

EXECUTIVE SESSION

Board of Trustees
Village of Kenmore

Municipal Building
July 6, 2021

PRESENT:	Hon. Patrick Mang	Mayor
	Hon. Katherine Bestine	Trustee
	Hon. Paul Catalano	Trustee
	Hon. Joseph DeCecco	Trustee
	Hon. Katie Burd	Trustee

EXECUTIVE SESSION TO DISCUSS TWO (2) LITIGATION AND TWO (2) FINANCIAL MATTERS.

Trustee Burd moved to go into Executive Session to discuss two (2) litigation and two (2) financial matters.

Seconded by Trustee Bestine and adopted by a full vote in the affirmative.

Trustee Burd moved to end the Executive Session.

Seconded by Trustee Catalano and adopted by a full vote of all members present.

Kathleen P. Johnson
Village Clerk/Treasurer

CORPORATION PROCEEDINGS

Board of Trustees
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PRESENT:	Hon. Patrick Mang	Mayor
	Hon. Katherine Bestine	Trustee
	Hon. Paul Catalano	Trustee
	Hon. Joseph DeCecco	Trustee
	Hon. Katie Burd	Trustee

The meeting was called to order at 7:30 p.m. by Mayor Mang. The Mayor led the Pledge of Allegiance.

BOARD CONDUCTED A HEARING PERTAINING TO LOCAL LAW #2, 2021: OPERATING PERMITS

Trustee Bestine moved to open a hearing pertaining to proposed Local Law #2, 2021:

Operating Permits.

Seconded by Trustee DeCecco and adopted by a full vote in the affirmative.

Clerk/Treasurer Kathleen Johnson read the legal notice and summarized the proposed law. The Mayor asked if there were any questions or comments pertaining to Local Law #2. There were none. As no one wished to be heard, the Mayor asked if a Trustee wished to close the hearing.

Trustee Burd moved to close the hearing.

Seconded by Trustee Catalano and approved by a full vote in the affirmative.

BOARD APPROVED LOCAL LAW #2, 2020: OPERATING PERMITS

Trustee DeCecco moved to approve Local Law #2, 2021: Operating Permits

Seconded by Trustee Bestine and adopted by a full vote in the affirmative.

A Roll Call Vote was taken as follows:

Trustee Bestine	Voting	Aye
Trustee Catalano	Voting	Aye
Trustee Burd	Voting	Aye
Trustee DeCecco	Voting	Aye

BOARD APPROVED AN AGREEMENT BETWEEN THE VILLAGE OF KENMORE AND THE KENMORE SALARIED EMPLOYEES ASSOCIATION.

Trustee Catalano moved to approve a Collective Bargaining Agreement between the Village of Kenmore and the Kenmore Salaried Employees Association. A copy of the agreement is appended to these minutes for record purposes.

Seconded by Trustee Burd and adopted by a full vote in the affirmative.

BOARD APPROVED THE APPOINTMENT OF A SUBSTITUTE PART-TIME CROSSING GUARD.

Trustee Bestine moved to approve the appointment of Timothy Tierney as a substitute part-time Crossing Guard at an hourly rate of \$12.50.

Seconded by Trustee DeCecco and adopted by a full vote in the affirmative.

BOARD APPROVED A NEW MEMBER TO THE KENMORE VOLUNTEER FIRE DEPARTMENT.

Trustee Burd moved to approve the appointment of Melanie Manzella as a new active member to the Kenmore Volunteer Fire Department.

Seconded by Trustee Catalano and adopted by a full vote in the affirmative.

BOARD APPROVED AND GRANTED PERMISSION FOR THREE CODE ENFORCEMENT OFFICERS TO ATTEND A TRAINING COURSE, SEPTEMBER 15-17, 2021.

Trustee DeCecco moved to approve and grant permission for Code Enforcement Officers Michael Berns, John Daigler, and Electrical Inspector Loreto Colaiacovo to attend the “Western Southern Tier Building Officials Education Conference” on September 15-17, 2021 in Celeron, New York, with expenses.

Michael Sillitto, 12 East Girard, asked if this was a training seminar. The Mayor responded that it was.

Seconded by Trustee Bestine and adopted by a full vote in the affirmative.

BOARD APPROVED A POLICY PERTAINING TO ANTI-DISCRIMINATION.

Trustee Catalano moved to approve a policy pertaining to anti-discrimination. A copy of the policy is appended to these minutes for record purposes.

Seconded by Trustee Burd and adopted by a full vote in the affirmative.

ABSTRACT OF AUDITED VOUCHERS.

Trustee Burd offered the following resolution and moved for its adoption: **RESOLVED**, that the Mayor be and he hereby is authorized to sign the Abstract of Audited Vouchers dated July 6, 2021 in the amount of \$346,476.07; General Fund \$232,792.88; Water Fund \$35,235.87; and Sewer Fund \$78,447.32; to direct the Treasurer to pay each of the listed claimants in the amount appearing opposite his/her name.

Seconded by Trustee Catalano and adopted by a full vote in the affirmative.

INVITATION FOR PUBLIC COMMENT/QUESTIONS

The Mayor asked if anyone wished to be heard.

Terry Agro of 21 East Girard Boulevard had a concern about a business, Party Place, located at 3199 Delaware Avenue. She said that the business had already been shut down by the Village, and was supposed to be cleaned out. Ms. Agro noted that the entire building has peeling paint and broken windows. She inquired as to whether the Village had issued any violations. She also stated that she had called police when the Party Place had stationed armed security at its entry. She claims she was told that the KPD would not respond. She is concerned about this, and has concerns about the building's condition.

Mayor Mang responded that the business (Party Place) had been operating illegally. The police had broken up parties on Saturday and Sunday, and that on Monday, the business was shut down. He stated that cleanup is up to landlord. Building Inspector Michael Berns stated that he received many complaints, and that violations have been issued on the property. Mr. Berns noted that he's had conversations with the owner, who claims to "love the building". The owner lives in Canada. Mr. Berns noted that the court is not an option right now due to COVID closures. This is the next step, when the property owner fails to address the violations in the allotted time provided by the Building Department in the violation notice. He also stated that Sapperson is a leasing agent, not property manager, so the Village must work directly with the owner.

Mrs. Agro also stated that she is also concerned with the condition of Dollar General, and specifically noted that there is a sunken floor at the front entrance with a sign posted which says: "watch your step". She stated that she has also contacted the Erie County Health Department.

She says that she was told that the entry way needs to be addressed by the Village.

Mayor Mang responded that he was unaware of the problem, but that the Building Inspector will check, and issue violations notices, if present.

Mr. Berns stated that he had received email complaints, and that he will be issuing violation notices. He stated that Dollar General seems to be responsive, when they receive notification.

Ms. Agro reiterated that she is bothered by the condition of these two properties. She and her neighbors take pride in their street, and they want the surrounding businesses kept up, as well. She presented photos to the Building Inspector for his review.

Kimberly Pepper of 20 Columbia Boulevard stated that she met the property manager who was taking down Party Room. She said Party Place patrons had had a fight on her lawn, and that she was scared. She said that every party had guards, and that the patrons were belligerent and left garbage along the street.

Mayor Mang again stated that that no one wants that type of behavior in the Village and that the business had opened illegally, and was shut down as soon as the Village found out.

Mike Sillitto, 12 East Girard, said that his home is located directly behind building at 3199 Delaware. He said that calls were made to the Police Department even before the timeline reviewed by Ms. Agro. He says that the Village should have been aware of occupancy limits and permit requirements. He also notes that the guards were armed and that marijuana was used. He states that this was brought to the attention of the KPD, and that the he was told that marijuana is legal now. He also says that open bottle laws were not enforced.

Mayor Mang stated that he wasn't aware of any prior calls to the KPD and that when he did learn of the problem, he made sure that the business was shut down right away.

Mr. Sillitto said that he appreciates Kenmore Police Department, but says that his trust was hurt by what he considers to be a poor response. Mr. Sillitto also stated that he feels that the Village DPW should take E-Waste. He feels that people leave their E Waste at the curb, which the Village doesn't pick up and that this makes the Village look bad.

Mayor Mang stated that he does not feel that the Village is going in wrong direction. He notes that statistically, there's been an increased crime everywhere in Erie County and throughout the country. In this instance, there was an issue of a business opening illegally, and that, within hours of discovering this, it was shut down. While he understands the concerns of the residents, and also understands that the situation was not addressed as quickly as they would have liked, it was addressed as soon as he was made aware. He further noted that, no matter what steps the Village takes, some owners simply do not take care of their properties, and that unfortunately, the Village's avenues to address these properties are limited and take time.

Mr. Sillitto then inquired as to the status of an investigation into, what he believes to be, attempted arson at the same address. He stated that he believes that a gas leak, that he called in, was suspicious. He stated that he has not been contacted by any village official

Police Chief Phillips responded that he will call Mr. Sillitto, but that the KPD won't discuss investigations with the public.

Collette Sikorski, 17 East Girard Boulevard, stated that she has lived in the Village since 2002. She understands that she purchased a house next to a commercial property, but that the

Indian restaurant located at 3167 Delaware Avenue has their garbage picked up only once a week, resulting in a garbage smell that infringes on her enjoyment of her yard. She stated that the owner has a small dumpster, and that people walking by her home can smell the garbage. She notes that the prior owners had their trash picked up twice a week.

She also stated that 3199 Delaware has peeling paint and that totes are located in front of the property every day. She wants the property owner/tenants to coral the totes. She says that the garbage is full every day, and there are rats. Today, she states, the alley was cleaned, including removal of a bathtub and picnic bench, but that grease traps remain.

Athena McCorory, 83 Columbia Boulevard, feels the Village needs to look for other ways to address owners who don't address property violations. She thinks the Village should seize properties or garnish rents. She wonders if properties such as these can be put into receivership. Ms. McCoroy says she will be leaving the Village in the next few years and since her house is her largest asset, she wants to make sure its value is not lowered because of this property. She asked the Mayor to talk to the Village attorney to see if there might be other options that can be used to address these properties.

Maria Palamara, a tenant at 3197 Delaware Avenue, stated that there hasn't been a property manager at the property since March 2019. Even when there was, the owner didn't let the manager do his job. Rents are paid directly to the owner, who does nothing to address the tenant concerns. She states that there are holes in front of the building and that water pools in the front due to plugged drains.

Ms. Sikorski asked if the business properties pay separate commercial and garbage taxes. Clerk/Treasurer Johnson stated that the businesses pay a higher tax rate than residential properties, but there is no separate garbage tax. Superintendent Root stated that some businesses have trash collected more than once a week, but that the DPW doesn't pick up trash if there is a dumpster on site.

The Mayor thanked all the residents for coming and stated that he and the board share their concerns and will continue to work hard to get the property into compliance and the owner to be more responsive, both to the Village, his tenants and the surrounding neighborhood.

As no one else wished to be heard, the meeting was adjourned.

The next meeting of the Board of Trustees will be held on July 20, 2021 at 7:30 p.m.

Kathleen P. Johnson
Village Clerk/Treasurer