

EXECUTIVE SESSION

Board of Trustees
Village of Kenmore

Municipal Building
September 17, 2019

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

EXECUTIVE SESSION TO DISCUSS ONE (1) LITIGATION, THREE (3) FINANCIAL, ONE (1) PERSONNEL/HEALTH AND ONE (1) PERSONNEL/HIRE MATTER.

Trustee Burd moved to go into Executive Session to discuss one (1) Litigation, three (3) financial, one (1) personnel/health and one personnel/hire matter.

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

Trustee DeCecco moved to end the Executive Session.

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

Kathleen P. Johnson
Village Clerk/Treasurer

CORPORATION PROCEEDINGS

Board of Trustees
Village of Kenmore

Municipal Building
September 17, 2019

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

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

BOARD CONDUCTED A HEARING UNDER CHAPTER 7 ARTICLE V: UNSAFE BUILDINGS PERTAINING TO 18 EUCLID AVENUE.

Trustee Bestine moved to open the hearing.

Seconded by Trustee DeCecco 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 18 Euclid Avenue.

The property owner was not present. Building Inspector Michael Burns presented the violations currently present at the property. In the past, the gutters and roof were patched by the Village under a separate 7-112 violation. On September 13, 2019, Mr. Berns was inside the house with the property maintenance company. The property is in disrepair inside and out. There has been flooding in the basement and the walls and ceilings are covered in mold. The house was found to be structurally unsound and Mr. Berns believes that the cost to repair the property is well beyond its worth.

He stated that the house, in its current condition, poses a danger to the health and safety of the neighborhood. Inspector Berns recommended that the property be demolished.

The Building Inspector then presented photographs which were reviewed by the Board.

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

Trustee Burd moved to close the hearing.

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

BOARD APPROVED A RESOLUTION PERTAINING TO CHAPTER 7, ARTICLE V: UNSAFE BUILDINGS - 18 EUCLID AVENUE.

Trustee DeCecco moved to approve a Resolution pertaining to a determination under Chapter 7, Article V: Unsafe Buildings pertaining to 18 Euclid Avenue finding that the property is in violation of Section 7-112. A copy of this Resolution is attached to these minutes for record purposes.

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 THE APPOINTMENT OF A PROBATIONARY FULL-TIME LABORER FOR THE DEPARTMENT OF PUBLIC WORKS.

Trustee Catalano moved to approve the appointment of Brandon Gorman as a probationary full-time Laborer for Department of Public Works, effective September 18, 2019.

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

BOARD APPROVED SPECS AND PUBLICATION OF LEGAL NOTICE CALLING FOR BIDS FOR THE ROOF REPLACEMENT PROJECT AT THE VILLAGE OF KENMORE DEPARTMENT OF PUBLIC WORKS.

Trustee Bestine moved to approved specifications and grant permission for publication of a legal notice calling for bids for the Roof Replacement Project at the Village of Kenmore Department of Public Works. A copy of the Legal Notice is appended to these minutes for record purposes.

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

BOARD APPROVED AND GRANTED PERMISSION TO A POLICE CAPTAIN AND TWO DETECTIVES TO ATTEND A TRAINING COURSE

Trustee Burd moved to approve and grant permission to Kenmore Police Captain Andrew J. Kiefer, Detective Alan Fell and Detective Michael Wells to attend a course, entitled “Investigator School” on October 21-23, 2019 at the Erie County Law Enforcement Training Academy, with expenses.

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

BOARD APPROVED AND GRANTED PERMISSION TO THREE OFFICERS TO ATTEND A TRAINING COURSE, ON SEPTEMBER 19, 2019.

Trustee DeCecco moved to approve and grant permission to Officer Brian Zoldowski, Officer Shawn Amann, and Officer Anthony Sorrentino to attend a seminar entitled “Courtroom Testimony Training”, on September 19, 2019 at Niagara University, with expenses.

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

BOARD APPROVED AND GRANTED PERMISSION TO THE SENIOR FIREFIGHTER AND TWO FIREFIGHTERS TO ATTEND A TRAINING SEMINAR OCTOBER 24-27, 2019.

Trustee Catalano moved to approve and grant permission to Senior Firefighter Kenneth Butkowski, II, Firefighter Daniel Zeller and Firefighter Hector Rivera to attend the “New York State Vital Signs 2019 EMS Conference” on October 24-27, 2019” from October 24-27, 2019 in Buffalo, New York, with expenses.

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

BOARD APPROVED THE DESIGNATION OF FIRE DEPARTMENT EQUIPMENT AS SURPLUS.

Trustee Bestine moved to approve the designation of a Fire Department copier as surplus.

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

BOARD APPROVED VARIOUS REQUESTS FROM THE KENMORE BUSINESS ASSOCIATION FOR THE “2019 STOP, SIP AND SHOP” EVENT.

Trustee Burd moved to approve various requests from the Kenmore Business Association for the “2019 Stop, Sip and Shop” event on December 12, 2019 from 4-8pm.

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

BOARD APPROVED A CHANGE ORDER FOR THE WARDMAN ROAD PROJECT.

Trustee DeCecco moved to approve a Change Order for the Wardman Street Reconstruction Project in the amount of \$18,572.50. A copy of the Change Order is attached to these minutes for record purposes.

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

Samara Hutchinson, 116 Wardman, requested information about the change order. Karl Rhode, Nussbaumer & Clark, explained that there was additional cost incurred due to work needed to place the storm sewer in the proper location (below the sewer laterals). He explained that specifications were developed, assuming that all lines were located at a certain depth. However, once digging began, it was discovered that some of the lines needed to be relocated, requiring additional digging. More excavation was required to place the lines at the proper depth. The change order reflects the additional time needed to facilitate this.

BOARD APPROVED A CHANGE ORDER FOR THE KENMORE COMMUNITY CENTER PROJECT.

Trustee Catalano moved to approve a Change Order for the Kenmore Community Center Project in the amount of \$1,132.00. A copy of the Change Order is attached to these minutes for record purposes.

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

Greg Kuhaneck of 173 East Hazeltine asked how much the change order was for. Clerk Kathleen Johnson detailed the amount, explaining that this was for additional electric work, including purchase and installation of additional LED fixtures to replace existing.

BOARD APPROVED AN AGREEMENT BETWEEN THE VILLAGE OF KENMORE AND ABRAXAS CONSTRUCTION PERTAINING TO THE DEPARTMENT OF PUBLIC WORKS SALT BARN.

Trustee Bestine moved to approve an agreement between the Village of Kenmore and Abraxas Construction pertaining to repair of the Department of Public Works Salt Barn. A copy of the agreement is appended to these minutes for record purposes.

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

BOARD APPROVED THE APPOINTMENT OF A PART-TIME LABORER FOR THE KENMORE COMMUNITY CENTER.

Trustee Burd moved to approve the hire of Kenneth Cannata as a part-time Laborer for the Kenmore Community Center, effective September 25, 2019 at an hourly rate of \$15.00.

Seconded by Trustee Catalano 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 September 17, 2019 in the amount of \$1,284,486.27; General Fund \$336,652.40; Water Fund \$277,751.89; Sewer Fund \$239,755.61; Capital Fund \$430,326.37; 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 of all members present.

INVITATION FOR PUBLIC COMMENT/QUESTIONS

The Mayor asked if anyone wished to be heard.

Gary Sawyer of 255 Wardman Road asked the Board if they had ever walked Wardman since construction began. The Board, by show of hands, noted that all members had. Trustee Catalano noted that he walks the street almost every day.

Mr. Sawyer stated that he feels the project has been poorly planned, noting that school buses have been stuck. He also said that he believes there is a lack of communication, including in-house “fighting” between the contractor and the on-site inspector. He is concerned about

unprotected open areas, as well as pipes and other construction materials left on site. He states that he understands that a boy hurt his ankle on the street. He thinks that curbs should be going in by now, and doesn't think it's possible that substantial completion will take place by November 1, 2019. He states that he has spoken to the contractor, and understands that DJM has only been in business for seven years.

Mr. Sawyer says that when McKinley was done, the job site was nothing like this.

Heather Gardner of 123 Wardman Road appreciates that the Village is doing this project, but feels there should be better communication with the residents. She says that they received a letter in April from Clerk/Treasurer Kathleen Johnson, but that there have been no other updates. She understands that there are weekly progress meetings and she feels updates should be placed on the website. Ms Gardner admires the project, but feels that, over the last 6 months, the Board has lost sight of quality of life of the Wardman residents. She suggests that a 'residents meeting' take place, to address such things as damages and rusty water.

Kathleen Zen of 229 Wardman Road states that the street is a mess and that there has been destruction of property, including cracked windshields. She states that she has called DJM, but there is no follow up. She is concerned for safety: There are no street lights. Buses can't get down the street. The corner of Wardman and Rowley is impassable. Trucks are speeding down the street during the day and people are speeding down the street during non-work hours. There are piles of trash. She is concerned for children who are climbing on construction materials and vehicles. She notes that the gas company has also created unsafe conditions.

She feels that not enough is being done to keep the job site safe. She notes that warped plywood is placed over open areas and marked “hole”. She says that isn’t enough. Ms. Zen states that the workers are polite, but just not concerned about the safety.

Samara Hutchinson, 116 Wardman Road, states that she loves Kenmore and has lived here for 13 years. She is involved with the KVIS and the Farmers Market. She is here because the condition of the street is bad and things need to improve.

She says that it was her son who had a fracture, when he rolled his ankle on a large stone. She said that the answers they are getting are not enough. It’s not safe and that project notes have not been followed. She wants to know who is responsible. She feels that the on-site inspector is not doing enough to enforce safety requirements.

Chris Bagneschi of 140 Wardman Road is a 3-year resident. He has safety concerns for the elderly. He is a registered dietician, who works with the elderly and that they have difficulties navigating sidewalks. For example, DJM left pipe in driveway, which was not moved. Tom Meyer – on-site inspector is awesome in communicating, but that the Village of Kenmore needs to give more information to the residents. He says he loves the Village, but is frustrated that people can’t visit him, due to the condition of the street.

Nancy Di Matteo, 151 Hamilton, stated that Hamilton just had a new water main put in and now the street floods worse than ever. She feels the pitch is too high and says that bubblers aren’t working. She asks what the benefit is to the rest of the residents to have these infrastructure projects take place.

Mayor Mang responded stating that we all live in a community and we all benefit from improvements to the infrastructure. Whether it’s a just a water line or a full reconstruction, tax

dollars are used to benefit the entire community. He encourages residents to direct questions and problems to the on-site inspector who is there to address the day to day issues.

Ms. DiMatteo also expressed concerns about Elmwood. The Mayor asked the DPW to look into her concerns.

Ms. DiMatteo stated that the lawns on her street are still a mess, despite the water main project having been completed three years ago.

Mayor Mang will have Superintendent of the Department of Public Works David Root check on the situation.

Randolph Diamond, 144 Wardman Road, said thank you for the opportunity to speak. He loves the Village of Kenmore and is a 24-year resident. He's excited about the project, but there are also some real safety issues. He provides the example of two construction vehicles being used to cover a hole, and front yards with holes and divots. He is concerned for children and the elderly. He says that the contractor has been pleasant and polite, but that the crews give lip service to the residents' concerns. He says that crews have covered his bubbler and as a result he had to toss out a lot of stuff due to basement flooding. He also stated that his parked car now has a dent from stone. He wants to know how to go about recovering his losses.

Mayor Mang says that he has told the on-site inspector of the Board's concerns, and that he was instructed to talk to the contractor. He also stated that the Village will put something together explaining how to make damage claims. He notes that residents need to be aware that the utility companies have also been on site, independent of the Reconstruction Project, and that any damage caused by the utility companies needs to be filed directly with them.

Richard Scalfani of 49 McKinley Avenue stated the construction impacts other residents. His dog's paw was injured when he walked the dog on Wardman.

Samara Hutchinson stated that residents were told by DJM that cleanup was not possible without 12-hour days. She says that they can't even locate her bubbler.

Mayor Mang directed her to talk to the on-site inspector as it's his responsibility to keep track of the crews and address residential concerns.

Samara Hutchinson stated the on-site inspector has yelled at her. The Mayor reiterated that the on-site inspector is there to address residential concerns.

Gregory Kuhaneck, 173 East Hazeltine, again asked the Board if they had actually walked the street, because it is unsafe and in terrible condition.

The Board again indicated, by show of hands, that all of them had been on the street. The Mayor noted that it is a construction site, and urged caution.

David Bronson of 22 Wardman Road also expressed concerns for the safety of the job site, and in particular has concerns that the project will not be done before Halloween, which is so enjoyed by the residents.

Mayor Mang told the gallery that the project is on track. He said the project is supposed to be substantially completed by November 1, 2019. Curbs and flatwork should be done by then. He noted that the contractor is now working 6 days a week. The Mayor said that he understands that the residents are fatigued, but that this is a big project (\$2.5 million) and involves work sidewalk to sidewalk. It's a significantly larger scope than a water main replacement project, such as the McKinley project.

Superintendent of Public Works, David Root, stated that flatwork should begin in 2-3 weeks. This includes curbs, sidewalks, and electric conduit for lights. He said that crews will begin to box out the street around September 28, 2019. He explained that “box out” refers to grading the street, removal of driveway aprons and sidewalks, in preparation for flat work.

Stephen Saenz, 199 Wardman Road, wanted clarification as to who is responsible for property damages.

David Root stated that any damage is the Contractor’s responsibility. He said that all homes had been photographed before the project began and that the Contractor is responsible for rehabilitation of the properties. He also noted that grass and trees will be planted in the spring.

The Mayor thanked everyone for coming to the meeting.

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

The next meeting of the Board of Trustees will be held on October 1, 2019 at 8:00 p.m. at the Kenmore Municipal Building.

Kathleen P. Johnson
Village Clerk/Treasurer