

NO. OF REGULARS: 23

## AGENDA

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW

March 13, 2023 7:00PM

PLEDGE OF ALLEGIANCE

INVOCATION - PASTOR MIKE WRIGGLESWORTH FROM CENTERPOINTE COMMUNITY CHURCH

NOTIFICATION OF FIRE EXITS

ROLL CALL: Trustee Adolf  
Trustee Ziemba  
Trustee Kucewicz  
Deputy Mayor Hamernik  
Mayor Peterson

APPROVE VILLAGE BOARD MEETING MINUTES – February 27, 2023

PUBLIC COMMENT – AGENDA ITEMS ONLY

1. Permission to Advertise – Tax Cap Override
2. Permission to Advertise – Re organization Meeting.
3. Permission to Advertise – Tentative Budget
4. Permission – Fire Dept Parties
5. Permission to sign – Firefly
6. Adopt – Firefighters Local Law
7. Permission – Award Bid
8. Employment Applications
9. Department Head Reports – Police February 2023
10. Unfinished and Other Business
11. Public Concerns and Comments
12. Claims and Accounts
13. Adjournment

**AUTHORIZE DEPUTY VILLAGE CLERK TO ADVERTISE FOR A PUBLIC HEARING FOR THE TAX CAP OVERRIDE – LOCAL LAW #3 OF 2023**

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

**BE IT RESOLVED;** the Deputy Village Clerk is authorized to advertise for a public hearing. The public hearing will be held on Monday March 27, 2023 at 7:00 PM in the Council Chambers, Village Hall, 85 Manitou St, Depew, NY 14043. The purpose of this hearing is to consider Local Law 3 of 2023 authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c. If adopted, the proposed local law shall read as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Depew to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Board of Trustees of the Village of Depew, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

- Trustee Adolf -
- Trustee Ziembra -
- Trustee Kucewicz -
- Deputy Mayor Hamernik -
- Mayor Peterson -

VILLAGE OF DEPEW BOARD MEETING March 13, 2023
Agenda Item# 1
___Approved ___Denied

Resolution

March 13, 2023

**AUTHORIZE DEPUTY VILLAGE CLERK TO ADVERTISE FOR THE REORGANIZATION MEETING**

Trustee \_\_\_\_\_ offered the following resolution and moved for its adoption:

The Deputy Village Clerk is authorized to advertise for the reorganization meeting to take place on Monday April 3, 2023 at 7:00 pm in the council chambers, Village Hall, 85 Manitou St, Depew, NY 14043

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

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

VILLAGE OF DEPEW BOARD MEETING March 13, 2023 Agenda Item# 2  ___Approved ___Denied
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RESOLUTION

March 13, 2023

**AUTHORIZE DEPUTY VILLAGE CLERK TO ADVERTISE FOR PUBLIC HEARING FOR TENTATIVE 2023-2024 BUDGET**

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

**BE IT RESOLVED**, the Deputy Village Clerk is hereby authorized to advertise for a public hearing for the tentative 2023 - 2024 budget to take place on Monday March 27, 2023 in the council chambers, Village Hall, 85 Manitou St, Depew, NY 14043.

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

VILLAGE OF DEPEW  
BOARD MEETING  
March 13, 2023  
  
**Agenda Item # 3**  
  
\_\_Approved \_\_ Denied

RESOLUTION

March 13, 2023

**PERMISSION – DEPEW FIRE DEPT**

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

Permission is hereby granted to the Aetna Hose Company to hold its Annual Chicken BBQ Fundraiser on Saturday June 3, 2023 from 7 AM – 10 PM.

And

Permission is hereby granted to the Aetna Hose Company to hold its Company Children's Christmas Party from 10:00 AM – 1:00 PM and Member's Holiday Party from 5:00 PM – Midnight both events to take place on Saturday December 9, 2023.

The foregoing resolution was seconded by Trustee \_\_\_\_\_ and **CARRIED.**

VILLAGE OF DEPEW  
BOARD MEETING  
March 13, 2023  
Agenda Item # 4

  Approved   Denied

**Village of Depew  
Resolution of the Board of Trustees**

*In the matter of approving the 2022 certified points*

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

**WHEREAS**, the Village is the sponsor of a Length of Service Award Program (LOSAP) on behalf of the Depew Fire Department in accordance with Article 11-A of the New York State General Municipal Law (GML); and

**WHEREAS**, as required by GML § 219-a(2)(c), the Depew Fire Department has submitted the attached list, certified under oath, of active members of the Fire Department, indicating those volunteers who earned at least fifty points during 2022 to qualify for service credit; and

**WHEREAS**, the certification made by the Fire Department includes a statement that the points recorded on the attached list have been tabulated in accordance with the Point System adopted by the Village to be in effect during calendar year 2022, and to the best of the knowledge of the Fire Department, is a true and accurate reflection of the activities performed by the active members; and

**WHEREAS**, GML § 219-a(2)(d) requires the Board of Trustees (Board) to review and approve the attached list, then return it to the Fire Department to be posted for thirty days; and

**WHEREAS**, the Board has completed its review of the attached list; NOW,

**THEREFORE BE IT RESOLVED**, that the Board of Trustees approves the attached list of volunteer firefighters of the Depew Fire Department and the points earned by these firefighters during calendar year 2022; and

**BE IT FURTHER RESOLVED**, that a copy of this adopted resolution and the attached list shall be returned to the Fire Department for posting for a minimum of thirty days.

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

- Trustee Adolf -
- Trustee Ziembra -
- Trustee Kucewicz -
- Deputy Mayor Hamernik -
- Mayor Peterson -

VILLAGE OF DEPEW BOARD MEETING MARCH 13, 2023
<b>Agenda Item # 5</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied

RESOLUTION

March 13, 2023

**ADOPT LOCAL LAW #2 OF 2023 – VOLUNTEER FIREFIGHTERS AND  
AMBULANCE WORKERS TAX EXEMPTION**

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

**WHEREAS**, the Board of Trustees of the Village of Depew, New York held a public hearing on February 27, 2023, at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law for the Volunteer Firefighters and Ambulance Workers Tax Exemption.

**WHEREAS**, all persons were given an opportunity to speak for or against this local law;

**NOW THEREFORE, BE IT RESOLVED**, this local law is hereby adopted.  
If adopted, the proposed local law shall read as follows:

VILLAGE OF DEPEW LOCAL LAW FIREFIGHTER TAX EMPTION – ARTICLE IX

**Section 1. Title.**

This Local Law shall be referred to as, “A Local Law Granting Real Property Tax Exemption for Qualifying Volunteer Firefighter and Ambulance Personnel.”

**Section 2. Legislative Findings and Intent.**

The Village Board of Trustees of the Village of Depew finds and hereby determines that, because the Village values its volunteer firefighter and ambulance personnel, in accordance with New York State Real Property Law §466-a, a tax exemption for volunteer firefighters and ambulance personnel shall be established. The intent of this law is to provide property tax exemptions to qualifying volunteer firefighter and ambulance personnel.

**Section 3. Authority.**

The adoption of this Local Law is permitted in accordance with Section 466-a of the New York State Real Property Tax Law.

**Section 4. Establishment.**

Chapter 209 of the Code of the Village of Depew, is hereby amended to specifically add a new Article, Article IX, as follows:

Article IX – Exemption for Qualifying Volunteer Firefighter and Ambulance Personnel

**§209-41 Legislative Authority for Firefighter and Ambulance Exemption; Exemption Granted; Application.**

Pursuant to and in accordance with Section 466-a of the New York Real Property Tax law, including any requirements in the relevant subsections thereof:

- A. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse, shall be exempt from Village taxation to the extent of ten percent of the assessed value of such property, but only so long the minimum service requirements in relation thereto of at least two years has been met. The enrollment status and minimum service requirement shall be certified in writing by the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service.
- B. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Village.
- C. Exemption under this Section shall be granted in accordance with the Real Property Tax Law, including the requirements thereunder, and only upon application by the qualifying owner(s)(or spouse, in the case of subsection D, below) of such real property to be filed with the appropriate Assessor's office, on or before the appropriate taxable status date for each Assessor, such application to be on a form, where available, prescribed by the State Board of Real Property Services. If the appropriate Assessor is located in a Town without a local law granting a Qualifying Volunteer Firefighter and Ambulance Personnel exemption then this law shall have no effect.
- D. Any existing exemption granted hereunder, or previously granted hereunder, may continue or be reinstated, respectively, to a deceased enrolled member's un-remarried spouse, where such deceased member was an enrolled member for at least five years was killed in the line of duty, all in accordance with all applicable requirements, including regarding certification, of New York Real Property Tax Law Section 466-a.
- E. Any existing exemption granted hereunder, or previously granted hereunder, may continue or be reinstated, respectively, to a deceased enrolled member's un-remarried spouse, where such deceased member was an enrolled member for at least twenty years but not killed in the line of duty, all in accordance with all applicable requirements, including regarding certification, of New York Real Property Tax Law Section 466-a.



- F. The Village Board may, from time to time, amend, supplement, change, modify or repeal this provision pursuant to the applicable provisions of New York State law.
- G. This local law shall take effect upon filing with the Secretary of State of the State of New York.

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

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

VILLAGE OF DEPEW BOARD MEETING March 13, 2023  Agenda Item # 6  __Approved __Denied
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RESOLUTION

March 13, 2023

**AWARD BID- DEPEW FIREMAN'S PARK NEW PAVILION GEOTHERMAL PROJECT**

Trustee \_\_\_\_\_ offered the following resolutions and moved for their adoption:

**BE IT RESOLVED**, that upon the recommendation of the Village Engineer, the bid for the amount \$83,340.00 for the Depew Fireman's Park new pavilion Geothermal project is awarded to:

NOCO Energy  
2440 Sheridan Dr,  
Tonawanda, NY 14150

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

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

VILLAGE OF DEPEW  
BOARD MEETING  
March 13, 2023  
**Agenda Item # 7**

\_\_Approved \_\_ Denied