

EXECUTIVE SESSION

Board of Trustees
Village of Kenmore

Municipal Building
December 6, 2022

PRESENT:	Hon. Patrick Mang	Mayor
	Hon. Paul Catalano	Trustee
	Hon. Joseph DeCecco	Trustee
	Hon. Andrea Czopp	Trustee

EXECUTIVE SESSION TO DISCUSS ONE (1) LITIGATION MATTER AND ONE (1) PERSONNEL/HEALTH MATTER.

Trustee Catalano moved to go into Executive Session to discuss one (1) litigation matter and one (1) personnel/health matter.

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

Trustee Czopp 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

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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.

BOARD APPROVED THE VILLAGE BOARD RULES OF PROCEDURE.

Trustee Catalano 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 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 Paul Catalano
Trustee Joseph DeCecco
Trustee Andrea Czopp
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 Czopp and adopted by a full vote of all members present

BOARD APPROVED MAYORAL APPOINTMENTS TO VARIOUS POSITIONS FOR

Trustee DeCecco moved to approve the Mayoral one-year appointments of the following persons, to expire at the first Board meeting in December, 2023:

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

BOARD APPROVED THE MAYORAL APPOINTMENTS OF TRUSTEES TO VARIOUS POSITIONS.

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

Deputy Mayor	Trustee Catalano
Water & Sanitation/Sewer Commissioner	Trustee DeCecco
Public Works & Public Utilities Commissioner	Trustee DeCecco
Commissioner of Administration & Finance	Trustee Czopp
Deputy Police/Juvenile Aid Bureau Commissioner	Trustee Catalano
Deputy Fire Commissioner	Trustee DeCecco
Community Development Commissioner	Trustee Catalano
Commissioner of Kenmore Community Center	Trustee Catalano
Building Department Commissioner	Trustee Czopp
Housing Authority Liaison	Trustee DeCecco

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

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

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

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

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

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

Trustee Czopp 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 7:30 p.m. in the Council Chambers, in the Municipal Building.

Seconded by Trustee DeCecco 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 2022-2023, and for Fiscal Year 2023-2024 through December 5, 2023.

Seconded by Trustee Catalano 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 2022-2023 FISCAL YEAR AND FOR FISCAL YEAR 2023-2024 THROUGH DECEMBER 5, 2023.

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 Czopp 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 Czopp 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 DeCecco 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 Catalano moved that the Village Board authorize the Village of Kenmore to purchase on State and County contracts for the remainder of fiscal year 2022-2023 and for fiscal year 2023-2024, through the first Board meeting in December, 2023.

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

Seconded by Trustee DeCecco 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 DeCecco 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 2022-2023 and for Fiscal Year 2023-2024 through December 5, 2023, with expenses.

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

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

Trustee Catalano moved to approve the appointment of Michael Greiner as a probationary full-time Laborer for the Department of Public Works, at an hourly pay rate of \$16.54, effective December 7, 2022.

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

BOARD APPROVED THE RE-APPOINTMENT OF JAMES SHOTWELL TO THE EXAMINING BOARD OF PLUMBERS.

Trustee Czopp moved to approve the 3-year appointment of James Shotwell to the Examining Board of Plumbers, with a term to expire December 2025.

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 DeCecco moved to approve the appointment of James Caito 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 AN AGREEMENT WITH THE TOWN OF TONAWANDA PERTAINING TO A TOWN OF TONAWANDA NYS GRANT REGARDING THE PURCHASE OF MOBILE AND PORTABLE COMMUNICATION EQUIPMENT FOR THE KENMORE VOLUNTEER FIRE DEPARTMENT.

Trustee Catalano moved to approve an agreement with the Town of Tonawanda pertaining to a Town of Tonawanda New York State Grant regarding the purchase of mobile and portable communication equipment for the Kenmore Volunteer Fire Department. A copy of the agreement is appended to these minutes for record purposes.

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

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

BOARD APPROVED AND GRANTED PERMISSION FOR FOUR CODE ENFORCEMENT OFFICERS TO ATTEND A TRAINING COURSE, JANUARY 23-25, 2023.

Trustee Czopp moved to approve and grant permission for Code Enforcement Officers Michael Berns, John Daigler, Loreto Colaiacovo, Kenneth Butkowski II, and Loreto Colaiacovo to attend the “Niagara Frontier Building Officials Education Conference” on January 23-25, 2023 in Buffalo, New York, with expenses.

Seconded by Trustee DeCecco 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 December 6, 2022 in the amount of \$853,298.46; General Fund \$508,530.45; Water Fund \$14,728.96; and Sewer Fund \$16,337.45; Capital Fund \$313,701.24 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.

Tom Metz, the owner of Insty Prints is present with his brother, Dave, to protest the Village’s use of Eminent Domain to obtain their property. He understands that legally, the Village can proceed and will be successful, but he implores the board to reconsider this action, stating that their family business has been in the Village of Kenmore for 36 years. They pay

taxes, and it's not right. He says that the trustees are supposed to be for the people, and that the Clerk/Treasurer notes on the website that one of the things that makes Kenmore special is how government and businesses work together. The Mayor, he says, states that he's proud of what has been accomplished in Kenmore. Mr. Metz says that the Mayor can't be proud taking away the livelihood of those working at Insty Prints. Mr. Metz continued to say that they have 2000 signatures on a petition showing support to Insty Prints. He is asking the Village to reconsider Eminent Domain, stating that the Village is stealing the building from his family.

Dave Metz, from Insty Prints says that it will be extremely hard for Insty Prints to find another property with 6,000 square feet and that the use of Eminent Domain isn't fair to the property owners.

Amy Metz (Tom Metz's wife) thanks the Board for the opportunity to speak. She asks the board to imagine a tree – established and productive - which has to be moved. She notes that any move to a well-established business reduces its chance for survival, too. She says that the amount of money offered for the purchase of Insty Prints is too low, and the equivalent of having a Tonka truck move a well-established tree. She says that the Police Department is supposed to support and serve, but this action doesn't seem to support that. She feels the Village's actions are immoral and unjust, although she recognizes that the law is on the Village's side. Still, she feels that this project just doesn't warrant displacing a family-owned business and hurting the livelihood of those who work there.

Lauren Metz (Dave Metz's daughter) says that the family business started in 1969. She says that the eminent domain action will adversely impact her family, and that their business is

an asset to the community. She grew up in the Village of Kenmore, and the business was another home to her. She asks the Village to reconsider this action and presents a petition which has 2,000 signatures. Ms Metz says that the action is unjust and will destroy a small business. She says that the Village is placing police locker rooms and bathrooms over the livelihood of those who work at Insty Prints. She then shared some of the comments of those who signed the petition.

Eileen Horn, a business owner in Lockport and client of Insty Prints, then addressed the Board. The Village of Kenmore, she says, is a small community and respect for one another is key to supporting a small community. Here, she says, the eminent domain action is destroying a 36-year business, which has contributed so much. Government, she says, is for the people and that the government shouldn't be taking actions which will destroy a livelihood. She notes that Insty Prints pays taxes, which will be lost if the property becomes Village property. She also notes that location is the key to any real estate venture and that Kenmore is the ideal location for Insty Prints. She comments on the quality and level of service provided by Insty Prints, noting that she and other businesses are willing to go away from their own community to go to Insty Prints.

She thinks that the Village should look to other locations and use the money they were offering Insty Prints to build new elsewhere. She also questions why Insty Prints wasn't given input into its cost to move. Ms. Horn believes that moving forward with an eminent domain action could impact other businesses from investing in Kenmore, or discourage mom and pop businesses in

the Village from staying. While she understands the need for a new police station, she believes the people need to be protected, too. Any move, will likely result in the loss of clients.

Tim Freedman a forty-year member of the Printing Industry Alliance states that he works with printers and knows what makes them successful. He believes that this action will put Insty Prints out of business, between financial hardship in relocating and the loss of clients. He asks the Board to try and find a mutually good alternative.

Chris Billoni supports the Village of Kenmore and the Kenmore Police Department, but again asks the Village to pause Eminent Domain proceedings and allow a committee of experts to look at other potential locations. He noted that the Town formed a committee to consider locations for its police department, and that the Village has formed committees for various projects in the past.

Mayor Mang replied that, at this time, no committee is needed

Chris Billoni asked if the Village would be using the Insty Prints building or razing it.

The Mayor replied that the plan was to knock it down. While there are no formal plans, the property would give room for the expansion of the building and parking.

Mike Billoni asks if a study was ever done to evaluate other locations. He notes that if the plan is to relocate the KPD to the Community Center during construction, it stands to reason that the KCC could be converted to become the new KPD. He said that Senator Ryan would support a Village request to allow the taking of park land, if the Village wished to do so. He thinks having the KPD in Mang Park would give it the space to make a Police Campus.

Gary Hoch says that he moved to the Village in 2006. His insurance business is 68 years old. As a businessman, he always felt it important to own the property, for security reasons. He sees that Insty Prints did the same. He thinks it's terrible to force them to look to new locations when they've invested in their own building to avoid being kicked out. He says that Insty Prints is one of Kenmore's best businesses. He also notes the lost tax base if their property is acquired through eminent domain.

Cyndee Billoni also feels that the Community Center would make an ideal location for the KPD. The Mayor stated that only part of the staff would be relocating there, and that the rest would stay in place. Ms. Billoni suggested the Rite Aid property as another alternative.

Mayor Mang thanked everyone for their comments, and stated that he wanted to explain the process and clarify a few points.

He said that in October 2021, he and the Police Chief went to Insty Prints to see if there was interest in selling. At that time, they were told that it was a possibility and asked the Village to make an offer. He said the Metz's specifically said that they were not willing to sell to Colvin Cleaners.

In February 2022, the Village engaged a realtor, gathered comps and made an offer.

In April 2022, the Metz's attorney contacted the Village and said that if we were to agree to pay the commission, we'd likely have a deal. The Village offered to pay half of the commission.

In May, 2022 notice of hearing was published in the News and given to the seller.

Just before the hearing, Insty Prints provided a counter offer that was five times the value. The Village thought that the counter offer was unreasonable.

In June, the Board passed and published the Determination of Findings outlining the hearing information.

During the summer/fall, an appraisal was done which found the appraised value to be \$365,000. The Village then offered that amount to Insty Prints.

A counter offer came back at \$625,000 plus \$125,000, and this was where its own appraisal only showed a value of \$450,000.

The Village put in another counter of \$525,000 which included money to help with the move. The Mayor noted that we're not in eminent domain at this time. We were still trying to purchase the property.

The Mayor stated that the Village tried to negotiate, but that the Board has a duty to the taxpayers to be fiscally prudent with its offers.

He said that social media has been very hurtful and self-serving. Negative things have been posted about the board members, the Clerk/Treasurer and him.

The Village had looked at other properties and had considered other options. He concluded saying that the Village has decided to pursue another option, rather than pursuing an eminent domain action and would not be purchasing Insty Prints or taking it by Eminent Domain.

Trustee DeCecco stated that everyone on the board is compassionate, yet he's been threatened over this proposed action. He states that, while the board has been listening to the public, he feels that many things are being said without knowing all the facts.

Trustee Catalano stated that he realizes that a lot of people came here to speak, and that we wanted everyone to have their say.

Trustee DeCecco stated that he hopes Insty Prints will be around for another 36 years.

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 20, 2022 at 7:30 p.m.

Kathleen P. Johnson
Village Clerk/Treasurer