



Amherst Town Board
Special Meeting of the Town Board
Minutes

5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Saturday, June 25, 2022

4:00 PM

Amherst Municipal Building

I. PLEDGE OF ALLEGIANCE

II. SPECIAL MEETING

4:00 PM Meeting called to order on June 25, 2022 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Jacqueline Berger	Town of Amherst	Deputy Supervisor	Present	
Deborah Bruch Bucki	Town of Amherst	Councilmember	Present	
Shawn Lavin	Town of Amherst	Councilmember	Absent	
Michael Szukala	Town of Amherst	Councilmember	Present	
Vianne Uthman	Town of Amherst	Deputy Town Clerk	Present	
Stanley J. Sliwa	Town of Amherst	Town Attorney	Present	
Francina J. Spoth	Town of Amherst	Town Clerk	Present	

III. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2022-669

Waiving of Attorney Client Privilege and Materials Regarding Micro Link Lawsuit

RESOLUTION WAIVING OF ATTORNEY PRIVILEGE AND MATERIALS REGARDING MICRO-LINK LAWSUIT

WHEREAS, the Trial Court judge in *Micro-Link LLC v. Town of Amherst* ("Micro-Link"), the Hon. Timothy J. Walker, having decided on June 22, 2022, that based on the Town's invocation of the attorney client privilege and/or material prepared for in anticipation of litigation doctrine (the "Privileges") regarding the September 11, 2006, verbal report given by Mark Ferm from Tronconi Segarra & Associates to the Town Board in Executive Session of the Board where all Board Members and Town Attorney Thomas Jones were present (Mr. Ferm was a forensic accountant hired by the Town Board per a Resolution after the Town Board received a report from the New York State Comptroller which was highly critical of both Micro-Link's billing practices as well as the February 2000 contract between Micro-Link and the Town) Plaintiff Micro-Link will be entitled to a missing witness charge to the trial jury regarding Mr. Ferm as a result of the Town's invocation of the Privileges.

NOW, THEREFORE, BE IT RESOLVED, based on the Court's decision, the Town Board instructs and authorizes Town Attorney Stanley J. Sliwa to waive the Privileges and explicitly allow Mr. Ferm to testify at trial in *Micro-Link* regarding the verbal report he gave to the

Town Board in Executive Session on September 11, 2006.

06/25/2022

Supervisor Kulpa made a motion to approve, seconded by Deputy Supervisor Berger and unanimously approved 4-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqueline Berger, Deputy Supervisor
AYES:	Kulpa, Berger, Bucki, Szukala
ABSENT:	Lavin

IV. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Councilmember Bucki and unanimously approved 4-0. The Town Board meeting of June 25, 2022 was adjourned at 4:03 PM.



Amherst Town Board

5583 Main Street
 Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
 Town Clerk

Meeting: 06/25/22 04:00 PM
 Department: Councilmembers
 Initiated by: **Jacqueline Berger**
 Co-Sponsored by:

DOC ID: 26080

RESOLUTION 2022-669

ADOPTED

Waiving of Attorney Client Privilege and Materials Regarding Micro Link Lawsuit

RESOLUTION WAIVING OF ATTORNEY PRIVILEGE AND MATERIALS REGARDING MICRO-LINK LAWSUIT

WHEREAS, the Trial Court judge in *Micro-Link LLC v. Town of Amherst* ("Micro-Link"), the Hon. Timothy J. Walker, having decided on June 22, 2022, that based on the Town's invocation of the attorney client privilege and/or material prepared for in anticipation of litigation doctrine (the "Privileges") regarding the September 11, 2006, verbal report given by Mark Ferm from Tronconi Segarra & Associates to the Town Board in Executive Session of the Board where all Board Members and Town Attorney Thomas Jones were present (Mr. Ferm was a forensic accountant hired by the Town Board per a Resolution after the Town Board received a report from the New York State Comptroller which was highly critical of both Micro-Link's billing practices as well as the February 2000 contract between Micro-Link and the Town) Plaintiff Micro-Link will be entitled to a missing witness charge to the trial jury regarding Mr. Ferm as a result of the Town's invocation of the Privileges.

NOW, THEREFORE, BE IT RESOLVED, based on the Court's decision, the Town Board instructs and authorizes Town Attorney Stanley J. Sliwa to waive the Privileges and explicitly allow Mr. Ferm to testify at trial in *Micro-Link* regarding the verbal report he gave to the Town Board in Executive Session on September 11, 2006.

06/25/2022

Supervisor Kulpa made a motion to approve, seconded by Deputy Supervisor Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

None.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqueline Berger, Deputy Supervisor
AYES:	Kulpa, Berger, Bucki, Szukala
ABSENT:	Lavin