

EXECUTIVE SESSION

Board of Trustees
Village of Kenmore

Municipal Building
July 3, 2018

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

EXECUTIVE SESSION TO DISCUSS FOUR (4) FINANCIAL AND THREE (3) LITIGATION MATTERS.

Trustee Burd moved to go into Executive Session to discuss four (4) financial and three (3) litigation matters.

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

Trustee Burd moved to end the Executive Session.

Seconded by Trustee DeCecco 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
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	Hon. Katie Burd	Trustee
	Hon. Joseph DeCecco	Trustee
ABSENT:	Hon. Katherine Bestine	Trustee

The meeting was called to order at 8:00 p.m. by Mayor Patrick Mang. The Mayor led the Pledge of Allegiance.

BOARD CONDUCTED A HEARING UNDER CHAPTER 7 ARTICLE V, UNSAFE, UNFIT, ETC. BUILDINGS SECTION 7-116 PERTAINING TO 154 NASSAU

Trustee Catalano moved to open the hearing.

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

The Clerk advised that this was the time and place to conduct a hearing pertaining to 154 Nassau Avenue, under Chapter 7, Article V: Unsafe Unfit Buildings.

Property owner, Omar Doori of 190 Congress Street Buffalo, is present and stated that he thought that Robert Frank (the prior owner) had moved out. Mr. Frank was given time to move and, when he didn't, Mr. Doori thought he needed to formally evict him. He stated that, at one point, Mr. Frank broke open the door to get inside. Mr. Doori contacted the police and he said that the Police Department told him he needed to evict Mr. Frank. Mr. Doori says that Mr. Frank holds the mortgage, but Mr. Frank won't leave. He says that Mr. Frank is also letting others into the property, but won't let him in the property. He says that he tries to be nice, but Mr. Frank

refuses to leave. He stated that the Kenmore Justice Court set up the next appearance for August 28, 2018.

Building Inspector Michael Berns presented pictures of the property and provided a summary of the violation notifications. Mr. Berns stated that the property is not maintained and that violations include tall grass and weeds, garbage and debris. In mid-January, Mr. Berns reports that there was a water break. At that time, Water Meter Reader Jack Johnson found water running out of back wall and that the back door was open. The water was shut off and Mr. Berns was called in. Mr. Berns found the property to be a mess. There was water in the basement and in the deli area. Violation notices were issued in January. The property was transferred to Mr. Doori on February 6, 2018, and the property was posted with notice of the violations. On February 26, 2018 the property was posted for No Admittance – Not Fit for Human Occupancy. At that time, there was no water, heating, or functioning bathrooms. Rodents were present on the property. Mr. Berns determined that the building could not be occupied. It appears Mr. Frank took down the posted signs and continued to enter/live in the property and let others flop there, as well. Mr. Berns stated that the property needs to be secured, including the upstairs windows. He would also request that, once boarded, the window areas be painted to match the building for the benefit of the neighborhood.

Chief Breitnauer reported that the Kenmore Police Department had been there numerous times. Since January 1, 2018 the Kenmore Police have been called 26 times. The calls range from fights, overdoses, un-kept property and nuisance calls. He agrees with the Building Inspector that the property needs to be secured.

Superintendent Root stated that the property is un-kept, and that there is a large fruit tree attracting rats. Large amounts of debris should also be removed as it is creating a shelter for rodents. The fence needs painting. The weeds, grass and shrubs need to be addressed.

Mayor Mang told Mr. Doori that the property is poorly maintained and that he should have corrected the violation and taken steps to prevent people from coming in and out. The Mayor recommends that the Board support the Building Inspector's recommendation and find that the property poses a danger to the health, safety and general welfare of the neighborhood.

No other comments or questions were brought to the Board's attention.

Trustee DeCecco moved to close the hearing.

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

BOARD APPROVED A RESOLUTION PERTAINING TO CHAPTER 7 ARTICLE V, UNSAFE, UNFIT, ETC. BUILDINGS PERTAINING TO 154 NASSAU AVENUE.

Trustee DeCecco moved to approve a Resolution pertaining to Chapter 7 Article V, Unsafe, Unfit, Etc. Buildings with respect to 154 Nassau Avenue finding the property in violation of Chapter 7-112 and giving the owner four (4) days to bring the property into compliance or the Village of Kenmore will bring the property into compliance with any costs being collected in a manner prescribed by law. A copy of the resolution is appended to these minutes for record purposes.

Seconded by Trustee Catalano.

A Roll Call Vote was taken as follows:

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

**BOARD CONDUCTED A HEARING PERTAINING TO LOCAL LAW #5, 2018:
AMENDING SECTION 25-95 AND SECTION 25 101: LANDSCAPING AND
BUFFERING.**

The Clerk advised that this was the time and place to conduct a hearing pertaining to Local Law #5, 2018, entitled “Amending Section 25-95 and Section 25-101: Landscaping and Buffering”. A copy of the Local Law is attached to these minutes for record purposes.

Trustee Burd moved to open the hearing.

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

Village Clerk Kathleen P. Johnson read the proposed local law, in its entirety.

Mayor Mang summarized the reasons that the Board was proposing Local Law #5, 2018: Amending Section 25-95 and Section 25 101 Landscaping and buffering. He stated that the intent of the 2006 law was to address vacant properties where there was a “blank slate” allowing for additional landscaping to be incorporated into the design. At the time, all other properties would be grandfathered. What has happened, however, is that some of these grandfathered properties have lost their grandfather status. This was not contemplated when the 2006 law was implemented. As the Board took a hard look at this issue, it noted that the additional landscape buffer, as required in the 2006 law, may be impossible on the existing footprint, where structures are not being razed. The Mayor said that proposed Local Law #5 gives the Planning Board

(which is charged with review and approval of site plans) the authority to eliminate or amend landscape requirements, on a case by case basis.

The Mayor stated that the Board is not opposed to green space. The Elmwood Avenue Streetscape projects demonstrate this. This project includes returning much of the right of way, which had been paved over, to grass. He also notes that the Village of Kenmore includes tree plantings in all projects. In addition, he notes that this local law also requires that landscaping needs to be well maintained.

This proposed local law, he explained, is designed to address the gap in 2006 law with respect to those properties with existing structures, which may lose their grandfather status. A copy of the Mayor's remarks is attached to these minutes for record purposes.

Melissa Foster of 248 Parkwood Avenue, representing the Kenmore Village Improvement Society (KVIS), addressed the Board, offering congratulations to the Board for including Section (g) which requires landscaping to be well maintained. She stated that it's nice to know the Village of Kenmore can take action when landscaping is not maintained, and thanks the Board for including that in the proposed local law.

She continues, however, to state that the KVIS membership is concerned with equitability and feels that the same landscape standard needs to be applied among all business properties. She stated that, without that, there could be favoritism and that, for the adjacent residents, they should know what to expect.

She notes that her husband, Michael Foster, owns 16/18 Warrant which is a residential property directly adjacent to a business property. While she understands the Mayor's

explanation, she feels the same standard should be applied across the board. She states that Kenmore residents want green space and notes that when the KVIS eliminated the “Kenmore in Bloom” event, they received lots of complaints. She says that this evidences a passion for more green space and that residents want more and more green space.

She also detailed a “Save the Bees WNY” initiative wherein free seeds were distributed. These flowers tend to attract bees and helps pollination. She also referenced a project in England which also notes the benefits of trees.

Mayor Mang agreed on the importance of green space which is why the Village includes green in all of our projects. But he notes, there is also a need to balance that with the needs of our businesses. He notes that every business and every property is different. Some properties have room for additional landscaping. Others do not. He stated that the proposed local law allows for an approach which balances both interests and allows the Planning Board to address each site plan in a common sense way. He thanked Ms. Foster for her comments.

The Mayor noted that the Board is always looking for ways to help the environment and stated that the Board is currently looking into obtaining LED street lights which will decrease carbon dioxide and help the environment.

Teal Postula of 47 Myron said she’s a retired space planner and one of the things she did in her job was to find creative ideas to add green space, such as green walls – a fence with plantings that grow up along the fence. This is one way to encourage and integrate greenery into small spaces.

Angela Stockman of 94 McKinley Avenue first lived in Buffalo and, after searching around, picked Kenmore because it was a “porch community” and had green spaces. She finds that access to green space is “unequally challenging” and that the proposed local law might set a precedent that businesses don’t have to be good neighbors – that businesses may not be required to include green as part of the landscape buffer.

Mark Hudson of 40 Westgate Road supports green space. He further comments that there is a problem with the Village’s website. When he tries to access it on Chrome, he gets a red x. He says that the website is a “complete joke” and that he couldn’t find the original law on line. He commented that Planning Board minutes have not been updated. He also notes that, while hard copies of the proposed local law were made available to the public at the meeting, he wants a redline version. He stated that he doesn’t have time to find information on the website or to call, because he’s retired. Mr. Hudson notes that, in speaking to someone else in attendance before the meeting, he has been given some suggestions on how to correct the problem he is having with the website.

Mayor Mang asked if anyone had any other questions or comments. There were none.

Trustee Burd moved to close the hearing.

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

**BOARD CONDUCTED A HEARING PERTAINING TO LOCAL LAW #6, 2018:
AMENDING CHAPTER 25-69 CUSTOMARY HOME USES.**

The Clerk advised that this was the time and place to conduct a hearing pertaining to Local Law #6, 2018, entitled “Amending Chapter 25-69: Customary Home Occupations”, a copy of which is appended to these minutes for record purposes.

Trustee DeCecco moved to open the hearing.

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

Village Clerk Kathleen P. Johnson read the proposed local law.

Mayor Mang asked if anyone had questions or comments.

Melissa Foster stated that there is a landscaper across the street from her who goes in and out each day with a trailer and plow. It would hurt her to see that business allowed.

Mayor Mang stated that the purpose of the local law is to allow greater control over home occupations and signage. The Law would allow the Board to modify the types of home occupations allowed in the residential districts and reduces the size and location of signs. He notes that, over time, some jobs may become obsolete and other jobs, not contemplated in the original list of allowed uses, may come into being which could be undertaken out of homes without any impact to the neighborhood.

Ms. Foster inquired as to whether there are any plans to modify the list at this time. The Mayor responded that there were none at this time.

Carolina Hobs, 4 Westgate, believes that a 2’x 2’ sign is too big. The Mayor replied that the current law allows for a larger sign.

A question was asked as to whether the sign can be lit. The Mayor replied that it cannot be lit and that neon signs would also not be allowed.

Ms. Postula asked if this Local Law impacts commercial properties. The Mayor replied that this law only concerns residential properties.

Mayor Mang asked if anyone had any other questions or comments. There were none.

Trustee Burd moved to close the hearing.

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

BOARD APPROVE A NEGATIVE DECLARATION FINDING NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT WITH RESPECT TO LOCAL LAW #6, 2018: CUSTOMARY HOME OCCUPATIONS

Trustee Catalano moved to approve a Negative Declaration finding no significant adverse environmental impact with respect to Local Law #6, 2018: Customary Home Occupations. A copy of the Resolution is attached to these minutes for record purposes.

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

BOARD APPROVED LOCAL LAW #6, 2018: AMENDING CHAPTER 25-69: CUSTOMARY HOME OCCUPATIONS.

Trustee Catalano moved to approve Local Law #6, 2018, entitled “Amending Chapter 25-69: Customary Home Uses”.

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

A Roll Call Vote was taken as follows:

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

BOARD APPROVED A RESOLUTION PERTAINING A LITIGATION MATTER.

Trustee DeCecco moved to approve a Resolution pertaining a litigation matter. A copy of the Resolution 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 JOHN DOLLENDORF TO THE EXAMINING BOARD OF PLUMBERS.

Trustee Burd moved to approve the appointment of John Dollendorf to the Examining Board of Plumbers, with a term to expire December 2020.

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

BOARD APPROVED AND GRANTED PERMISSION TO THE RESIDENTS OF ARGONNE DRIVE TO HOLD A BLOCK PARTY.

Trustee Catalano moved to approve and granted permission to the residents of Argonne Drive, between Delaware Road and Myron Avenue, to hold a block party on Saturday, September 15, 2018, with a rain date of Saturday, September 22, 2018 at the request of Paula Austin.

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

BOARD APPROVED AND GRANTED PERMISSION TO THE RESIDENTS OF ARGONNE DRIVE TO HOLD A BLOCK PARTY.

Trustee DeCecco moved to approve and granted permission to the residents of Argonne Drive, between Colvin Boulevard and Rowley Avenue, to hold a block party on Saturday, August 18, 2018 at the request of Marc Bourgeault.

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

BOARD APPROVED AND GRANTED PERMISSION TO THE RESIDENTS OF EAST HAZELTINE AVENUE TO HOLD A BLOCK PARTY.

Trustee DeCecco moved to approve and granted permission to the residents of East Hazeltine Avenue, between Delaware Avenue and Myron Avenue, to hold a block party on Saturday, August 18, 2018 at the request of Lynn Eubanks.

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

BOARD APPROVED AN OUTDOOR CONCERT AND THE “TASTE OF KENMORE EVENT”.

Trustee Burd moved to approve and granted permission for an outdoor concert/Taste of Kenmore event to be held on July 20, 2018. The Board also approved a street closure on Delaware Road, between Delaware Avenue and Argonne Drive, at the request of the Kenmore Business Association.

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

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 3, 2018, in the amount of \$724,052.49; General Fund \$710,425.35; Water Fund \$5,841.99; Sewer Fund \$5,356.40; Capital Fund \$2,428.75 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.

Felix Coniglio stated that, while walking through the Village, he notes that several the street light “bells” are in need of repair. The Mayor replied that this will be addressed as part of the change-over to LED lighting.

Teal Postula of 47 Myron Avenue stated that LED lighting is achieved through high pressure sodium. LED means that there are more lumens/watts. There are different colors available. Warmer is nicer, but not as energy effective.

Mr. Coniglio stated that his tree was cut down, but still needs to be stumped. Superintendent David Root replied that stumping will take place as soon as possible, but the Village Forestry Department has been hit hard with the Ash Borer Beetle situation, and that the DPW has a tremendous amount of Ash trees needing to be harvested.

Mayor Mang asked for a moment of silence for Plumbing Inspector William Ippolito.

After the Moment of Silence, the Mayor wished everyone in attendance a Happy 4th of July.

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 17, 2018 at 8:00 p.m. at the Kenmore Municipal Building.

Kathleen P. Johnson
Village Clerk/Treasurer