

EXECUTIVE SESSION

Board of Trustees
Village of Kenmore

Municipal Building
December 3, 2019

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

EXECUTIVE SESSION TO DISCUSS ONE (1) FINANCIAL, AND TWO (2) LITIGATION MATTER.

Trustee Burd moved to go into Executive Session to discuss one (1) financial, and Two (2) litigation matter.

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

Trustee Bestine 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

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	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 p.m. by Mayor Patrick Mang. The Mayor led the Pledge of Allegiance.

Acting Justice Parker MacKay swore in the re-elected officials: Trustees Bestine and DeCecco and Mayor Mang.

BOARD APPROVED THE VILLAGE BOARD RULES OF PROCEDURE.

Trustee Bestine offered the following resolution covering Village Board Rules of Procedure and moved its adoption:

RULES FOR PREPARATION OF AGENDAS FOR PUBLIC BOARD MEETINGS AND FOR AUDITING VOUCHERS

1. Meeting Agendas will be delivered to the homes of Board Members late afternoon on the Friday prior to the regular public Board Meeting.
2. Trustees and Department Heads wishing to have items included on such agendas must submit them to the Village Clerk-Treasurer no later than 2:00 p.m. on the Friday prior to the regular public Board Meeting.
3. Additional agenda items not submitted in accordance with No. 2 above may be added on the meeting day with the approval of three members of the Board of Trustees.
4. (a) Each Trustee is obligated to audit the vouchers at his or her own leisure prior to the public Board Meeting at which they are to be approved for payment.

(b) The Village Clerk-Treasurer will have such vouchers available for audit by Board Members in the Mayor's Office no later than 4:00 p.m. of the day of the public Board Meeting.

PUBLIC BOARD MEETING RULES OF PROCEDURE

1. Trustees or audience members will be permitted to speak when recognized by the Mayor, or in his absence, the Deputy Mayor.
2. Discussion or debate of Agenda items will begin only after a motion has been made and seconded. The Order of Recognition for speaking on a "question" for Trustees shall be in the same order of roll call voting, except that the Trustee who introduces the motion shall be given the first privilege of the floor. No Trustee shall be permitted to speak on a "question" after it has been voted on except to change his or her vote prior to the vote result being announced.
3. The Order of Roll Call voting shall be as follows:

Trustee Katherine Bestine
Trustee Paul Catalano
Trustee Katie Burd
Trustee Joseph DeCecco
4. Constructive audience input will continue to be invited prior to submitting the motion to a vote by the Board of Trustees. Questions, for clarification purposes, will also be permitted from audience members prior to such vote being taken. Upon conclusion of audience comments and discussion, the Board of Trustees will proceed with final disposition. The Mayor, at his sole discretion, may initiate a time limit for audience comment, and/or limit audience participation to one comment per audience member.

**PROCEDURES FOR CONVENING AND CONDUCTING
NON-REGULARLY SCHEDULED VILLAGE BOARD MEETINGS**

Special non-regularly scheduled meetings of the Board of Trustees may be called by the Mayor or by any three Trustees by causing a written notice specifying the time and place thereof to be served upon each member of the Board personally at least two hours in advance, or by leaving a notice at his residence or place of business with some person of suitable age and discretion at least 24 hours before the time of the meeting or by making such notice at least 72 hours before such meeting, and that all such meetings shall be in conformance with the requirements of New York State's Open Meeting Law, Rules and Regulations.

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

BOARD APPROVED THE MAYORAL APPOINTMENT OF KATHLEEN P. JOHNSON AS CLERK TREASURER FOR A TWO-YEAR TERM.

Trustee Catalano moved to approve the Mayoral appointment of Kathleen P.

Johnson as Clerk Treasurer for a two-year term, to expire December 1, 2021.

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

BOARD APPROVED MAYORAL APPOINTMENTS TO VARIOUS POSITIONS FOR ONE-YEAR TERMS TO EXPIRE DECEMBER 1, 2019.

Trustee Burd moved to approve the Mayoral one-year appointments of the following persons:

Prosecuting/Deputy Attorney	Eugene P. Adams, Esq.
Legal Liaison	Kathleen P. Johnson, Esq.
Acting Justice	Parker MacKay, Esq.
Registrar	Kathleen P. Johnson, Esq.
Deputy Registrar	Gail T. Higgins
Deputy Clerk	Gail T. Higgins
Village Historian	Edward Adamczyk

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

BOARD APPROVED THE MAYORAL APPOINTMENTS OF TRUSTEES TO VARIOUS POSITIONS.

Trustee Catalano moved to approve the following Mayoral appointments of Trustees:

Deputy Mayor	Trustee Catalano
Water & Sanitation/Sewer Commissioner	Trustee Bestine
Public Works & Public Utilities Commissioner	Trustee Bestine
Commissioner of Administration & Finance	Trustee Burd
Deputy Police/Juvenile Aid Bureau Commissioner	Trustee Catalano
Deputy Fire Commissioner	Trustee DeCecco

Community Development Commissioner	Trustee Burd
Commissioner of Kenmore Community Center	Trustee Catalano
Building Department Commissioner	Trustee DeCecco
Housing Authority Liaison	Trustee Burd

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

BOARD APPROVED THE MAYORAL APPOINTMENTS OF TRUSTEES TO VILLAGE BOARD COMMITTEES.

Trustee Bestine moved to approve the following Mayoral appointments of Trustees to various Village Board committees:

Insurance	Trustee Burd & Trustee DeCecco
Tax & Property	All Board Members
Grievance Committee	Trustee Catalano & Trustee Bestine
Capital Expenditures	Trustee Burd & DeCecco
Negotiating Committee	Trustee Catalano & Trustee Bestine

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

BOARD APPROVED THE DESIGNATION OF TIME AND PLACE OF BOARD MEETINGS.

Trustee Burd moved to approve the designation of the time and place of Village Board Meetings as the first and third Tuesday of each month, with the exception of meetings which fall on holidays where Village offices are closed, in which case the meeting will be cancelled. The meetings will be held at 8:00 p.m. in the Council Chambers, in the Municipal Building.

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

BOARD APPROVED THE DESIGNATION OF THE OFFICIAL DEPOSITORY FOR THE VILLAGE OF KENMORE.

Trustee DeCecco moved to approve Key Bank as the official depository for the Village of Kenmore for the remainder of Fiscal Year 2019-2020, and for Fiscal Year 2020-2021 through December 1, 2020.

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

BOARD APPROVED THE INVESTMENT/FISCAL/ADMINISTRATIVE POLICY FOR THE VILLAGE TREASURER FOR THE REMAINDER OF THE 2019-2020 FISCAL YEAR AND FOR FISCAL YEAR 2020-2021 THROUGH DECEMBER 1, 2020.

Trustee Catalano offered the following resolution and moved its adoption:

WHEREAS, the Village of Kenmore in the course of the next fiscal year will have funds not immediately needed for the purposes of the Village, and

WHEREAS, such funds may be temporarily invested in order to obtain interest thereon, which interest can be used for the benefit of the Village of Kenmore, and

WHEREAS, the General Municipal Law Section 11 authorizes the Board of Trustees of the Village to authorize the Treasurer to temporarily invest such idle funds,

NOW, THEREFORE BE IT

RESOLVED, that the Treasurer of the Village of Kenmore is hereby authorized and directed to invest the funds of the Village of Kenmore which are presently on hand and which will hereafter come into her hands and which in her opinion, are not immediately needed for purposes of the Village of Kenmore in Treasury Bills, Certificates of Deposit and Money Market or other similar accounts authorized to do business in New York State, and be it further

RESOLVED, that all investments shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Collateral shall be delivered to the Local Government or a Custodial Bank with which the Local Government has entered into a Custodial Agreement. The market value of collateral shall at all times equal or exceed the principal amount of the certificate of deposit, and be it further

RESOLVED, that the Clerk/Treasurer is hereby authorized to sign any grants, agreements or other documents on behalf of the Mayor and the Village of Kenmore, and be it further

RESOLVED, that the Clerk-Treasurer shall, at the request of the Board of Trustees, prepare and submit a quarterly investment report which indicates new investments, the inventory of existing investments, and such other matters as the chief fiscal officer deems appropriate.

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

BOARD AUTHORIZED THE CLERK/TREASURER TO SELECT AND EMPOWER PAYING AGENTS TO DESTROY PAID MUNICIPAL OBLIGATIONS.

Trustee Bestine offered the following resolution and moved its adoption:

RESOLVED, that the Village Clerk-Treasurer be and she hereby is authorized to select and empower various paying agents from time to time to destroy evidences of paid municipal obligations which have been duly canceled, such destruction and cancellation to be carried out pursuant to the applicable regulations of the Office of the State Comptroller.

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

BOARD TO ISSUE ADVANCE APPROVAL OF CLAIMS FOR CERTAIN RECURRING CHARGES.

Trustee Burd offered the following resolution and moved its adoption:

WHEREAS, Section 5-524(6) of the Village Law provides the Board of Trustees may, by resolution, authorize payment in advance of audit of claims for certain recurring charges such as public utility services, postage, freight and express charges and obligations for contracts and agreements that have been approved by the Board,

NOW, THEREFORE BE IT

RESOLVED, that the Board of Trustees does hereby authorize payment in advance of audit of claims for certain recurring charges and empower the Clerk-Treasurer to process payment to the appropriate claimants.

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

BOARD GRANTED AUTHORIZATION TO PURCHASE ON STATE AND COUNTY CONTRACTS.

Trustee DeCecco moved that the Village Board authorize the Village of Kenmore to purchase on State and County contracts for the remainder of fiscal year 2019-2020 and for fiscal year 2020-2021, through December 1, 2020.

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

BOARD APPROVED THE DESIGNATION OF THE KEN-TON BEE AND THE BUFFALO NEWS AS THE OFFICIAL NEWSPAPERS FOR THE VILLAGE OF KENMORE.

Trustee Catalano moved that the Ken-Ton Bee and the Buffalo News be designated as official newspapers for the Village of Kenmore.

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

BOARD GRANTED APPROVAL FOR VILLAGE OFFICIALS TO ATTEND OFFICIAL MEETINGS OF VARIOUS ASSOCIATIONS, CONFERENCES, SEMINARS AND SCHOOLS.

Trustee Bestine moved that Village officials be authorized to attend various official meetings in Erie County Village Officials Association, Municipal Administrative Officers Association of Erie County, Association of Erie County Governments, Niagara Frontier Building Inspectors Association, Erie County Association of Town Superintendents of Highway, NYS Conference of Mayors and NYS Government Finance Officer meetings, conferences, seminars and schools during the remainder of Fiscal Year 2019-2020 and for Fiscal Year 2020-2021 through December 1, 2020, with expenses.

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

BOARD CONDUCTED A HEARING PERTAINING TO THE DISCONTINUATION OF WATER SERVICE AT 119 DELAWARE ROAD.

The Clerk advised that this was the time and place to conduct a hearing pertaining to the discontinuation of water service at 119 Delaware Road under Section 24-71 (b) of the Kenmore Municipal Code.

Trustee Burd moved to open the hearing.

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

The Mayor asked if anyone was present representing 119 Delaware Road. No one was present. The Mayor then asked if there were any questions or comments. There were none.

Trustee DeCecco moved to close the hearing.

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

BOARD APPROVED A RESOLUTION PERTAINING TO THE DISCONTINUATION OF WATER SERVICE AT 119 DELAWARE ROAD.

Trustee Catalano moved to approve a resolution authorizing the discontinuation of water service at 119 Delaware Road in accord with Kenmore Municipal Code 24-71(b). 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.

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 CONDUCTED A HEARING PERTAINING TO THE DISCONTINUATION OF WATER SERVICE AT 242 WASHINGTON AVENUE.

The Clerk advised that this was the time and place to conduct a hearing pertaining to the discontinuation of water service at 242 Washington Avenue under Section 24-71 (b) of the Kenmore Municipal Code.

Trustee Bestine moved to open the hearing.

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

The Mayor asked if anyone was present representing 242 Washington Avenue. No one was present. The Mayor then asked if there were any 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 APPROVED A RESOLUTION PERTAINING TO THE DISCONTINUATION OF WATER SERVICE AT 242 WASHINGTON AVENUE.

Trustee DeCecco moved to approve a resolution authorizing the discontinuation of water service at 242 Washington Avenue in accord with Kenmore Municipal Code 24-71(b). A copy of the resolution is appended 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 CONDUCTED A HEARING PERTAINING TO THE DISCONTINUATION OF WATER SERVICE AT 328 WASHINGTON AVENUE.

The Clerk advised that this was the time and place to conduct a hearing pertaining to the discontinuation of water service at 328 Washington Avenue under Section 24-71 (b) of the Kenmore Municipal Code.

Trustee Catalano moved to open the hearing.

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

The Mayor asked if anyone was present representing 328 Washington Avenue. No one was present. The Mayor then asked if there were any questions or comments. There were none.

Trustee DeCecco moved to close the hearing.

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

BOARD APPROVED A RESOLUTION PERTAINING TO THE DISCONTINUATION OF WATER SERVICE AT 328 WASHINGTON AVENUE.

Trustee Burd moved to approve a resolution authorizing the discontinuation of water service at 328 Washington Avenue in accord with Kenmore Municipal Code 24-71(b). A copy of the resolution is appended to these minutes for record purposes.

Seconded by Trustee Catalano 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 A REQUEST TO VOID AND REISSUE AN ACCOUNTS PAYABLE CHECK.

Trustee Bestine moved to approve a request to void accounts payable check #33709 in the amount of \$413.28 dated May 8, 2019.

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

BOARD APPROVED AND GRANTED PERMISSION TO A DETECTIVE TO ATTEND A TRAINING COURSE, JANUARY 14-15, 2020.

Trustee Catalano moved to approve and grant permission to Police Detective Alan Fell to attend training entitled “Law Enforcement AR-15 Armorer Course” on January 14-15, 2020 in Alden, New York, with expenses.

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

BOARD APPROVED AND GRANTED PERMISSION FOR FIVE CODE ENFORCEMENT OFFICERS TO ATTEND A TRAINING COURSE, JANUARY 27-29, 2020.

Trustee DeCecco moved to approve and grant permission for Code Enforcement Officers Michael Berns, John Daigler, Peter Aiello, Kenneth Butkowski II, and Loreto Colaiacovo to attend the “Niagara Frontier Building Officials Education Conference” on January 27-29, 2020 in Cheektowaga, New York, with expenses.

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

BOARD APPROVED CHANGE ORDER NO. 1 FOR THE 2019 CDBG WILBER AVENUE SIDEWALK PROJECT.

Trustee Burd moved to approve Change Order No. 1 for the CDBG Wilber Avenue Sidewalk and Curb Project and ADA Ramp Improvement for the reduction of \$19,055.60.

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

BOARD APPROVED AN ORDER OF CONSENT WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

Trustee Bestine moved to approve an Order of Consent with the Department of Environmental Conservation.

Seconded by Trustee DeCecco 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 December 3, 2019 in the amount of \$1,813,510.74; General Fund \$1,130,779.98; Water Fund \$93,033.29; Sewer Fund \$63,603.89; Capital Fund \$360,338.15; Community Development Fund \$165,755.43 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.

John Luhr, Esq. and Concetta Sorrentino, residing at 132 Shepard appeared regarding the property located at 130 Shepard

Mr. Luhr explained that Ms. Sorrentino's neighbor at 130 Shepard Avenue had a fence blow down and into Ms. Sorrentino's driveway during a winter storm. Her daughter called Building Inspector, Michael Berns three times to request that the fence be removed by the

neighbor. The neighbor says it's Ms. Sorrentino's fence. Ms. Sorrentino says it's not her fence and wants the fence section removed from her property.

He presented photos and a survey to the Board which shows that the property line ends at the driveway.

Inspector Michael Burns stated that he spoke with to the daughter, but never received the requested survey. No violation could be established without seeing it. He will re-inspect.

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

The next meeting of the Board of Trustees will be held on December 3, 2019 at 8:00 p.m. at the Kenmore Municipal Building.

Kathleen P. Johnson
Village Clerk/Treasurer