

EXECUTIVE SESSION

Board of Trustees
Village of Kenmore

Municipal Building
November 5, 2024

PRESENT:	Hon. Patrick Mang	Mayor
	Hon. Paul Catalano	Trustee
	Hon. Andrea Czopp	Trustee
	Hon. Brittany Jones	Trustee

EXECUTIVE SESSION TO DISCUSS ONE (1) LITIGATION, TWO (2) CONTRACTUAL AND FOUR (4) FINANCIAL MATTERS.

Trustee Catalano moved to go into Executive Session to discuss one (1) litigation, two (2) contractual and four (4) financial matters.

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

Trustee Jones moved to end the Executive Session.

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

PRESENT:	Hon. Patrick Mang	Mayor
	Hon. Paul Catalano	Trustee
	Hon. Andrea Czopp	Trustee
	Hon. Brittany Jones	Trustee

BOARD CONDUCTED A HEARING UNDER CHAPTER 7 ARTICLE V: UNSAFE BUILDINGS PERTAINING TO 272 WABASH AVENUE.

Trustee Jones moved to open the hearing.

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

The Clerk advised that this was the time and place to conduct a hearing under Chapter 7 Article V: Unsafe Buildings, pertaining to the garage at 272 Wabash Avenue.

The Mayor asked if there was anyone present from 272 Wabash Avenue.

Daniel Malkiewicz, property owner was present

Building Inspector Michael Berns stated that Mr. Malkiewicz had been before the board on May 7, 2024 for a hearing under Sec. 7-116 for his garage. At that time, the property owner was given 2 weeks to enter into a contract to demolish his garage. Within that time frame, the owner had entered into a contract with Zach of All Trades for the demolition of the garage and construction of a new garage. Zach of All Trades had paid for and was issued a permit for this work on June 24, 2024. No work, however, was performed. Zach of All Trades contacted the Village Building Department in September, requesting a refund of its permit fee, saying that they would no longer be performing the work and that the property owner had backed out of the

contract. The Building Department then re-inspected the property, and finding that the garage was still in violation of Sec. 7-112 of the Kenmore Municipal Code, issued a new violation notice and notice of hearing. This was the second hearing regarding the garage.

Mr. Berns presented pictures of the garage and reviewed the multiple violations on the garage. He stated that the garage had deteriorated over the past year and that the garage presents a fire hazard and a structural hazard. Mr. Berns doesn't believe the garage can withstand a winter.

Mr. Malkiewicz stated that he had not cancelled his contract with Zach of All Trade and that he is planning on addressing this matter in April 2025. He stated that the contractor asked if the work could be completed in 2025, due to its work schedule, and that Mr. Malkiewicz agreed. He stated that he's already paid a deposit.

Mayor Mang stated that when Mr. Malkiewicz came before board in May, the Board allowed him time to engage the services of a contractor but that the Board was clear that the garage needed to come down immediately. He said that he believed Mr. Malkiewicz would address this matter right away, which is why the Board afforded additional time for him to get a contractor. The Mayor said that Mr. Malkiewicz failed to take down the garage down in the last 6 months. He believes the Board should only give the owner 2 weeks to get garage down.

Trustee Czopp stated that, when Mr. Malkiewicz was before the board at the May 5, 2024 hearing, he stated that the garage would be taken down as soon as possible. April 2025, she said, is not as "soon as possible".

Trustee Jones inquired as to the contents in the garage. Mr. Malkiewicz stated that there is a car, a snow blower and a lawnmower.

Mr. Berns stated that the owner had been told to remove these items, but has failed to do so. Mr. Malkiewicz stated that he is unable to do so until the spring.

There were no other comments or questions brought to the Board’s attention.

Trustee Czopp moved to close the hearing.

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

BOARD MADE A DETERMINATION PERTAINING TO CHAPTER 7, ARTICLE V: UNSAFE BUILDINGS – 272 WABASH AVENUE.

Trustee Catalano moved to uphold the determination of the Building Inspector, finding that the property garage is in violation of Section 7-112, Chapter 7, Article V: Unsafe Buildings. The Clerk is directed to send notification of the findings, along with the Board Resolution, directing that the garage be demolished within 14 days of receipt. If the owner fails to comply, the Village of Kenmore will demolish the garage with all costs being assessed against the property. A copy of this Resolution will be attached to these minutes for record purposes.

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

A Roll Call Vote was taken as follows:

Trustee Catalano	Voting	Aye
Trustee Czopp	Voting	Aye
Trustee Jones	Voting	Aye

BOARD APPROVED AN INTERMUNICIPAL AGREEMENT WITH ERIE COUNTY RE: A GRANT FOR DEVELOPMENT OF A COMPREHENSIVE PLAN.

Trustee Czopp moved to approve an Intermunicipal Agreement with Erie County for the development of an updated Comprehensive Plan. The grant is if \$50,000. A copy of this agreement has been appended to these minutes for record purposes.

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

BOARD APPROVED FREE PARKING ON DELAWARE AVENUE FOR DECEMBER.

Trustee Catalano moved to approve free parking on Delaware Avenue, except in and around the Municipal Building, for December 2024.

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

BOARD APPROVED A CHANGE ORDER FOR THE ELMWOOD SANITARY SEWER LINING PROJECT.

Trustee Jones moved to approve a Change Order with Green Mountain Pipeline Services, LLC for the Elmwood Sanitary Sewer Lining Project. The Change Order increases the project cost by \$37,170.00.

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

ABSTRACT OF AUDITED VOUCHERS.

Trustee Czopp 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 November 5, 2024, in the amount of \$1,751,379.86; General Fund \$544,666.01; Water Fund \$113,140.94; Sewer Fund \$42,796.60; Community Development Fund \$169,295.95

Capital Fund \$881,480.36; 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.

Ellen Little of 61 Marquette Avenue complained about an Air B&B located behind her home. She said that she has previously discussed this with Clerk-Treasurer Kathleen P. Johnson and the Building Inspector, and she understands that the Board is looking to address Air B&Bs with a new local law.

Mayor Mang confirmed this information and stated that the Board is aware of problems associated with Air B&Bs, which have opened in Kenmore. He understands that, given how close homes are located, these properties pose a negative impact on the surrounding neighborhood. He said that the Board is working on a law to address short term rentals and that in the meantime, the best course of action is to call the Kenmore Police with any problems. He hopes that the local law will provide the Village with more authority for enforcement.

Barb Miller of 58 Hiler Avenue, says that the Air B&B property is next to her. She works from home so she feels the brunt of the problems. She moved to Kenmore two years ago because of the civic pride and good ownership of the residential properties. Air B&Bs take homes from families. She says that she saw an Air B&B tenant beating a dog and that when she yelled at him, he ignored her. She is concerned with what she phrased as “weird activity”, going on at the property and that she just wants her neighborhood to be safe.

Mayor Mang agrees and understands that when she purchased her property, she didn't think she'd have to deal with the problems associated with short term rentals.

Ms. Little wants regulations put in place that would require properties to be owner occupied.

Mayor Mang reiterated that the Board is working to figure out how best to address this issue.

There were no more questions or comments.

The meeting was adjourned.

The next meeting of the Board of Trustees will be held on November 19, 2024 at 7:30 p.m.

Kathleen P. Johnson
Village Clerk/Treasurer