

MEETINGS: 23  
NO. OF REGULAR: 23

**VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF DEPEW**  
**March 13, 2023 7:05 PM**

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

**ON A MOTION BY**, –Trustee Adolf and seconded by Trustee Kucewicz the minutes of the February 27 2023 minutes were approved.

**Public Comments for Agenda items only**

N/A

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

Trustee Adolf, 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 Ziembra and duly put to a roll call vote which resulted in the following:

Trustee Adolf - Y  
Trustee Ziembra - Y  
Trustee Kucewicz - Y  
Deputy Mayor Hamernik - ABS  
Mayor Peterson – Y

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

Trustee Kucewicz 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 Adolf and duly put to a roll call vote which resulted in the following:

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

Trustee Adolf - Y  
Trustee Ziembra - Y  
Trustee Kucewicz - Y  
Deputy Mayor Hamernik - ABS  
Mayor Peterson – Y

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

Trustee Ziembra, 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 Kucewicz, and **CARRIED**.

**PERMISSION – DEPEW FIRE DEPT**

Trustee Adolf, 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 Ziembra and **CARRIED**.

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

*In the matter of approving the 2022 certified points*

Trustee Kucewicz, 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 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 - ABS  
Mayor Peterson – Y

RESOLUTION March 13, 2023  
**ADOPT LOCAL LAW #2 OF 2023 – VOLUNTEER FIREFIGHTERS AND  
AMBULANCE WORKERS TAX EXEMPTION**

Trustee Ziemba, 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 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 - ABS  
Mayor Peterson – Y

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

Trustee Adolf 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 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 - ABS  
Mayor Peterson - Y

**RESOLUTION PROHIBITING SHORT TERM RENTALS AT 52 MIDDLESEX**

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

**WHEREAS**, at the October 24, 2022 and the January 23, 2023 regular board meeting of the Village of Depew Board of Trustees, residents and neighbors of 52 Middlesex complained of numerous instances in which the property at 52 Middlesex, Depew, New York, was utilized as a short-term rental through the website Airbnb and resulted in a disorderly party which disturbed the peace, resulted in underage drinking, crime, the presence of stolen vehicles, excessive noise, and public intoxication; and

**WHEREAS**, the minutes from the October 24, 2022 and the January 23, 2023 regular board meeting of the Village of Depew Board of Trustees are attached hereto and made a part hereof, and

**WHEREAS**, the complaints detailed a threat to the safety, health, and peace of those residents and neighbors, as such, on February 21, 2023, the owner of 52 Middlesex was cited for a violation of Depew Village Code Section 160-3(I); and

**WHEREAS**, pursuant to Depew Village Code Sections 160-8 and 1-10(b), the Village Board of Trustees has the authority to enforce obedience of the code by injunction;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Village of Depew Board of Trustees issues an injunction prohibiting the owner of the property at 52 Middlesex from offering the property as a short-term rental for a period of one year;

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 - ABS  
Mayor Peterson - Y

## **AUTHORIZE DEPUTY VILLAGE CLERK TO ADVERTISE FOR BIDS**

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

**BE IT RESOLVED**, the Deputy Village Clerk is hereby authorized to advertise for bids Advertise for Bid the Sewer Improvement Project Phase 6 CAP project (CWSRF Project C9-8884-03-00) on March 23, 2023. Sealed Bids will be received and opened at 10:00 am April 20,2023.

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 - ABS  
Mayor Peterson - Y

### **EMPLOYMENT APPLICATIONS** – N/A

### **DEPARTMENT HEAD REPORTS** –

Don – Building Dept - We are in the process of taking bids for demolition and reaching out to demolition companies for 73 Main Street and meeting with an asbestos company tomorrow to go over there and do an evaluation the property. I still I know last meeting we talked about those temporary towers. Verizon and T-Mobile have reached out also they're supposed to give me some type of paperwork to use for tonight, but I haven't heard from either of them, so I don't know what's going on with that. Other than that, it's business as usual permits as are coming. Season starting up to pick up now because everyone is expecting the weather to break early, I think. Mayor Peterson asked within our last two weeks Kate have you finished your code enforcement studies? Yes, I am officially a code enforcement officer.

Trustee Ziemba has the police report – Depew Police Department report for the month of February 2023 is as follows criminal complaints 76. Non-criminal complaints 996 for a total complaint list of 1072. One stolen automobile. One recovered stolen automobile. Zero outstanding stolen automobiles. Property damage accidents 35, one involving an injury, no fatalities. Male arrests 14. Female arrests 9. No juvenile arrests. Parking tickets issued 217 parking ticket disposed 198 for a total fines of five thousand nine hundred and fifty dollars. Traffic Summits has issued 232. The value of property lost / stolen thirteen thousand one hundred twenty two dollars. Value of recovered property ten thousand dollars

Respectfully Submitted

Chief Gauthier – Fire Department - Thanks to anybody that came out and supported our junior fire department firefighters pancake breakfast over the weekend. It was a pretty good success for those young firefighters and I'll still thanks anybody that supported our Hook and Ladder tool raffle that they recently had. Thank you for the board for changing us over to Firefly. It's a great help that will make some of our operations a lot easier. I'd also like to thank the board for for the support in the volunteer firefighter local law uh for the tax exemption. I appreciate that. Fire calls for the month of January we had 34. Month of February we had 26 and only eight so far for the month of March for a year-to-date total of 68 fire calls.

Ken Pyc – DPW – The break room that we are working on at Village Hall is just about complete. We will be grinding stumps from our tree removal. Just a reminder that the parking ban is going to end shortly, but if it does snow, kindly move your cars off the street if at all possible. Mayor Peterson asked if we have enough salt left? The answer was yes.

Kevin Ferguson – REC - Just a couple things too as people have heard. This summer we have problems getting lifeguards but we already have I have 11 lifeguards already coming back which is pretty good and I got two calls today. Our partner over at the Lancaster pool, Rich fry he's going be teaching a class at the high school pool so we'll have plenty of Lifeguards if we don't have anything to worry about. Second of all we have tryouts coming up and the rink will be closing probably in mid-April so for tonight is the last learn to skate there is about 35 to 40 kids they are getting certificates.

Sam Alba – Legal - We've got a couple local laws we're continuing to work on there's evolving robust discussions on what we should do to regulate short-term rentals. We came up with a quick fix tonight for our most problematic short-term rental and hopefully the effective plan is to send that resolution on to the folks at Airbnb so hopefully they take the listing down and then there's evolving discussions on how to regulate this properly we're also working on just kind of having discussions around marijuana stores and how we're going to regulate those eventually. We've got a couple of article 7 settlements coming through and one of the red flag law hearings coming up in a couple weeks with the police department. On a separate note I went down a rabbit hole about Chauncey Depew and started researching Chancey Depew who are Village is named for and I learned that he was quite the popular orator he was famous for talking at many events.

Trustee Ziemba – Congratulations Kate

Trustee Adolf - Well I have good news, our application was received from Tree City USA and we are officially a tree City for another year. Three years so it's great stuff. I am happy to be working you know with this program as we continue to beautify our village and create Green Space within it so thank you so much to everyone. I'm happy we keep it going, it's great, we're recognized throughout the United States. You know you can look up the names and Depew is in it and it's a national program and I'm glad that we're recognized. Trustee Kucewicz asked where are you planning on putting that sticker. The reply was this sticker goes on the sign that's in Fireman's Park. It'll go over below the sign, and it'll read that we've been a tree City USA for three years now. Mayor Peterson asked if we were planting trees regularly? Trustee Adolf answered yes, we have funding for that we're very fortunate to have a DPW that assists us with that so I'm very thankful to them as well and just as a note we do have a memorial program that we started last fall where if somebody wants to memorialize somebody, they can purchase one of eight or nine varieties. You get one tree at the village price and we also have a couple of options of a plaque that could go with it. We have two new trees by the welcoming sign by Burger King that was put in there by Grant Gastoni from Gastoni insurance. We have three that were planted in Veterans Park. Then one for former Mayor Barb Alberti's family also has a tree Veterans Park. We also ordered our seedlings and saplings for our Arbor Day celebration. We will probably start advertising for that soon. It will be held in April, hopefully we will get a bigger turn out and keep it growing as well.

Trustee Kucewicz – Thank you to Sam for putting together agenda #8 on the short term rentals. Thank you to the board for passing it.

Mayor Peterson - fireman's Park the old long shed was taken down 10 days ago or so and they went right to work digging the foundation so I'm sure in the next week to 10 days you'll start seeing some construction of the actual building, which is exciting and tonight passing the geothermal heating and air conditioning system puts us up the list on climate smart, that's worth another 700 points which takes our total from 1100 to 1800 which puts us in the top eight of 35

municipalities and it also will get us an initial five thousand dollar Grant as well so it was it was a win-win in getting that switched over

Chief Ron MACIEJEWSKI - 24 Kibler Dr- I want to reiterate what Chief Gauthier said Thank you to the board for passing the property tax exemption law, it's another tool that the volunteer fire service can use for Recruitment and Retention and what that I just want to bring the board up to date on some things that were set out today by numerous organizations that the fire department belongs to and they are budgetary items for the upcoming state budget. The one thing that really sticks out is in the beginning of this article it's mentioned that there are 20,000 less volunteer firefighters today than there was 20 years ago so the state is being very proactive and supporting a volunteer fire service by trying to pass different laws and different measures that would help with recruitment and retention. I was speaking with the representative from Senator Gallivan's office before the meeting and I'm hoping that this is a bipartisan project on a state level between the Assembly and the Senate, but the Governor in her budget is including 10 million dollars to create a firefighter training stipend to help train the volunteer fire service. She's also putting in to enable municipalities an option to provide nominal fees to volunteer firefighters for emergency response and training it includes the addition of 22 new full-time employees to help further expand the availability, location and frequency of firefighter training which has been a problem, trying to get courses because of lack of instructors or lack of people in general so she is putting that in also and again the 10 property tax cap or property tax exemption that the board passed tonight. What our organizations are requesting from Southwestern Western State Chief or even County Emergency Services is that everyone contact their local Representatives, their local state Senate, local Assembly person and reach out and ask them to again do this as a bipartisan measure and pass these proposals that are in the budget. There are a couple other things that will also benefit the volunteer fire service but again we need everybody's support on this.

#### **PUBLIC COMMENTS AND CONCERNS: -**

Good evening, everybody and I appreciate the opportunity to be here my name is Jim Accurso from St. Paul Minnesota. I'm a publicist Affairs specialist with the small business administration office of disaster recovery and resilience. I met Mayor Peterson last week when I came in and these flyers are in the back if anybody would like to see them. We've got a fact sheet and our flyer related to the latest disaster declaration here in Western New York as a result of winter storm Elliott and as a result of that we are offering to homeowners, renters, non-profits and small businesses disaster loans in the form of two million dollars for business recovery so if a business had any loss of property or loss of income. Homeowners and renters can get up to two hundred thousand dollars for property damage. Renters can get up to forty thousand dollars. We're encouraging everyone to come into the two centers that we have operating here in Erie County through Thursday at four o'clock to apply for those for either the home disaster loan or the business physical disaster loan but the deadline to apply for those is actually April 28th so we're encouraging people to come in and ask if they ask about the loans if they have any questions related to the damage, maybe they lost power maybe they had water damage. I was on the radio today and I heard of a lot of wind damage even from the storm from flying projectiles and things like that but we're encouraging folks to come in and apply there's no fee to apply and there's no obligation to take our loans if they're awarded they are can be up to 30 years and the interest rates are 2.3 or 3.3. Again there's no obligation any loan that someone were to be awarded is deferred 12 months so a year and no accrued interest so it's in effect it's like a grant which the SBA's way of helping you get back up on your feet in times of disaster. I actually I travel the country along with my cohorts so we're in we're in and out of these situations all the time we know folks have been through a lot and then the last thing they want to do is really talk to a government person when they've to clean up their house and kind of get everything back in order but we are here to help and we encourage everyone to either come into the center apply online at [disasterloanassistance.sba.gov](https://disasterloanassistance.sba.gov). If somebody wanted a paper application, they could call 800-659-2955 to get a paper application mailed to you. Again, the deadline for those to apply is April 28<sup>th</sup>. This is all got to be associated with winter storm Elliott and any of the occurrence of the damage had to be between December 23rd and



December 28<sup>th</sup> in the local area. You can go to meet on Thursday the Erie County fire training fire training right in Cheektowaga or the the Grider Center in Buffalo and there we have we have four customer service reps at Grider and two in Cheektowaga so process takes it takes maybe about an hour it's just like you know applying for any other loan. You need to bring in all your necessary paperwork and then you can maybe get a payout within four to five weeks if everything goes well.

**CLAIMS AND ACCOUNTS**

**ON A MOTION BY** Trustee Ziemba and seconded by Trustee Kucewicz, the following claims are to be paid: \$395,966.62 (\*ARPA \$27,000 included in general fund) General, \$2,324.64 Sewer, \$2,056.25 Community Development, with a total of \$400,347.51 was **CARRIED.**

**ADJOURNMENT**

**ON A MOTION BY** Trustee Adolf and seconded by Trustee Kucewicz the meeting was adjourned with a moment of silence for Moment of silence for Buffalo Firefighter Jason Arno. The meeting was closed at 7:53 PM.

Respectfully submitted,

Melissa Dabb  
Deputy Village Clerk