

MEETINGS: 21
NO. OF REGULAR: 21

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW
February 3, 2023 7:05 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 Deputy Mayor Hamernik the minutes of the January 23, 2023 minutes were approved.

Public Comment Agenda Items Only N/A

SERVICE AWARD PROGRAM

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

WHEREAS the eligible voting residents of the Village of Depew approved a referendum to establish a defined benefit Length of Service Award Program (a “LOSAP”) for active volunteer firefighters of the Depew Fire Department in accordance with Article 11-A of the New York State General Municipal Law (GML);

WHEREAS the Village is the LOSAP Sponsor and Program Administrator;

WHEREAS GML § 216 authorizes the Village, as LOSAP Sponsor, to amend the LOSAP;

WHEREAS an active volunteer firefighter member currently earns a \$20 monthly Service Award for each year of Service Credit, payable at the Entitlement Age of sixty-two (62);

WHEREAS a participating active volunteer firefighter obtains a nonforfeitable right to a Service Award upon earning five (5) years of Service Credit, attaining the Entitlement Age of 62, or upon death or total and permanent disability;

WHEREAS under the current LOSAP provisions, the maximum number of years of Service Credit an active volunteer firefighter may earn is 30 years, which represents a maximum monthly Service Award of \$600;

WHEREAS a year of Service Credit is earned for each calendar year during which an active volunteer firefighter earns 50 or more points. Points are awarded for activities such as attending training sessions, participating in drills, responding to calls, being an officer, and more;

WHEREAS Chapter 400 of the Laws of 2021 amended GML § 219 to allow a LOSAP Sponsor to extend the maximum number of years of Service Credit for which a participating active volunteer firefighter may earn a Service Award to a maximum of 50 years;

WHEREAS the Board of Trustees desires to amend the LOSAP to extend the maximum years of Service Credit for which a participating active volunteer can earn a Service Award from 30 to 50 years; and

WHEREAS, this amendment is consistent with the intent of the LOSAP to recruit, retain and reward volunteer firefighters;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Depew, Towns of Cheektowaga and Lancaster, County of Erie, State of New York, as authorized by Article 11-A of the GML, approves an amendment to the LOSAP pursuant to Chapter 400 of the Laws of 2021 to extend the maximum years of Service Credit that may be earned under its LOSAP from 30 to 50 years and, therefore, the maximum projected monthly Service Award from \$600 to \$1,000, effective January 1, 2024. The normal funding contribution for the LOSAP is currently estimated to be about \$280,000. Of this total contribution, the component attributable to each participating volunteer firefighter that earns Service Credit averages about \$1,700. As a result of this amendment, the annual contribution requirement will increase by approximately \$25,000 to an estimated amount of \$305,000. The contribution per year of Service Credit earned will increase to an average of \$1,750. The Village pays an additional \$10,500 annually in actuarial, administrative and payment processing expenses which will not change as a result of this amendment.

BE IT FURTHER RESOLVED that this resolution is subject to a mandatory referendum of qualified voters of the Village of Depew and said referendum shall be held on March 21, 2023, between the hours of 12 PM and 9 PM (prevailing time) at 85 Manitou Street Depew, NY 14043.

BE IT FURTHER RESOLVED that the proposition placed before the qualified voters read as follows:

THE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW, TOWNS OF CHEEKTOWAGA AND LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, IN A RESOLUTION ADOPTED FEBRUARY 13, 2023, APPROVED AN AMENDMENT OF THE DEFINED BENEFIT LENGTH OF SERVICE AWARD PROGRAM, ADMINISTERED BY THE VILLAGE AND ESTABLISHED FOR ACTIVE VOLUNTEER FIREFIGHTERS OF THE DEPEW FIRE DEPARTMENT, TO EXTEND THE MAXIMUM YEARS OF SERVICE CREDIT FOR WHICH A PARTICIPATING ACTIVE VOLUNTEER FIREFIGHTER MAY EARN A SERVICE AWARD FROM 30 TO 50 YEARS AND, THEREFORE, THE MAXIMUM PROJECTED MONTHLY SERVICE AWARD FROM \$600 TO \$1,000, EFFECTIVE JANUARY 1, 2024.

THE NORMAL FUNDING CONTRIBUTION FOR THE PROGRAM IS CURRENTLY ABOUT \$280,000, WHICH INCLUDES AN AVERAGE CONTRIBUTION FOR EACH FIREFIGHTER THAT EARNS SERVICE CREDIT OF APPROXIMATELY \$1,700. AS A RESULT OF THIS AMENDMENT, THE ANNUAL REQUIRED CONTRIBUTION IS EXPECTED TO INCREASE BY \$25,000 TO APPROXIMATELY \$305,000, AND THE AVERAGE CONTRIBUTION FOR EACH PARTICIPATING VOLUNTEER FIREFIGHTER THAT EARNS SERVICE CREDIT WILL ALSO INCREASE TO ABOUT \$1,750. THE VILLAGE PAYS ADDITIONAL ANNUAL ACTUARIAL, ADMINISTRATIVE AND PAYMENT PROCESSING COSTS OF ABOUT \$10,500 WHICH WILL NOT CHANGE AS A RESULT OF THIS AMENDMENT.

SHALL THE STATED RESOLUTION OF THE BOARD OF TRUSTEES BE APPROVED?

BE IT FURTHER RESOLVED that the LOSAP shall continue to be administered by the Village and that all other provisions of the LOSAP shall remain the same.

Deputy Mayor Hamernik seconded the motion, and upon roll call the vote of the Board was as follows:

Trustee Adolf	Aye / Nay / Absent
Trustee Ziemba	Aye / Nay / Absent
Trustee Kucewicz	Aye / Nay / Absent
Deputy Mayor Hamernik	Aye / Nay / Absent
Mayor Peterson	Aye / Nay / Absent

APPOINT PART TIME – ELECTRICAL DEPARTMENT

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

John Alba

to the position of Part time employee in the Electrical Department at the hourly rate of \$20.00.

The appointment 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

PERMISSION – SHORT TERM ADDITIONAL RESPONSIBILITIES FOR THE MAYOR

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

BE IT RESOLVED, Mayor Kevin Peterson is authorized take on the duties of the Village Administrator in case of an absence of the village administrator, this would include the of signing checks or any other activities that the administrator would normally deal with.

The foregoing resolution was seconded by Trustee Adolf 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 – ABSTAIN

MODIFY 2022/2023 BUDGET

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

BE IT RESOLVED, the Administrator is hereby authorized to modify the 2022/2023 Budget in the following manner:

1. 10.4.2770 - \$19,800
10.5.1130.210 - \$19,800
2. 10.4.2770 - \$14,600
10.5.5110.481 - \$14,600

The following 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

APPROVE – ELECTION INSPECTORS COMPENSATION ADJUSTMENTS

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

WHEREAS, the Village of Depew Mayor and The Board of Trustees desire to adjust the compensation for the election inspectors for the Village of Depew elections.

BE IT RESOLVED that the new compensation for the election inspectors for the Village of Depew elections that covers a full 11-hour shift are hereby approved.

Co-Chairman - \$185

Poll Worker - \$165

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

AUTHORIZE DEPUTY VILLAGE CLERK TO ADVERTISE FOR A PUBLIC HEARING FOR LOCAL LAW #2 of 2023

Trustee Adolf, 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 to discuss the enacting of Local Law #2 of 2023 for the Volunteer Firefighters and Ambulance Workers Tax Exemption. The public hearing will take place at 85 Manitou St, Depew, NY 14043 in the Council Chambers on February 27, 2023.

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

PERMISSION TO SIGN – SERVICE AGREEMENT

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

BE IT RESOLVED, Mayor Kevin Peterson is authorized to sign the service agreement with Burke Group for services regarding the GASB 75 valuation services for their post retirement health care plans.

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

PERMISSION –WAIVE PERMIT FEE

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

WHEREAS, St. Martha’s Parish, 10 French Rd, Depew, NY 14043 has requested permission to waive the sign permit fee for the portable temporary sign at OLBS School/St. Martha’s Parish.

NOW, THEREFORE, BE IT RESOLVED, that permission is hereby granted to St. Martha’s Parish, 10 French Rd, Depew, NY 14043 to waive the sign permit fee for the portable temporary sign at OLBS School/St. Martha’s Parish.

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

PERMISSION –STREET LIGHTS

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

WHEREAS, it has been brought to the attention of Mayor Kevin Peterson and the Village of Depew Board of Trustees that there is only one streetlight on Middlesex Dr, in Depew, NY and it has been confirmed to be true.

THEREFORE, BE IT RESOLVED, the Village of Depew will add another streetlight to an existing pole on the Middlesex Dr, Depew, NY and the village will incur the costs of the lights and any other associated costs that may occur.

And

WHEREAS, it has been brought to the attention of Mayor Kevin Peterson and the Village of Depew Board of Trustees that there needs to be another streetlight on Arlington Pl, in Depew, NY.

THEREFORE, BE IT RESOLVED, the Village of Depew will add another streetlight, which will need to be wired on Arlington Pl, Depew, NY the village will incur the costs of the lights and any other associated costs that may occur.

The forgoing resolutions were seconded by Deputy Mayor Hamernik and put to a roll call vote:

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

EMPLOYMENT APPLICATIONS – N/A

DEPARTMENT HEAD REPORTS – Building Dept and Police Dept Jan 2023

Don – Code Enforcement – We have the permit for the Mighty Taco that is going on the corner of Walden and Transit. We got the permit for the new cell tower to replace the one that fell behind the Wegmans parking lot. I have a basket full of various permits that just came in. The basket filled right up; I haven’t had a chance to look at them. We are

working on the demolition for 73 Main Street. Some other issues with some drainage that I am working on with Ken, behind Camp Fire Grill.

Ken Pyc – DPW Superintendent – Working on the dispatch room, trying to get as much done as we can. We have a sewer issue on Donna Ct, that we have been working with the engineering department on.

Kevin F. – Rec Department – Trying to sell ice that we have left over. After the Bills season ends, ice has picked up, so I am just trying to get rid of the rest of it. We had our back up Zamboni come back, DPW repaired it, so now we have two working Zamboni's. Mayor Peterson asked if open skate was good. Kevin F replied open skate was good, plus I have three open skates coming up when the kids are off school.

Chief John – Fire Department – February Calls – 10, Report for January 2023 – 11 calls, 97 emergencies for the month of December alone, 71 of the 97 were from the blizzard. Total of 425 calls for the year of 2022.

Sam – Legal Department – Consistent, busy. We have a couple local laws coming. One is the firefighter exemption, which the legislature passed last year, it allows an increase of the real property tax exemption for eligible firefighters and lowers the eligibility period from 5 years to two years, if the municipality chooses. That will be on the agenda for the next meeting. We are work shopping the Air BNB law. The imminent problem seems to have subsided a bit with the property has sold, but as we discussed in the pre board meeting we are still going to be through with the plan to site this person for the noise problem and then pass an injunction prohibiting them from having an Air BNB, short term rentals of any kind at this specific property and if nothing else then we have a mechanism in place for when problem houses pop up in the future. We are also still looking for a more robust law on that. Also a more robust law or any law at all on how to regulate cannabis shops, if at all and that is something we are still discussing. The article 7 cases are going well, I signed a settlement order, which is entirely prospective, which means the tax savings will be a reduction in next years bill so we won't have to pay anything out. I think we have one red flag law hearing still pending that I am working with Nate on.

Captain Norek – Police - The Police Dept.'s 3 recruits are starting their 5th week at the academy and are all doing well. Our officer that graduated from the academy in December is in his 2nd phase of field training and is also doing well. We have a full time and a part time dispatcher that completed their training and are able to work solo. Work on our new state of the art dispatch center is progressing. The January call stats were read also. 82 Criminal Complaints, 955 Non-Criminal Complaints, Total = 1037

1 stolen vehicle, 1 recovered vehicle, 37 property damage accidents, 5 injury accidents, 22 male arrests, 11 female arrests, 248 parking tickets issued, 237 traffic summonses issued.

Trustee Ziemba – I want to say thank you, I do believe she is listening, everything you said, everything you did to help me get acclaimed in the Village I appreciate it. You live in our hearts and I will see you on the other side.

Trustee Kucewicz – Nothing from me.

Trustee Adolf – We are thinking of Terry and I definitely want to thank Melissa for stepping in to the role as well to the remaining members in the office that had to pick up the slack. The work definitely doesn't go unnoticed so thank you very much.

Deputy Mayor Hamernik – I would like to say the same thing that Andrew, Jackie and Darren said. We miss you very much Terry.

Mayor Peterson – I interacted with her quite a bit, whether it was off hours, even at night. The night before she passed, we were emailing back and forth up to about 7:30 PM. A good friend of hers used to be in the Court Jackie Federowicz, she also spoke to her that night. Things come in no prediction, no rhyme or reason. I know how much she had on her plate because some of it has slipped on to mine in the short term. We are going to miss Terry very much.

PUBLIC COMMENTS AND CONCERNS:

Liz Brinkworth for Assemblywomen Monica Wallace – Good evening everyone! My name is Elizabeth Brinkworth and I am Chief of Staff for NYS Assemblymember Monica Wallace.

Again our condolences for the loss of Village Administrator, Terry . Thoughts are with her family and the Village of Depew. We also mourn the loss of former Town of Lancaster Supervisor Johanna Coleman. Thoughts are with her family.

Assemblymember Monica Wallace is Albany representing her district.

It is currently budget time in Albany!! Lots of items in the Governor's budget to go over. The Assembly is currently reviewing the Governor's budget and will be releasing their one house budget soon.

On Friday, Assemblymember Monica Wallace announced her legislation to educate young people on the mental health impacts of social media use. This legislation would create a public awareness campaign and require K-12 education on the negative impacts of social media, appropriation usage of social media, and resources and strategies to maintain positive mental health.

Last week myself and Assemblymember Monica Wallace and Commander Jim Wier of Lancaster VFW Post 7275 visited the students at Cheektowaga Central School District. The students made valentine's day cards for veterans. Commander Wier will be taking the cards to the local VA hospital to give to veterans there.

The Lancaster Youth Bureau visited the Assemblymember in Albany last week during their annual youth leadership. It's a great way to have teens engage in their government and learn all about the state government.

Pizza was delivered to the Village of Depew Police Department, Cheektowaga Police Department and Lancaster Police Department as a thank you for all they did during the blizzard.

On February 2 it was national girls and women in sports day. Assemblymember Wallace commemorated the day with a resolution in the Assembly. It's a day where we recognize how far we have come in the 50 years plus since Title 9 was implemented.

Paul Sprada – 58 Argus Dr. – It was brought up about the guidelines, laws or amendments regarding Air BNB's. I went by the house, and I know it is sold. When is that going to happen? Sam explained that it depends on what we are going to do. Think there were some knee jerk reactions saying let's just ban Air BNB's for a year while we figure this out. I drafted a law that said that, but we realized that it might adversely impact some residents who are properly engaging in the short term rental properties process. We really drilled down on this one residence being the problem house. A sold sign doesn't mean it's closed. It doesn't mean that it is not going to continue to be rented out. We are going to proceed with plan A and have this mechanism in place for problematic houses and we are going to continue to work on what a good law would be to regulate short term rentals. Paul asked about the solar farms is that going to be operational soon? Sam explained that he thinks the plan is. Mayor Peterson said the date was changed on the project, it's 2023. Sam explained that the plan for it is get busy on that as soon as it warms up. He asked Don from Code if the permits are squared away, and Don replied that he doesn't believe that he receives any plans from them yet. Sam said that every indication to him from when it was last looked at it a couple months ago is that they would have shovels in the ground as soon as it was warm enough. Hopefully it's moving along, they certainly paid us for it and we approved the lease for the lower parcel. I don't know why you would lease the land and not do it. Lancaster High School musical is Beauty and The Beast this week Thursday though Sunday. My son gets hired to do set design.

CLAIMS AND ACCOUNTS

ON A MOTION BY Trustee Ziemba and seconded by Trustee Kucewicz, the following claims are to be paid: \$362,565.71 General, \$43,438.94 Sewer, \$12,250.46 Capital Projects, with a total of \$418,255.11 was **CARRIED**.

ADJOURNMENT

ON A MOTION BY Trustee Adolf and seconded by Deputy Mayor Hamernik the meeting was adjourned with a moment of silence for Terry Wachowiak, Village Administrator and Thelma Dabb, Mother-in-Law of Melissa Dabb, Planning Board Member Bob Murawski's, Mother In Law and Vice President of Depew Fire Department) Joseph Baudo. The meeting was closed at 8:54 PM.

Respectfully submitted,

Melissa Dabb
Deputy Village Clerk