

EXECUTIVE SESSION

Board of Trustees
Village of Kenmore

Municipal Building
October 20, 2020

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) INVESTIGATIVE AND ONE (1) LITIGATION MATTER.

Trustee Burd moved to go into Executive Session to discuss one (1) Investigative and one (1) Litigation matter.

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

Trustee Catalano 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
Village of Kenmore

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

BOARD APPROVED AN AGREEMENT WITH ERIE COUNTY PERTAINING TO THE CARES ACT.

Trustee Bestine moved to approve an agreement with Erie County pertaining to the Cares Act fund reimbursement of COVID-related municipal expenses. A copy of the Agreement has been appended to these minutes for record purposes.

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

BOARD APPROVED AWARDED BID FOR A COMMUNITY DEVELOPMENT SEWER LINING PROJECT.

Trustee Burd moved to approve the award of a bid for a Community Development Sewer Lining Project to National Water Main Cleaning Company, the lowest responsible bidder, in the amount \$409,922.50.

Seconded by Trustee Catalano.

Matt Kent said that two weeks ago he alerted the Board as to grave concerns he had and which he felt would disqualify National Water Main as a responsible bidder. He stated that his organization had identified payroll discrepancies and that NWM had been investigated in the past. He categorized his concerns as “serious” and as “wage theft”. He asked the Board to wait

two more additional weeks before awarding this bid, so that it could fully investigate these allegations. He feels that to do so would demonstrate the Board's willingness to stand up for workers. He also stated that he understands that the Board has concerns for timing and possible legal challenges, including injunction, which may prevent the project from moving forward.

He feels a judge wouldn't issue an injunction. He feels that there should have more contact from the Village to further discuss his concerns. He feels, that in awarding this bid, the Village is rewarding bad behavior with tax payer dollars. He wants the Village to consider implementing a "Responsible Bidder ordinance" which would build upon General Municipal Law 103 and require the Village to get additional information to investigate bidders.

Mayor Mang thanked Mr. Kent for his comments, noting that the Board had already chosen to table award of the bid at the last meeting in order to give the Board opportunity to investigate Mr. Kent's allegations and to seek the advice of counsel. The Mayor noted that the Village had also reached out to National Water Main to give them opportunity to respond to the claims, and that, in the Board's opinion, and upon review of legal counsel, NWM's answers satisfactorily addressed these concerns. He also noted that this is a CDBG project, which means there will be additional review of this project. Also, because this is a CD project, it must be completed by the end of February or the Village could permanently lose this grant money. He feels that they cannot risk this, especially in light of the additional burden placed on the Village budget due to COVID. The mayor also noted that the Village has worked with this vendor before. He told Mr. Kent that the Board took his allegations seriously. The board is supportive of worker fair wages, and wanted to make sure any payroll issues were satisfactorily addressed.

He says that this was not an easy decision, but after reviewing all the information provided by both Mr. Kent and the contractor, and upon recommendation of counsel, the Board believes that National Water Main qualifies as the lowest responsible bidder. He welcomes Mr. Kent's information pertaining to other procedures which the Village can implement to best vet potential bidders. He thanked Mr. Kent for his information, presentation and his passion. As there were no further comments, the Mayor asked for a vote on this agenda item.

The motion was adopted by a full vote in the affirmative.

BOARD APPROVED A CHANGE ORDER FOR THE ELMWOOD PEDESTRIAN IMPROVEMENT PROJECT.

Trustee Bestine moved to approve a Change Order for the Elmwood Pedestrian Improvement Project with respect to change of scope, and not to exceed the original contract amount \$1,251,291.58.

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

BOARD APPROVED THE APPOINTMENT OF RAY MCCABE TO THE ZONING BOARD OF APPEALS.

Trustee DeCecco moved to approve the appointment of Ray McCabe to the Zoning Board of Appeals for a three-year term to expire June, 2023.

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

BOARD APPROVED SPECS AND CALL FOR PUBLICATION OF A LEGAL NOTICE CALLING FOR BIDS FOR THE JUVENILE AID OFFICE AT THE KENMORE COMMUNITY CENTER.

Trustee Catalano moved to approve specifications and call for publication of a legal notice calling for bids for the Juvenile Aid Office Renovation Project. A copy of the legal notice is appended to these minutes for record purposes.

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

ABSTRACT OF AUDITED VOUCHERS.

Trustee Catalano 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 October 20, 2020 in the amount of \$473,256.75; General Fund \$212,817.67; Water Fund \$71,460.12; Sewer Fund \$60,788.41; Capital Fund \$128,190.55 to direct the Treasurer to pay each of the listed claimants in the amount appearing opposite his/her name.

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

INVITATION FOR PUBLIC COMMENT/QUESTIONS

The Mayor asked if anyone wished to be heard.

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

The next meeting of the Board of Trustees will be held on November 3, 2020 at 8:00 p.m.

Kathleen P. Johnson
Village Clerk/Treasurer