



Amherst Town Board

Regular Meeting of the Town Board

Minutes

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

Francina J. Spoth
Town Clerk

Monday, May 22, 2023

7:00 PM

Amherst Municipal Building

I. IN MEMORY

Marc Fabiano

II. INVOCATION

Councilmember Berger

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on May 22, 2023 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Deborah Bruch Bucki	Town of Amherst	Deputy Supervisor	Present	
Jacqueline Berger	Town of Amherst	Councilmember	Present	
Shawn Lavin	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Present	
Francina J. Spoth	Town of Amherst	Town Clerk	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Martin A. Polowy	Town of Amherst	Town Attorney	Present	
Mark S. Berke	Town of Amherst	Building Commissioner	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Lynda Juul	Town of Amherst	Director of Finance	Present	
Patrick G. Lucey	Town of Amherst	Highway Superintendent	Present	

V. MINUTES APPROVAL

- Monday, May 08, 2023

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqueline Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

VI. PROCLAMATIONS AND ANNOUNCEMENTS

Councilmember Shawn Lavin recognized Arbor Day

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2023-466

Demolition of 88 Smallwood Drive

WHEREAS, the property at 88 Smallwood Drive has been deteriorating for a significant period of time; and

WHEREAS, the Commissioner of Building has determined that in accordance with Section 151-56A of the Property Maintenance Code of the Town of Amherst, the dwelling has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy; and

WHEREAS, the Commissioner of Building has determined that in accordance with Section 151-56A of the Property Maintenance Code of the Town of Amherst that it is unreasonable to repair the structure and that the dwelling should be demolished; and

WHEREAS, by Resolution 2023-235 approved by the Amherst Town Board at its March 6, 2023 meeting, the Commissioner of Building further recommended that in accordance with Section 151-53 of the Property Maintenance Code, the appropriate persons and entities should be put on notice that the dwelling and accessory structures must be either demolished or brought into compliance with all applicable codes by the Town Board meeting held on May 22, 2023, otherwise the Town of Amherst will proceed with demolition and that the cost of demolition and related activities, but not limited to asbestos abatement and monitoring, rodent control, and appropriate restoration of the property, shall be placed on the tax bill for the owner of 88 Smallwood Drive, Amherst, New York 14226.

5/22/2023

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was opened at 7:04 PM.

Mark Berke, Commissioner of Building and Bill Prenevau, Asst. Code Enforcement Officer presented.

Jessica Black, 79 Fruehauf Ave spoke in support of rehabbing the house.

Supervisor Kulpa stated three conditions that the purchaser prepare in advance and present:

1. A mold remediation plan
2. An active rodent control plan
3. A structural shoring plan

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the July 24th Town Board meeting, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 7:22 PM.

RESULT:	DECISION DATE [UNANIMOUS]	Next: 7/24/2023 7:00 PM
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor	
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala	

2. Resolution 2023-467

Local Law - Local Waterfront Revitalization Program (LWRP)

Public hearing with respect to a Local Law creating a new Chapter 205, Local Waterfront Revitalization Program (LWRP).

5/22/2023

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 7:23 PM.

Jeffrey Szatkowski, Landscape Architect, presented.

Tom Frank, 5403 Main St, spoke in support.

There were no further speakers from the public, therefore Supervisor Kulpa moved to keep the hearing open, seconded by Councilmember Lavin and unanimously approved 5-0.

RESULT:	PUBLIC HEARING [UNANIMOUS]	Next: 6/5/2023 3:00 PM
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Shawn Lavin, Councilmember	
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala	

3. Resolution 2023-326

Local Law Amending Chapter 203 - to Exclude Certain Public Uses

Public hearing with respect to a Local Law Amending Chapter 203, Part 1, General Provisions, to Add a New Section, 1-13 to Exclude Certain Public Uses.

4/17/2023

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 7:44 PM.

Martin Polowy, Town Attorney, presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to keep the

public hearing open, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

5/8/2023

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was opened at 7:06 PM.

The following speakers spoke in opposition and raised concerns:

Mike, Fruehauf Ave

Jane Cox, 4584 Harlem Rd

Shelly Schratz, 1952 Kensington Ave

Gerry & Pat O'Connor, 27 Chateau Ter S

Judy Colton, 254 Sunshine Dr

Kathy Aquilina, 215 Maple Rd

Eugene Sibick, 34 Wik St

Chris Drongosky, 1250 Youngs Rd

Christina Coyle Lenz - 64 Chateau Ter E

Scott Hohensee, 1080 N French

John, Fruehauf Ave

Judy Ferraro, 213 Donna Lea

Bob, Chateau Ter

David & Joy Testa Cinquino, 74 Fruehauf Ave

There were no further speakers from the public, therefore Supervisor Kulpa moved to keep the public hearing open, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

RESULT:	WITHDRAWN
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VIII. DEVELOPMENT REVIEW ACTIONS

IX. PERSONAL APPOINTMENTS TO BOARDS & COMMITTEES

Board Appointments - Amherst Conservation Advisory Council, Board of Ethics, Historic Preservation, IDA, Planning, Recreation, Recycling & Waste, Traffic Safety and the Zoning Board of Appeals.

NOTE - The number of vacancies is listed after the Committee name.

- 1. 9/11 Commemoration Committee**
Membership is unlimited.
- 2. Amherst Committee on Disabilities (6)**
- 3. Amherst Community Diversity Commission (4)**
- 4. Amherst Conservation Advisory Council (5)**

5. Amherst Government Financial Advisory Board

Membership is full.

6. Amherst Industrial Development Agency

Membership is full.

7. Amherst Veterans Committee (3)**8. Arts & Culture in Public Places Board****9. Board of Assessment Review**

Membership is full.

10. Board of Electrician Examiners

Membership is full.

11. Board of Ethics

Membership is full.

12. Board of Plumbing and Drainage Examiners

Membership is full.

13. Design Advisory Board**14. Employee Suggestion Program Merit Award Board**

Membership is full.

15. Employee Suggestion Review Committee**16. Energy Conservation Citizens Advisory Committee (3)****17. Freedom of Information Law (FOIL) Board****18. Glen Park Joint Board****19. Historic Preservation Commission**

Membership is full.

20. Information Technology Advisory Committee (1)**21. Library Board of Trustees**

Membership is full.

22. Minority / Woman Owned Business (4)**23. Open Government Advisory Board (7)**

24. Planning Board

Membership is full.

25. Recreation Commission (1)**26. Recycling and Waste Committee (3)****27. Senior Services Advisory Board (5)****28. Traffic Safety Board (1)**

Membership is full.

29. Youth Board

Adult vacancies (6), Youth vacancies (0)

30. Zoning Board of Appeals**X. PUBLIC EXPRESSION**

This is an opportunity for residents to comment on matters involving Amherst other than those pertinent to Public Hearings that day. Speakers will be limited to 3 minutes.

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Public Expression was opened at 7:34 PM.

The following speakers addressed the Town Board:

Tom Weisbeck, 48 Drawbridge Ct - water main break on Squire Ct

Don Smith, 201 N Long St - Resolution 2023-326

Samantha Smith, 60 Fruehauf Ave - road verge, parking & vehicles on Fruehauf Ave

Judy Ferraro, 213 Donna Lea Blvd - Resolution 2023-326

Gerry O'Connor, 27 Chateau Ter S - parking issues on Chateau Ter S

Jane Cox, 4584 Harlem Rd - Resolution 2023-326

Shelly Schratz, 1952 Kensington Ave - Benderson bringing neighbors to the table regarding the proposed project at 4548 & 4564 Main St

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was closed at 8:14 PM.

XI. CONSENT AGENDA

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

XII. COUNCILMEMBER RESOLUTIONS

- A. SUPERVISOR KULPA:**
- B. DEPUTY SUPERVISOR BUCKI:**
- C. COUNCILMEMBER BERGER:**
 - 1. Resolution 2023-468**

Fire Prevention Week Ad in the Amherst Bee

WHEREAS, Fire Prevention week is the week including October 9th as proclaimed in 1925 by President Calvin Coolidge to commemorate the Great Chicago Fire, and

WHEREAS, the October 8-14, 2023 Fire Prevention campaign "Fire won't wait. Plan your escape." works to educate about the essentials of the sounds of fires, how to aid, assist, and avoid when a fire ensues; and

WHEREAS, the Town of Amherst strives to keep its residents safe and has historically paid for an ad in the Amherst Bee to promote this important campaign with fire prevention activities at all ten of the fire departments in the Town.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves a Fire Prevention Week full page ad in the Amherst Bee for all fire departments in the Town of Amherst to be paid from Avoidable Alarm Fund T-2999.4002.

5/22/2023

Consent

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacqueline Berger, Councilmember
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

D. COUNCILMEMBER LAVIN:**1. Resolution 2023-469****Tree Board Appointment**

WHEREAS, the purpose of the Amherst Tree Board is to review, develop and administer a written Community Tree Management Plan and create a work plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets and in other public areas; and

WHEREAS, this plan will be presented annually to the Amherst Town Board at the second meeting of the Town Board, along with an updated schedule of cost for trees to be planted on an annual basis, and publish said schedule; and

WHEREAS, every five (5) years the Tree Board shall develop, update, and administer a written comprehensive Community Tree Management Plan for the Town of Amherst. This plan will then be presented to the Amherst Town Board at the second annual meeting of the Town and upon acceptance and approval shall constitute the official comprehensive Community Tree Management Plan for the Town of Amherst; and

WHEREAS, the Tree Board, when requested by the Amherst Town Board, shall consider, investigate, advise, report, and recommend upon any special matter of question coming within the scope of its work; and

WHEREAS, the Tree Board will strive to raise consciousness of the importance of trees to the Town of Amherst; and

WHEREAS, the Tree Board shall meet at least two (2) times in a calendar year or as needed; and

WHEREAS, the board shall consist of a total of seven (7) members, five (5) members shall be Town residents (community members), the remaining two (2) members shall be comprised of the Town Forester and the Town's Landscape Architect, all being appointed by the Amherst Town Board, who shall serve a three year term; and

WHEREAS, the Tree Board shall annually elect a Chairperson and such officers as may be deemed necessary from time to time, and advise the Town Board of the selection; and

WHEREAS, the Amherst Tree Board currently has four (4) members, who shall continue to serve until their term of appointment expires, as follows:

Eric Borenstein, Chair, term expires 12/31/2023
Ellen Banks, Member, term expires 12/31/2024
Barbara Burke, Member, term expires 12/31/2023
Daniel DeLano, Member, term expires 12/31/2024

WHEREAS, the Members of the Committee shall, by majority vote, elect a Chairperson from among the members and such officers as may be deemed necessary from time to time; and

WHEREAS, as Town Forester, Dominic Creamer, and as Town Landscape Architect, Jeffrey Szatkowski will serve in the capacity of a resource person (O) to the Committee; and

WHEREAS, Wendy Machowski has expressed interest in serving on the Amherst Tree Board.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of Wendy Machowski to the Amherst Tree Board for a term to conclude 12/31/2026.

5/22/2023

Consent

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shawn Lavin, Councilmember
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

E. COUNCILMEMBER SZUKALA:

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2023-470

2023 Roadways Reconstruction (Meadowbrook Road and Blossom Heath) (Bond Resolution - \$250,000)

AGENDA ITEM : MAY 22nd, 2023

TO: Town Board

FROM: Martin A. Polowy, Esq., Town Attorney

DATE: May 17, 2023

RE: 2023 Roadways Reconstruction
Morningside Subdivision Roadways Reconstruction
Phase II - Meadowbrook Road and Blossom Heath
2023-2028 C.I.P. - Project H-10
Bond Resolution - \$250,000

Kindly take the following action with respect to the above bond request:

(1) Adopt the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department; and

(2) Adopt the attached bond resolution authorizing the issuance of \$250,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb

Attachments

c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - May 22, 2023**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Brian J. Armstrong, Director, Engineering Services (*w/attachments*)

5/22/2023

A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

RESULT:	ROLL CALL VOTE (ADOPTED) [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqueline Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-471

Settlement of Article 7 Matter - Kamal Enterprises, Inc. V. Town of Amherst

AGENDA ITEM : MAY 22ND, 2023

TO: Town Board

FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney

DATE: May 16, 2023

RE: Settlement of Article 7 Matter
Kamal Enterprises, Inc. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Stipulation of Settlement and Judicial Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation of Settlement and Judicial Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item : May 22ND, 2023**)
Emily Murphy, Town Assessor

5/22/2023

Consent

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

3. Resolution 2023-472

Settlement of Article 7 Matter - Lisa Friedman & Scott Friedman, and Todd Levine V. Town of Amherst

AGENDA ITEM : MAY 22ND, 2023

TO: Town Board

FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney

DATE: May 16, 2023

RE: Settlement of Article 7 Matter
Lisa Friedman & Scott Friedman, and Todd Levine v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Consent Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item : May 22ND, 2023**)
Emily Murphy, Town Assessor

5/22/2023

Consent

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

4. Resolution 2023-473

Settlement of Article 7 Matter - Iskalo Asset Fund II, LLC V. Town of Amherst

AGENDA ITEM : MAY 22ND, 2023

TO: Town Board

FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney

DATE: May 16, 2023

RE: Settlement of Article 7 Matter
Iskalo Asset Fund II, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

- (1) Settlement of the above matter as detailed in the attached Consent Order; and
- (2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item : May 22ND, 2023**)
Emily Murphy, Town Assessor

5/22/2023

Consent

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

5. Resolution 2023-474

Settlement of Article 7 Matter - Sheridan Properties II, LLC V. Town of Amherst

AGENDA ITEM : MAY 22ND, 2023

TO: Town Board

FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney

DATE: May 16, 2023

RE: Settlement of Article 7 Matter
Sheridan Properties II, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

- (1) Settlement of the above matter as detailed in the attached Consent Order; and
- (2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item : May 22ND, 2023**)
Emily Murphy, Town Assessor

5/22/2023

Consent

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

6. Resolution 2023-475**Settlement of Article 7 Matter - Iskalo Office Holdings II, LLC V.
Town of Amherst****AGENDA ITEM : MAY 22ND, 2023**

TO: Town Board
FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney
DATE: May 16, 2023
RE: Settlement of Article 7 Matter
Iskalo Office Holdings II, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

- (1) Settlement of the above matter as detailed in the attached Consent Order; and
- (2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item : May 22ND, 2023**)
Emily Murphy, Town Assessor

5/22/2023

Consent

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

B. TOWN CLERK:**1. Resolution 2023-476****Fireworks Permit - Country Club of Buffalo**

Request for fireworks permit on July 4, 2023 at approximately 9:45 pm at Country Club of Buffalo, 250 Youngs Road with the following conditions:

1. That the spectators, parking areas and structures be 350 feet from the fireworks discharge location for vertical mortars. (max. 5 inch shells)
2. That one (1) 5-lb. ABC fire extinguisher, with a current inspection tag, is located at the firing site with a qualified operator. Additional extinguishers maybe required depending on site layout.
3. That the trajectory of shells shall not come within 25 feet of overhead objects.
4. That the actual shooters listed on the application be present at the site or a substitute shooters list must be submitted five (5) or more days prior to the event. Submitted shooters are Jerry Behlau and Kevin Morse.
5. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.
6. Display shall follow NFPA 1123-2018 & IFC 2020.
7. Crowds over 1000 people require a crowd managers as per the International Fire Code.
8. The Amherst Town Board shall designate a time when the Fireworks display must conclude.
9. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.

5/22/2023

Consent

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

2. Resolution 2023-477**Fireworks Permit - Transit Valley Country Club**

Request for fireworks permit on July 4, 2023 at approximately 9:45 pm at Transit Valley Country Club, 8920 Transit Road with the following conditions:

1. That the spectators, parking areas and structures be 350 feet from the fireworks discharge location for vertical mortars. (max. 5 inch shells)
2. That one (1) 5-lb. ABC fire extinguisher, with a current inspection tag, is located at the firing site with a qualified operator. Additional extinguishers maybe required depending on site layout.
3. That the trajectory of shells shall not come within 25 feet of overhead objects.

4. That the actual shooters listed on the application be present at the site or a substitute shooters list must be submitted five (5) or more days prior to the event. Submitted shooters are James Young and Karl Grohs.
5. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.
6. Display shall follow NFPA 1123-2018 & IFC 2020.
7. Crowds over 1000 people require a crowd managers as per the International Fire Code.
8. The Amherst Town Board shall designate a time when the Fireworks display must conclude.
9. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.

5/22/2023

Consent

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

3. Resolution 2023-478**New Firefighter for Swormville Fire Company**

New firefighter for the Swormville Fire Company lives in the Town of Clarence and resides within the Swormville Fire district.

Austin Gosciak
9760 Martin Rd
Clarence Center, NY 14032

5/22/2023

Consent

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

4. Resolution 2023-479**New Firefighter for Getzville Fire Company**

New firefighter for the Getzville Fire Company lives in the Town of Amherst and resides within the Getzville fire district.

Trevor Cahill
315 Campbell Blvd, Apt 111
Getzville, NY 14068

5/22/2023

Consent

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

5. Resolution 2023-480**New Firefighter for North Amherst Fire Company**

New firefighter for North Amherst Fire Company lives in the Town of Amherst and resides within the North Amherst fire district.

Andrew W Busch
257 Schoelles Rd
Amherst, NY 14228

5/22/2023

Consent

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

C. ASSESSOR:**1. Resolution 2023-481****Memo of Understanding Between TOA & NYS (Assessment Equity Project) CRS #4028**

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement pending successful completion of the Contract Routing System.

5/22/2023

Consent

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

D. BUILDING/BUILDING MAINTENANCE:**1. Resolution 2023-482****Real Estate Permit for Amherst Veterans Canal Park CRS #4054**

Subject to successful completion of contract routing, please authorize the Supervisor to sign for real estate permit for Amherst Veterans Canal Park, 146 Brenon Rd, Amherst, NY 14228.

5/22/2023

Consent

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

E. CENTRAL ALARM:**F. COMPTROLLER:****1. Resolution 2023-483****Budget Transfers and Amendments****For May 22, 2023 Town Board Agenda**

To: Town Board
 From: Office of Town Comptroller
 Date: 5/17/2023
 Re: Various Department Budget Transfers / Amendments

I have received the following request(s) requiring budget transfers and / or amendments. Based on my review, I ask that the Town Board approve the following list;

BUDGET TRANSFERS - 2023**FROM:****TO:**

KP2201.4979 Contingency \$53,564.91
 KP2202.4979 Contingency \$13,947.09
To transfer funds from contingency in KP2201 and KP2202 Street Lighting Acquisition for surety bond costs.

KP2201.4972 Construction \$53,564.91
 KP2202.4972 Construction \$13,947.09

KP2302.2750 Building Acquisition \$75.00
To transfer funds left over from building acquisition to construction in KP2302 30 S. Cayuga.

KP2302.4972 Construction \$75.00

A1620.4220 Facilities - Buildings & Grounds \$4,518.48
 A6772.4220 Senior Ctr. - Buildings & Grounds \$4,518.48
 A7255.4220 WMSL Y&F Ctr. - Buildings & Grounds \$4,518.48
To transfer funds for purchase of mower.

A1620.2300 Equipment \$13,555.44

N2229.4000 Supportive Svcs \$1,215.27
 N2060.4000 Amh CDBG Emerg \$2,094.82
 N2035.4000 Belmont Counseling \$2,125.00
Requested per department.

N2221.4000 Amh CDBG Rehab \$1,215.27
 N2072.4000 Amh CDBG Infrastructure \$2,094.82
 N2072.4000 Amh CDBG Infrastructure \$2,125.00

BUDGET AMENDMENTS - 2023**INCREASE:****INCREASE:**

N2223.02785 CDBG & Vg. - PI \$2,741.35
 N2225.02785 CDBG Admin. \$685.34
 N2240.02785 AMH Home - PI \$7,195.50
 N2254.02785 Amherst Home Admin- PI \$799.50
To recognize Community Development program income from 157 Springville, Amherst.

N2223.4000 Contractual \$2,741.35
 N2225.1000 Personal Services \$636.64
 N2225.8030 FICA \$48.70
 N2240.4000 Contractual \$7,195.50
 N2254.4003 10 % Admin \$799.50

N2244.02785 Cheek. Housing Rehab - PI \$4,500.00
 N2249.02785 Cheektowaga Home Admin - PI \$500.00
To recognize Community Development program income from 72 Ontario, Cheektowaga.

N2244.4000 Contractual \$4,500.00
 N2249.4003 10% Admin \$500.00

N2223.02785 CDBG & Vg. - PI \$22,359.84
 N2225.02785 CDBG Admin. \$5,589.96

N2223.4000 Contractual \$22,359.84
 N2225.1000 Personal Services \$5,192.72
 N2225.8030 FICA \$397.24

To recognize Community Development program income from 9 Gatewood, Williamsville.

N2223.02785 CDBG & Vg. - PI \$170.00

N2223.4000 Contractual \$170.00

To recognize Community Development program income from 169 Hillcrest, Amherst.

N2244.02785 Cheek. Housing Rehab - PI \$33,652.55 N2244.4000 Contractual \$33,652.55
 N2249.02785 Cheektowaga Home Admin - PI \$3,739.17 N2249.4003 10% Admin \$3,739.17
To recognize Community Development program income from 996 Beach, Cheektowaga.

D5112.03507 State Aid - CHIPS \$852,695.05 D5122.2800 Paving - CHIPS \$852,695.05
To adjust the budget for CHIPS rollover balance, CHIPS apportionment, PAVE-NY, Extreme Winter Recovery, and Pave Our Potholes for the 2023-24 amount awarded to the Town of Amherst.

A3625.02800 Town Match Grants \$50,000 C3625.2250 Trucks, Tractors, Trailers \$100,000
 A3625.03089 State Aid Grants \$150,000 C3625.4110 Contractual \$100,000
To setup budget for Amherst Community Food Scraps Recycling Program - Phase II, CRS# 3676.

N2244.02785 Cheektowaga Housing Rehab - PI \$762.69 N2244.4000 Contractual \$762.69
To recognize Community Development program income from 112 Hoerner, Cheektowaga.

DECREASE:**INCREASE:**

A 0909 Assigned Fund Balance \$50,000 A7450.4110 Contractual \$50,000
To increase the BNHV 2022 contribution per CRS# 4031, as approved on RES 2023-401. At year end 12/31/2022, \$50,000 was assigned to Fund Balance from the 2022 budget appropriations.

C 0909 Fund Balance \$50,000 C3621.4099 Grant match \$50,000
To increase grant match for CRS# 3676 Amherst Community Food Scraps Recycling program - NYS DEC contract from unassigned Fund Balance.

5/22/2023

Consent

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

2. Resolution 2023-484**Trust Account for Opioid Settlement**

WHEREAS, New York State's Attorney General and other Attorney Generals have negotiated nationwide settlements with companies involved in manufacturing, distributing, and selling opioids, and

WHEREAS, the Town of Amherst will share in these settlements, and

WHEREAS NYS Office of Addiction Services and Supports will distribute funds through Erie County Department of Mental Health, and

NOW THEREFORE BE IT RESOLVED that the Amherst Town Board desires to offer support and treatment of Opioid Use Disorder (OUD), and

BE IT FURTHER RESOLVED that the attached Schedule C - Approved Uses outlines programs and strategies that may include, but not limited to, and

BE IT FURTHER RESOLVED the Trust Account, T4035, is to be used to receive funds and requires Town Board approval for usage for departments to administer programs.

5/22/2023

Consent

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

G. CONTRACT COMPLIANCE:

1. Resolution 2023-485

Award Bid #2023017 Police Vehicles - CRS #4056

WHEREAS, the Contract Compliance and Administration Department received bids on May 11, 2023 for Bid #2023017 Police Vehicles; and

WHEREAS, the bid process resulted in responses from one (1) vendor, as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to DeLacy Ford; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Police Department to trade in the vehicles listed in the table below; and

CAR #	YEAR	MAKE	MODEL	VIN #	Mileage Trade Amount	
102	2020	Ford	SUV Hybrid	1FM5K8AWXLGD01979	116,219	\$8,000.00
103	2020	Ford	SUV Hybrid	1FM5K8AW6LGD01977	103,492	\$9,000.00
106	2022	Ford	SUV Hybrid	1FM5K8AW1NNA00208	90,734	\$9,500.00
114	2020	Ford	SUV Hybrid	1FM5K8AW0LGA71367	124,552	\$8,000.00
				TOTAL		\$34,500.00

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with the above referenced vendor; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the need to order the vehicles with the vendor as soon as possible.

5/22/2023

Consent

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

2. Resolution 2023-486**Award Bid #2023018 Boiler & Cooling Water Treatment Services - CRS #4059**

WHEREAS, the Contract Compliance and Administration Department received bids on May 11, 2023 for Bid #2023018 Boiler & Cooling Water Treatment Services; and

WHEREAS, the bid process resulted in responses from two (2) vendors, as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to MIS of America, Inc. (CRS #4059) as outlined on the attached bid tabulation form; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with MIS of America, Inc.; and

BE IT FURTHER RESOLVED, that approval is contingent on successful completion of the Contract Routing System as the previous contract expired on March 27th, 2023.

5/22/2023

Consent

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

3. Resolution 2023-487**Amendment to Bid #2023013 Town Wide Sprinkler Inspection & Service - CRS #4061**

WHEREAS, Bid #2023013 for Town Wide Sprinkler Inspection & Service was awarded to Davis-Ulmer Fire Protection on May 8, 2023 by Town Board resolution 2023-416; and

WHEREAS, the Contract Compliance and Administration Department is requesting approval of the amendment to the Town Wide Sprinkler Inspection & Service contract to add service for the Water Pollution Control Facility;

NOW, THEREFORE, BE IT RESOLVED, The Town Board approves the amendment to the Town Wide Sprinkler Inspection & Service contract; and

BE IT FURTHER RESOLVED, the Supervisor is authorized to sign the amendment with Davis-Ulmer Fire Protection, pending successful completion of the Contract Routing System as the Water Pollution Control Facility is in need of inspection services.

5/22/2023

Consent

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

4. Resolution 2023-488

Short Term Extension of Town Wide Uniform Contract - CRS #4062

WHEREAS, Unifirst Corp. has agreed to a two-month extension for Bid #2017016 (Original CRS #1420) for Town Wide Uniforms;

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves a two-month extension of the contract with Unifirst Corp. for the period May 19, 2023 through July 19, 2023; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract extension with Unifirst Corp. pending successful completion of the Contract Routing System.

5/22/2023

Consent

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

H. COURT:**I. ECONOMIC DEVELOPMENT:****1. Resolution 2023-489****Travel Authorization to NYCEDC 2023 Annual Meeting**

Please authorize expense reimbursement for travel on May 24, 2023 - May 26, 2023 for Angela Rossi, Director Economic Development to attend the New York State Economic Development Council, 2023 Annual Meeting Cooperstown, New York. The total cost for travel and conference registration will not to exceed \$1,701.07. Funds are available in the Economic Development Department 2023 budget A1230 4040 and 4120.

5/22/2023

Consent

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

J. EMERGENCY SERVICES:**K. ENGINEERING SERVICES:****1. Resolution 2023-490**

**2023 - 2028 Capital Improvement Program Amendment CIP Project
No. H-10: Morningside Subdivision Roadway Reconstruction Phase II
– Meadowbrook Rd & Blossom Heath**

The Engineering Department is recommending amendment of the 2023-2028 CIP for above project with respect to funding source. This project was originally allocated to be bonded against the General Fund but as these improvements will be roadway centric, we request that the funding source be amended for these funds to be bonded against the Highway District.

CIP No.	Project Description	2023 CIP Allocation	Amend To
H-10	Morningside Subdivision Roadway Reconstruction Phase II: Meadowbrook Rd	\$250,000 LA	\$250,000 LD

	& Blossom Heath		
--	-----------------	--	--

LA = General Fund Bond

LG = Highway District Bond

Please approve this amendment to the 2023-2028 CIP and allocate the funding as shown above.

5/22/2023

Consent

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

L. FINANCE:**M. HIGHWAY****N. HUMAN RESOURCES:****1. Resolution 2023-491****Chief Wastewater Treatment Plant Operator/Engineering-Plant/16**

Please appoint a Chief Wastewater Treatment Plant Operator to the Engineering/Plant #16 Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective May 23, 2023, at an annual salary of \$79,203, Grade 18, Step F for Mark Tirone.

Contingent upon completing all pre-employment requirements.

Please authorize a six (6) month residency waiver.

5/22/2023

Consent

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

2. Resolution 2023-492**General Crew Chief/Highway Department**

Please appoint a General Crew Chief to the Highway Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective May 23, 2023 at an annual salary of \$79,203, Grade 18, Step F for Craig Schreck.

Contingent upon completing all pre-employment requirements.

5/22/2023

Consent

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

3. Resolution 2023-493**Assistant Electrical Inspector/Building Department**

Please appoint an Assistant Electrical Inspector to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective May 23, 2023 at an annual salary of \$49,943, Grade 12, Step B for Gary Naylor.

This is a Permanent appointment for an employee who has been serving Provisionally.

Pending Erie County Civil Service Rules and Regulations.

5/22/2023

Consent

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

O. INFORMATION TECHNOLOGY:**P. PLANNING:****1. Resolution 2023-494****To Authorize the Planning Department to Expend Funds from the Trust Account for the Veterans Memorial Consistent with Town Board Resolution RES-2011-871 for the Purpose of Engraving the Names of Veterans and Making Repairs to the Veterans Memorial.**

WHEREAS, the Town of Amherst Town Board established the Town of Amherst Veterans Memorial in 2011, and

WHEREAS, the names of Veterans are engraved on the Memorial at the request of the veterans or their families and a fee of \$200 is charged per name that includes \$143 for engraving with the remaining amount deposited into a Trust Account for repairs and maintenance, and

WHEREAS, currently the Town of Amherst has received applications for names to be added to the Memorial this year, and

WHEREAS, the Town of Amherst has Leon Komm and Sons under contract to engrave the names of the Veterans and complete stone and masonry service maintenance at \$143 per hour in 2023, and

WHEREAS, the Veterans Memorial currently needs minor repairs to the existing Memorial wall itself, and

THEREFORE BE IT RESOLVED, that the Amherst Town Board hereby authorizes the Planning Department to not to exceed \$5,000.00 for the current fiscal year from the Veterans Memorial Trust Account T-4017-4002 for the purpose of engraving additional veterans names and completing maintenance repairs on the Amherst Veterans Memorial.

5/22/2023

Consent

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

2. Resolution 2023-495**Town Acceptance of a Land Donation at 3355 Millersport Highway**

WHEREAS, Morgan Property Management Corporation LLC, owner of land identified as 3355 Millersport Highway (SBL: 28.17-1-6), is interested in donating to the Town a 0.11± acre vacant parcel of land located on the east side of Millersport Highway, south of its intersection with North French Road; and

WHEREAS, the subject property is zoned General Business District (GB) and is encumbered by a portion of Town Ditch 25A; and

WHEREAS, the parcel is shown as 'Mixed Residential' on Figure 6 (Conceptual Land Use Plan) in the Comprehensive Plan; and

WHEREAS, the land donation request was distributed to Town Departments for review, with no department objecting to the Town accepting the land donation, and

NOW THEREFORE BE IT RESOLVED, that the Town accepts the land donation and directs the Town Attorney's Office to complete the land transfer.

5/22/2023

Consent

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

Q. POLICE:

1. Resolution 2023-496

2023 Stop DWI Contract (CRS #4057) County of Erie

TOWN BOARD AGENDA ITEM: MAY 22, 2023

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

**RE: 2023 Stop DWI Contract (CRS #4057)
County of Erie**

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached agreement between the Town of Amherst and the County of Erie with regard to the above-entitled matter. Approval of this Contract is contingent upon successful completion of the Contract Routing Process.

Thank you.

MSL:hs

Attachment

C: Tim Koller, Deputy Town Clerk (**Agenda Item: May 22, 2023**)

5/22/2023

Consent

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

R. SENIOR SERVICES:

1. Resolution 2023-497

Class Instructor Jane Cary CRS #4026

We respectfully request Town Board permission to authorize the Supervisor to sign the contract between the Town of Amherst (Department of Senior Services) and Jane Cary.

5/22/2023

Consent

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

S. SEWER/PLANT 16:

1. Resolution 2023-498

**2023 (Year 20) Stormwater Annual Report and Signature Of
Municipal Compliance Certification (MCC) Form**

The Engineering Department is requesting that the Town Board authorize the Town Supervisor to sign the attached Municipal Compliance Certification (MCC) Form that will

accompany the Town of Amherst's 2023 (Year 20) Stormwater Management Program Annual Report to the NYSDEC.

The Engineering Department additionally requests that a public announcement be made indicating the Draft version of the Annual Report is available for public review and comment prior to the reports submission in June. Hard copies of the Draft version will be available at the Engineering Department. The Draft report will also be available electronically on the Town's Website.

There is no cost associated with the signing of the MCC or the submission of the Annual Report.

Thank you for considering this request.

5/22/2023

A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

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

2. Resolution 2023-499

Award of Bid - Pavement Reconstruction on Niagara Falls Boulevard

On May 11, 2023 four (4) bids were received for the above referenced project. The bid tabulation sheet is attached. At this time, we recommend award of the contract to American Paving and Excavating, Inc., 5880 Thompson Road, Clarence Center, NY 14032 per their low base bid for a total contract amount of \$ **87,500.00**.

The funds for this project are available from Account No. G-0380.

May we have your approval to award American Paving and Excavating the above referenced contract?

Thank you for considering this request.

5/22/2023

Consent

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

3. Resolution 2023-500

Lou Gehrig Baseball Fields Improvements - Change Order No. 3 Northeast Diversification, Inc. CRS No. 4060

The Engineering Department is requesting Town Board dual authorization for a change order for the above referenced project and also for approval of a transfer of funds within the project account.

The change order request of \$23,850 will fund the installation of 425 linear feet of French drain and connection of said French drain to the existing drainage structures outside of the outfield fence line. This will improve the drainage adjacent to the warning track, which currently shows signs of areas of water run on from outside of the fence line.

The second part of this request is for the transfer of the remaining funds, \$39,638 from the project contingency account (KP2135 4979) to the project construction account (KP2135 4972).

This request is pending successful completion of the contract review process.

Thank you for your consideration of this request.

5/22/2023

Consent

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

4. Resolution 2023-501

Purchase of One Easement Machine Dyna-Vac Equipment, Inc.

On May 4, 2023, one (1) bid was received for the above referenced purchase. The bid tabulation sheet is attached. At this time, we recommend award of the purchase to Dyna-Vac Equipment, Inc., 8963 State Route 365, Stittville, NY 13469 per their low bid in the amount of \$51,118.00.

Funding for this purchase is available from bond account KP2219-2600.

Thank you for considering our request.

5/22/2023

Consent

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

5. Resolution 2023-502

Purchase of One 2022 Dodge Ram 2500 Falls Dodge, Inc.

The Town of Amherst Engineering - Sewer Maintenance Division is seeking approval to purchase one (1) 2022 Dodge Ram 2500 Tradesman 4x4 from Falls Dodge, Inc. in the amount of \$52,687.60. They are the low bidder per the attached NYS Mini-Bid solicitation.

Funding for this purchase is available from bond account KP2218-2250.

Thank you for considering our request.

5/22/2023

Consent

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

T. YOUTH AND RECREATION:

1. Resolution 2023-503

Travel Authorization

Authorize Linda Groff to travel to the USA Hockey National Congress in Denver, CO from June 5-11, 2023. All costs will be paid by the NYS Amateur Hockey Association.

5/22/2023

Consent

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

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

1. Communication 2023-69

Request for Fee Waiver - AAUW Buffalo Branch

AAUW Buffalo Branch is requesting a waiver from a Sign Permit Fee for their annual Book Sale. The Building Commissioner response is also attached.

5/23/2023

Consent

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Communication 2023-70

Correspondence from Judy Ferraro

5/23/2023

Received & Filed

RESULT:	RECEIVED & FILED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Communication 2023-71

Correspondence from Dwight Kanyuck of Knauf Shaw LLP

Letter submitted by Dwight Kanyuck of Knauf Shaw LLP regarding Resolution 2023-206, Local Law Amending Chapter 203 - to Exclude Certain Public Uses.

5/23/2023

Received & Filed

RESULT:	RECEIVED & FILED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

4. Communication 2023-72

Notice of Claim: Scott Kaplan Vs. Town of Amherst

5/22/2023

Referred to Town Attorney

RESULT:	REFERRED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

XVI. PUBLIC IMPROVEMENT PERMITS

XVII. PUBLIC EXPRESSION #2

This is an opportunity for residents to comment on matters involving Amherst

other than those pertinent to Public Hearings that day. Speakers will be limited to 3 minutes.

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Public Expression was opened at 8:17 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Public Expression was closed at 8:17 PM.

XVIII. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The Town Board meeting of May 22, 2023 was adjourned at 8:17 PM.



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Building/Building Maintenance
 Initiated by: **Mark S. Berke**
 Co-Sponsored by:

DOC ID: 27549

RESOLUTION 2023-466

DECISION DATE

Demolition of 88 Smallwood Drive

WHEREAS, the property at 88 Smallwood Drive has been deteriorating for a significant period of time; and

WHEREAS, the Commissioner of Building has determined that in accordance with Section 151-56A of the Property Maintenance Code of the Town of Amherst, the dwelling has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy; and

WHEREAS, the Commissioner of Building has determined that in accordance with Section 151-56A of the Property Maintenance Code of the Town of Amherst that it is unreasonable to repair the structure and that the dwelling should be demolished; and

WHEREAS, by Resolution 2023-235 approved by the Amherst Town Board at its March 6, 2023 meeting, the Commissioner of Building further recommended that in accordance with Section 151-53 of the Property Maintenance Code, the appropriate persons and entities should be put on notice that the dwelling and accessory structures must be either demolished or brought into compliance with all applicable codes by the Town Board meeting held on May 22, 2023, otherwise the Town of Amherst will proceed with demolition and that the cost of demolition and related activities, but not limited to asbestos abatement and monitoring, rodent control, and appropriate restoration of the property, shall be placed on the tax bill for the owner of 88 Smallwood Drive, Amherst, New York 14226.

5/22/2023

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was opened at 7:04 PM.

Mark Berke, Commissioner of Building and Bill Prenevau, Asst. Code Enforcement Officer presented.

Jessica Black, 79 Fruehauf Ave spoke in support of rehabbing the house.

Supervisor Kulpa stated three conditions that the purchaser prepare in advance and present:

1. A mold remediation plan
2. An active rodent control plan
3. A structural shoring plan

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the July 24th Town Board meeting, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 7:22 PM.

FINANCIAL IMPACT:

NA

RESULT:	DECISION DATE [UNANIMOUS]	Next: 7/24/2023 7:00 PM
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor	
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala	


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 27539

RESOLUTION 2023-467
PUBLIC HEARING

Local Law - Local Waterfront Revitalization Program (LWRP)

Public hearing with respect to a Local Law creating a new Chapter 205, Local Waterfront Revitalization Program (LWRP).

5/22/2023

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 7:23 PM.

Jeffrey Szatkowski, Landscape Architect, presented.

Tom Frank, 5403 Main St, spoke in support.

There were no further speakers from the public, therefore Supervisor Kulpa moved to keep the hearing open, seconded by Councilmember Lavin and unanimously approved 5-0.

RESULT:	PUBLIC HEARING [UNANIMOUS]	Next: 6/5/2023 3:00 PM
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Shawn Lavin, Councilmember	
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala	

LOCAL LAW NO. ____-2023

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Creating A New Chapter, Chapter 205, To The Code of the Town of Amherst, Local Waterfront Revitalization Program (LWRP)

Be it enacted by the Town of Amherst as follows:

PART I **GENERAL PROVISIONS**

§1-1 Title.

This Local Law shall be referred to as “A Local Law Creating a New Chapter, Chapter 205, to the Code of the Town of Amherst, Local Waterfront Revitalization Program (LWRP).”

§1-2 Authority and Purpose

1-2-1 This Local Law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the NYS Executive Law).

1-2-2 The purpose of this Local Law is to provide a framework for the Town of Amherst (Town) to incorporate the policies and purposes contained in the Town’s Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct Town actions located within the Waterfront Revitalization Area (WRA); and to assure that such actions and direct actions undertaken by the Town are consistent with the LWRP policies and purposes.

1-2-3 It is the intention of the Town that the preservation, enhancement, and utilization of the unique Waterfront Revitalization Area (WRA) of the Town occur in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate economic growth. Accordingly, this law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing degradation or loss of living waterfront resources and wildlife; diminution of open space

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areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality, or permanent adverse changes to ecological systems.

The substantive provisions of this Local Law shall only apply while there is in existence a Town of Amherst LWRP that has been adopted in accordance with Article 42 of the NYS Executive Law.

PART 2 **DEFINITIONS**

§2-1. Definitions

A. "Actions" include all the following, except minor actions as defined in Section I below:

1. projects or physical activities, such as construction or any other activities that may affect natural, manmade, or other resources in the Waterfront Revitalization Area (WRA), or the environment, by changing the use, appearance, or condition of any resource or structure, that:
 - i. are directly undertaken by an agency; or
 - ii. involve funding by an agency; or
 - iii. require one or more new or modified approvals, permits, or review from an agency or agencies;
2. agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
3. adoption of agency rules, regulations and procedures, including Local Laws, codes, ordinances, executive orders and resolutions that may affect resources or the environment within the Amherst WRA;
4. a Type 1 and Unlisted Action under SEQRA, as well as any project involving a Draft Generic Environmental Impact Statement;
5. any combination of the above.

B. "Agency" means any board, agency, department, office, other body, or officer of the Town of Amherst.

C. "Waterfront Revitalization Area" or "WRA" means that portion of New York State designated waterway and adjacent shorelands as defined in Article 42 of the

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Executive Law, which is located within the municipal boundaries of the Town of Amherst, as described, and mapped in the approved Town LWRP.

- D. **"Waterfront Assessment Form"** or **"WAF"** means the form, a sample of which is appended to this Local Law, used by an agency or other entity to assist in determining the consistency of an action with the Town LWRP.
- E. **"Code Enforcement Officer"** means the Building Commissioner and/or Zoning Enforcement Officer of the Town of Amherst.
- F. **"Consistent"** means that the action will fully comply with the LWRP policy standards, conditions, and objectives and, whenever practicable, will advance one or more of them.
- G. **"Direct Actions"** mean actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rulemaking, procedure making and policy making.
- H. **"Environment"** means all conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the Waterfront Revitalization Area (WRA).
- I. **"Local Waterfront Revitalization Program"** or **"LWRP"** means the Town of Amherst Local Waterfront Revitalization Program approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the NYS Executive Law), a copy of which is on file in the Office of the Clerk of the Town of Amherst.
- J. **"Minor actions"** include the following actions, which are not subject to review under this law:
1. maintenance or repair involving no substantial changes to an existing structure or facility;
 2. replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by Local Law where structures may not be replaced, rehabilitated, or reconstructed without a permit;

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3. repaving of existing paved highways not involving the addition of new travel lanes;
4. street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
5. maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, and in Nature Preserves or within the (or other special district) which currently are under the legality of the purpose, restrictions and retained rights of a conservation easement with designated management plans;
6. granting of individual setback and lot line variances, except in relation to a regulated natural feature;
7. minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
8. installation of traffic control devices on existing streets, roads and highways;
9. mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
10. information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
11. official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
12. routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
13. conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in, or approve such action;
14. collective bargaining activities;
15. investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
16. inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
17. purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;

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18. adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
19. engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
20. civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
21. adoption of a moratorium on land development or construction;
22. interpreting an existing code, rule or regulation;
23. designation of local landmarks or their inclusion within historic districts;
24. emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property, or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part; and
25. local legislative decisions such as rezoning where the Town Board determines the action will not be approved.

PART 3

MANAGEMENT AND COORDINATION OF THE LWRP

§ 3-1 **Management and Coordination**

§ 3-1-1A. The Planning Department shall be responsible for overall management and coordination of the LWRP. In performing this task, the Planning Department shall:

1. Inform the Town Board on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.
2. Coordinate the drafting and submission of applications for funding from State, federal, or other sources to finance projects implementing the LWRP
3. Coordinate and oversee liaison between the Town Board and other town boards and departments, to further the implementation of the LWRP.

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4. Provide the New York State Department of State and other State agencies with timely feedback regarding the consistency of actions proposed by State agencies within the Amherst WRA.
5. Prepare an annual report on progress achieved and problems encountered in implementing the LWRP and recommend actions necessary for further implementation to the Town Board.
6. Perform other functions regarding the Amherst WRA and direct such actions or projects as are necessary, or as the Town Board may deem appropriate to implement the LWRP.

§ 3-2-1B. In order to foster a strong relationship and maintain an active liaison among the agencies responsible for implementation of the LWRP, the Planning Department shall schedule annual LWRP progress meetings, including, but not limited to, representatives of the Town Board, Planning Board, Zoning Board of Appeals, and such other departments or individuals charged with LWRP implementation.

PART 4

REVIEW OF ACTIONS AND CONSISTENCY WITH LWRP POLICIES

§4-1 Review of Actions and Consistency With LWRP Policies

- A. Whenever a proposed action is located within the Amherst WRA, the Town agency shall, prior to approving, funding, or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in Section I. below. No action in the WRA shall be approved, funded, or undertaken by the Town agency without such a determination.
- B. The Planning Department shall be responsible for coordinating review of actions within the Amherst WRA for consistency with the LWRP, and will advise, assist, and make consistency recommendations for other Town agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program.
- C. The Planning Department will assist each Town agency or outside applicant with preliminary evaluation of actions in the waterfront area, and with preparation of a WAF. Whenever the Town agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct

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action to be located within the Amherst WRA, such application or direct action shall be referred to the Planning Department, within ten (10) days of its receipt, for preparation of a WAF, a sample of which is appended to this Local Law.

- D. The Planning Department shall require the agency or the applicant to submit all completed applications, Environmental Assessment Forms (EAFs), and any other information deemed necessary to its consistency recommendation. The recommendation shall indicate whether, in the opinion of the Planning Department, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Planning Department shall, along with its consistency recommendation, make any suggestions to the agency or applicant concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them. Such recommendation shall go to the agency or applicant within thirty (30) days of receipt of the completed information (as deemed complete by the Planning Department) submitted by the department or applicant.
- E. If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the Planning Director shall designate the consistency review agency.
- F. Upon recommendation of the Planning Department, the agency shall consider whether the proposed action is consistent with the LWRP policies included in Section I, herein. Prior to making its determination of consistency, the agency shall consider the consistency recommendation of the Planning Department. The agency shall render a written determination of consistency based on the WAF, the Planning Department recommendation and such other information as is deemed necessary to its determination. No approval or decision shall be rendered for an action in the Amherst WRA without a determination of consistency. The designated agency will make the final determination of consistency.

The Zoning Board of Appeals is the designated agency for the determination of consistency for use variances and special use permit applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Planning Department in the event and at the time it makes a decision to grant such a variance or special use permit and shall impose

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- appropriate conditions to make the activity consistent with the objectives of this law.
- G. Where an Environmental Impact Statement (EIS) is required or prepared, the draft EIS must identify applicable LWRP policies and standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located within the Amherst WRA until the agency has made a written finding regarding the consistency of the action with the LWRP policies included in Section I herein.
- H. In the event the Planning Department's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards. Where an action is found to be inconsistent with one or more LWRP policy standards, such action shall not be approved, funded, or undertaken unless modified to be consistent with the LWRP, as determined by the reviewing agency.
- I. Actions to be undertaken within the Amherst WRA shall be evaluated for consistency in accordance with the following summary of LWRP policies, which are derived from and further explained and described in the approved Town of Amherst LWRP, a copy of which is on file in the Clerk and Planning Department offices and available for inspection during normal business hours. Agencies who undertake direct actions shall also consult with Section IV- Proposed Land and Water Uses and Projects of the LWRP, in making their consistency determination. The action shall be consistent with the following LWRP policies:
- 1) Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.
 - 2) Policy 2: Facilitate the siting of water-dependent uses and facilities on or adjacent to inland waterways.
 - 3) Policy 3: Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

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- 4) Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.
- 5) Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.
- 6) Policy 6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.
- 7) Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.
- 8) Policy 8: Protect fish and wildlife resources in the waterfront revitalization area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain, or which cause significant sublethal or lethal effect on those resources.
- 9) Policy 9: Expand recreational use of fish and wildlife resources in the waterfront revitalization area by increasing access to existing resources, supplementing existing stocks, and developing new resources.
- 10) Policy 10: Further develop commercial finfish, shellfish, and crustacean resources in the inland waterway area by encouraging the construction of new, or improvement of existing onshore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.
- 11) Policy 11: Buildings and other structures will be sited in the waterfront revitalization area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.
- 12) Policy 12: Activities or development in the waterfront revitalization area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.
- 13) Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.
- 14) Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.
- 15) Policy 15: Mining, excavation or dredging in inland waterways shall not significantly interfere with the natural inland waterway processes which supply beach materials to land adjacent to such waters and shall be

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undertaken in a manner which will not cause an increase in erosion of such land.

- 16) Policy 16: Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.
- 17) Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.
- 18) Policy 18: To safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the Waterfront Revitalization Area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable inland waterway resource areas.
- 19) Policy 19: Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.
- 20) Policy 20: Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.
- 21) Policy 21: Water-dependent and water-enhanced recreation will be encouraged and facilitated and will be given priority over non-water-related uses along the shorefront.
- 22) Policy 22: Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities and is compatible with the primary purpose of the development.
- 23) Policy 23: Protect, enhance, and restore structures, districts, areas, or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.
- 24) Policy 24: Prevent impairment of scenic resources of statewide significance.
- 25) Policy 25: Protect, restore, or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the waterfront revitalization area.
- 26) Policy 26: Conserve and protect agricultural lands in the waterfront revitalization area.
- 27) Policy 27: Decisions on the siting and construction of major energy facilities in the shorefront area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

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- 28) Policy 28: Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.
- 29) Policy 29: The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.
- 30) Policy 30: Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into inland waterways will conform to State and National water quality standards.
- 31) Policy 31: State policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing inland waterway classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.
- 32) Policy 32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.
- 33) Policy 33: Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into inland waterways.
- 34) Policy 34: Discharge of waste materials into inland waterways from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.
- 35) Policy 35: Dredging and filling in inland waterways and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.
- 36) Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into inland waterways; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.
- 37) Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into inland waterways.
- 38) Policy 38: The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

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- 39) Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within the waterfront revitalization area will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.
- 40) Policy 40: Effluent discharged from major steam electric generating and industrial facilities into inland waterways will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.
- 41) Policy 41: Land use or development in the waterfront revitalization area will not cause national or State air quality standards to be violated.
- 42) Policy 42: Waterfront revitalization program policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.
- 43) Policy 43: Land use or development in the waterfront revitalization area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.
- 44) Policy 44: Preserve and protect freshwater wetlands and preserve the benefits derived from these areas.
- J. If the agency determines that an action will be inconsistent with one or more LWRP policy standards or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.
- K. The Planning Department shall maintain a file for each action made the subject of a consistency determination, including the recommendations provided by the Planning Department. Such files shall be made available for public inspection upon request.

PART 5 **ENFORCEMENT**

§5-1 Enforcement

In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Commissioner or any other authorized official of the Town of Amherst shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

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§5-2 Violations

1. A person who violates any of the provisions of, or who fails to comply with any condition imposed by this law shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
2. The Town is authorized and directed to institute any and all actions and proceedings necessary to enforce this Local Law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

§5-3 Severability

The provisions of this law are severable. If any provision of this law is found invalid, such finding shall not affect the validity of this law as a whole or any law or provision hereof other than the provision so found to be invalid.

Section 6. Effective Date

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Francina J. Spoth, Town Clerk
Town of Amherst
County of Erie, New York**

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Attachment: proposed LL - LWRP (RES-2023-467 : Local Law - Local Waterfront Revitalization Program (LWRP))



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 27384

RESOLUTION 2023-326

WITHDRAWN

Local Law Amending Chapter 203 - to Exclude Certain Public Uses

Public hearing with respect to a Local Law Amending Chapter 203, Part 1, General Provisions, to Add a New Section, 1-13 to Exclude Certain Public Uses.

4/17/2023

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 7:44 PM.

Martin Polowy, Town Attorney, presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to keep the public hearing open, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

5/8/2023

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was opened at 7:06 PM.

The following speakers spoke in opposition and raised concerns:

Mike, Fruehauf Ave
 Jane Cox, 4584 Harlem Rd
 Shelly Schratz, 1952 Kensington Ave
 Gerry & Pat O'Connor, 27 Chateau Ter S
 Judy Colton, 254 Sunshine Dr
 Kathy Aquilina, 215 Maple Rd
 Eugene Sibick, 34 Wik St
 Chris Drongosky, 1250 Youngs Rd
 Christina Coyle Lenz - 64 Chateau Ter E
 Scott Hohensee, 1080 N French
 John, Fruehauf Ave
 Judy Ferraro, 213 Donna Lea
 Bob, Chateau Ter
 David & Joy Testa Cinquino, 74 Fruehauf Ave

There were no further speakers from the public, therefore Supervisor Kulpa moved to keep the public hearing open, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

RESULT:	WITHDRAWN
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LOCAL LAW NO.____ -2023

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Amending Chapter 203 Of The Code Of The Town Of Amherst, Also Known As The Zoning Ordinance, To Exclude Certain Public Uses

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 Of The Code Of The Town Of Amherst, Also Known As The Zoning Ordinance, To Exclude Certain Public Uses."

Section 2. Purpose

The purpose of this Local Law shall be to amend Chapter 203 of the Code of the Town of Amherst to exclude certain public uses.

Section 3.

Chapter 203 of the Code of the Town of Amherst is hereby amended to include a new section to Chapter 203, Part 1, namely Section 1-13, as follows:

Chapter 203, Part 1, Section 1-13

§203-1-13 Certain Public Uses Excluded

- A. The regulations of this chapter shall not be construed as to limit or interfere with the dedication, development or use of any land or building for public parks, other public recreation areas or public schools required for compulsory education; or with the use of land or buildings owned by the United States of America, the State of New York, the County of Erie or the Town of Amherst and used for governmental purposes; or with the construction, installation, operation and maintenance for public utility purposes of water or gas pipes, mains or conduits, electric light or electric power transmission or distribution lines, telephone or telegraph lines, cable television lines, oil pipe lines, sewers, sewer mains or incidental appurtenances; nor with any highway, railroad right-of-way or mass transit right-of-way existing or hereafter authorized by the United States of

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America, the State of New York, the County of Erie, the Erie County Water Authority, or the Town of Amherst.

- B. These exceptions, however, shall not be interpreted to permit yards, garages or other buildings for service or storage by said public utilities which are otherwise permitted by this chapter in appropriate districts; nor shall these exceptions permit wireless telecommunications facilities as permitted by sections 6-7 and section 6-11, unless constructed by or for the Town of Amherst or on the Town's behalf to include governmental use.
- C. These exemptions do not apply to the provisions of the State Environmental Review Act (SEQRA) or other state or federal requirements, but are limited only to requirements of the Town of Amherst.
- D. The Town Board may prescribe conditions that it deems necessary or desirable and may require a site plan of the proposed installation. Application for such use impacting 20 acres or more may be referred to the Town Planning Board for its recommendation which shall be advisory only.

Section 4. Severability.

If any section, subsection, sentence, clause or phrase of this Local Law is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter. The Town Board declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional and, if for any reason this Chapter should be declared invalid or unconstitutional, then the remaining section, subsection, sentence, clause or phrases shall be in full force and effect.

Section 5. Effective Date

This Local Law shall take effect immediately and be filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 and 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

**Francina J. Spoth, Town Clerk
Town of Amherst
County of Erie, New York**

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Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Jacqueline Berger**
 Co-Sponsored by:

DOC ID: 27538

RESOLUTION 2023-468
ADOPTED

Fire Prevention Week Ad in the Amherst Bee

WHEREAS, Fire Prevention week is the week including October 9th as proclaimed in 1925 by President Calvin Coolidge to commemorate the Great Chicago Fire, and

WHEREAS, the October 8-14, 2023 Fire Prevention campaign "Fire won't wait. Plan your escape." works to educate about the essentials of the sounds of fires, how to aid, assist, and avoid when a fire ensues; and

WHEREAS, the Town of Amherst strives to keep its residents safe and has historically paid for an ad in the Amherst Bee to promote this important campaign with fire prevention activities at all ten of the fire departments in the Town.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves a Fire Prevention Week full page ad in the Amherst Bee for all fire departments in the Town of Amherst to be paid from Avoidable Alarm Fund T-2999.4002.

5/22/2023

Consent

FINANCIAL IMPACT:

A cost not to exceed \$1,500.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jacqueline Berger, Councilmember
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Shawn Lavin**
 Co-Sponsored by:

DOC ID: 27537

RESOLUTION 2023-469

ADOPTED

Tree Board Appointment

WHEREAS, the purpose of the Amherst Tree Board is to review, develop and administer a written Community Tree Management Plan and create a work plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets and in other public areas; and

WHEREAS, this plan will be presented annually to the Amherst Town Board at the second meeting of the Town Board, along with an updated schedule of cost for trees to be planted on an annual basis, and publish said schedule; and

WHEREAS, every five (5) years the Tree Board shall develop, update, and administer a written comprehensive Community Tree Management Plan for the Town of Amherst. This plan will then be presented to the Amherst Town Board at the second annual meeting of the Town and upon acceptance and approval shall constitute the official comprehensive Community Tree Management Plan for the Town of Amherst; and

WHEREAS, the Tree Board, when requested by the Amherst Town Board, shall consider, investigate, advise, report, and recommend upon any special matter of question coming within the scope of its work; and

WHEREAS, the Tree Board will strive to raise consciousness of the importance of trees to the Town of Amherst; and

WHEREAS, the Tree Board shall meet at least two (2) times in a calendar year or as needed; and

WHEREAS, the board shall consist of a total of seven (7) members, five (5) members shall be Town residents (community members), the remaining two (2) members shall be comprised of the Town Forester and the Town's Landscape Architect, all being appointed by the Amherst Town Board, who shall serve a three year term; and

WHEREAS, the Tree Board shall annually elect a Chairperson and such officers as may be deemed necessary from time to time, and advise the Town Board of the selection; and

WHEREAS, the Amherst Tree Board currently has four (4) members, who shall continue to serve until their term of appointment expires, as follows:

Eric Borenstein, Chair, term expires 12/31/2023
 Ellen Banks, Member, term expires 12/31/2024
 Barbara Burke, Member, term expires 12/31/2023
 Daniel DeLano, Member, term expires 12/31/2024

WHEREAS, the Members of the Committee shall, by majority vote, elect a Chairperson from among the members and such officers as may be deemed necessary from time to time; and

WHEREAS, as Town Forester, Dominic Creamer, and as Town Landscape Architect, Jeffrey Szatkowski will serve in the capacity of a resource person (O) to the Committee; and

WHEREAS, Wendy Machowski has expressed interest in serving on the Amherst Tree Board.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of Wendy Machowski to the Amherst Tree Board for a term to conclude 12/31/2026.

5/22/2023

Consent

FINANCIAL IMPACT:

None

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shawn Lavin, Councilmember
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Attorney
 Initiated by: **Martin A. Polowy**
 Co-Sponsored by:

DOC ID: 27563

RESOLUTION 2023-470

ROLL CALL VOTE (ADOPTED)

2023 Roadways Reconstruction (Meadowbrook Road and Blossom Heath) (Bond Resolution - \$250,000)

AGENDA ITEM : MAY 22nd, 2023

TO: Town Board

FROM: Martin A. Polowy, Esq., Town Attorney

DATE: May 17, 2023

RE: 2023 Roadways Reconstruction
 Morningside Subdivision Roadways Reconstruction
 Phase II - Meadowbrook Road and Blossom Heath
 2023-2028 C.I.P. - Project H-10
 Bond Resolution - \$250,000

Kindly take the following action with respect to the above bond request:

- (1) Adopt the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department; and
- (2) Adopt the attached bond resolution authorizing the issuance of \$250,000.00 in serial bonds for the above-referenced Town improvement.

The adoption of the bond resolution does not require a public hearing to be held because the improvement is a Town improvement not involving a special district.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

MAP:nmb
 Attachments

c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item - May 22, 2023**)
 Daryl C. Bramer, Comptroller (*w/attachments*)
 Lynda Juul, Director of Finance (*w/attachments*)
 Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
 Dan Howard, Director of Planning (*w/attachments*)
 Brian J. Armstrong, Director, Engineering Services (*w/attachments*)

5/22/2023

A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. A motion to approve the Bond

resolution was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Resolution - \$250,000

RESULT:	ROLL CALL VOTE (ADOPTED) [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqueline Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM

April 25, 2023

TO: Brian J. Armstrong, Director Engineering Services
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director 

RE: SEQR Determination
Town Roadways Reconstruction
2023-2028 C.I.P. Projects H-10 & H-11

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\April_2023_Town Roadways reconstruction_H-10 & H-11.docx

cc: Daniel Howard, Planning Director
Martin Polowy, Town Attorney

Attachment: SEQR (RES-2023-470 : 2023 Roadways Reconstruction (Meadowbrook Road and Blossom Heath) (Bond Resolution - \$250,000))

EXTRACT OF MINUTES
Meeting of the Town Board of the
Town of Amherst, in the
County of Erie, New York
May 22, 2023

* * *

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on May 22, 2023.

There were present: Hon. Brian J. Kulpa, Supervisor; and

Board members: Jacqueline Berger, Councilwoman
Deborah Bruch Bucki, Deputy Supervisor/
Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

There were absent:

Also present: Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its
adoption:

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED MAY 22, 2023, AUTHORIZING IMPROVEMENTS TO MEADOWBROOK AND BLOSSOM HEATH ROADS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$250,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$250,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF AMHERST, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the “Town”), is hereby authorized to undertake improvements to Meadowbrook and Blossom Heath Roads, including drainage and curbing, as described in the map, plan and report dated April 2023 and prepared by the Town of Amherst Engineering Department (2023-2028 Capital Improvement Program, Project H-10). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$250,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$250,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 20(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds, and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in “The Amherst Bee,” a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on May 22, 2023, the Town Board of the Town of Amherst, in the County of Erie, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Amherst, New York, adopted May 22, 2023, authorizing improvements to Meadowbrook and Blossom Heath Roads, stating the estimated maximum cost thereof is \$250,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$250,000 to finance said appropriation,”

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to undertake improvements to Meadowbrook and Blossom Heath Roads, including drainage and curbing, as described in the map, plan and report dated April 2023 and prepared by the Town of Amherst Engineering Department (2023-2028 Capital Improvement Program, Project H-10); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$250,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$250,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$250,000 pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds, and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 22, 2023

FRANCINA J. SPOTH
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by _____ and
duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on May 22, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this _____ day of May, 2023.

(SEAL)

Town Clerk

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
 :ss:
 COUNTY OF ERIE)

FRANCINA J. SPOTH, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned he was the duly elected, qualified and acting Town Clerk of the Town of Amherst, State of New York;

That on _____, 2023, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 22, 2023, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

 Town Clerk

Subscribed and sworn to before me
 this _____ day of May, 2023.

 Notary Public, State of New York



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A Alba**
 Co-Sponsored by:

DOC ID: 27542

RESOLUTION 2023-471

ADOPTED

Settlement of Article 7 Matter - Kamal Enterprises, Inc. V. Town of Amherst

AGENDA ITEM : MAY 22ND, 2023

TO: Town Board

FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney

DATE: May 16, 2023

RE: Settlement of Article 7 Matter
 Kamal Enterprises, Inc. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

(1) Settlement of the above matter as detailed in the attached Stipulation of Settlement and Judicial Order; and

(2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation of Settlement and Judicial Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item : May 22ND, 2023**)
 Emily Murphy, Town Assessor

5/22/2023

Consent

FINANCIAL IMPACT:

Assessment

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

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

In the Matter of the Application for a Review Under
Article 7 of the Real Property Tax Law of a Tax
Assessment by

**STIPULATION OF
SETTLEMENT AND
JUDICIAL ORDER**

KAMAL ENTERPRISES INC.,

Index No. 807694/2022

Petitioner(s),

-against-

THE ASSESSOR(S) FOR THE TOWN OF AMHERST, THE
BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF
AMHERST, AND THE TOWN OF AMHERST IN THE COUNTY
OF ERIE, NEW YORK,

Respondents.

WHEREAS Petitioner Kamal Enterprises Inc. (hereinafter, the "Petitioner"), having duly and timely commenced the above-captioned proceedings pursuant to Article 7 of the Real Property Tax Law by and through its attorneys, Speno MacLeod, PLLC (Kevin R. MacLeod, Esq. and Rebecca M. Speno, Esq.) against the Assessor for the Town of Amherst, the Board of Assessment Review for the Town of Amherst, the Town of Amherst (collectively, the "Respondents" or "Town"), County of Erie, to review the assessment on real property owned by the Petitioner that was, for the assessment roll years at issue, identified by the Assessor on said assessment rolls as tax identification number 82.05-5-3.1 and 82.05-5-3.1/A and located at 7200 Transit Rd and 7180 Transit Rd, respectively, in the Town of Amherst (the "Subject"); and

WHEREAS the Town Respondents appeared in these proceedings by and through their attorneys Samuel A. Alba, Esq.; and the Intervenor-Respondent Clarence Central School District appeared in these proceedings by and through their attorneys

Hodgson Russ LLP (Michael B. Risman, Esq.); however, the County of Erie did not intervene or appear in these proceedings;

WHEREAS, Petitioner, Respondents and Intervenor-Respondent are collectively referred to herein as the "Parties"; and

WHEREAS, the Parties have entered into extensive settlement negotiations and have agreed that settlement is in the best interests of the Parties, so as to avoid the cost of further litigation, among other things; and

NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED that the Parties propose to settle these proceedings upon the terms and conditions set forth in this Stipulation of Settlement and Judicial Order ("Order"):

1. The Subject is located in the Town of Amherst, Clarence Central School District and County of Erie taxing and assessing jurisdictions and their special and other districts (e.g., fire and library districts).

2. The combined original total assessment on the Subject for the years at issue, and the combined total reduced assessments for the years at issue shall be as follows:

Assessment Roll	Equ Rate	Current Combined Assessment	Reduced Combined Assessment
2022	74%	\$2,560,000	\$2,271,500
2023	62%	\$2,560,000	\$312,500

3. The Parties have agreed to the refund calculations associated with 2022 assessment roll reduction for each taxing jurisdiction as set forth below:

Taxing Jurisdiction	Refund Associated with 2022 Assessment Roll
Clarence Central School District	\$4,721.34
Town of Amherst	\$1,457.63
Erie County	\$1,677.71

4. The Parties acknowledge that the 2023 assessment is a one-year “gouged” assessment, which was negotiated in exchange for a lesser amount of refunds than would otherwise have been required regarding the 2022 assessment roll.

5. The Assessor and all other relevant officers and authorities of the relevant taxing jurisdictions are hereby authorized to make and correct these assessments as outlined above on the appropriate books and records of each such jurisdiction.

6. Real Property Tax Law Section 727 shall apply to this settlement to “freeze” the Subject’s total combined equalized assessments at \$1,900,000 full market value for property tax assessment rolls established by the Town Assessor in years 2024 and 2025. RPTL Section 727(2)(a) and (b) are waived. In the event of a town-wide revaluation, update, or reassessment during the RPTL 727 term, the Subject shall be assessed at \$1,900,000 full market value.

7. Refunds from the Town, County and School District (as calculated above) including any overpayments for library taxes, fire district taxes and any other ad valorem levies) shall be paid to the Petitioner as a result of the reduced assessment set forth herein for the years at issue. Refund payments shall be paid within 45 days of the affected taxing jurisdictions receiving a demand for such refunds. Service of the

demand on the School shall be sufficient for any library refunds and service on the Town and/or County shall be sufficient for any Town or County special district refunds (including fire districts, etc.). Refund checks shall be made payable to Speno MacLeod, PLLC, As Attorneys For Petitioner and mailed to Speno MacLeod, PLLC, PO Box 152, Baldwinsville, New York 13027. Interest on said refunds shall be waived if all refunds are received within 45 days of service of the demand therefore.

8. These proceedings shall be discontinued without prejudice upon entry of this Order. Petitioner shall have the right to seek specific enforcement of the terms of this Order and to otherwise enforce this Order by whatever means provided by law.

9. This Order shall be considered the Parties' entire understanding and agreement between and among them. There shall be no modification of this Order except by a subsequent writing signed by the authorized representatives of the Parties herein, and "So Ordered" by the Court.

10. The Parties authorize their attorneys to execute this Order and to seek the Court's approval and entry of the same, and each signatory below affirms that they have the proper authority to so execute this Order.

11. If any provision of this Order shall be determined to be invalid, illegal, null or void, or unenforceable to any extent, the remainder of this Order shall remain in effect to the fullest extent of the law.

12. This Court shall retain jurisdiction over this matter for the purposes of enforcing the terms of this Order.

13. Electronic signatures and electronically-transmitted images of original signatures shall be deemed original signatures for the purposes of expediting the filing of this Order.

14. This Order may be executed in multiple counterparts including by means of facsimile, PDF/ADOBE e-mail, etc., each of which shall be deemed an original, but all of which together shall be considered and constitute one and the same instrument.

15. An executed copy of this Order, shall be entered and docketed in the appropriate County Clerk's Office by Petitioner, then filed with the Assessor's permanent records.

[signatures on the following page]

DATED: _____

SPENO MACLEOD, PLLC

By: _____

Kevin R. MacLeod, Esq.
 Rebecca M. Speno, Esq.
 Attorneys for Petitioner
 PO Box 152
 Baldwinsville, New York 13027
 315.409.6614

DATED: 5/15/2023

HODGSON RUSS LLP

By:  _____

Michael B. Risan, Esq.
 Attorneys for the School District
 140 Pearl Street, Ste 100
 Buffalo, New York 14202
 716.848.1291

DATED: _____

TOWN OF AMHERST

By: _____

Samuel A. Alba, Esq
 Attorney for Respondents
 5583 Main Street
 Williamsville, New York 14221
 716.631.7030

SO ORDERED AND ENTERED THIS _____ DAY OF _____, 2023.

By: _____

Hon. Timothy Walker, J.S.C.



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A Alba**
 Co-Sponsored by:

DOC ID: 27543

RESOLUTION 2023-472

ADOPTED

Settlement of Article 7 Matter - Lisa Friedman & Scott Friedman, and Todd Levine V. Town of Amherst

AGENDA ITEM : MAY 22ND, 2023

TO: Town Board

FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney

DATE: May 16, 2023

RE: Settlement of Article 7 Matter
 Lisa Friedman & Scott Friedman, and Todd Levine v. Town of Amherst

Kindly adopt a resolution authorizing the following:

- (1) Settlement of the above matter as detailed in the attached Consent Order; and
- (2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item : May 22ND, 2023**)
 Emily Murphy, Town Assessor

5/22/2023

Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie
County, held at 92 Franklin Street,
Buffalo, New York, on the ____ day of
_____, 2023

PRESENT: HON. HENRY J. NOWAK, J.S.C.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE
IN THE MATTER OF THE APPLICATION UNDER
ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

LISA FRIEDMAN & SCOTT FRIEDMAN; TODD LEVINE;
and RAUL VAZQUEZ,

Petitioners,

v.

CONSENT ORDER

Index No.: 809551/2021
808455/2022

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE TAX ASSESSMENT OF CERTAIN
REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the
premises owned by Petitioners LISA FRIEDMAN & SCOTT FRIEDMAN, and TODD LEVINE
(collectively, "Petitioners")¹ in the Town of Amherst, New York, known as:

¹ The property located at 82 Davinci Court, which was one of the properties listed in the Petition, and owned by Raul Vazquez, was settled by Interim Consent Order and is therefore not addressed herein.

<u>Address</u>	<u>Section/Block/Lot</u>
725 Le Brun Road	79.08-3-32
800 Le Brun Road	79.08-3-39.11;

and said proceedings having progressed for trial, and negotiations for settlement having been conducted, and said settlement having been approved and recommended by the Attorney for the Town of Amherst, the Attorney for the Amherst Central School District, and the Attorney for Petitioners, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town of Amherst, the Amherst Central School District, and the County of Erie, it is hereby

STIPULATED, ORDERED, AND ADJUDGED that the property tax certiorari for the 2021-2022 and 2022-2023 tax years for the premises listed above be discontinued and withdrawn without costs and allowances to either party as against the other; and it is further

STIPULATED, ORDERED, AND ADJUDGED that the real property tax assessment for the tax years 2023-2024, for the premises be set as follows:

<u>Address</u>	<u>Section/Block/Lot</u>	<u>Assessed Value</u>
725 Le Brun Road	79.08-3-32	\$965,500
800 Le Brun Road	79.08-3-39.11	\$824,000;

and it is further

STIPULATED, ORDERED, AND ADJUDGED that said Petitioners in any instrument or agreement transferring any part or all of the subject properties or any interest therein shall

covenant with any grantee, transferee, and mortgagee and their respective distributees, successors, and/or assigns that they shall be bound by the terms of this Consent Order and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms herein; and it is further

STIPULATED, ORDERED, AND ADJUDGED that in the event that the assessment of the properties is increased for the 2023-2024 tax year as resolved by this Stipulation at a level higher than provided herein when there has been no assessable addition or improvement to the properties, Petitioners retain the right to reinstate and reinstitute the Article 7 proceedings herein settled with respect to the affected parcel only; and it is further

STIPULATED, ORDERED, AND ADJUDGED that Petitioners waive refunds of any overpayment as to the Town of Amherst, County of Erie, and Amherst Central School District; and it is further

STIPULATED, ORDERED, AND ADJUDGED that this Court shall retain jurisdiction over this proceeding pending the expiration of the periods herein recited, and that all applications to enforce any or all of the terms of this Consent Order shall be brought by motion before this Court; and it is further

STIPULATED, ORDERED, AND ADJUDGED that Petitioners shall have the right to seek specific enforcement of this Stipulation, Order, and Judgment by all means provided by law; and it is further

STIPULATED, ORDERED, AND ADJUDGED that this Stipulation, Order, and Judgment hereby constitutes and represents the entire understanding and agreement amongst the

parties, and the full settlement of the tax certiorari herein; there are no costs or disbursements awarded to, by or against any party, and upon compliance with the terms of this Stipulation, Order, and Judgment, the proceedings herein shall be, and the same hereby are, settled and discontinued with prejudice.

SO ORDERED AND ADJUDGED.

Hon. Henry J. Nowak, J.S.C.

DATED: _____, 2023
Buffalo, New York

The parties consent to be bound by the terms of this Court Order by subscribing hereunto
their names and legal authority:

FOR PETITIONERS

By: _____
Marcus R. Catlin, Esq.
Attorney for Petitioners

Date: _____

FOR RESPONDENT

Town of Amherst

By: _____
Samuel A. Alba, Esq.
Attorney for Respondent

Date: _____

FOR INTERVENOR

Amherst Central School District

By: Henry A. Zomerfeld
Henry A. Zomerfeld, Esq.
Attorney for Intervenor-Respondent

Date: 5/15/23

FOR INTERVENOR

County of Erie

By: _____
Thomas Webb, Esq.
Attorney for Intervenor-Respondent

Date: _____


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A Alba**
 Co-Sponsored by:

DOC ID: 27544

RESOLUTION 2023-473
ADOPTED

Settlement of Article 7 Matter - Iskalo Asset Fund II, LLC V. Town of Amherst

AGENDA ITEM : MAY 22ND, 2023

TO: Town Board

FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney

DATE: May 16, 2023

RE: Settlement of Article 7 Matter
 Iskalo Asset Fund II, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

- (1) Settlement of the above matter as detailed in the attached Consent Order; and
- (2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item : May 22ND, 2023**)
 Emily Murphy, Town Assessor

5/22/2023

Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County,
held at Delaware Avenue, Buffalo, New York, on the
____ day of _____, 2023.

PRESENT: HON. TIMOTHY J. WALKER, A.J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER
ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

ISKALO ASSET FUND II LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 808004/2022

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE TAX ASSESSMENT OF CERTAIN
REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the
premises owned by Petitioner in the Town of Amherst, New York, known as:

Address

Section/Block/Lot

30-36 North Union Road

80.08-7-15

having progressed for trial, and negotiations for settlement having been conducted, and said
settlement having been approved and recommended by the Attorney for the Town of Amherst,
and the Attorney for Petitioner, and it further appearing that the assessment of premises in the
Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town
of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2022-2023 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2023-2024, 2024-2025 and 2025-2026 for the premises be set as follows:

<u>Address</u>	<u>Section/Block/Lot</u>	<u>Assessed Value</u>
30-36 North Union Road	80.08-7-15	\$2,015,000,

and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law shall apply to the aforementioned years. In the event of a revaluation or update within the period governed by Real Property Tax Law §727, the Assessor shall be permitted to adjust the assessment, but any such adjusted assessment shall not exceed the equalized full market value on the prior year's final assessment roll, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event that the assessment is increased for any stated year at a level higher than provided herein when there has been no assessable addition or improvement to the property, Petitioner retains the right to reinstate and reinstitute its Article 7 proceedings herein settled with respect to that parcel only, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Wolfgang & Weinmann, as attorneys and agents

for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, or in the event that any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, with a copy of corrected tax bills sent to the attorneys for Petitioner, said corrected tax bills to be paid without interest or penalty if paid within 90 days of receipt of said corrected bills, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Court shall retain jurisdiction over this proceeding pending the expiration of the periods herein recited, and that all applications to enforce any or all of the terms of this Consent Order shall be brought by motion before this Court, and it is further

ORDERED, STIPULATED, AND ADJUDGED that Petitioner shall have the right to seek specific enforcement of this Order, Stipulation and Judgment by all means provided by law, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Order, Stipulation and Judgment hereby constitutes and represents the entire understanding and agreement amongst the

parties, and the full settlement of the tax certiorari herein; there are no costs or disbursements awarded to, by or against any party, and upon compliance with the terms of this Order, Stipulation and Judgment, the proceedings herein shall be, and the same hereby are, settled and discontinued with prejudice.

Hon. Timothy J. Walker, A.J.S.C.

DATED:

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER
Iskalo Asset Fund II LLC

FOR RESPONDENT
Town of Amherst

By: _____
Trevor P. Duffy, Esq.
Attorney for Petitioner

By: _____
Samuel A. Alba, Esq.
Attorney for Respondent

Date: _____

Date: _____

FOR PETITIONER
Iskalo Asset Fund II LLC

FOR INTERVENOR
Williamsville CSD

By: _____
David Chiazza
As Agent

By: _____
Michael B. Risman, Esq.
Attorney for Intervenor

Date: _____

Date: _____



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A Alba**
 Co-Sponsored by:

DOC ID: 27545

RESOLUTION 2023-474

ADOPTED

Settlement of Article 7 Matter - Sheridan Properties II, LLC V. Town of Amherst

AGENDA ITEM : MAY 22ND, 2023

TO: Town Board

FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney

DATE: May 16, 2023

RE: Settlement of Article 7 Matter
 Sheridan Properties II, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

- (1) Settlement of the above matter as detailed in the attached Consent Order; and
- (2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item : May 22ND, 2023**)
 Emily Murphy, Town Assessor

5/22/2023

Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County,
held at Delaware Avenue, Buffalo, New York, on the
____ day of _____, 2023.

PRESENT: HON. TIMOTHY J. WALKER, A.J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER
ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

SHERIDAN PROPERTIES II, LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 808000/2022

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE TAX ASSESSMENT OF CERTAIN
REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the
premises owned by Petitioner in the Town of Amherst, New York, known as:

Address

Section/Block/Lot

3980A Sheridan Drive

68.09-1-9.22

having progressed for trial, and negotiations for settlement having been conducted, and said
settlement having been approved and recommended by the Attorney for the Town of Amherst,
and the Attorney for Petitioner, and it further appearing that the assessment of premises in the
Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town
of Amherst, the Amherst CSD, and the County of Erie, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2022-2023 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2023-2024, 2024-2025 and 2025-2026 for the premises be set as follows:

<u>Address</u>	<u>Section/Block/Lot</u>	<u>Assessed Value</u>
3980A Sheridan Drive	68.09-1-9.22	\$3,410,000,

and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law shall apply to the aforementioned years. In the event of a revaluation or update within the period governed by Real Property Tax Law §727, the Assessor shall be permitted to adjust the assessment, but any such adjusted assessment shall not exceed the equalized full market value on the prior year's final assessment roll, and it is further

ORDERED, STIPULATED, AND ADJUDGED that said Petitioner in any instrument or agreement transferring any part or all of the subject property or any interest therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Consent Order and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event that the assessment is increased for any stated year at a level higher than provided herein when there has been no

assessable addition or improvement to the property, Petitioner retains the right to reinstate and reinstitute its Article 7 proceedings herein settled with respect to that parcel only, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Amherst CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Wolfgang & Weinmann, as attorneys and agents for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, or in the event that any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, with a copy of corrected tax bills sent to the attorneys for Petitioner, said corrected tax bills to be paid without interest or penalty if paid within 90 days of receipt of said corrected bills, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Court shall retain jurisdiction over this proceeding pending the expiration of the periods herein recited, and that all applications to enforce any or all of the terms of this Consent Order shall be brought by motion before this Court, and it is further

ORDERED, STIPULATED, AND ADJUDGED that Petitioner shall have the right to seek specific enforcement of this Order, Stipulation and Judgment by all means provided by law, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Order, Stipulation and Judgment hereby constitutes and represents the entire understanding and agreement amongst the parties, and the full settlement of the tax certiorari herein; there are no costs or disbursements awarded to, by or against any party, and upon compliance with the terms of this Order, Stipulation and Judgment, the proceedings herein shall be, and the same hereby are, settled and discontinued with prejudice.

Hon. Timothy J. Walker, A.J.S.C.

DATED:

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER
Sheridan Properties II LLC

FOR RESPONDENT
Town of Amherst

By: _____
Trevor P. Duffy, Esq.
Attorney for Petitioner

By: _____
Samuel A. Alba, Esq.
Attorney for Respondent

Date: _____

Date: _____

FOR PETITIONER
Sheridan Properties II LLC

FOR INTERVENOR
Amherst CSD

By: _____
Carolyn Yurtchuk
As Agent

By: _____
Henry A. Zomerfeld, Esq.
Attorney for Intervenor

Date: _____

Date: _____


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A Alba**
 Co-Sponsored by:

DOC ID: 27546

RESOLUTION 2023-475
ADOPTED

Settlement of Article 7 Matter - Iskalo Office Holdings II, LLC V. Town of Amherst

AGENDA ITEM : MAY 22ND, 2023

TO: Town Board

FROM: Samuel A. Alba, Esq., Senior Deputy Town Attorney

DATE: May 16, 2023

RE: Settlement of Article 7 Matter
 Iskalo Office Holdings II, LLC v. Town of Amherst

Kindly adopt a resolution authorizing the following:

- (1) Settlement of the above matter as detailed in the attached Consent Order; and
- (2) Authorizing Senior Deputy Town Attorney Samuel A. Alba, Esq. to sign the attached Consent Order as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item : May 22ND, 2023**)
 Emily Murphy, Town Assessor

5/22/2023

Consent

FINANCIAL IMPACT:

Assessment

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

At a Special Term of the Supreme Court, Erie County,
held at Delaware Avenue, Buffalo, New York, on the
____ day of _____, 2023.

PRESENT: HON. DEBORAH A. CHIMES, J.S.C
STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION UNDER
ARTICLE 7 OF THE REAL PROPERTY TAX LAW
BY

ISKALO OFFICE HOLDINGS II LLC,

Petitioner,

v.

CONSENT ORDER

Index No.: 807996/2022

TOWN OF AMHERST,

Respondent.

FOR REVIEW OF THE TAX ASSESSMENT OF CERTAIN
REAL PROPERTY IN THE SAID TOWN OF AMHERST

The above-entitled special proceedings involving real property tax certiorari for the
premises owned by Petitioner in the Town of Amherst, New York, known as:

Address

Section/Block/Lot

140 John James Audubon Parkway

41.03-1-74.1

having progressed for trial, and negotiations for settlement having been conducted, and said
settlement having been approved and recommended by the Attorney for the Town of Amherst,
and the Attorney for Petitioner, and it further appearing that the assessment of premises in the
Town of Amherst provides the basis for the imposition of ad valorem taxes assessed by the Town
of Amherst, the Williamsville CSD, and the County of Erie, it is hereby

ORDERED, STIPULATED, AND ADJUDGED that the property tax certiorari for the tax year 2022-2023 for the premises previously listed be discontinued and withdrawn without costs and allowances to either party as against the other, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the real property tax assessment for the tax years 2023-2024, 2024-2025 and 2025-2026 for the premises be set as follows:

<u>Address</u>	<u>Section/Block/Lot</u>	<u>Assessed Value</u>
140 John James Audubon	41.03-1-74.1	\$2,873,000,

and it is further

ORDERED, STIPULATED, AND ADJUDGED that the provisions of Section 727 of the Real Property Tax Law shall apply to the aforementioned years. In the event of a revaluation or update within the period governed by Real Property Tax Law §727, the Assessor shall be permitted to adjust the assessment, but any such adjusted assessment will not exceed \$4,800,000 equalized full market value, and it is further

ORDERED, STIPULATED, AND ADJUDGED that in the event that the assessment is increased for any stated year at a level higher than provided herein when there has been no assessable addition or improvement to the property, Petitioner retains the right to reinstate and reinstitute its Article 7 proceedings herein settled with respect to that parcel only, and it is further

ORDERED, STIPULATED, AND ADJUDGED that the fiscal officers of Erie County, the Town of Amherst, Williamsville CSD, and any other taxing unit affected by the above assessment reductions shall apply such adjusted assessment and determine any overpayment of taxes, and in the event of overpayment, refund the overpayment with statutory interest within 45 days by official check payable to the order of Wolfgang & Weinmann, as attorneys and agents

for Petitioner, accompanied by a calculation sheet, such attorneys to hold the proceeds as trust funds for appropriate distribution, and are to remain subject to the further jurisdiction of this Court relative to their attorney's lien pursuant to Judiciary Law Section 475, or in the event that any such tax payment has not been paid, issue corrected tax bills which reflect the proper reduced assessment for the property, with a copy of corrected tax bills sent to the attorneys for Petitioner, said corrected tax bills to be paid without interest or penalty if paid within 90 days of receipt of said corrected bills, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Court shall retain jurisdiction over this proceeding pending the expiration of the periods herein recited, and that all applications to enforce any or all of the terms of this Consent Order shall be brought by motion before this Court, and it is further

ORDERED, STIPULATED, AND ADJUDGED that Petitioner shall have the right to seek specific enforcement of this Order, Stipulation and Judgment by all means provided by law, and it is further

ORDERED, STIPULATED, AND ADJUDGED that this Order, Stipulation and Judgment hereby constitutes and represents the entire understanding and agreement amongst the

parties, and the full settlement of the tax certiorari herein; there are no costs or disbursements awarded to, by or against any party, and upon compliance with the terms of this Order, Stipulation and Judgment, the proceedings herein shall be, and the same hereby are, settled and discontinued with prejudice.

Hon. Deborah A. Chimes, J.S.C.

DATED:

The parties consent to be bound by the terms of this Court Order by subscribing hereunto their names and legal authority:

FOR PETITIONER
Iskalo Office Holdings II LLC

FOR RESPONDENT
Town of Amherst

By: _____
Trevor P. Duffy, Esq.
Attorney for Petitioner

By: _____
Samuel A. Alba, Esq.
Attorney for Respondent

Date: _____

Date: _____

FOR PETITIONER
Iskalo Office Holdings II LLC

FOR INTERVENOR
Williamsville CSD

By: _____
David Chiazza
As Agent

By: _____
Michael B. Risman, Esq.
Attorney for Intervenor

Date: _____

Date: _____



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 27550

RESOLUTION 2023-476

ADOPTED

Fireworks Permit - Country Club of Buffalo

Request for fireworks permit on July 4, 2023 at approximately 9:45 pm at Country Club of Buffalo, 250 Youngs Road with the following conditions:

1. That the spectators, parking areas and structures be 350 feet from the fireworks discharge location for vertical mortars. (max. 5 inch shells)
2. That one (1) 5-lb. ABC fire extinguisher, with a current inspection tag, is located at the firing site with a qualified operator. Additional extinguishers maybe required depending on site layout.
3. That the trajectory of shells shall not come within 25 feet of overhead objects.
4. That the actual shooters listed on the application be present at the site or a substitute shooters list must be submitted five (5) or more days prior to the event. Submitted shooters are Jerry Behlau and Kevin Morse.
5. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.
6. Display shall follow NFPA 1123-2018 & IFC 2020.
7. Crowds over 1000 people require a crowd managers as per the International Fire Code.
8. The Amherst Town Board shall designate a time when the Fireworks display must conclude.
9. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.

5/22/2023

Consent

FINANCIAL IMPACT:

\$100 fee paid

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



TOWN OF AMHERST

BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080

FAX: (716) 631-7192

BRIAN P. ANDRZEJEWSKI, I
Commissioner of Building

Memorandum

DATE: May 8, 2023

TO: Francina Spoth, Town Clerk

FROM: Bryan W. Parnell, Senior Fire Inspector

RE: Fireworks Display – Country Club of Buffalo 250 Youngs Road

DATE & TIME: Tuesday July 4, 2023 @ 9:45 PM

All items required on the application appear to be in order. Therefore, we hereby recommend the approval of this application with the following conditions.

- 1) That the Spectators, parking areas and dwellings be 350 feet from the fireworks discharge location for vertical mortars. (max. 5 inch shells)
- 2) That one (1) 5-lb. ABC fire extinguisher, with a current inspection tag, is located at the firing site with a qualified operator. Additional extinguishers maybe required depending on site layout.
- 3) That the trajectory of shells shall not come within 25 feet of overhead objects.
- 4) That the actual shooters listed on the application be present at the site or a substitute shooters list be submitted five (5) or more days prior to the event. Submitted shooters are Jerry Behlau and Kevin Morse.
- 5) If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.
- 6) Display shall follow NFPA 1123-2018 & IFC 2020.
- 7) The Amherst Town Board shall designate a time when the Fireworks display must conclude.
- 8) Crowds over 1000 people require a crowd managers as per the International Fire Code.
- 9) If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.

Bryan W. Parnell

Senior Fire Inspector
Fire Safety Division

Town of Amherst, 5583 Main St., Williamsville, NY 14221 PH: 716-631-7045 FX: 716-631-7152

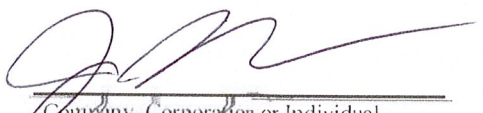
APPLICATION FOR FIREWORKS DISPLAY

The undersigned hereby makes application to the Town Board of the Town of Amherst to acquire a license pursuant to Chapter 68 (Amusements) of the Code of the Town of Amherst for the public display of fireworks in the Town of Amherst, Erie County, New York:

1. Name of individual/company sponsoring the display and the names of the persons actually to be in charge of the firing of the display areas: Country Club of Buffalo
Young Explosives Corporation
2. Date and time of day at which the display is to be held: Add reason for display: wedding, corporate event etc.
Tuesday, July 4, 2023 for 4th of July holiday 9:45P
3. Exact location planned for the display:
Country Club of Buffalo golf course, below 18th hole
4. Age, experience and physical characteristics of individuals who are to discharge fireworks:
Jerry Behlau- eyes (haz), hair (gry), hgt (6'3")
Kevin Morse- male over age of 18, eyes (BL), no hair
5. Number and kind of fireworks to be discharged (include largest shell size):
Approx. 225 misc. 1.3G and 1.4G shells with the largest size of 5" (350' radius)
6. Manner and place of storage of these fireworks prior to the display:
With Young Explosives at all times.
7. Attached is a diagram of the grounds on which the display is to be held. This diagram shows the point at which the fireworks are to be discharged, the location of all the buildings, highways, and other lines of communications in addition to the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.
8. This application shall be accompanied by a bond or policy of public liability insurance with a limit of \$3,000,000 for personal injuries and \$1,000,000 for property damage and proof of Workers' Compensation Insurance.
9. This application for a Fire Prevention Operating Permit (Code 52) must be accompanied by a check in the amount of \$90 made out to "Town of Amherst".

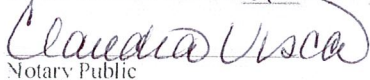
Date:

STATE OF NEW YORK
Monroe COUNTY
TOWN OF Brighton



Company, Corporation or Individual
James R. Young on behalf of Country Club of Buffalo
By: James R. Young

Sworn to before me this 25 day of April 2023



Notary Public

CLAUDIA VISCA
Notary Public, State of New York
Qualified in Monroe County
Reg. No. 01VI6104902
My Commission Expires 02/02/2024

Attachment: CCB-05102023121826 (RES-2023-476 : Fireworks Permit - Country Club of Buffalo)



250 N Youngs Rd
Williamsville (Town of Amherst)



**Workers'
Compensation
Board**

CERTIFICATE OF INSURANCE COVERAGE DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
YOUNG EXPLOSIVES CORP.
2165 NEW MICHIGAN ROAD
CANANDAIGUA, NY 14424

1b. Business Telephone Number of Insured
(585) 394-1783

Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)

1c. Federal Employer Identification Number of Insured or Social Security Number
160900107

2. Name and Address of Entity Requesting Proof of Coverage
(Entity Being Listed as the Certificate Holder)

YOUNG EXPLOSIVES CORPORATION
P.O. BOX 18653
ROCHESTER, NY 14618

3a. Name of Insurance Carrier

New York State Insurance Fund (NYSIF)

3b. Policy Number of Entity Listed in Box "1a"
DBL 6163 63 - 9

3c. Policy effective period

04/01/2022 to 04/01/2024

4. Policy provides the following benefits:

- ☒ A. Both disability and paid family leave benefits
☐ B. Disability benefits only
☐ C. Paid family leave benefits only

5. Policy covers:

- ☒ A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law
☐ B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 3/29/2023

By

Kristin Markwica

(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number (866) 697-4332

Name and Title Kristin Markwica, Head of Disability Insurance Unit

IMPORTANT: If Box 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York

Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed _____

By _____

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____

Name and Title _____

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE (RENEWED)

^ ^ ^ ^ ^ ^ 160900107
YOUNG EXPLOSIVES CORP
P O BOX 18653
ROCHESTER NY 14618

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER YOUNG EXPLOSIVES CORP P O BOX 18653 ROCHESTER NY 14618		CERTIFICATE HOLDER YOUNG EXPLOSIVES CORPORATION PO BOX 18653 ROCHESTER NY 14618-1461	
POLICY NUMBER R 400 999-9	CERTIFICATE NUMBER 663648	POLICY PERIOD 01/01/2023 TO 01/01/2024	DATE 1/3/2023

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 400 999-9, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT [HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP](https://www.nysif.com/cert/certval.asp). THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THIS POLICY DOES NOT COVER CLAIMS OR SUITS THAT ARISE FROM BODILY INJURY SUFFERED BY THE OFFICERS OF THE INSURED CORPORATION.

PRESIDENT
JAMES YOUNG
1 OF 1 EXECUTIVE OFFICER OF
YOUNG EXPLOSIVES CORP

THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

BY CAUSING THIS CERTIFICATE TO BE ISSUED TO THE CERTIFICATE HOLDER, THE POLICYHOLDER UNDERTAKES TO PROVIDE THE CERTIFICATE HOLDER 5 CALENDAR DAYS' NOTICE OF ANY CANCELLATION OF THE POLICY.

NEW YORK STATE INSURANCE FUND



DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 657185515



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/21/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114		CONTACT NAME: PHONE (A/C, No, Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL: ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A : Everest National Insurance Company	
		INSURER B : Axis Surplus Insurance Company	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	

COVERAGES

CERTIFICATE NUMBER: 1263589972

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:	Y	Y	SI8GL00353-231	3/20/2023	3/20/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS	Y	Y	SI8CA00054-231	3/20/2023	3/20/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED \$ RETENTION \$	Y	Y	P-001-000088056-05	3/20/2023	3/20/2024	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$ PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
 Date: Tuesday, July 4, 2023
 Location: Below 18th hole on golf course grounds
 Additional Insured: Country Club of Buffalo; Town of Amherst, NY
 Group Code: Cert#23-173

CERTIFICATE HOLDER

CANCELLATION

Country Club of Buffalo 240 North Youngs Road Williamsville NY 14421 United States	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

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SH-862 (3/22)

DIVISION OF SAFETY HEALTH
 LICENSE AND CERTIFICATE UNIT
 STATE OFFICE CAMPUS, BLDG. 1
 ALBANY, NY 12226

WE ARE YOUR DOL



Expires 3/31/2024

THIS LICENSE MUST BE
 POSTED IN YOUR PLACE
 OF BUSINESS

License No. D-2316

LICENSE TO DEAL IN OR MANUFACTURE EXPLOSIVES

Young Explosives Corporation
 PO Box 18653
 Rochester, NY 14618
 James R. Young

is hereby licensed to deal in or manufacture explosives in compliance with the requirements of the Labor Law and Industrial Code Rules. Any change in the conditions under which this license is granted may cause it to be revoked.

Every person selling, delivering or giving away any explosives must keep at the principal place of business within the state, a record of each transaction, including:

- 1) the NAME or TYPE and QUANTITY of explosives SOLD, DELIVERED or GIVEN. Note: No license is needed to purchase smokeless powder, or black powder and quantity is not exceeding five pounds for use in firing antique firearms or artifacts or replicas thereof. However, dealers MUST post all such transactions on the "Dealer-Manufacturer Report of Explosives Transactions".
- 2) the DATE OF EACH SALE, DELIVERY or GIFT.
- 3) the NAME, LICENSE NUMBER, and BUSINESS ADDRESS of the purchaser, donee, or person to whom the explosives were delivered and the firm, if any, represented by such person.
- 4) the NAME, ADDRESS, and LICENSE NUMBER of the person TAKING THE EXPLOSIVES AWAY from the seller or donor.

Amy Phillips, Director

FOR THE COMMISSIONER OF LABOR

SH-862 (5-98)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF
Correspondence To
ATF - Chief, FELC
244 Needy Road
Martinsburg, WV 25405-9431

License/Permit
Number
6-NY-069-24-4K-00339

Chief, Federal Explosives Licensing Center (FELC)

Expiration
Date
October 1, 2024

Name
YOUNG EXPLOSIVES CORP

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
**2165 NEW MICHIGAN ROAD
CANANDAIGUA, NY 14424-0000**

Type of License or Permit

24-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

**YOUNG EXPLOSIVES CORP
PO BOX 10653
ROCHESTER, NY 14618-0000**

Licensee/Permittee Responsible Person Signature

James R. Young

Printed Name

President

Position/Title

11/4/2021

Date

Previous Edition is Obsolete

YOUNG EXPLOSIVES CORP 2165 NEW MICHIGAN ROAD, 14424-0000 NY-069-24-4K-00339-October 1, 2024-24-IMPORTER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part I
Revised September 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. (The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

Cut Here ✂

(Continued on reverse side)

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **YOUNG EXPLOSIVES CORP**

Business Name:

License/Permit Number: **6-NY-069-24-4K-00339**

License/Permit Type: **24-IMPORTER OF EXPLOSIVES**

Expiration: **October 1, 2024**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

STATE OF NEW YORK - DEPARTMENT OF LABOR
PYROTECHNICIAN CERTIFICATE OF COMPETENCE





JERRY L BEHLAU

CLASS: B
NON PROXIMATE AUDIENCE ONLY

THIS CARD MUST BE CARRIED
WHEN USING PYROT

CERT# PR-597
EXPIRES 07/24

NYC & NYS CERTIFICATIONS REQUIRED IN NYC





01213 005958922 64



DMV# 679522790

EYES HAZ

HAIR GRY

HGT 6' 3 "

IF FOUND, RETURN TO:

NYSOL - L&C UNIT

ROOM 161 BUILDING 12

STATE OFFICE CAMPUS

ALBANY NY 12240

Attachment: CCB-05102023121826 (RES-2023-476 : Fireworks Permit - Country Club of Buffalo)

TOWN OF AMHERST
BUILDING DEPARTMENT
DIVISION OF FIRE SAFETY
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7142

FIRE PREVENTION / OPERATING PERMIT

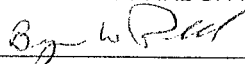
APPLICATION DATE 05/08/2023	DATE ISSUED 05/08/2023	EXPIRATION DATE 11/08/2023	PERMIT NUMBER FP-2023-0023
APPLICANT Youngs Explosives Corporation		ADDRESS PO Box 18653 Rochester	PHONE NUMBER 585-394-1783

LOCATION OF ACTIVITY: Country Club of Buffalo - (SITE) 250-309 Youngs Rd, Amherst, NY

THE ABOVE NAMED INDIVIDUAL/BUSINESS HEREBY MAKES APPLICATION TO CONDUCT THE FOLLOWING ACTIVITY PER CHAPTER 83 OF THE BUILDING CONSTRUCTION ADMINISTRATION CODE OF THE TOWN OF AMHERST AND FOR THE KEEPING, STORAGE, OCCUPANCY, USE, SALE, HANDLING, OR MANUFACTURE OF THE FOLLOWING: (STATE QUANTITIES NORMALLY TO BE STORED, HOW STORED, OR USED, GIVING AMOUNTS FOR EACH KIND OR CATEGORY.)

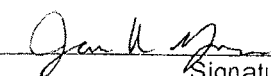
July 4, 2023 at approx 9:45 PM
Fireworks Display
Must comply with IFC and NFPA
5 inch shell max (350 foot clearance)
Fire Extinguishers Required
Amherst Town Board shall set a time for the display to conclude

IN ACCORDANCE WITH THE FIRE PREVENTION CODE OR NFPA SECTION(S):

APPROVED BY FIRE OFFICIAL 	DATE 05/08/2023	FEE PAID 100.00
--	---------------------------	---------------------------

THIS PERMIT MUST BE POSTED ON THE ABOVE MENTIONED PREMISES STATEMENT

I HEREBY ACKNOWLEDGE THAT: I HAVE READ THIS APPLICATION, THAT THE INFORMATION GIVEN IS CORRECT, AND THAT I AM THE OWNER OR DULY AUTHORIZED TO ACT IN THE OWNER'S BEHALF AND AS SUCH HEREBY AGREE TO COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE FIRE PREVENTION CODE.

	James Young - President
Signature	Title

DO NOT WRITE BELOW THIS LINE

COMMENTS:

APPROVED BY FIRE OFFICIAL	DATE
---------------------------	------

WHERE APPLICABLE - SEPARATE PERMITS ARE REQUIRED FOR BUILDING CONSTRUCTION ACTIVITY INCLUDING ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.

Attachment: CCB-05102023121826 (RES-2023-476 : Fireworks Permit - Country Club of Buffalo)

TOWN OF AMHERST
BUILDING DEPARTMENT
DIVISION OF FIRE SAFETY
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7142

FIRE PREVENTION / OPERATING PERMIT

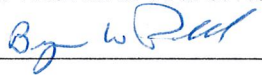
APPLICATION DATE 05/08/2023	DATE ISSUED 05/08/2023	EXPIRATION DATE 11/08/2023	PERMIT NUMBER FP-2023-0023
APPLICANT Youngs Explosives Corporation	ADDRESS PO Box 18653 Rochester	PHONE NUMBER 585-394-1783	

LOCATION OF ACTIVITY: Country Club of Buffalo - (SITE) 250-309 Youngs Rd, Amherst, NY

THE ABOVE NAMED INDIVIDUAL/BUSINESS HEREBY MAKES APPLICATION TO CONDUCT THE FOLLOWING ACTIVITY PER CHAPTER 83 OF THE BUILDING CONSTRUCTION ADMINISTRATION CODE OF THE TOWN OF AMHERST AND FOR THE KEEPING, STORAGE, OCCUPANCY USE, SALE, HANDLING, OR MANUFACTURE OF THE FOLLOWING: (STATE QUANTITIES NORMALLY TO BE STORED, HOW STORED, OR USE GIVING AMOUNTS FOR EACH KIND OR CATEGORY.)

July 4, 2023 at approx 9:45 PM
Fireworks Display
Must comply with IFC and NFPA
5 inch shell max (350 foot clearance)
Fire Extinguishers Required
Amherst Town Board shall set a time for the display to conclude

IN ACCORDANCE WITH THE FIRE PREVENTION CODE OR NFPA SECTION(S):

APPROVED BY FIRE OFFICIAL 	DATE 05/08/2023	FEE PAID 100.00
--	---------------------------	---------------------------

THIS PERMIT MUST BE POSTED ON THE ABOVE MENTIONED PREMISES STATEMENT

I HEREBY ACKNOWLEDGE THAT: I HAVE READ THIS APPLICATION, THAT THE INFORMATION GIVEN IS CORRECT, AND THAT I AM THE OWNER OR DULY AUTHORIZED TO ACT IN THE OWNER'S BEHALF AND AS SUCH HEREBY AGREE TO COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE FIRE PREVENTION CODE.

Signature

DO NOT WRITE BELOW THIS LINE

Title

COMMENTS:

APPROVED BY FIRE OFFICIAL

DATE

WHERE APPLICABLE - SEPARATE PERMITS ARE REQUIRED FOR BUILDING CONSTRUCTION ACTIVITY INCLUDING ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.

Town of Amherst
5583 Main St.
Williamsville, NY 14221

* * * **RECEIPT** * * *

Date: 05/01/23

Receipt#: 249700

Quantity	Transactions	Reference	Subtotal
1	Fire Prevention/Fireworks	CCB	\$100.00
Total Paid:			\$100.00

Notes:

Payment Type	Amount	Paid By
CK #34403	\$100.00	Young Explosives

Name: Young Explosives
PO Box 18653
Rochester, NY 14618

Clerk ID: ANB

Internal ID: CC

Packet Pg. 113

Attachment: CCB-05102023121826 (RES-2023-476 : Fireworks Permit - Country Club of Buffalo)

**TOWN OF AMHERST****TOWN CLERK'S OFFICE**

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7021
FAX (716) 631-7152
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Timothy Koller
Deputy Town Clerk

Memorandum

To: Bryan Parnell

From: Ashley Brownson

Date: May 2, 2023

RE: Country Club of Buffalo

Enclosed is the application and related documentation for a FIREWORKS display on Tuesday, July 4, 2023 at 250 Youngs Rd, Williamsville, NY 14221, below the 18th hole, per site map, approximately at 9:45pm.

Please review and return, with any recommendations at your earliest convenience so that we can put it on the Agenda.

Thank you

Ashley

Attachment: CCB-05102023121826 (RES-2023-476 : Fireworks Permit - Country Club of Buffalo)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 27551

RESOLUTION 2023-477

ADOPTED

Fireworks Permit - Transit Valley Country Club

Request for fireworks permit on July 4, 2023 at approximately 9:45 pm at Transit Valley Country Club, 8920 Transit Road with the following conditions:

1. That the spectators, parking areas and structures be 350 feet from the fireworks discharge location for vertical mortars. (max. 5 inch shells)
2. That one (1) 5-lb. ABC fire extinguisher, with a current inspection tag, is located at the firing site with a qualified operator. Additional extinguishers maybe required depending on site layout.
3. That the trajectory of shells shall not come within 25 feet of overhead objects.
4. That the actual shooters listed on the application be present at the site or a substitute shooters list must be submitted five (5) or more days prior to the event. Submitted shooters are James Young and Karl Grohs.
5. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.
6. Display shall follow NFPA 1123-2018 & IFC 2020.
7. Crowds over 1000 people require a crowd managers as per the International Fire Code.
8. The Amherst Town Board shall designate a time when the Fireworks display must conclude.
9. If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.

5/22/2023

Consent

FINANCIAL IMPACT:

\$100 Fee Paid

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



TOWN OF AMHERST

BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET

WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080

FAX: (716) 631-7192

BRIAN P. ANDRZEJEWSKI, P.E.
Commissioner of Building

Memorandum

DATE: May 8, 2023

TO: Francina Spoth, Town Clerk

FROM: Bryan W. Parnell, Senior Fire Inspector

RE: Fireworks Display – Transit Valley Country Club 8920 Transit Road

DATE & TIME: Tuesday July 4, 2023 @ 9:45 PM

All items required on the application appear to be in order. Therefore, we hereby recommend the approval of this application with the following conditions.

- 1) That the Spectators, parking areas and dwellings be 350 feet from the fireworks discharge location for vertical mortars. (max. 5 inch shells)
- 2) That one (1) 5-lb. ABC fire extinguisher, with a current inspection tag, is located at the firing site with a qualified operator. Additional extinguishers maybe required depending on site layout.
- 3) That the trajectory of shells shall not come within 25 feet of overhead objects.
- 4) That the actual shooters listed on the application be present at the site or a substitute shooters list be submitted five (5) or more days prior to the event. Submitted shooters are James Young and Karl Grohs.
- 5) If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.
- 6) Display shall follow NFPA 1123-2018 & IFC 2020.
- 7) Crowds over 1000 people require a crowd managers as per the International Fire Code.
- 8) If you would like to start the display earlier than the time proposed you must call 689-1212 before starting to be approved by our office.
- 9) The Amherst Town Board shall designate a time when the Fireworks display must conclude.

Bryan W. Parnell

Senior Fire Inspector
Fire Safety Division

Town of Amherst, 5583 Main St., Williamsville, NY 14221 PH: 716-631-7045 FX: 716-631-7152

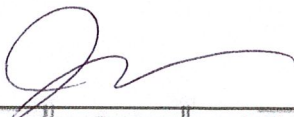
APPLICATION FOR FIREWORKS DISPLAY

The undersigned hereby makes application to the Town Board of the Town of Amherst to acquire a license pursuant to Chapter 68 (Amusements) of the Code of the Town of Amherst for the public display of fireworks in the Town of Amherst, Erie County, New York:

1. Name of individual/company sponsoring the display and the names of the persons actually to be in charge of the firing of the display areas: **Transit Valley Country Club**
Young Explosives Corporation
2. Date and time of day at which the display is to be held: **Add reason for display: wedding, corporate event etc.**
~~Tuesday~~ **Monday, July 4, 2023** for 4th of July holiday, **9:45p**
3. Exact location planned for the display:
Transit Valley Country Club grounds: 8920 Transit Road, East Amherst, NY 14051
4. Age, experience and physical characteristics of individuals who are to discharge fireworks:
James Young- male over 18
Karl Grohs- male over 18
5. Number and kind of fireworks to be discharged (include largest shell size):
Approx. 240 misc. 1.3G and 1.4G shells with the largest size of 5" (350' radius)
6. Manner and place of storage of these fireworks prior to the display:
With Young Explosives at all times.
7. Attached is a diagram of the grounds on which the display is to be held. This diagram shows the point at which the fireworks are to be discharged, the location of all the buildings, highways, and other lines of communications in addition to the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.
8. This application shall be accompanied by a bond or policy of public liability insurance with a limit of \$3,000,000 for personal injuries and \$1,000,000 for property damage and proof of Workers' Compensation Insurance.
9. This application for a Fire Prevention Operating Permit (Code 52) must be accompanied by a check in the amount of \$90 made out to "Town of Amherst".

Date:

STATE OF NEW YORK
Monroe COUNTY
TOWN OF Brighton



Company, Corporation or Individual
James R. Young on behalf of Transit Valley Country Club

By: James R. Young

Sworn to before me this 25 day of April 2023



Notary Public

CLAUDIA VISCA
Notary Public, State of New York
Qualified in Monroe County
Reg. No. 01VI6104902
My Commission Expires 02/02/2024

- Per NFPA 1123 350 feet Radius
(700 Ft Diameter) is minimum separation
Distance required for or 5-inch Shells
- Muegel Rd is >750 feet
 - Nearest clubhouse structure is > 1,000 feet

Transit Valley CC – 8920 Transit Rd
(Dec 2021)





**Workers'
Compensation
Board**

CERTIFICATE OF INSURANCE COVERAGE DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
YOUNG EXPLOSIVES CORP.
2165 NEW MICHIGAN ROAD
CANANDAIGUA, NY 14424

1b. Business Telephone Number of Insured
(585) 394-1783

Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)

1c. Federal Employer Identification Number of Insured or Social Security Number

160900107

2. Name and Address of Entity Requesting Proof of Coverage
(Entity Being Listed as the Certificate Holder)

YOUNG EXPLOSIVES CORPORATION
P.O. BOX 18653
ROCHESTER, NY 14618

3a. Name of Insurance Carrier

New York State Insurance Fund (NYSIF)

3b. Policy Number of Entity Listed in Box "1a"

DBL 6163 63 - 9

3c. Policy effective period

04/01/2022 to 04/01/2024

4. Policy provides the following benefits:

- ☒ A. Both disability and paid family leave benefits
☐ B. Disability benefits only
☐ C. Paid family leave benefits only

5. Policy covers:

- ☒ A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law
☐ B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 3/29/2023

By

Kristin Markwica

(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number (866) 697-4332

Name and Title Kristin Markwica, Head of Disability Insurance Unit

IMPORTANT: If Box 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York

Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed _____

By _____

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____

Name and Title _____

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE (RENEWED)

^ ^ ^ ^ ^ ^ 160900107
YOUNG EXPLOSIVES CORP
P O BOX 18653
ROCHESTER NY 14618

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER YOUNG EXPLOSIVES CORP P O BOX 18653 ROCHESTER NY 14618		CERTIFICATE HOLDER YOUNG EXPLOSIVES CORPORATION PO BOX 18653 ROCHESTER NY 14618-1461	
POLICY NUMBER R 400 999-9	CERTIFICATE NUMBER 663648	POLICY PERIOD 01/01/2023 TO 01/01/2024	DATE 1/3/2023

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 400 999-9, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT [HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP](https://www.nysif.com/cert/certval.asp). THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THIS POLICY DOES NOT COVER CLAIMS OR SUITS THAT ARISE FROM BODILY INJURY SUFFERED BY THE OFFICERS OF THE INSURED CORPORATION.

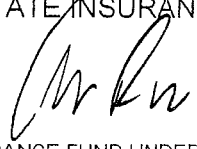
PRESIDENT
JAMES YOUNG
1 OF 1 EXECUTIVE OFFICER OF
YOUNG EXPLOSIVES CORP

THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

BY CAUSING THIS CERTIFICATE TO BE ISSUED TO THE CERTIFICATE HOLDER, THE POLICYHOLDER UNDERTAKES TO PROVIDE THE CERTIFICATE HOLDER 5 CALENDAR DAYS' NOTICE OF ANY CANCELLATION OF THE POLICY.

NEW YORK STATE INSURANCE FUND


DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 657185515



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/21/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114		CONTACT NAME: PHONE (A/C, No, Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL ADDRESS:	
INSURED Young Explosives Corporation P.O. Box 18653 Rochester NY 14618		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Everest National Insurance Company	
		INSURER B: Axis Surplus Insurance Company	
		INSURER C:	
		INSURER D:	
		INSURER E:	

COVERAGES

CERTIFICATE NUMBER: 1297638906

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:	Y	Y	SI8GL00353-221	3/20/2022	3/20/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS	Y	Y	SI8CA00054-221	3/20/2022	3/20/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$	Y	Y	P-001-000088056-04	3/20/2022	3/20/2023	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

Date (s): Monday July 4, 2022

Location: Country Club Grounds

Additional Insured: Transit Valley Country Club; Town of Amherst

Group Code: Cert#22-057

CERTIFICATE HOLDER

CANCELLATION

Transit Valley Country Club 8920 Transit Road East Amherst NY 14051	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

© 1988-2014 ACORD CORPORATION. All rights reserved.

SH-862 (3/22)

DIVISION OF SAFETY HEALTH
 LICENSE AND CERTIFICATE UNIT
 STATE OFFICE CAMPUS. BLDG. 1
 ALBANY, NY 12226

WE ARE YOUR DOL

Department
of Labor

Expires 3/31/2024

THIS LICENSE MUST BE
 POSTED IN YOUR PLACE
 OF BUSINESS

License No. D-2316

LICENSE TO DEAL IN OR MANUFACTURE EXPLOSIVES

Young Explosives Corporation
 PO Box 18653
 Rochester, NY 14618
 James R. Young

is hereby licensed to deal in or manufacture explosives in compliance with the requirements of the Labor Law and Industrial Code Rules. Any change in the conditions under which this license is granted may cause it to be revoked.

Every person selling, delivering or giving away any explosives must keep at the principal place of business within the state, a record of each transaction, including:

- 1) the NAME or TYPE and QUANTITY of explosives SOLD, DELIVERED or GIVEN. Note: No license is needed to purchase smokeless powder, or black powder and quantity is not exceeding five pounds for use in firing antique firearms or artifacts or replicas thereof. However, dealers MUST post all such transactions on the "Dealer-Manufacturer Report of Explosives Transactions".
- 2) the DATE OF EACH SALE, DELIVERY or GIFT.
- 3) the NAME, LICENSE NUMBER, and BUSINESS ADDRESS of the purchaser, donee, or person to whom the explosives were delivered and the firm, if any, represented by such person.
- 4) the NAME, ADDRESS, and LICENSE NUMBER of the person TAKING THE EXPLOSIVES AWAY from the seller or donor.

Amy Phillips, Director

FOR THE COMMISSIONER OF LABOR

SH-862 (5-98)

Attachment: TVCC-05102023121913 (RES-2023-477 : Fireworks Permit - Transit Valley Country Club)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF
Correspondence To
ATF - Chief, FELC
244 Needy Road
Martinsburg, WV 25405-9431

License/Permit
Number
6-NY-069-24-4K-00339

Chief, Federal Explosives Licensing Center (FELC)

Expiration
Date
October 1, 2024

Name
YOUNG EXPLOSIVES CORP

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

**2165 NEW MICHIGAN ROAD
CANANDAIGUA, NY 14424-0000**

Type of License or Permit

24-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

**YOUNG EXPLOSIVES CORP
PO BOX 1653
ROCHESTER, NY 14618-0000**

Licensee/Permittee Responsible Person Signature

James R. Young

Printed Name

President

Position/Title

11/4/2021

Date

Previous Edition is Obsolete
YOUNG EXPLOSIVES CORP-2165 NEW MICHIGAN ROAD-14424-0000-6-NY-069-24-4K-00339-October 1, 2024-24-IMPORTER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part I
Revised September 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. (The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

Cut Here ✂

(Continued on reverse side)

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **YOUNG EXPLOSIVES CORP**

Business Name:

License/Permit Number: **6-NY-069-24-4K-00339**

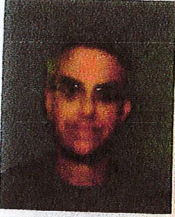
License/Permit Type: **24-IMPORTER OF EXPLOSIVES**

Expiration: **October 1, 2024**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

STATE OF NEW YORK - DEPARTMENT OF LABOR
PYROTECHNICIAN CERTIFICATE OF COMPETENCE





JAMES R YOUNG

CLASS: A
ANY DISPLAY

THIS CARD MUST BE CARRIED
WHEN USING PYROT

CERT# PR-75
EXPIRES 10/24

NYC & NYS CERTIFICATIONS REQUIRED IN NYC

FOR INFORMATION TO THE NEW YORK STATE FIRE MARSHAL




01213 006298572 47

DMV# 230388215	IF FOUND, RETURN TO:
EYES BRO	NYS DOL - L&C UNIT
HAIR BRO	ROOM 161 BUILDING 12
HGT 6' 1 "	STATE OFFICE CAMPUS
	ALBANY NY 12240

Attachment: TVCC-05102023121913 (RES-2023-477 : Fireworks Permit - Transit Valley Country Club)

TOWN OF AMHERST
BUILDING DEPARTMENT
DIVISION OF FIRE SAFETY
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7142

FIRE PREVENTION / OPERATING PERMIT

APPLICATION DATE 05/08/2023	DATE ISSUED 05/08/2023	EXPIRATION DATE 11/08/2023	PERMIT NUMBER FP-2023-0022
--------------------------------	---------------------------	-------------------------------	-------------------------------

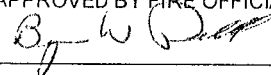
APPLICANT Youngs Explosives Corporation	ADDRESS PO Box 18653 Rochester	PHONE NUMBER 585-394-1783
--	-----------------------------------	------------------------------

LOCATION OF ACTIVITY: Transit Valley Country Club - (SITE) 8920 Transit Rd, Amherst, NY

THE ABOVE NAMED INDIVIDUAL/BUSINESS HEREBY MAKES APPLICATION TO CONDUCT THE FOLLOWING ACTIVITY PER CHAPTER 83 OF THE BUILDING CONSTRUCTION ADMINISTRATION CODE OF THE TOWN OF AMHERST AND FOR THE KEEPING, STORAGE, OCCUPANCY, USE, SALE, HANDLING, OR MANUFACTURE OF THE FOLLOWING: (STATE QUANTITIES NORMALLY TO BE STORED, HOW STORED, OR USED, GIVING AMOUNTS FOR EACH KIND OR CATEGORY.)

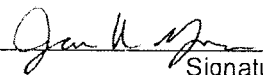
7/4/2023 at approx 9:45 PM
Fireworks Display
Must comply with IFC and NFPA
5 inch max shell size (350 Foot clearance)
Fire Extinguishers Required
Amherst Town Board shall set the time that the display will conclude

IN ACCORDANCE WITH THE FIRE PREVENTION CODE OR NFPA SECTION(S):

APPROVED BY FIRE OFFICIAL 	DATE 05/08/2023	FEE PAID 100.00
--	--------------------	--------------------

THIS PERMIT MUST BE POSTED ON THE ABOVE MENTIONED PREMISES STATEMENT

I HEREBY ACKNOWLEDGE THAT: I HAVE READ THIS APPLICATION, THAT THE INFORMATION GIVEN IS CORRECT, AND THAT I AM THE OWNER OR DULY AUTHORIZED TO ACT IN THE OWNER'S BEHALF AND AS SUCH HEREBY AGREE TO COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE FIRE PREVENTION CODE.

	James Young - President
Signature	Title

DO NOT WRITE BELOW THIS LINE

COMMENTS:

APPROVED BY FIRE OFFICIAL	DATE
---------------------------	------

WHERE APPLICABLE - SEPARATE PERMITS ARE REQUIRED FOR BUILDING CONSTRUCTION ACTIVITY INCLUDING ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.

Attachment: TVCC-05102023121913 (RES-2023-477 : Fireworks Permit - Transit Valley Country Club)

TOWN OF AMHERST
BUILDING DEPARTMENT
DIVISION OF FIRE SAFETY
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7142

FIRE PREVENTION / OPERATING PERMIT

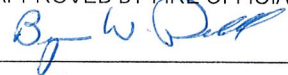
APPLICATION DATE 05/08/2023	DATE ISSUED 05/08/2023	EXPIRATION DATE 11/08/2023	PERMIT NUMBER FP-2023-0022
APPLICANT Youngs Explosives Corporation	ADDRESS PO Box 18653 Rochester	PHONE NUMBER 585-394-1783	

LOCATION OF ACTIVITY: Transit Valley Country Club - (SITE) 8920 Transit Rd, Amherst, NY

THE ABOVE NAMED INDIVIDUAL/BUSINESS HEREBY MAKES APPLICATION TO CONDUCT THE FOLLOWING ACTIVITY PER CHAPTER 83 OF THE BUILDING CONSTRUCTION ADMINISTRATION CODE OF THE TOWN OF AMHERST. AND FOR THE KEEPING, STORAGE, OCCUPANCY USE, SALE, HANDLING, OR MANUFACTURE OF THE FOLLOWING: (STATE QUANTITIES NORMALLY TO BE STORED, HOW STORED, OR USED GIVING AMOUNTS FOR EACH KIND OR CATEGORY.)

7/4/2023 at approx 9:45 PM
Fireworks Display
Must comply with IFC and NFPA
5 inch max shell size (350 Foot clearance)
Fire Extinguishers Required
Amherst Town Board shall set the time that the display will conclude

IN ACCORDANCE WITH THE FIRE PREVENTION CODE OR NFPA SECTION(S):

APPROVED BY FIRE OFFICIAL 	DATE 05/08/2023	FEE PAID 100.00
--	---------------------------	---------------------------

THIS PERMIT MUST BE POSTED ON THE ABOVE MENTIONED PREMISES STATEMENT

I HEREBY ACKNOWLEDGE THAT: I HAVE READ THIS APPLICATION, THAT THE INFORMATION GIVEN IS CORRECT, AND THAT I AM THE OWNER OR DULY AUTHORIZED TO ACT IN THE OWNER'S BEHALF AND AS SUCH HEREBY AGREE TO COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE FIRE PREVENTION CODE.

Signature

DO NOT WRITE BELOW THIS LINE

Title

COMMENTS:

APPROVED BY FIRE OFFICIAL

DATE

WHERE APPLICABLE - SEPARATE PERMITS ARE REQUIRED FOR BUILDING CONSTRUCTION ACTIVITY INCLUDING ELECTRICAL, PLUMBING, AND MECHANICAL INSTALLATIONS.



TOWN OF AMHERST

TOWN CLERK'S OFFICE

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 631-7021
FAX (716) 631-7152
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Kathleen Cooper
Deputy Town Clerk

Timothy Koller
Deputy Town Clerk

Memorandum

To: Bryan Parnell

From: Ashley Brownson

Date: May 2, 2023

RE: Transit Valley Country Club

Enclosed is the application and related documentation for a FIREWORKS display on Tuesday, July 4, 2023 at 8920 Transit Road, East Amherst, NY 14051, per site map, approximately at 9:45pm.

Please review and return, with any recommendations at your earliest convenience so that we can put it on the Agenda.

Thank you

Ashley

Attachment: TVCC-05102023121913 (RES-2023-477 : Fireworks Permit - Transit Valley Country Club)

Town of Amherst
5583 Main St.
Williamsville, NY 14221

* * * RECEIPT * * *

Date: 05/01/23

Receipt#: 249695

Quantity	Transactions	Reference	Subtotal
1	Fire Prevention/Fireworks	TVCC	\$100.00
Total Paid:			\$100.00

Notes:

Payment Type	Amount	Paid By
CK #34407	\$100.00	Young Explosives

Name: Young Explosives
PO Box 18653
Rochester, NY 14618

Clerk ID: ANB

Internal ID: TVC

Packet Pg. 128

Attachment: TVCC-05102023121913 (RES-2023-477 : Fireworks Permit - Transit Valley Country Club)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 27527

RESOLUTION 2023-478
ADOPTED

New Firefighter for Swormville Fire Company

New firefighter for the Swormville Fire Company lives in the Town of Clarence and resides within the Swormville Fire district.

Austin Gosciak
 9760 Martin Rd
 Clarence Center, NY 14032

5/22/2023

Consent

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



Swormville Fire Company

13.B.3.a

6971 Transit Rd
East Amherst, New York 14051
Phone: (716) 688-7055 Fax: (716) 688-4736

Clerk- Francina J Spoth
Town of Amherst
5583 Main St.
Williamsville, NY 14221

Dear, Francina Spoth

Please allow this letter to serve as notification that the following individual has joined the Swormville Fire Company as an active member. Please add their information to your records.

Austin Gosciak
(Name)

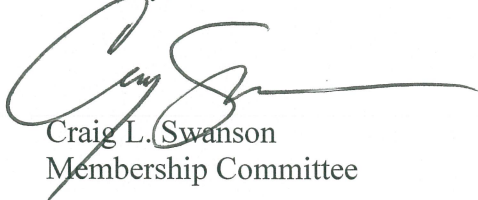
9760 martin Rd
(Address)

Clarence Center NY 14032

The residency verification forms are enclosed. I can be reached at (716) 206-2540 with any questions.

Thank you for your assistance in this matter.

Sincerely,



Craig L. Swanson
Membership Committee

Attachment: img-504133410-0001 (RES-2023-478 : New Firefighter for Swormville Fire Company)



Swormville Fire Company

13.B.3.a

6971 Transit Rd
East Amherst, New York 14051
Phone: (716) 688-7055 Fax: (716) 688-4736

STATEMENT OF VOLLUNTEER FIRE COMPANY OFFICIAL

Austin Gosciak
(Name)

9760 Martin Rd
(Address)

Clarence Center NY 14032

The address of the applicant listed above is within the fire protection district or territory protected by such Fire Protection District to which he / she is applying, namely **Swormville Fire Company**. We have verified the applicant's residence address were applicable by examining their driver's license or other document such as a lease, utility bill, paystub, or other suitable document.


(Craig Swanson, Membership Committee)

Date: 4 / 20 / 23

Attachment: img-504133410-0001 (RES-2023-478 : New Firefighter for Swormville Fire Company)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 27534

RESOLUTION 2023-479
ADOPTED

New Firefighter for Getzville Fire Company

New firefighter for the Getzville Fire Company lives in the Town of Amherst and resides within the Getzville fire district.

Trevor Cahill
 315 Campbell Blvd, Apt 111
 Getzville, NY 14068

5/22/2023

Consent

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

TOWN OF AMHERST
VOLUNTEER FIRE DEPARTMENT MEMBERSHIP
RESIDENCY VERIFICATION FORM

Applicant Name: Trevor Cahill

Applicant Home Address: 315 Campbell Blvd Apt. 111

Under penalty of perjury I, Trevor Cahill affirm I am an
 applicant to be a member of the, Getzville (fire dept.)
 and my address of residence is listed above.

- ☒ My address is in the fire district I've applied to or territory which is afforded protection by the fire department of the fire district or fire company pursuant to contract.
- ☐ My address is outside the district or territory that provides protection by the fire district or company, but is in the vicinity of my occupation, in which I will be able to render active service as a volunteer. My occupation address is:

Signature of Applicant: Trevor Cahill

I have verified the applicant's address or employment, where applicable, by examining their driver's license or other suitable document such as a utility bill, lease or pay stub.

Signature: [Signature]
 Title: Corporate Secretary
 Date: 5/10/2023

Submit this completed form to:
 Amherst Town Clerk
 5583 Main Street
 Williamsville, NY 14221

Attachment: cahill residency (RES-2023-479 : New Firefighter for Getzville Fire Company)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 27565

RESOLUTION 2023-480
ADOPTED

New Firefighter for North Amherst Fire Company

New firefighter for North Amherst Fire Company lives in the Town of Amherst and resides within the North Amherst fire district.

Andrew W Busch
 257 Schoelles Rd
 Amherst, NY 14228

5/22/2023

Consent

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



North Amherst Volunteer Fire Co., Inc.

Established 1929

APPLICATION FOR MEMBERSHIP

NAME: Andrew W. Busch

ADDRESS: 257 Schoelles Rd TOWN: Amherst ZIP CODE: 14228

DATE OF BIRTH: _____ PHONE: HOME: _____

WORK: _____

SOCIAL SECURITY #: _____ DRIVER'S LICENSE #: _____

HAVE YOU EVER BEEN IN ANOTHER FIRE COMPANY? YES OR NO

IF YES, WHAT FIRE COMPANY AND WHAT LENGTH OF SERVICE? _____

HAVE YOU EVER BEEN SUSPENDED OR EXPELLED FROM ANOTHER FIRE COMPANY?

IF YES, WHAT WERE THE CIRCUMSTANCES: _____

DID YOU RECEIVE A COPY OF THE CONSTITUTION AND BY-LAWS? YES OR NO

DID YOU PAY YOUR INITIATION FEE OF \$5.00? YES OR NO

DID YOU RECEIVE YOUR DOCTOR'S FIREFIGHTERS MEDICAL QUALIFICATION LETTER? YES OR NO

BY SIGNING THESE APPLICATIONS YOU AGREE TO ALLOW FOR A BACKGROUND CHECK BY THE AMHERST POLICE DEPARTMENT AND THE APPLICANT AGREES TO COMPLETE THE FIREMENSHIP 2000 AND THE FIRST RESPONDER COURSES WITHIN THE FIRST 2 YEARS OF MEMBERSHIP.

APPLICANT SIGNATURE: [Signature]

SPONSOR'S SIGNATURE: [Signature]

DATE: 2/4/23

REV. 1/3/03

Dedicated to serving the community

2200 Tonawanda Creek Road • Amherst, New York 14228 • Phone 716 691-7131 • Fax 716 564-2660
Email: n_amherst@yahoo.com

Packet Pg. 135

Attachment: DOC051723-05172023093602 (RES-2023-480 : New Firefighter for North Amherst Fire Company)

TOWN OF AMHERST
VOLUNTEER FIRE COMPANY MEMBERSHIP
RESIDENCY VERIFICATION FORM

The address of the applicant listed above is within the Fire Protection District or territory protected by such Fire Protection District to which ~~he~~she is applying, namely North Amherst Fire Co. (name of fire company) or such applicant lives outside the district but is able to render service by virtue of his residence and/or employment and such is allowed by the fire district and/or company by laws. We have verified the applicant's address or employment where applicable by examining their driver's license or other suitable document such as utility bill, lease or pay stub.

Signature: Graeme Taylor

Title: Recording Secretary

Date: 4 May 2023

Submit this completed form to:

Amherst Town Clerk
5583 Main Street
Williamsville, NY 14221

Attachment: DOC051723-05172023093602 (RES-2023-480 : New Firefighter for North Amherst Fire Company)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Assessor
 Initiated by: **Emily Murphy**
 Co-Sponsored by:

DOC ID: 27540

RESOLUTION 2023-481
ADOPTED

Memo of Understanding Between TOA & NYS (Assessment Equity Project) CRS #4028

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement pending successful completion of the Contract Routing System.

5/22/2023

Consent

FINANCIAL IMPACT:

Zero - Memorandum only specifies roles for project

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



Department of Taxation and Finance

GARY DRAKE
Western Regional Director
Office of Real Property Tax Services

April 26, 2023

Memorandum of Understanding

Ms. Emily Murphy, Assessor
Town of Amherst
5583 Main Street
Town Hall
Williamsville, NY 14221

Dear Ms. Murphy:

I am pleased that the Town of Amherst has decided to embark on an assessment improvement process that will result in an equitable 2024 assessment roll. You either already have a cyclical reassessment plan filed or are developing one with the assistance of Western Region ORPTS staff. The plan shall be at least four years in length and will include:

- A local program for physically inspecting each parcel at least once every six years
- A reappraisal of all locally assessed properties at least once every four years
- Reappraisals in the first and last year of plan

The purpose of this Memorandum of Understanding is to clarify and outline the roles and responsibilities of the Town and the Office of Real Property Tax Services (ORPTS) in the reassessment process. Please review this document with your supervisor and sign the appropriate page indicating your agreement to proceed as described herein.

The goal of the Office of Real Property Tax Services (ORPTS) is to optimize State and local resources by working toward an integrated, efficient and equitable real property tax system that coordinates the reassessment process with our equalization study. This goal aligns ORPTS' Full Value Measurement Program with municipal assessment improvement activity by utilizing the reassessment process as the equalization study. ORPTS staff shall verify, in accordance with our reassessment verification process, that the stated uniform level of assessment has been achieved and that all steps to achieve equity have been implemented. This review will also:

- Provide the basis for making the determinations for payment of State aid, if applicable.
- Determine the level of assessment to apply to the special franchise and State-owned land valuations in the Town.
- Be used in the approval process if application has been made for Approved Assessing Unit Status (homestead and non-homestead tax rates).

In keeping with this goal, we look forward to a cooperative and productive relationship with the Town during the reassessment process. Our expectation is that this cooperative relationship will result in the use of your local determination of value (assessed value) as the basis for establishing the full value of the Town for equalization purposes. The attachment "*Reassessment Verification Documentation*" lists the products the Town must provide relative to

the verification of the reassessment process and our State equalization responsibilities and State Aid determination.

Unless otherwise noted in Section D (Summary), we are assuming that the assessor is responsible for making decisions that affect the Town's participation in the reassessment process. The Town must agree to maintain all relevant property inventory data characteristics and achieve an equitable assessment roll at the stated uniform percentage of value in accordance with RPTL § 305. State Aid, in accordance with RPTL § 1573, is available to those municipalities participating in the Aid for Cyclical Reassessments program and performing reappraisals according to an approved plan.

In the event that the Town executes its Cyclical Reassessment Plan in such a way that jeopardizes the successful completion of the plan and subsequent compliance with the acceptable standards, ORPTS reserves the right to withdraw support from the Town.

If applicable, the Town will be billed for specific charges related to processing by ORPTS staff at our regional offices. The Town will be responsible for the payment of all charges (based on the fiscal year fee schedule in effect during the time in which the services were provided) within 30 days of billing. Please see the attached "Real Property System Fee Schedule" for the current fiscal year for a list of the charges that are applicable for services that could be rendered by ORPTS (staff time permitting).

The next three sections detail the responsibilities of the Town, your assessor and ORPTS. Cooperation and collaboration at all levels of government is critical to the successful execution of the reassessment process.

A) Town Responsibilities:

- 1) Submit a board resolution to ORPTS that indicates support by the Town to proceed with the reassessment.
- 2) Develop a cyclical reassessment plan with the assistance of Western Region ORPTS staff. If applying for aid on the basis of the 2024 assessment roll, this plan must be accepted by the Town and **submitted to ORPTS a minimum of 120 days prior to the filing of the tentative assessment roll implementing the reassessment** (by January 1, 2024, for standard assessment calendar).
- 3) Support the assessor's efforts and allocate sufficient funds to cover all costs associated with the process, and provide appropriate staff to support the reassessment efforts.
- 4) Consider the adoption of the Uniform Assessment Standards as guiding principles for the Town's assessment administration.

B) Assessor Responsibilities:

- 1) Prepare a reassessment project timetable detailing project tasks with projected start and completion dates using the electronic version of this document provided separately. The addendum "Reassessment Project Timetable" provides suggested timeframes for the various tasks of a reassessment project.
- 2) Develop and implement a cyclical reassessment plan with the assistance of Western Region ORPTS staff. If applying for aid on the basis of the 2024 assessment roll, this plan must be accepted by the Town and **submitted to ORPTS a minimum of 120 days**

prior to the filing of the tentative assessment roll implementing the reassessment
(for standard calendar, January 1, 2024).

- 3) Coordinate a public information program throughout the process. This may include, but is not limited to, preparing all necessary press releases and conducting informational meetings dealing with various aspects of the reassessment process.
- 4) Maintain current assessment inventory and valuation data for all properties as defined by the Commissioner's Rules. This data is necessary to value each parcel using at least one of the standard appraisal methods (cost, market, income).
- 5) Reappraise each property individually, which includes the development and review of a new determination of market value for each parcel. The new market value must be based upon current data and be developed via one or more of the three accepted approaches (cost, market, or income).
- 6) Review the results of the valuation process to ensure that all properties are assessed at the stated uniform percentage of value.
- 7) Provide ORPTS with all applicable products referred to in the attachment "*Reassessment Verification Documentation*" in a timely manner that are required to verify the municipality's stated Level of Assessment (LOA). If appropriate documentation and valuation conclusions are not available, ORPTS staff will have no basis to evaluate the locality's market value conclusions. **This may affect the Town's receipt of State Aid and/or the Town's eligibility for Approved Assessing Unit (AAU) status.**
- 8) Produce assessment disclosure notices as required per RPTL § 511. For the processing of assessment disclosure notices, the assessor must:
 - a) Provide all necessary tax rates, tax levy amounts, and computer data files reflecting the taxable values used in the prior year school and county/Town tax extensions.
 - b) Schedule and conduct informal meetings with taxpayers following the mailing of the assessment disclosure notices. The assessor is responsible for making the necessary data and value corrections, as a result of such meetings, prior to establishment of the tentative roll.
- 9) If ORPTS didn't provide State utility advisory appraisals for the previous year's assessment roll, request State utility advisory appraisals for this year, if needed. The advisory request form is available on our website at http://www.tax.ny.gov/pdf/current_forms/orpts/rp7021_fill_in.pdf
 - a) If applicable, provide ORPTS with the inventory and valuation methodology used to arrive at the utility and complex commercial/industrial values, which appear on the assessment roll, where advisory appraisals were not requested by the Town, were requested but not used, or were requested only for some properties. If appropriate documentation and valuation conclusions are not available, ORPTS staff will have no basis to evaluate the locality's market value conclusions and, thus, will need to complete an independent field appraisal for use in determining your assessing unit's full value. **Such action may also affect your Town's eligibility to receive State Aid and / or eligibility for Approved Assessing Unit (AAU) status.**

C) Office of Real Property Tax Services Responsibilities:

- 1) Provide project monitoring pursuant to our responsibilities regarding State equalization and State aid approval.
- 2) Provide periodic reassessment progress reports to all principals for review and discussion.
- 3) Participate in presentations to taxpayer groups, municipal officials, etc., if notified in writing two weeks in advance as to the meeting's purpose and participants.
- 4) Provide advisory appraisals for parcels identified by the assessor, requested in a timely fashion and agreed to by ORPTS.
- 5) Provide computer support and/or valuation assistance, where requested, and as regional resources permit. Additional fees may apply as described in the attached "*Real Property System Fee Schedule*".

D) Summary

Please review the following summary and provide the information required in items 2, 3 (and 7, if appropriate) below. If you have any questions or concerns, please contact your ORPTS Customer Service Liaison. Signing this document signifies acceptance of this agreement by you and your assessor. Please return one signed copy to the ORPTS Western Regional office and retain a copy for your reference.

- 1) I understand the roles and responsibilities of the parties involved (as described in this document) that are necessary to complete the reassessment process.
- 2) At the completion of the reassessment process, all property will be assessed at a uniform percentage of value as required by RPTL Section 305. (**Note: For purposes of State Aid, Section 1573 of the Real Property Tax Law requires a uniform percentage of value of 100%.**) The uniform percentage of value intended (not binding) for use in calculating the new assessments will be (check appropriate box):

☒ 100 %
☐ Other (please specify) _____

- 3) The valuation date for this reassessment will be (check appropriate box):

☒ July 1 (*of the year prior to the reassessment roll year*)
☐ Other (please specify) _____

- 4) The new assessed values will be based on parcel inventories that comply with 20 NYCRR, 8190-1.2.
- 5) ORPTS staff will be provided with timely information and access to data as described in the attachment "*Reassessment Verification Documentation*".
- 6) The Town shall produce and mail assessment disclosure notices as required by RPTL Section 511.
- 7) If the assessor is not responsible for making decisions that affect the Town's participation in the reassessment process, please specify the appropriate person below:

Name _____
Title _____
Address _____
Telephone # _____

I look forward to working in a cooperative environment in which the reassessment process can be completed as efficiently and effectively as possible.

Gary P. Drake 04/26/2023
ORPTS Regional Director Date

E. Murphy 5/16/23
Assessor Date

Mayor/Supervisor Date

Reassessment Verification Documentation

The following products are typically developed or generated during the course of a reassessment project. They are used by the ORPTS' Customer Service Liaison (Liaison) to document the value verification process, wherein a determination is made regarding the use of local assessed values for ORPTS' measurement of municipal full value (equalization program), and also to determine a locality's compliance with requirements for State Aid pursuant to RPTL §1573.

The Assessor must allow the ORPTS' Liaison to have timely access to these products as part of the pre-decisional collaboration (PDC) process. Many of these products are also appropriate for assessors who are not conducting a reassessment to submit in support of their own analysis during the PDC process.

- Access to parcel inventories that comply with the Rules.
- Copy of Request for Proposal (RFP), proposal, contract, or work plan (if project was not contractor assisted), which should include the following:
 - Time line (schedule of events)
 - Assignment of resources (staffing for each activity)
 - Software to be used for inventory maintenance (if applicable)
 - Software to be used for valuation (if applicable)
- Sales listings used in valuation analysis (minimum of valid sales occurring one year prior to valuation date), and the sales period used:
 - Residential
 - Commercial/Industrial
 - Vacant/Farm
- Documentation (reports and/or description) of analysis for evaluating the uniformity and level of the assessments; examples include:
 - Sales ratio analysis
 - Mass appraisal (sale substitution)
 - Unit comparison (value-to-inventory)
 - Tracking of value trends (cost, income, market)
- Description of all valuation methodologies used and accompanying documentation
 - Description of land valuation procedure, if applicable
 - Cost documentation
 - Base Cost Table (include identification of source)
 - Depreciation Schedule
 - Market documentation
 - Valuation Model (supply all of the following which are applicable):
 - ◆ Sales adjustments (time, physical characteristics)
 - ◆ Regression coefficients
 - ◆ Feedback coefficients
 - ◆ Component unit values
 - ◆ Commercial/Industrial market unit factors
 - Income documentation
 - Commercial/Industrial Income Factors including:
 - ◆ Gross Income per Unit
 - ◆ Vacancy Rates
 - ◆ Expense Ratios
 - ◆ Capitalization Rates

- Income and Expense Source Data (if available)
- Trending (if values were updated by applying factors, percentages or indices in a non-reappraisal year to maintain the LOA)
 - Description of market areas (neighborhoods) and supporting documentation for the development of factors, percentages or indices, in each market area
- Any other appropriate valuation documentation that supports your determination of market value
- Valuation Neighborhood Maps (if applicable)
- Advisory Appraisals:
 - Statement as to whether utility advisory appraisals were used in part or in their entirety
 - Statement as to whether commercial/industrial advisory appraisals were used in part or in their entirety
- Review:
 - List or file of predicted values (if available)
 - Access to review documents (review documents must be saved)
 - Access to a list of parcels that were re-inspected and/or reappraised this year
 - List of (or file containing) informal hearing changes (if applicable)
- Tentative Roll:
 - Copy of tentative roll or file containing tentative assessments
 - New statement of uniform percent, if different from original agreement
 - List of parcels with court ordered assessments (if any)
- Final Roll:
 - Copy of final roll or file containing final assessments
 - List of BAR changes

Sample Reassessment Project Timetable (*standard calendar*)

Project Tasks	Start Date	End Date
Project Administration		
Request for advisory appraisals (including SOL)	By	8/1
Public information program (on-going)	3/1	
Collection of Subject and Sales Data		
Data collection training (if necessary)	3/15	4/1
Subject inventory data collection / re-collection	4/1	7/1
Subject file creation / maintenance	4/1	7/1
Sales validation / verification / maintenance	4/1	8/1
Parcel inventory (data) mailers	7/1	7/15
Production in response to data mailers	7/1	8/1
Valuation and Appraisal		
Valuation file editing	7/1	8/15
Neighborhood / market analysis	7/1	8/1
Valuation development / testing	7/1	9/1
Valuation production	9/1	9/15
Field review of values	9/15	1/1
Project Administration		
Prepare & Submit Plan for Cyclical Reassessments (State Aid)	By	1/1
Assessment Roll Processing		
Update file with new values	1/1	1/15
Assessor recalculation of exemptions	1/15	2/1
Assessment Full Disclosure Process (if required or desired)		
Assessment disclosure notice production/analysis	2/1	2/15
Assessment disclosure notice mailing	2/15	3/1
Informal review meetings (including field activities)	3/1	4/15
Value change notice production	4/15	5/1
Prepare and file tentative roll	By	5/1
Post tentative roll on municipal website, per RPTL §1590	By	5/10
Grievance Day		4 th Tues May
Produce final assessment roll	By	7/1
Post final roll on municipal website, per RPTL §1590	By	7/10
Project Administration		
Submit Application for Aid for Cyclical Reassessments	By	9/30

RPS Processing Fees

Real Property System Fee Schedule

Type of Service	Fee	Comments
1. RPS Licensing Fee	Section 8190-3.2 State Board Rules	
2. Reassessment Processing		
a. File Editing using RPS Standard Inventory Edits (RPS440)	\$.60/parcel	Includes processing and printing of 1 set of reports produced.
b. Data Mailers	\$.75/parcel	Includes processing and printing of 1 set of notices and reports produced.
c. Market Analysis and Valuation Processing	\$3.00/parcel w/local editing* \$3.60/parcel w/ORPTS editing*	Includes neighborhood delineation, building land tables, developing valuation factor file and market analysis. Includes processing of all approaches to value, with assessor participation plus printing of 1 set of valuation documents.
d. Market Analysis and Trending Processing	\$2.50/parcel w/local editing* \$3.10/parcel w/ORPTS editing*	Includes neighborhood delineation, market analysis, developing trend factors, and application of trends for valuation, with assessor participation. Includes printing of 1 set of valuation documents.
e. Cosmetic Comparable Sales	\$.50/parcel	Includes printing of 1 set of valuation documents.
f. Assessment Disclosure Processing	\$1.00/parcel	Includes processing and printing of 1 set of notices, detail reports and arrays.
3. Data Processing or RPS Technical Assistance Other Than Services already listed.		
a. Hours	\$100.00/hour	For example, Non-RPS to RPSV4 Data Conversions and other non-RPS related services
b. Expenses	Travel Expenses	Travel expenses at current State rate for transportation and lodging.
4. Other Fees		
a. Printing (print file provided)	\$.15/side	

Updated: May, 2020


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Building/Building Maintenance
 Initiated by: **Daniel Rizzo**
 Co-Sponsored by:

DOC ID: 27547

RESOLUTION 2023-482
ADOPTED

Real Estate Permit for Amherst Veterans Canal Park CRS #4054

Subject to successful completion of contract routing, please authorize the Supervisor to sign for real estate permit for Amherst Veterans Canal Park, 146 Brenon Rd, Amherst, NY 14228.

5/22/2023

Consent

FINANCIAL IMPACT:

N/A

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

OPPORTUNITY

Corporation

Permit No: C-OC-202300030

Plate No. 4628

Permittee Name

TOWN OF AMHERST - ATTN: M POLOWY

Use Code ACC, BEA, DOC, ENC, LCH, PAR,
PRK, SGN, STO, TRL

Address

TOWN ATTORNEY
5583 MAIN STREET
WILLIAMSVILLE, NY 14221

CPM No.	CPM-E-217-218	Telephone Number	(716) 631-7030
CL Sta.	6449+00+/- to 6488+00+/-	Property Description	Large multi acre parcel improved with Veteran's Canal Park
Side	South		
Parcel Nos.	1321,3684-A,5708,939	Property Location	Erie Canal CPM-E-217-218 Canal Stationing: 6449+00+/- to 6488+00+/- South Side
Buoy No.	N/A		
County	Erie	Town/Village/City	Town of Amherst
Latitude/ Longitude	43.065104 /-78.802795		

GENERAL PERMIT CONDITIONS

1. Permit to use and occupy the above identified New York State Canal Corporation property for the purpose of:

Use and maintenance of NYS Canal Corporation lands to operate and maintain a multi-use park known as Amherst Veteran's Canal Park. Improved park lands include but are not limited to a paved access road, paved parking area with boat trailer accommodation, gazebo, benches, a large boat launch with docking and kayak launch / receiver, a 'T' style boat dock with gangway, a bathroom and storage building, park signage, sidewalks, lighting, walking paths / nature trails in undeveloped forested areas, and landscaping / lawn areas.

This permit shall not be assigned or transferred without the prior written consent of the Canal Corporation. Any attempt to assign, transfer or convey any right, title or interest to the above identified property without such prior written consent will be considered grounds for the automatic revocation of this permit.

2. The fee for this use and occupancy permit shall be ****Waived** (See other Condition 2 for Revenue Sharing Requirement)** per year, beginning **May 1, 2023**. The Permittee agrees that if the fee is not paid within fifteen (15) days after it has become due, a late charge of two (2) percent per month on the outstanding balance will be due and owing to the New York State Canal Corporation.

Failure to pay the permit fee within fifteen (15) days after it has become due shall be grounds for immediate revocation hereof, which revocation shall be exercised at the sole discretion of the Canal Corporation.

3. Upon payment of the initial permit fee, a canal identification plate will be provided to the Permittee. The canal identification plate must be attached to a stationary object and it must be conspicuously visible from the water.

4. The fee is due at the beginning of the permit period and each succeeding year thereafter unless otherwise stated. The fee by check, bank cashier's check or money order, is payable to the New York State Canal Corporation within thirty (30) days of the date of invoice, at:

New York State Canal Corporation
Post Office Box 22058
Albany, New York 12201-2058

5. The Permittee is responsible for (a) all property repairs, improvements, and maintenance; (b) compliance with applicable Federal, State and local laws, ordinances, codes, and rules and regulations including but not limited to complying with the building code and obtaining local building permits required; and (c) obtaining all other required permits from Federal, State, and local agencies, including, but not limited to, the U.S. Army Corps of Engineers, New York State Department of Environmental Conservation, and Town or City Departments.

6. The Permittee agrees (a) to allow the New York State Canal Corporation, the Power Authority of the State of New York or their representatives to inspect periodically the permit area; (b) to indemnify and to hold harmless the People of the State of New York, the New York State Canal Corporation and the Power Authority of the State of New York from any loss or claim by reason of any use or misuse of the permit area; (c) to maintain the property in a neat, clean, and sanitary condition; (d) not to sub-rent nor assign the permit area; (e) not to place or store any hazardous or toxic materials, as defined in applicable State and Federal laws, on the permit area; and (f) not to make any alterations, excavations, modifications, or improvements of any kind without written permission from the New York State Canal Corporation.

7. The Permittee agrees to provide a certificate of general liability insurance in the amount of **\$2,000,000.00** (combined property damage and/or bodily injury, including death) single limit per occurrence for the protection of the Permittee, the People of the State of New York, the New York State Canal Corporation, and the Power Authority of the State of New York, listed as additional insured. General liability insurance, and if applicable any other insurance requirements are to be provided by an insurance company licensed in New York State. **The insurance company is required to provide thirty-day written notice of cancellation to the Canal Corporation.**

8. Neither the New York State Canal Corporation nor the Power Authority of the State of New York shall be responsible for any loss of real property or personal property.

9. This permit can be revoked by the Canal Corporation or terminated by the Permittee upon thirty (30) days written notice, whereupon it shall be the responsibility of the Permittee to remove, at Permittee's expense, all structures and works located in the permit area. Upon failure of the Permittee to remove such works and structures, the New York State Canal Corporation or its representatives may without further notice summarily enter upon and remove from said premises any and all encroachments and property of the Permittee at the Permittee's own cost and expense.

10. The Permittee understands that the annual fee may be increased from time to time, at the sole discretion of the Canal Corporation. Failure to pay the increased fee will result in the permit's revocation.

11. In accordance with all applicable statutes, the Permittee agrees not to discriminate because of race, creed, color, sex, national origin, age, disability, or marital status against anyone who uses the permit area or gains access to the permit area

The permit provisions are severable. If any permit provision is held invalid, it will not affect the remaining permit provisions.

IN CONSIDERATION of the granting of this permit, the undersigned accepts all the described conditions of this permit as well as the Rules and Regulations of the New York State Canal Corporation and the Canal Corporation Occupancy and Work Permit Accommodation Guidelines (TAP 922) which are incorporated as though stated fully in this permit. Any conflict between the conditions described in this permit and the Codes, Rules and Regulations of the New York State Canal Corporation or the Occupancy and Work Permit Accommodation Guidelines shall be resolved in favor of the Codes, Rules and Regulations or Canal Corporation Occupancy and Work Permit Accommodation Guidelines.

ACCEPTANCE OF PERMIT:

Date _____ Signature of Permittee _____

ACCEPTANCE OF PERMIT:

Date _____ Signature of Permittee (If Joint Application) _____

APPROVAL

Approval is recommended in accordance with the above described Rules and Regulations of the New York State Canal Corporation and the Canal Corporation Occupancy and Work Permit Accommodation Guidelines (TAP 922) which are incorporated as though stated fully in this permit.

OFFICIAL SIGNATURE:

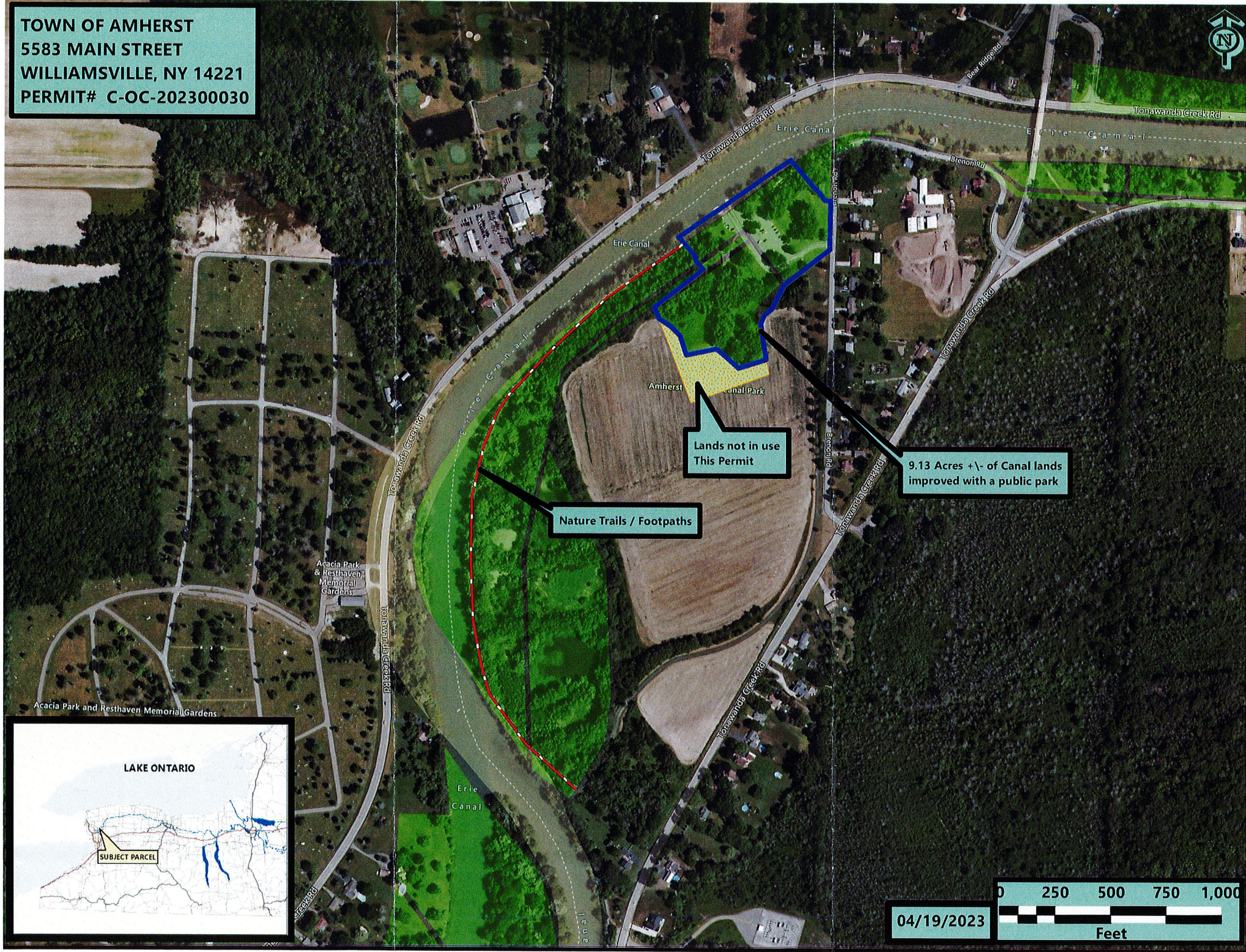
Date _____ Supervisor, Real Property Management _____

OTHER CONDITIONS

- 1 This permit supersedes permit C50504 issued to the Town of Amherst in 2004.
- 2 This condition serves as written permission from the NYS Canal Corporation allowing Town of Amherst to operate and maintain all reviewed and approved aspects of Veteran's Canal Park on Canal lands with the following fee requirement. The base annual fee for this permit will be waived with the understanding that 10% of any gross revenue generated on NYS Canal lands covered by this permit be returned to the NYS Canal Corporation. This 10% gross revenue fee and the accounting documentation is due within 30 days of the close of business of the Canal Navigation Season in any calendar year. Consult www.canals.ny.gov/boating/hours.html page for Navigation Season information.
- 3 This condition serves as the written permission from the Canal Corporation allowing the Town of Amherst to enforce the conditions of this permit and applicable Town ordinances with appropriate signage and fines, if necessary, within the permit area.
4. All accessibility requirements shall be in compliance with the NYS Uniform Fire Prevention and Building Code, Article 13, Part 1100 (Facilities for the Physically Handicapped) and The Americans with Disability Act.
5. The Permittee shall maintain the Canal Land covered by this permit in a neat and clean manner. The removal of dead brush and vegetation is allowed but no cutting of live or dead trees over 3" at breast height will be permitted without prior written approval from the Western Regional Canal Engineer or his agents. Trimming and planting of grass is allowed.
6. There is a potential that a portion of Canal lands in use under this permit may be abandoned to the permittee. Should this take place, this permit would be amended / modified to reflect the retained frontage area use only.
7. No permanent structures, foundations or other encroachments can be added to this permit site without written permission from the Western Regional Canal Engineer, Call 716 686 4403.
8. The permittee shall conduct the operations covered in this permit in such a manner so that they do not interfere with Canal System operations, maintenance and/or safety of the Canal Corporation's personnel or the use of the Canal System by the general public.
9. The permittee is responsible for any environmental clean-up work resulting from their operations on NYS Canal Corporation land. This includes but is not limited to spills and/or soil contamination.
10. Should any conflict be had between the work granted herein and any current or future Canal Trailway System, the latter shall have priority in all matters and the permittee is required to make any necessary alterations to the work under this permit at their own expense.
11. The issuance of this permit does not bind or commit the Canal Corporation to any future course of action or guarantee that the Canal Corporation will enter into any different type of agreement with the Permittee regarding this property.
12. No additional improvements, grading, cutting, filling or any form of earthwork is allowed on the permit site without written permission from the Western Regional Canal Engineer. Inspections & Maintenance of the structures and improvements allowed to reside on Canal property are the sole responsibility of the permittee.

END OF OTHER CONDITIONS

TOWN OF AMHERST
5583 MAIN STREET
WILLIAMSVILLE, NY 14221
PERMIT# C-OC-202300030





Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 27561

RESOLUTION 2023-483

ADOPTED

Budget Transfers and Amendments

For May 22, 2023 Town Board Agenda

To: Town Board
 From: Office of Town Comptroller
 Date: 5/17/2023
 Re: Various Department Budget Transfers / Amendments

I have received the following request(s) requiring budget transfers and / or amendments. Based on my review, I ask that the Town Board approve the following list;

BUDGET TRANSFERS - 2023

FROM:

KP2201.4979 Contingency \$53,564.91

KP2202.4979 Contingency \$13,947.09

To transfer funds from contingency in KP2201 and KP2202 Street Lighting Acquisition for surety bond costs.

KP2302.2750 Building Acquisition \$75.00

To transfer funds left over from building acquisition to construction in KP2302 30 S. Cayuga.

A1620.4220 Facilities - Buildings & Grounds \$4,518.48

A6772.4220 Senior Ctr. - Buildings & Grounds \$4,518.48

A7255.4220 WMSL Y&F Ctr. - Buildings & Grounds \$4,518.48

To transfer funds for purchase of mower.

N2229.4000 Supportive Svcs \$1,215.27

N2060.4000 Amh CDBG Emerg \$2,094.82

N2035.4000 Belmont Counseling \$2,125.00

Requested per department.

TO:

KP2201.4972 Construction \$53,564.91

KP2202.4972 Construction \$13,947.09

KP2302.4972 Construction \$75.00

A1620.2300 Equipment \$13,555.44

N2221.4000 Amh CDBG Rehab \$1,215.27

N2072.4000 Amh CDBG Infrastructure \$2,094.82

N2072.4000 Amh CDBG Infrastructure \$2,125.00

BUDGET AMENDMENTS - 2023

INCREASE:

N2223.02785 CDBG & Vg. - PI \$2,741.35

N2225.02785 CDBG Admin. \$685.34

N2240.02785 AMH Home - PI \$7,195.50

N2254.02785 Amherst Home Admin- PI \$799.50

To recognize Community Development program income from 157 Springville, Amherst.

N2244.02785 Cheek. Housing Rehab - PI \$4,500.00

N2249.02785 Cheektowaga Home Admin - PI \$500.00

To recognize Community Development program income from 72 Ontario, Cheektowaga.

N2223.02785 CDBG & Vg. - PI \$22,359.84

N2225.02785 CDBG Admin. \$5,589.96

To recognize Community Development program income from 9 Gatewood, Williamsville.

INCREASE:

N2223.4000 Contractual \$2,741.35

N2225.1000 Personal Services \$636.64

N2225.8030 FICA \$48.70

N2240.4000 Contractual \$7,195.50

N2254.4003 10 % Admin \$799.50

N2244.4000 Contractual \$4,500.00

N2249.4003 10% Admin \$500.00

N2223.4000 Contractual \$22,359.84

N2225.1000 Personal Services \$5,192.72

N2225.8030 FICA \$397.24

N2223.02785 CDBG & Vg. - PI \$170.00 N2223.4000 Contractual \$170.00
To recognize Community Development program income from 169 Hillcrest, Amherst.

N2244.02785 Cheek. Housing Rehab - PI \$33,652.55 N2244.4000 Contractual \$33,652.55
 N2249.02785 Cheektowaga Home Admin - PI \$3,739.17 N2249.4003 10% Admin \$3,739.17
To recognize Community Development program income from 996 Beach, Cheektowaga.

D5112.03507 State Aid - CHIPS \$852,695.05 D5122.2800 Paving - CHIPS \$852,695.05
To adjust the budget for CHIPS rollover balance, CHIPS apportionment, PAVE-NY, Extreme Winter Recovery, and Pave Our Potholes for the 2023-24 amount awarded to the Town of Amherst.

A3625.02800 Town Match Grants \$50,000 C3625.2250 Trucks, Tractors, Trailers \$100,000
 A3625.03089 State Aid Grants \$150,000 C3625.4110 Contractual \$100,000
To setup budget for Amherst Community Food Scraps Recycling Program - Phase II, CRS# 3676.

N2244.02785 Cheektowaga Housing Rehab - PI \$762.69 N2244.4000 Contractual \$762.69
To recognize Community Development program income from 112 Hoerner, Cheektowaga.

DECREASE:**INCREASE:**

A 0909 Assigned Fund Balance \$50,000 A7450.4110 Contractual \$50,000
To increase the BNHV 2022 contribution per CRS# 4031, as approved on RES 2023-401. At year end 12/31/2022, \$50,000 was assigned to Fund Balance from the 2022 budget appropriations.

C 0909 Fund Balance \$50,000 C3621.4099 Grant match \$50,000
To increase grant match for CRS# 3676 Amherst Community Food Scraps Recycling program - NYS DEC contract from unassigned Fund Balance.

5/22/2023

Consent

FINANCIAL IMPACT:

See Descriptions.

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 27562

RESOLUTION 2023-484
ADOPTED

Trust Account for Opioid Settlement

WHEREAS, New York State's Attorney General and other Attorney Generals have negotiated nationwide settlements with companies involved in manufacturing, distributing, and selling opioids, and

WHEREAS, the Town of Amherst will share in these settlements, and

WHEREAS NYS Office of Addiction Services and Supports will distribute funds through Erie County Department of Mental Health, and

NOW THEREFORE BE IT RESOLVED that the Amherst Town Board desires to offer support and treatment of Opioid Use Disorder (OUD), and

BE IT FURTHER RESOLVED that the attached Schedule C - Approved Uses outlines programs and strategies that may include, but not limited to, and

BE IT FURTHER RESOLVED the Trust Account, T4035, is to be used to receive funds and requires Town Board approval for usage for departments to administer programs.

5/22/2023

Consent

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

Schedule C – Approved Uses

I. TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, including but not limited to:
 - a. Medication-Assisted Treatment (MAT);
 - b. Abstinence-based treatment;
 - c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;
 - d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions; or
 - e. Evidence-informed residential services programs, as noted below.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed or promising practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g.,

surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support detoxification (detox) and withdrawal management services for persons with OUD and any co-occurring SUD/MH conditions, including medical detox, referral to treatment, or connections to other services or supports.
8. Training for MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Scholarships and supports for certified addiction counselors and other mental and behavioral health providers involved in addressing OUD any co-occurring SUD/MH conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Scholarships for persons to become certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD field, and scholarships for certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD field for continuing education and licensing fees.
13. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD and provide technical assistance and professional support for clinicians who have obtained a DATA 2000 waiver.
14. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
15. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, residential treatment, medical detox services, peer support services and counseling, community navigators, case management, transportation, and connections to community-based services.
2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.
3. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.
4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
6. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
8. Identifying successful recovery programs such as physician, pilot, and college recovery programs, and providing support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
9. Engaging non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.
10. Training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.
11. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

12. Create or support culturally-appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
13. Create and/or support recovery high schools.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)

Provide connections to care for people who have – or at risk of developing – OUD and any cooccurring SUD/MH conditions through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is most common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
6. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into community treatment or recovery services through a bridge clinic or similar approach.
7. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
8. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery

housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.

10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced on opioid overdose.
11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and supporting prevention, intervention, treatment, and recovery programs focused on young people.
12. Develop and support best practices on addressing OUD in the workplace.
13. Support assistance programs for health care providers with OUD.
14. Engage non-profits and faith community as a system to support outreach for treatment.
15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.
16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions.
17. Develop or support a National Treatment Availability Clearinghouse – a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed or promising programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest and pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 - a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);

- b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
 - c. “Naloxone Plus” strategies, which work to ensure that individuals who have received Naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 - d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model; or
 - e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
 - f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
 3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, but only if they provide referrals to evidence-informed treatment, including MAT.
 4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
 5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison, who have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
 6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
 7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or

other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, and other measures educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Training for obstetricians and other healthcare personnel that work with pregnant women and their families regarding OUD treatment and any co-occurring SUD/MH conditions.
3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
4. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
5. Enhanced family supports and child care services for parents with OUD and any cooccurring SUD/MH conditions.
6. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
7. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
8. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

II. PREVENTION

A. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
2. Academic counter-detailing to educate prescribers on appropriate opioids prescribing.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
 - a. Increase the number of prescribers using PDMPs;
 - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
 - c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.
6. Development and implementation of a national PDMP – Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:
 - a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.
 - b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of

Transportation's Emergency Medical Technician overdose database.

7. Increase electronic prescribing to prevent diversion or forgery.
8. Educating Dispensers on appropriate opioid dispensing.

B. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Corrective advertising or affirmative public education campaigns based on evidence.
2. Public education relating to drug disposal.
3. Drug take-back disposal or destruction programs.
4. Fund community anti-drug coalitions that engage in drug prevention efforts.
5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
6. Engaging non-profits and faith community as a system to support prevention.
7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.

10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

C. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Increasing availability and distribution of naloxone and other drugs that treat overdoses to first responders, overdose patients, opioid users, families and friends of opioid users, schools, community navigators and outreach workers, drug offenders upon release from jail/prison, and other members of the general public.
2. Public health entities provide free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.

10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Support screening for fentanyl in routine clinical toxicology testing.

III. OTHER STRATEGIES

A. FIRST RESPONDERS

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

1. Law enforcement expenditures related to the opioid epidemic
2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
3. Provisions of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

B. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Community regional planning to identify goals for reducing harms related to the opioid epidemic, to identify areas and populations with the greatest needs for treatment intervention services, or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list including, but not limited to costs associated with local opioid task forces, community buprenorphine waiver trainings, and coordination and operation of community-based treatment prevention programming.
2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of

preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

4. Provide resources to staff government oversight and management of opioid abatement programs.

C. TRAINING

In addition to the training referred to in items above A7, A8, A9, A12, A13, A14, A15, B7, B10, C3, C5, E2, E4, F1, F3, F8, G5, H3, H12, and I2, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or network programs and services regarding the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-systems coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

D. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).

7. Research on expanded modalities such as prescription methadone that can expand access to MAT.
8. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.
9. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
10. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

E. POST-MORTEM

1. Toxicology tests for the range of synthetic opioids presently seen in overdose deaths as well as newly evolving synthetic opioids infiltrating the drug supply.
2. Toxicology method development and method validation for the range of synthetic opioids observed now and in the future, including the cost of installation, maintenance, repairs and training of capital equipment.
3. Autopsies in cases of overdose deaths resulting from opioids and synthetic opioids.
4. Additional storage space/facilities for bodies directly related to opioid or synthetic opioid related deaths.
5. Comprehensive death investigations for individuals where a death is caused by or suspected to have been caused by an opioid or synthetic opioid overdose, whether intentional or accidental.
6. Indigent burial for unclaimed remains resulting from overdose deaths.
7. Navigation-to-care services for individuals with opioid use disorder who are encountered by the medical examiner's office as either family and/or social network members of decedents dying of opioid overdose.
8. Epidemiologic data management and reporting to public health and public safety stakeholders regarding opioid overdose fatalities.


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 27552

RESOLUTION 2023-485

ADOPTED

Award Bid #2023017 Police Vehicles - CRS #4056

WHEREAS, the Contract Compliance and Administration Department received bids on May 11, 2023 for Bid #2023017 Police Vehicles; and

WHEREAS, the bid process resulted in responses from one (1) vendor, as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to DeLacy Ford; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Police Department to trade in the vehicles listed in the table below; and

CAR #	YEAR	MAKE	MODEL	VIN #	Mileage Trade Amount	
102	2020	Ford	SUV Hybrid	1FM5K8AWXLGD01979	116,219	\$8,000.00
103	2020	Ford	SUV Hybrid	1FM5K8AW6LGD01977	103,492	\$9,000.00
106	2022	Ford	SUV Hybrid	1FM5K8AW1NNA00208	90,734	\$9,500.00
114	2020	Ford	SUV Hybrid	1FM5K8AW0LGA71367	124,552	\$8,000.00
				TOTAL		\$34,500.00

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with the above referenced vendor; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the need to order the vehicles with the vendor as soon as possible.

5/22/2023

Consent

FINANCIAL IMPACT:

A3120.2200 - \$106,071.00

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

Bid #2023017 Police Vehicles				
Low Bidder			Delacy Ford	
		Vendor Name:		
Item #	QTY		Unit Price	Total Price
1	3	2023 or Newer Ford Police Interceptor Utility (LK-Dark Blue)	\$46,857.00	\$140,571.00
2	4	Total Trade-In Value		\$34,500.00
		Total Net Bid (minus trade ins)		\$106,071.00
		Estimated lead time between order and delivery:	In stock units. Can be delivered once PO is issued	
		Price quoted to be delivered price. No additional freight will be allowed.		
NOTES:				
Item #1 Note: 66C Rear Lighting Solution; 60R Noise Suppresion Bands				



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Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 27564

RESOLUTION 2023-486

ADOPTED

Award Bid #2023018 Boiler & Cooling Water Treatment Services - CRS #4059

WHEREAS, the Contract Compliance and Administration Department received bids on May 11, 2023 for Bid #2023018 Boiler & Cooling Water Treatment Services; and

WHEREAS, the bid process resulted in responses from two (2) vendors, as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to MIS of America, Inc. (CRS #4059) as outlined on the attached bid tabulation form; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with MIS of America, Inc.; and

BE IT FURTHER RESOLVED, that approval is contingent on successful completion of the Contract Routing System as the previous contract expired on March 27th, 2023.

5/22/2023

Consent

FINANCIAL IMPACT:

G9916-4960; Amount TBD

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

Bid #2023018 Boiler & Cooling Water Treatment Services							
LOW Bidder				MIS of America		The Metro Group	
			Vendor Name:				
Item #	QTY	U/M		Unit Price	Total Price	Unit Price	Total Price
			Annual Service				
1A	1	Annual	Cost for annual service - Charges shall be invoiced in (4) quarterly payments	\$580/Quarter	\$2,320.00	\$2,000/Quarter	\$8,000.00
			Additional Chemicals				
2A	2	5 Gallon Container	Cooling tower scale & corrosion inhibitor treatment	\$275.00	\$550.00	\$315.90	\$631.80
2B	2	5 Gallon Container	Bromine biocide	\$468.00	\$936.00	\$369.20	\$738.40
2C	2	5 Gallon Container	Closed loop boiler treatment	\$315.00	\$630.00	\$316.00	\$632.00
2D	6	Tablet	Sump Buddy WT™ antimicrobial time-release tablets, or equivalent.	\$56.00	\$336.00	\$2,000.00	\$2,000.00
2E	2	5 Gallon Container	Other chemical (if utilized in 1A_____)			\$316.00	\$632.00
			Additional Equipment				
3A	3	Each	New feed pump w/ adjustable settings and required	\$450.00	\$1,350.00	\$620.46	\$1,861.38
3B	1	Each	New automatic bleed and feed system controller	\$4,358.00	\$4,358.00	\$1,635.18	\$1,635.18
			Total Net Bid		\$10,480.00		\$16,130.76
			No Additional Charges Will Be Allowed				
NOTES:							
The Metro Group: Item 2A - Vaporene 9200; Item 2B Justeq 07; Item 2C DuBoth NB35; 2D Environbrom Tab; 2E Preventol D7CF							



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Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 27568

RESOLUTION 2023-487

ADOPTED

Amendment to Bid #2023013 Town Wide Sprinkler Inspection & Service - CRS #4061

WHEREAS, Bid #2023013 for Town Wide Sprinkler Inspection & Service was awarded to Davis-Ulmer Fire Protection on May 8, 2023 by Town Board resolution 2023-416; and

WHEREAS, the Contract Compliance and Administration Department is requesting approval of the amendment to the Town Wide Sprinkler Inspection & Service contract to add service for the Water Pollution Control Facility;

NOW, THEREFORE, BE IT RESOLVED, The Town Board approves the amendment to the Town Wide Sprinkler Inspection & Service contract; and

BE IT FURTHER RESOLVED, the Supervisor is authorized to sign the amendment with Davis-Ulmer Fire Protection, pending successful completion of the Contract Routing System as the Water Pollution Control Facility is in need of inspection services.

5/22/2023

Consent

FINANCIAL IMPACT:

Town Wide - Various Accounts - TBD

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

**TOWN OF
AMHERST**
Erie County, New York

SUPERVISOR
Brian J. Kulpa
716-631-7032



**DEPUTY
SUPERVISOR/COUNCILMEMBER**
Deborah Bruch Bucki, RN, PhD

COUNCILMEMBERS
Shawn Lavin
Michael Szukala
Jacqualine Berger

AGREEMENT

Let this document stand as an Agreement between Davis-Ulmer Fire Protection and the Town of Amherst permitting the Town of Amherst to add the services stated on the attached Davis-Ulmer proposal to Bid #2023013 Town Wide Sprinkler Inspection & Service contract (CRS ID #4007).

By: _____

Signature

Stephanie Wlosinski
Printed name

By: _____

Brian J. Kulpa, Supervisor

Date: _____

Date: _____



• Sprinklers • Suppression • Fire Alarm • Security

Inspection

Agreement

Effective, (**November 16, 2022**) and subject to all terms, conditions, and limitations specified in this Agreement, **Amherst Water Treatment Facility** ("Customer") hereby engages Davis-Ulmer Sprinkler Company, Inc. ("Company") to perform inspection services at the premises specified in Section I below (the "Property"), and Company agrees to perform such services subject to all terms, conditions and limitations specified in this Agreement and as outlined in Section II.

SECTION I – CUSTOMER & PROPERTY INFORMATION

Property:	Amherst Water Treatment Facility	Bill To:	same
Address:	455 Tonawanda Creek Road	Address	
City:	Amherst, NY 14228	City:	
Cell:	716-860-6811	Phone:	
Phone:	716-691-9771 EXT. 8042 (Daric Will)	Fax:	
E-Mail:	dwill@amherst.ny.us	E-Mail:	

Property Owner (Amherst Water Treatment Facility):

If **Amherst Water Treatment Facility** is not the owner of the Property (i) Customer represents, warrants, and covenants to Company that Customer is authorized by the owner to enter into this Agreement and allow Company to access the Property and perform the services described below, and (ii) Customer authorizes Company to communicate the results of any inspection directly to the owner.

SECTION II – INSPECTION

Customer engages Company-to perform a

☐ single ☐ monthly ☒ quarterly ☐ semi-annual ☐ annual ☐ other (see frequencies below)
inspection(s) of the automatic fire protection and/or alarm/security equipment installed on or within the Property.

Inspect & test one (1) wet pipe sprinkler system(s), quarterly

Per Scopes(s) of Work attached. Actual inspection date(s) will be determined by Company.

SECTION III – TERM, INSPECTION FEE, AND PAYMENT

The term of this Agreement shall be for a period of ~~five (5) year(s). November 30, 2022, through October 31, 2027~~ *as per the Town Wide Sprinkler Inspection + Service Contr* *(SW)*

Customer agrees to pay the **total annual sum of \$1,040.00**

Customer will be invoiced as follows:

After each quarterly inspection, the sum of \$260.00

Specified fee does not include any applicable sales or other tax. Customer is responsible for all applicable taxes.

Company will issue an invoice promptly upon completion of each inspection. Customer will pay each invoice in full, without any setoff or deduction whatsoever, no later than 30 days after receipt of invoice. Any amounts past due will be subject to a finance charge equal to the lesser of 1.5% per month or the maximum legal rate. Customer agrees to reimburse Company for all costs of collection, including attorneys' fees.

SECTION IV - OTHER TERMS AND LIMITATIONS

1. SERVICE OF THE FIRE PROTECTION EQUIPMENT: The Client agrees to purchase and Company agrees to provide in accordance with these terms and conditions services for the purpose of inspecting and testing Client's fire protection equipment in accordance with the terms and condition of this agreement. The Company will be permitted, at all reasonable times, to enter the Property indicated above to conduct the inspection and testing as outlined in this Agreement. The Company will be permitted to gather information, data on the Subscriber's systems (outlined in this agreement) and retain that information, data for use as the Company deems necessary. The Company may or may not use software to collect, view and or store collected information, data in any format necessary to use as needed.

2. TERMS AND RENEWAL OF AGREEMENT: Client agrees and acknowledges that this Agreement shall commence on the Effective Date or from the date of acceptance by Company whichever occurs later unless terminated as provided herein and continue for the term indicated by customer in Section III: TERM (the initial term). At the conclusion of the Initial Term, this Agreement shall automatically extend for successive terms equal to the Initial Term unless either party gives written notice to the other party at least thirty (30) days prior to the end of the then current term.

3. PRICE AND PAYMENT: The charge for the work agreed to be performed herein shall include all labor, as described in paragraph 4.A, per diem and travel. Client agrees to pay company for the Term(s) of this Agreement, Company's applicable charges for testing and inspection services and for service calls as set forth under this Agreement. With approved credit, all invoices are due and payable in full according to the stated terms, net 30 days and interest at a rate of (1 ½%) on all unpaid invoices (30) days past due. If payment for work provided in this agreement is not paid when due, Client agrees to pay all costs of collection including attorneys' fees. Charges for inspection services or rates for basic or emergency service in any subsequent year of this agreement shall not exceed 115% of the prior year.

4. INSPECTIONS AND SERVICE: For the agreed-on amount, as shown on the attached Proposal, during the term(s) of this Agreement, Company agrees to provide inspection, certification, service, and parts as follows:

A. Periodic inspections of the fire protection equipment described in our attached Proposal means to inspect, test, and adjust the systems to assure components thereof are operating within the manufacturer's acceptable standards. Client will be notified, in writing, of any components found not to be within accepted operating standards. Sprinkler inspections are not intended to and will not address the adequacy of the system design or installation of systems not installed by [Davis-Ulmer Sprinkler Company, Inc.](#) [Davis-Ulmer Sprinkler Company, Inc.](#) performs inspections of the sprinklers, pipe, fittings, and other components that are accessible and not in concealed spaces visually and from the floor of the facility, and only for the conditions listed in this report or as otherwise required by NFPA 25. Components will be repaired or replaced only upon written authorization of the Client and invoiced at the service rates (s) set forth under the Clarifications of the Proposal. The frequency of each inspection shall be identified within the Proposal, beginning with the first inspection.

B. Any additional work, material or services outside the scope of this Agreement, which is requested by the Client and furnished by the Company, may be provided by the Company at its sole discretion. Further, such additional work, material or services shall be delivered under the terms of this Agreement, and by execution hereof. Client acknowledges that this Section V shall be incorporated into and become a part of any order for such additional work, equipment or services.

C. If in the sole determination of the Company, and at any time prior to or during the term of this Agreement, the equipment or any portion of it cannot be adequately inspected, repaired or adjusted on-site to bring it to an acceptable condition, Company shall have the right, at its discretion, to cancel this Agreement. If, alternatively and in the sole determination of the Company, portions of the system cannot be brought up to acceptable level of operation through service and maintenance, in lieu of canceling the Agreement, Company may reduce the scope of the work and the inspection and maintenance charge shall be adjusted accordingly.

D. Repair(s), diagnosis, addition(s) change(s), relocation(s) or emergency services are not included within the inspection amount quoted. These services will not be provided without the authorization of the Client and will be invoiced at the company's then current hourly rate for services, including travel charges and per-diem. Service calls during normal working hours will be invoiced based upon cost portal to portal and a (2) hour minimum. After hours service calls will be based upon portal to portal and a (3) hour minimum. Client also agreed to pay Company an overtime rate of (1 ½) times the hourly rate for service(s) required at other than normal working hours for the

Company except for Sundays and Holidays which will be at an overtime rate of (2) times the hourly rate of service. Normal working hours for the Company are, 8:00 AM – 5:00 PM, Monday through Friday, excluding holidays. Service parts and applicable material will be charged out in accordance with Company's current established pricing, not to exceed the Manufacturer's current published list price.

E. Company, following each inspection, will provide to Customer a written "Report of Inspection" ("Report"). If required and/or with prior written authorization, Company will provide copies of the Report to the local or state authority having jurisdiction on behalf of Customer. If requested by Customer, a copy of the Report will also be forwarded to Customer's insurance company. The Report and recommendations, if any, by Company are only advisory in nature and are intended to assist Customer in reducing the possibility of loss to the Property by indicating obvious defects or impairments to the system(s) which were discovered by Company's inspection and which should receive prompt attention.

5. LIMITATION OF LIABILITY: CLIENT ACKNOWLEDGES THAT COMPANY IS NOT AN INSURER, THAT CLIENT SHALL OBTAIN THE TYPE AND AMOUNT OF INSURANCE COVERAGE WHICH IT DETERMINES NECESSARY, AND THAT THE PAYMENTS MADE TO COMPANY BY CLIENT ON THIS PROJECT ARE BASED UPON THE VALUE OF THE SYSTEM AND/OR SERVICES PROVIDED AND ARE UNRELATED TO THE VALUE OF CLIENT'S PROPERTY OR BUSINESS OR ANY POTENTIAL LIABILITY OF DAMAGE TO CLIENT ARISING OUT OF THE WORK PERFORMED BY COMPANY. IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS TO THE CLIENT AND TO COMPANY RESULTING FROM THE WORK PERFORMED BY COMPANY, THE RISKS HAVE BEEN ALLOCATED SUCH THAT THE CLIENT, AS WELL AS THE CLIENT'S ASSIGNS, AGENTS, AND REPRESENTATIVES, AGREE, TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF COMPANY, ITS OFFICERS, DIRECTORS, EMPLOYEES AND COMPANY'S PARENT, SUBSIDIARIES, AFFILIATES, CONSULTANTS, SUBCONTRACTORS, VENDORS, TO A MAXIMUM OF \$5,000 OR THE AMOUNT OF THE CONTRACT/PRICE OF WORK BEING PERFORMED, WHICHEVER IS LESS, AND CLIENT DOES HEREBY RELEASE [Davis-Ulmer Sprinkler Company, Inc.](#) FROM ANY CLAIMS IN EXCESS OF SAID LIMIT. THIS LIMITATION OF LIABILITY SHALL APPLY TO ALL JUDGMENTS, CLAIMS, LIABILITY, COSTS, CLAIM EXPENSES, AND ALL OTHER DAMAGES OR LOSSES OF ANY NATURE, INCLUDING ATTORNEYS' FEES (COLLECTIVELY "DAMAGES") SUSTAINED BY CLIENT OR ANY OTHER PARTY CLAIMING BY OR THROUGH CLIENT. THIS LIMITATION OF LIABILITY SHALL APPLY, 1.) REGARDLESS OF THE AMOUNT OF ANY DAMAGES SUSTAINED, IF ANY, AS A RESULT OF THIS WORK; AND, 2.) EVEN IF THE DAMAGES ARE ACTUALLY CAUSED OR ALLEGED TO BE CAUSED BY THE NEGLIGENCE, BREACH OF WARRANTY, VIOLATION OF A STATUTE, ORDINANCE, REGULATION, STANDARD OR RULE, DEFECTIVE PRODUCTS, , OR OTHER FAULT OF COMPANY OR COMPANY'S PARENT, SUBSIDIARIES, AFFILIATES, CONSULTANTS, SUBCONTRACTORS, VENDORS, OR THEIR RESPECTIVE EMPLOYEES, AGENTS OR REPRESENTATIVES. SHOULD CLIENT DESIRE A DIFFERENT LIMITATION OF LIABILITY, SUCH IS AVAILABLE AS AN ADDITIONAL SERVICE AT AN ADDITIONAL COST. CLIENT AGREES TO REQUIRE IT INSURANCE POLICIES TO BE ENDORSED SO AS TO WAIVE ALL RIGHTS OF SUBROGATION AGAINST COMPANY.

6. WARRANTIES:

A. EXCEPT AS SPECIFICALLY SET FORTH IN THIS AGREEMENT, THE COMPANY MAKES NO WARRANTIES, EXPRESS OR IMPLIED, AS TO ANY MATTER WHATEVER, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND THERE ARE NO WARRANTIES OR REPRESENTATIONS WHICH EXTEND BEYOND THE FACE OF THIS AGREEMENT.

B. COMPANY DOES WARRANT THAT SERVICE UNDER THIS AGREEMENT WILL BE COMPETENT AND THAT PARTS INSTALLED ON THE SYSTEM IN CONNECTION WITH SERVICE PROVIDED UNDER THIS AGREEMENT WILL MEET MANUFACTURER'S SPECIFICATIONS AT THE TIME THEY ARE INSTALLED. FAILURES TO PERFORM CONSISTENTLY WITH THIS WARRANTY WILL BE REMEDIED SOLELY BY THE COMPANY DURING THE TERM OF THIS AGREEMENT, BY CORRECTLY RE-PERFORMING NONCOMPLYING SERVICE(S) OR REPAIRING OR REPLACING DEFECTIVE MATERIALS PROVIDED BY THE COMPANY, UPON WRITTEN NOTICE TO THE COMPANY BY THE CLIENT DURING THE TERM(S) OF THIS AGREEMENT.

C. THE COMPANY DOES NOT KNOW AND DOES NOT REPRESENT THAT THE CURRENT FIRE PROTECTION SYSTEM ON THE PROPERTY OF CLIENT WAS ORIGINALLY DESIGNED AND INSTALLED IN SUCH A WAY THAT THE SYSTEM WILL PERFORM AS ORIGINALLY INTENDED OR IS SUITABLE AND SUFFICIENT FOR ITS INTENDED PURPOSE GIVEN THE WAY IN WHICH THE PROPERTY HAS BEEN OR WILL BE USED, RECONFIGURED OR MAINTAINED. THIS AGREEMENT IS NOT A GUARANTEE OR WARRANTY THAT THE SYSTEM WILL IN ALL CASES (i) PROVIDE THE LEVEL OF PROTECTION FOR WHICH IT WAS ORIGINALLY INTENDED, (ii) IS FREE OF ALL DEFECTS AND DEFICIENCIES, AND (iii) IS IN COMPLIANCE WITH ALL APPLICABLE CODES. CLIENT AGREES THAT IT HAS NOT RETAINED COMPANY TO MAKE THESE ASSESSMENTS AS PART OF THIS AGREEMENT. ANY SUCH ASSESSMENT MUST BE BY A SEPARATE AGREEMENT

SUBJECT TO THESE TERMS AND CONDITIONS. COMPANY FURTHER DOES NOT REPRESENT, GUARANTEE OR WARRANT THAT ANY EQUIPMENT REFERRED TO IN THIS AGREEMENT OR ANY SERVICE OR INSPECTION PROVIDED BY IT UNDER THIS AGREEMENT WILL RESULT IN A SYSTEM WHICH WILL OPERATE AS DESIGNED, OR IS SUITABLE FOR ANY PARTICULAR PURPOSE, OR WILL PREVENT ANY LOSS BY BURGLARY, FIRE OR OTHERWISE, OR WILL IN ALL CASES OR ANY PARTICULAR CASE AVERT OR PREVENT RISKS, LOSSES, OR OTHER OCCURENCES, OR THE CONSEQUENCES THEREFROM, WHICH THE EQUIPMENT OR SERVICES WERE OR ARE DESIGNED TO PERFORM, DETECT OR AVERT.

D. The Company is not responsible for any damages due to: (1) incompatibility of materials within a CPVC piping system, or (2) corrosion, or deterioration of piping due to Customer's water supply, atmospheric conditions, soil quality, or any other condition at Customer's facility that adversely affects the integrity of the fire protection system.

E. Company will make every reasonable effort to prevent the discharge of water into or onto areas of landscaping, decorative pavement, etc., at the Property, however it is Customer's responsibility to provide sufficient and readily accessible means to accept the full flow of water that may be required by tests as determined by the type of inspection and to take measures to eliminate the formation of ice in any area where a slip and fall hazard could occur.

7. **REDUCED PRESSURE BACKFLOW PREVENTER:** BY SIGNING BELOW, CLIENT ACKNOWLEDGES THAT REDUCED PRESSURE BACKFLOW PREVENTERS (RPBP), ARE DESIGNED TO DISCHARGE WHEN CHECK VALVES ARE FOULED OR DUE TO WATER PRESSURE FLUCTUATIONS FROM CITY WATER SUPPLIES. ANY MAINTENANCE, REPAIR OR INSPECTION ON A FIRE SPRINKLER SYSTEM COULD RESULT IN WATER FLOW THROUGH THE RPBP AND POSSIBLE DISCHARGE. BY SIGNING BELOW, CLIENT AGREES TO RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS [Davis-Ulmer Sprinkler Company, Inc.](#) FROM ANY CLAIM OR LIABILITY FOR ANY DAMAGES INCURRED BY THIS DISCHARGE OR LACK OF PROPER RPBP DRAIN PIPING AND OR RPBP DRAIN EQUIPMENT OR FAILURE OF THIS PIPING OR EQUIPMENT [Davis-Ulmer Sprinkler Company, Inc.](#) WAS SPECIFICALLY CONTRACTED TO DESIGN AND/OR INSTALL THIS EQUIPMENT.

8. **RESPONSIBILITIES OF CLIENT:** The Client agrees to:

A. Promptly notify Company of any known or suspected trouble or malfunction in the equipment, request a hazard evaluation if there are changes in occupancy, use, processes, or materials, and promptly approve correction of impairments and critical deficiencies found during any inspection. All replaced parts become the property of the Company.

B. Maintain the system per original installers instructions and manufacturer' specifications.

C. Authorize Company, its agents, and employees, for purposes of this Agreement, to enter upon the premises of Client, to repair or inspect the equipment and to make any changes or alteration to the equipment, as authorized by Client. Client also agrees to provide Company with ready accessibility to all components of systems requiring inspection and testing and appropriate working space, including adequate light, electricity, telephone access, ladders or lifts as required for Company's use in providing service(s) under this Agreement. In addition, Client agrees to provide one individual to monitor the control panel during testing and certification.

D. Designate suitable representative(s) satisfactory to the Company as exclusive contact(s) between Company and the Client, who shall have authority to make decisions on behalf of Client concerning service of the equipment by Company.

E. Neither authorize nor permit maintenance, repairs, or modifications of any kind to be made to the equipment, except by the Company or as specified and approved in advance by the Company.

F. Assume complete responsibility for the maintenance and repair of the system except as is set forth in this agreement.

9. **INDEMNIFICATION.** COMPANY AND CLIENT SHALL DEFEND, INDEMNIFY AND HOLD ONE ANOTHER HARMLESS FROM ANY EXPENSE, LIABILITY, LOSS, CLAIM OR DAMAGE, FOR PERSONAL INJURIES AND DEATH OR PROPERTY DAMAGE ASSERTED BY ANY THIRD PARTY, CAUSED BY THE ALLEGED NEGLIGENCE OF ITSELF, ITS AGENTS, EMPLOYEES, OR ANY OTHER INDIVIDUAL OR ENTITY AFFILIATED WITH IT, AND RESULTING FROM THE SERVICES PROVIDED HEREIN ,OR OVERALL FUNCTIONALITY OF THE SYSTEM IDENTIFIED IN THIS AGREEMENT.

10. **ADDITIONAL COMPANY RESPONSIBILITY.**

A. Company will provide service calls and emergency service, upon request of the Client, subject to any delay which may be occasioned by strike, riot, acts of God or any other circumstances beyond the control of the Company, as soon as it is reasonably practical to do so. Company will make reasonable efforts to attend promptly to the emergency needs of the Client, but it can make no guaranty of response time by the company or what may be required to properly service the equipment.

B. In the event a malfunction of a type covered by this Agreement has not been remedied before this Agreement has terminated for whatever reason, any service requested by the Client thereafter may be provided by the Company in its sole discretion and at the Company's then-current rates for services, including travel charges, per diem and materials.

C. Company will provide necessary test equipment required to perform service(s) under this Agreement.

D. If replacement parts are necessary under this Agreement, Company may provide new and /or used replacements.

11. **NO CONFLICT WITH OTHER CLIENT AGREEMENTS.** Client warrants that the negotiation, execution, and implementation of this Agreement will not conflict with any other agreement of which the Client is aware with any other person or firm. Client agrees to defend, indemnify, and hold harmless the Company from claims of any sort by any person or firm alleging that this Agreement violates, interferes with, or infringes upon any other Agreement in any way.

12. **LICENSES, TAXES, PERMITS AND FALSE ALARMS.** Client shall identify any rules, regulations, standards, or codes with which the equipment must comply, and shall obtain and pay for any necessary licenses or other certificates of compliance for same. Client is solely responsible for any fees, taxes (including sales taxes), false alarm fines, and any other governmental assessments related to the equipment or system operation and shall reimburse and indemnify the Company for any such expenses incurred by the Company. Client and Company are each responsible for obtaining any necessary licenses or permits needed to perform their respective obligations under this Agreement.

13. **ASSIGNMENTS AND DELEGATIONS.** Neither the Company nor the Client may assign this Agreement to any other person, firm, or corporation without notice to or approval by the other, but Company may subcontract any activities that it may perform under this Agreement.

14. **ENGINEERING CHANGES.** Occasionally, manufacturers may issue non-warranty engineering changes to equipment necessary to assure proper operation of system components. If, in the opinion of the Company and Client, installation of such engineering changes requires service(s) or material(s) in excess of those incidental to a normal preventive maintenance inspection, such excess shall be paid for by the Client at Company's applicable charges for on-call and emergency services as set forth under this Agreement provided that company will remain responsible for performance of its obligations under this agreement. Failure by the Client to have factory recommended engineering changes installed on the system will relieve the Company from further performance under this Agreement but will not relieve the Client of its obligations hereunder. No other engineering changes or system modification are covered by this Agreement except as may be otherwise specifically provided herein.

15. **INVALID PROVISIONS.** If any of the parts of this Agreement shall be determined by a court of competent jurisdiction to be invalid or inoperative, all of the remaining parts shall remain in full force and effect.

16. **ENTIRE AGREEMENT.** This writing is intended by the parties as the final expression of their Agreement and as a complete and exclusive statement of the terms thereof. This Agreement supersedes all prior representations, understandings or agreements between the parties; there are no prior writings, verbal negotiations, understandings, representations or agreements not expressed in this Agreement, and the parties rely only upon the contents of this Agreement in executing it, and have not relied on any other representations, oral or otherwise, made by the parties, their agents or employees. Only a writing signed by each of the parties or their duly authorized agents may modify this Agreement. No waiver of breach of any term or condition of this Agreement shall be construed to be a waiver of any succeeding breach. This agreement shall bind and benefit the heirs, successors and assigns for the respective parties. A written Service Agreement Proposal is provided for clarification purposes and is hereby made a part of this contract.

17. **RECEIPT AND REVIEW OF AGREEMENT.** The Client specifically acknowledges that it has received a copy of these Terms and Conditions in its entirety, represents that it has authority to enter into this Agreement, and has read the same, understood it and agreed to its contents before signing it. Further the person executing these Terms and Conditions has the full authority of the Client to bind the Client, to the fullest extent provided by law, to these Terms and Conditions.

A. This Agreement may not be assigned by Customer without the written consent of Company.

B. This Agreement may be signed in counterparts; a signed facsimile, photocopy, and/or electronic mail of this Agreement shall be as binding on both parties just as though this Agreement were executed in its original, pre-printed form.

C. The Company for formal bid documents, is not a Disadvantaged Business Enterprise. Furthermore, no DBE, MWBE or other minority program participation goals or requirements are included or inferred. Should this project involve DBE, MWBE or other minority program participation goals or requirements please advise in writing regarding the specific nature of those goals or requirements and specifically how they impact [Davis-Ulmer Sprinkler Company, Inc.](#)

Other inclusions, exclusions, or attachments:

***General Exclusions:** Painting, patching, underground and/or trenching, after hour, weekend and holiday labor rates, fire watch, prevailing wage/certified payroll, abatement including but not limited to asbestos and lead, water containment/disposal, conduit and wire, permit fees, scissor lifts, dampers, ground faults.

*** Pricing:** The pricing set forth in this Agreement is based on the number of devices set forth in Section II: Scope of Work. If for any reason the actual number of devices is higher than the number set forth in Section II: Scope of Work, the price will be adjusted accordingly.

***Coverage:** Proposal above is for Test & Inspect only of above systems. All repairs, parts, and services outside of above testing & inspecting scope of work is billable at [Davis-Ulmer Sprinkler Company, Inc.](#) current Time & Material Rates.

***Access:** During inspection, inspectors must have access to control valves, and alarm information, buried and/or non-accessible FDC check valves will be listed on the report and a recommendation for relocation under a separate contract. Inspectors must have access to all suites, apartments, units, etc. Customer responsible for notifying tenants of inspection and for gaining access into each and every unit/apartment on scheduled inspection date(s). **If multiple inspections are required due to "no access" customer will be responsible for hourly rates of inspectors at Davis-Ulmer Sprinkler Company, Inc. current Time & Material Rates.**

ACCESS ACKNOWLEDGEMENT CUSTOMER INITIAL [REDACTED]

***On Site Inspection Repairs:** Client authorizes [Davis-Ulmer Sprinkler Company, Inc.](#) to perform repairs or component replacements, found to be necessary during the course of inspection, the amount of \$500.00 or less, ONLY IF TECHNICIAN HAS THOSE PARTS READILY AVAILABLE ON HIS TRUCK. Any necessary repairs for an amount exceeding \$500.00 will be first submitted in writing for written approval. Any repairs performed while on site during inspection will be billed on a "Time & Material" basis and subject to the terms of this Agreement. Hourly rates are provided in ½ hour increments. All labor rates are subject to change with a thirty (30) day written notice to the client.

ON SITE REPAIRS ACKNOWLEDGEMENT CUSTOMER INITIAL [REDACTED]

***Cancellation/Reschedule Notice:** Should the customer cancel or reschedule all or any portion of the inspection/scope without giving 3 business days' notice to the [Davis-Ulmer Sprinkler Company, Inc.](#) we will assess a scheduling impact fee. The fee shall be equal to 4 hours of our current set Time and Material rate.

***COVID-19:** "Due to the existing pandemic involving COVID-19 and the constantly evolving situation, which includes shut downs of definite and indefinite durations by the federal, state, and local governments, quarantines, business shut downs, transportation interruptions, disruptions in the supply chain of certain materials, supplies, or equipment, disruptions to public services, temporary suspensions of work on site, or the unavailability or reduced availability of manpower, the parties agree that if Subcontractor is hindered, prevented or delayed at any time in the commencement or progress of the work for a cause arising from or related to COVID-19, including but not limited to any of the examples above, Subcontractor shall be entitled to an extension of the Contract time. Furthermore, Subcontractor shall be entitled to additional compensation for increased costs associated with the high demand for specified materials, for increased costs associated with any proposed substitute approved by Contractor or Owner, or any other similar cost increase outside the control of Subcontractor."

SECTION V: THIRD PARTY AUTHORIZATION

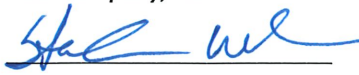
Customer requests and authorizes Company to provide the following designated third parties with the Report information outlined below:

SECTION VI: ACCEPTANCE AND SIGNATURE

Customer: *Amherst Water Treatment Facility*

Davis-Ulmer Sprinkler Company, Inc.

SIGNATURE: _____

SIGNATURE: 

NAME: _____

NAME: ~~Paul Kaczowski~~ *Stephanie Wlosinski*

TITLE: _____

TITLE: Inspection ~~Account~~ Manager

DATE: _____

DATE: *5/17/2023*

By signing above, Customer acknowledges that it has reviewed, understands, and agrees to all terms and conditions of this Agreement including, without limitation, the Scope(s) of Work furnished by Company with this Agreement.

The inspection fee quoted is for acceptance within thirty (30) days from Company's presentation of this Agreement to Customer. If not accepted by Customer within such 30-day period, Company will be pleased to submit a revised quotation. Agreement is not binding on Company until credit approval for Customer is issued by Company.

DAVIS-ULMERINSPECTION / TESTING OF WET PIPE FIRE SPRINKLER SYSTEM

The State Fire Code requires you to inspect, test, and maintain fire protection systems in an operative condition. All inspection, testing and maintenance records are required to be kept on file at the premises. Any questions concerning regulatory requirements for fire protection systems should be directed to your municipal code enforcement authority. Davis-Ulmer will notify you in writing of any condition or deficiency discovered requiring correction or repair. Any authorized repair/maintenance work will be performed either as quoted or on a time and material basis.

SCOPE OF WORK

- (Annually) Attempt to visually inspect all known portions of system for exterior condition of sprinklers, piping, and hangers from floor level only.
- (Quarterly) Attempt to visually inspect all known valves, hydraulic placards, gauges, fire department connection from floor level only.
- (Annually) Operate all known control valves, and seal valves in proper position.
- (Annually) Attempt to visually verify proper sprinkler orientation, temperature rating, and obvious obstruction from floor level only.
- (Annually) Verify appropriate quantities and types of sprinkler heads and wrenches in cabinet.
- (Quarterly) Verify operation of audible alarms and water flow alarms to building Fire Alarm Panel and remote monitoring facility (if equipped).
- (Quarterly) Perform main drain flow test and record static and residual pressures (weather permitting).
- (Annually) Sample test anti-freeze solution for specific gravity and freezing point (if equipped).
- (Semi-Annually) Verify operation of valve supervisory switches to building Fire Alarm Panel and remote monitoring facility (if equipped).
- (Quarterly) Affix inspection tags, date, and initial.
- Furnish completed inspection/test forms.

Excluded Work:

- Visual inspection of systems or portions of in inaccessible spaces.
- Any and all NFPA, State, and local requirements in excess of above stated.

Licensed by the NYS Dept of State

Rev. 08-16


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 27578

RESOLUTION 2023-488

ADOPTED

Short Term Extension of Town Wide Uniform Contract - CRS #4062

WHEREAS, Unifirst Corp. has agreed to a two-month extension for Bid #2017016 (Original CRS #1420) for Town Wide Uniforms;

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves a two-month extension of the contract with Unifirst Corp. for the period May 19, 2023 through July 19, 2023; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract extension with Unifirst Corp. pending successful completion of the Contract Routing System.

5/22/2023

Consent

FINANCIAL IMPACT:

Town Wide - Various Accounts - Amount TBD

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

TOWN OF AMHERST

Erie County, New York

SUPERVISOR
Brian J. Kulpa
716-631-7032



**DEPUTY
SUPERVISOR/COUNCILMEMBER**
Deborah Bruch Bucki, RN, PhD

COUNCILMEMBERS
Jacqueline Berger
Shawn Lavin
Michael Szukala

Short Term Extension Agreement

Unifirst Corp. agrees to hold prices and extend the current contract with the Town of Amherst for Bid #2019011 (Original CRS/CMS ID #1420/1708) for Town Wide Uniforms.

This contract will be extended for a two month term from May 19, 2023 to July 19, 2023.

SIGNED:

Vendor

Brian J. Kulpa, Supervisor
Town of Amherst

DATED 5/17/2023

DATED

Attachment: Town Of Amherst Extension (RES-2023-488 : Short Term Extension of Town Wide Uniform Contract - CRS #4062)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Economic Development
 Initiated by: **Angela Rossi**
 Co-Sponsored by:

DOC ID: 27536

RESOLUTION 2023-489
ADOPTED

Travel Authorization to NYCEDC 2023 Annual Meeting

Please authorize expense reimbursement for travel on May 24, 2023 - May 26, 2023 for Angela Rossi, Director Economic Development to attend the New York State Economic Development Council, 2023 Annual Meeting Cooperstown, New York. The total cost for travel and conference registration will not to exceed \$1,701.07. Funds are available in the Economic Development Department 2023 budget A1230 4040 and 4120.

5/22/2023

Consent

FINANCIAL IMPACT:

-1,701.07

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

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ \$250 or LESS and under 75 miles

Department Head Approval ONLY Required

Revised 12/22/2021

☒ \$250 + or greater than 75 miles

Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Angel Rossi	9447	A1230	716-631-7032

Destination and Purpose of Trip

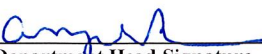
Date of Departure	Date of Return	Destination	Purpose/Justification
5/24/23	5/26/23	Catskill	NYSED annual meeting

Expenses

Transportation:
Mileage @ \$0.585
Tolls
Parking
Local Transportation (bus/taxi)
Plane/Rail/Bus
Lodging:
2 # nights @ \$ 213.50
Meals:
IRS Per Diem Per Day: \$ 59
1st & Last Day of Travel @ 75%
Breakfasts @ \$
Lunches @ \$
Dinners @ \$
Incidentals @ \$
Registration/Conference Fee
Other
Subtotal
Contingency - 10% of subtotal or \$200
TOTAL

Estimated	Budget A/C #	Actual
\$460		
\$20		
—		
—		
—		
427.93		
88.50		
—		
—		
—		
—		
550		
154.64		N/A
1701.07		N/A

Request Approved By:


 Department Head Signature
 5-15-23
 Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature _____ Date _____

Print Employee Name _____

Reimbursement Approved By:

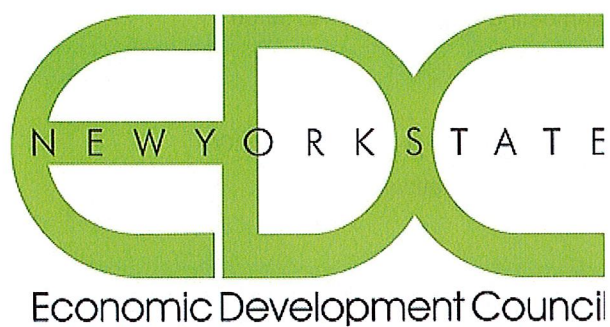
Department Head Signature _____ Date _____

Complete Shaded Area
For Expense Reimbursement

Attachment: Travel Expense Form (RES-2023-489 : Travel Authorization to NYCEDC 2023 Annual Meeting)

[Member Login](#)[Join Today \(https://mms.nyse.dc.org/members/newmem/registration.php?orgcode=NYED\)](https://mms.nyse.dc.org/members/newmem/registration.php?orgcode=NYED)[Learn More \(https://nyse.dc.org/about_nyse.dc.php\)](https://nyse.dc.org/about_nyse.dc.php)[Events \(https://mms.nyse.dc.org/members/calendar7.php?org_id=NYED\)](https://mms.nyse.dc.org/members/calendar7.php?org_id=NYED)[Regional Resources \(https://nyse.dc.org/nys_assets.php\)](https://nyse.dc.org/nys_assets.php)

2023 NYSEDC Annual Meeting



2023 NYSEDC Annual Meeting

May 24-26, 2023

Otesaga Hotel, Cooperstown, New York



Attachment: Conference Information (RES-2023-489 : Travel Authorization to NYCEDC 2023 Annual Meeting)



Registration

Annual Meeting Registration (<https://secure.web-payment-software.com/nysedc/2023-annual-meeting-registration/>)

Member Rate: (<https://secure.web-payment-software.com/nysedc/2023-annual-meeting-registration/>) \$555.00

One Day Rate (<https://secure.web-payment-software.com/nysedc/2023-annual-meeting-registration/>): \$455.00

Spouse Rate: (<https://secure.web-payment-software.com/nysedc/2023-annual-meeting-registration/>) \$250.00

Golf at the Leatherstocking Golf Course

Individual Player (<https://secure.web-payment-software.com/nysedc/2023-annual-meeting-registration/>): \$125.00

Foursome: (<https://secure.web-payment-software.com/nysedc/2023-annual-meeting-registration/>) \$500.00

Cancellation Policy: Cancellations will not be refunded after May 5, 2023

Sponsorship Opportunities

Click here for a complete list of Sponsorship Opportunities

(https://www.nysedc.org/docs/2023_Annual_Meeting_Sponsorship_Form_04.24.23.pdf).

(https://www.nysedc.org/docs/2023_Annual_Meeting_Sponsorship_Form_3.27.23.pdf)

Click here to pay for Sponsorships by credit card. (<https://secure.web-payment-software.com/nysedc/2023-annual-meeting-sponsorship-opportunities/>)

Email Thomas (<mailto:boomhower@nysedc.org>) Boomhower (<mailto:boomhower@nysedc.org>) or call 518.426.4058 for more information.

Hotel Information

TO BOOK YOUR OVERNIGHT STAY - You will receive a link to the Room Block Rates after completing your event registration. If you don't receive your registration receipt, please check your spam filter or junk mail or email Thomas Boomhower (<mailto:boomhower@nysedc.org?subject=Registration%20Receipt%20for%20Economic%20Development%20Conference>).

The Otesaga Resort Hotel (<https://www.otesaga.com/>), 60 Lake Street, Cooperstown, NY 13326- 607-547-9931 **SOLD OUT**

Additional Accommodations:

- **Lakefront Hotel** (<https://www.cooperstownlakefronthotel.com/>), 10 Fair Street, Cooperstown - 607-547-9511
- **Holiday Inn Express & Suites Cooperstown**
(<https://www.ihg.com/holidayinnexpress/hotels/us/en/cooperstown/cophw/hoteldetail>)- 4758 NY-28, Cooperstown - 607-547-8000
- **Best Western Cooperstown Inn & Suites** (<http://www.bwcooperstown.com/>) - 50 Commons Dr, Cooperstown - 607-547-7100
- **Cobblescote on the Lake** (<http://cobblescote.com/>) - 6515 NY-80, Cooperstown - 607-422-8866
- **Railroad Inn** (<https://therailroadinn.com/>) – 28 Railroad Ave Cooperstown - 607-547-7111
- **Nelson Avenue Pines** (<https://www.nelsonavenuepines.com/>) - 20 Nelson Ave, Cooperstown - 607-547-7118
- **White House Inn** (<https://www.thewhitehouseinn.com/>) - 46 Chestnut Street, Cooperstown - 607-547-5054
- **Glen Avenue Suites** (<http://www.glenavenuesuites.com/>) - 8 Glen Ave, Cooperstown - 607- 547-5054
- **The Inn at Cooperstown** (https://www.innatcooperstown.com/?gclid=Cj0KCQjwpreJBhDvARIsAF1_BU35gBtlo8TAefl5rHgX69kTe2xMk57HVRW5jX84f3gCxuujWJzQHicaAhj9EALw_wcB)- 16 Chestnut St, Cooperstown - 607-547-5756 - **SOLD OUT**
- **Landmark Inn** (<https://www.landmarkinncooperstown.com/>) - 64 Chestnut St, Cooperstown - 607-547-7225 **SOLD OUT**

Agenda - *Subject to change*

Wednesday, May 24, 2023

12:00 - 1:00 pm

Registration Open and Networking - Lobby and Oak Room

- **Registration gift** | Sponsored by Hodgson Russ, LLP (<https://www.hodgsonruss.com/>)
- **Lanyards** | Sponsored by Phillips Lytle LLP (<https://phillipslytle.com/>)
- **Wifi** | Sponsored by Bergmann/Colliers Architects, Engineers, Planners, PC (<https://www.bergmannpc.com/>)
- **Charging Station** | Powered by New York Power Authority (<https://www.nypa.gov/>)
- **Headshot Station** | Wed. May 24, 11:00 am - 5:00 pm, Lake Room | Sponsored by National Grid (<https://www.nationalgridus.com/upstate-ny-home/>)

1:00 - 1:15 pm

Welcome and Opening Remarks | Ballroom

- **Ryan Silva**, Executive Director, NYSEDC

1:15 - 1:45 pm

2023 Policy Update | Ballroom

- **Rachel Selsky**, AICP (https://www.nysedc.org/docs/RACHEL_SELSKY.pdf), Vice President + COO
- **Diana A. Ostroff** (https://www.nysedc.org/docs/Ostroff_Bio.pdf), Chief Operating Officer, Ostroff Associates

1:45 -2:00 pm

Refreshment Break/ Exhibitor Booths - Ballroom Rotunda and Oak Room

2:00 -3:00 pm

Breakout Session**Industry Association Update - Fenimore Room**

Economic Development encapsulates a number of industry sectors that have broad impact on the work we do and the quality of life for the communities we serve. Whether is the business sector, housing, tourism, construction, or banking, each industry faces unique challenges and opportunities as we emerge from the pandemic. Hear from industry leaders across New York on the state of the economy, their priorities moving forward, and how economic developers can work across sectors to drive growth.

Moderated by Melinda Mack (https://www.nysedc.org/docs/Melinda_Mack_Bio.pdf), Executive Director at New York Association of Training & Employment Professionals (NYATEP)

- **Heather Mulligan** (https://www.nysedc.org/docs/Heather_Mulligan.pdf), President and CEO, New York State Business Council (BCNYS)
- **Barbara Van Epps** (https://www.nysedc.org/docs/BARBARA_Van_Epps.pdf), Deputy Executive Director, NYS Conference of Mayors
- **Josiah Brown** (https://www.nysedc.org/docs/Josiah_Brown.pdf), Past Chair, New York State Tourism Industry Association (NYSTIA)
- **Adam Zaranko** (https://www.nysedc.org/docs/Adam_Zaranko.pdf), President, New York Land Bank Association (NYLBA)

2:00 -3:00 pm

Breakout Sessions - Iroquois Room**Tools and Best Practices for Site Development**

Moderated by Ron Peters (https://www.nysedc.org/docs/RONALD_PETERS.pdf), President & CEO, Fulton County Center for Regional Growth

- **Jeff Janiszewski** (https://www.nysedc.org/docs/Jeff_Janiszewski.pdf), Senior Vice President of Strategic Business Development, Empire State Development
- **Patricia Spitzley** (https://www.nysedc.org/docs/Patricia_Spitzley.pdf), Director Government Relations/Deputy Redevelopment Manager, RACER Trust
- **Tom Seguljic, PE, PG**, (https://www.nysedc.org/docs/Tom_Seguljic.pdf) Principal, HRP Associates, Inc.

2:00 -3:00 pm

Breakout Sessions - Ballroom**Women's Leadership and Diversity Council - Fireside Chat**

Moderated by Shelby Schneider, Deputy Director, NYSEDC

- **Stacey Duncan** (https://www.nysedc.org/docs/STACEY_DUNCAN.pdf), CEO, The Leadership Alliance, The Agency Broome County IDA/LDC
- **Honora Spillane** (https://www.nysedc.org/docs/Honora_Spillane.pdf), Vice President of Economic Development, CenterState Corporation for Economic Opportunity
- **Brittany Davis** (https://www.nysedc.org/docs/Brittany_Davis.pdf), Executive Director, Naturally Lewis

- **Bridget Gibbons** (https://www.nysedc.org/docs/Bridget_Gibbons.pdf), Director Economic Development, Westchester County
- **Heather D. McDaniel** (https://www.nysedc.org/docs/Heather_D._McDaniel.pdf), CECd, AICP, EDFP, President at Ithaca Area Economic Development

3:00 -3:15 pm

Refreshment Break/ Exhibitor Booths | Sponsored by Camoin Associates (<https://camoinassociates.com/>)

3:15 - 4:15 pm

Breakout Session - Ballroom**A First Hand Look Into the New York Cannabis Industry**

The New York legal cannabis market, projected to be over \$6 million in size, has been rolling out across the State with growers, processors, and retailers becoming licensed over the past year. Hear from a panel of experts with first hand experience including the New York Office of Cannabis Management's Director of Policy, the first licensed dispensary in Upstate, and a Syracuse-area processor who has been filling the shelves with dozens of products.

- **Moderated by Kaelen Castetter** (https://www.nysedc.org/docs/Kaelan_Castetter.pdf), Managing Director, Castetter Cannabis Group
- **Axel Bernabe** (https://www.nysedc.org/docs/AXEL_BERNABE.pdf) – Chief of Staff/Senior Policy Director at the New York State Office of Cannabis Management
- **Mack Hueber** (https://www.nysedc.org/docs/MACK_HUEBER.pdf) – CFO of Beak & Skiff/Ayrloom
- **Damien Cornwell** (https://www.nysedc.org/docs/Damien_Cornwell.pdf) – Owner of Just Breathe

3:15 - 4:15 pm

Breakout Sessions - Fenimore Room**Best Practices in Economic Development Marketing to Strategic Industries**

- **Richard Gagliano** (https://www.nysedc.org/docs/RICHARD_GAGLIANO.pdf), Senior Vice President, Marketing, Empire State Development
- **Katie Newcombe** (https://www.nysedc.org/docs/Katie_Newcombe.pdf), Chief Economic Development Officer, Center for Economic Growth
- **Emily Marcus** (https://www.nysedc.org/docs/EMILY_MARCUS.pdf), Executive Director, NYCIDA & Build NYC
- **Matt Hurlbutt** (https://www.nysedc.org/docs/MATT_HURLBUTT.pdf), President & CEO, Greater Rochester Enterprise

3:15 - 4:15 pm

Breakout Sessions - Iroquois Room**Opportunities for Foreign Direct Investment + Global New York Update**

- **Jeff Janiszewski** (https://www.nysedc.org/docs/Jeff_Janiszewski.pdf), Senior Vice President of Strategic Business Development, Empire State Development
- **Lauren Queally** (https://www.nysedc.org/docs/Lauren_Queally.docx), Senior Project Manager, Empire State Development
- **Dan Clark**, VP / Director of Business Development, NYCEDC

4:30 - 5:00 pm

Plenary Keynote Address - Ballroom

- **Doreen Harris** (https://www.nysedc.org/docs/Doreen_Harris.pdf), President and CEO, NYSEDA

- **Hope Knight** (https://www.nysedc.org/docs/Hope_Knight_Bio.pdf), President and CEO, Empire State Development

5:00 - 5:30 pm

Hotel Check-In - Hotel Key Card Sponsor | The Agency (<https://theagency-ny.com/>)

Trolleys to depart from the main entrance of The Otesaga Hotel at 5:30 pm, providing continuous travel to/from the Hall of Fame every 15 minutes

Transportation Sponsor | Town of Islip Economic Development (<https://www.islipida.com/>)

5:45 - 7:00 pm

Welcome Reception | National Baseball Hall of Fame and Museum (<https://baseballhall.org/>) | Sponsored by Otsego Now (<https://otsegonow.com/>)

7:30 - 9:00 pm

Annual Awards Banquet | The Otesaga Hotel, Glimmerglass Room | Sponsored by National Grid (<https://www.nationalgridus.com/Upstate-NY-Business/Default.aspx>)

Awards Sponsors | Farrell Fritz (<https://www.farrellfritz.com/>) + **C&S Companies** (<https://www.cscos.com/>)
Table Wine Sponsor | Pursuit Lending (<https://pursuitlending.com/>)

9:30 - 10:30 pm

Fireside Reception | The Otesaga Hotel, Hawkeye Patio & Fire Bar | Sponsored by LeChase Construction (<https://www.lechase.com/>)

Thursday, May 25, 2023

7:00 - 9:00 am

Breakfast - Glimmerglass | Sponsored by (<http://www.nyseg.com/>)NYSEG (<https://www.nyseg.com/>) - RGE (<https://www.rge.com/>)

8:15 - 9:00 am

Breakfast Keynote Speaker | Glimmerglass

9:15 - 10:15 am

Morning Breakout Sessions - Iroquois Room

Growing Opportunities and Resources in Rural Economic Development

Moderated by Jill Staats (https://www.nysedc.org/docs/JILL_STAATS.pdf), Steuben County IDA

- **Gary Pereira** (https://www.nysedc.org/docs/GARY_PEREIRA.pdf), Energy Coordinator and Business Programs Specialist, USDA Rural Development Agency
- **Dan Palladino**, Owner, Palladino Farms / Heritage Hill
- **Nels Leader** (https://www.nysedc.org/docs/NELS_LEADER.pdf), CEO, Bread Alone

9:15 - 10:15 am

Morning Breakout Sessions - Ballroom

Opportunities and Challenges for Developing Workforce Housing in New York State

Moderated by Jim Siplon (https://www.nysedc.org/docs/JIM_SIPLON.pdf), President and CEO, EDC Warren County

- **Darren Scott** (https://www.nysedc.org/docs/Darren_Scott.pdf), Upstate East Director of Development, NYS Homes and Community Renewal (HCR)
- **Libby Clark** (https://www.nysedc.org/docs/Libby_Clark.pdf), General Counsel, Bonacio Construction
- **James C. Johnson** (https://www.nysedc.org/docs/Jamie_Johnson.pdf), Executive Director, Steuben County IDA

10:15 am - 10:30 am

Refreshment Break/ Exhibitor Booths - Ballroom Rotunda + Oak Room

10:30 am - 11:30 am

NYSEDC Table Talk - Glimmerglass

Table Talk is a roundtable session giving economic development professionals the opportunity to easily connect with several NYS agency representatives, program directors, and industry representatives in a short amount of time. There is no formal agenda – just free-flowing conversation and a chance to build relationships with program leads, and industry representatives, and gather industry intelligence. You will have the opportunity to meet in a small group with a different representative every 15 minutes.

- **Jeff Janiszewski** (https://www.nysedc.org/docs/Jeff_Janiszewski.pdf), Senior Vice President of Strategic Business Development, Empire State Development
- **Dr. Heidi Knoblauch** (<https://www.nysedc.org/docs/DR.pdf>), Acting Executive Director, Division of Science, Technology, and Innovation (NYSTAR)
- **Merideth Andreucci** (https://www.nysedc.org/docs/MERIDETH_ANDREUCCI.pdf), Assistant Director of Economic Development, NYSERDA
- **Jenny Kelley** (https://www.nysedc.org/docs/Jenny_Kelley.pdf), Economic Development Manager, NYSERDA

12:30 pm - 2:00 pm

Lunch Buffet - Glimmerglass

11:30 am - 5:00 pm

Afternoon Activities

- **1:30 pm - 3:30 pm - Softball Tournament at Doubleday Field | Sponsored by LaBella Associates, D.P.C.** (<https://www.labellapc.com/>)
- **2:00 pm - 3:00 pm - Artifact Spotlight at the National Museum of Baseball Hall of Fame | Sponsored by Loewke Brill Consulting Group** (<http://www.loewkebrill.com/>) (limited to 55 attendees) - Fans who love the National Pastime and are looking for a unique way to experience the game's long and varied history have that opportunity thanks to the National Baseball Hall of Fame museum collections artifact presentation at the Bullpen Theater.
- **12:30 pm - 5:00 pm - Pickleball at Tennis Courts, Otesaga Resort Hotel.** Equipment can be rented at front desk.
 - The NYSEDC is pleased to offer a couple of new activity options this year at our annual meeting in Cooperstown. Specifically, we are offering (a) beginner pickleball workshops for anyone who is interested in learning to play the nation's fastest growing sport, and (b) round-robin play for experienced players. Space is very limited, so if you are interested in participating in either activity, please register now (see below).

Beginner Workshops: These sessions are geared toward true beginners – we will cover the rules of the game, score keeping, game flow, and participants will play easy games with fellow beginners. We will have one session starting a 1:30 and a second session starting at 3:00.

Round-Robin Play: This activity is for experienced players of all levels – beginner/intermediate through advanced. All games will be doubles games. We will attempt to group players together of similar skill level, to the extent possible. Games will begin at 12:30pm and end by 5:00pm. You will be notified in advance as to your appointed time on the courts. Please arrive early so you are ready to play right away.

Paddles will be available, courtesy of the Otesaga, but feel free to bring your own equipment.

MRB Group has volunteered to organize these sessions, so please email michael.ndolo@mrbgroup.com (mailto:michael.ndolo@mrbgroup.com) to register. In that email, please note if you are registering for the beginner workshops or round-robin play. If you are registering for the round-robin play, please specify your skill level using the **USA Pickleball definitions** (<https://usapickleball.org/tournaments/tournament-player-ratings/player-skill-rating-definitions/>)

11:30 am - 5:30 pm

NYSEDC Annual Meeting Golf Tournament | Sponsored by Nixon Peabody (<https://www.nixonpeabody.com/en>)

- **11:30 am - 12:30 pm - Golfers Lunch - Pro Shop Patio | Sponsored by Nixon Peabody** (<https://www.nixonpeabody.com/en>)
- **12:30 am - Shot Gun Start - In front of Pro Shop**

5:30 pm - 6:30 pm

Taste of New York Cocktail Reception on Veranda | Sponsored by Harris Beach, PLLC (<https://www.harrisbeach.com/>) (<http://www.loewkebrill.com/>)

6:30 pm - 8:00 pm

Taste of New York Networking Dinner | Sponsored by Barclay Damon LLP (<https://www.barclaydamon.com/>) + The Catalyst - Westchester County Economic Development (<https://westchestercatalyst.com/>)

8:00 pm - 9:00 pm

Women's Leadership and Diversity Council Networking Meetup | 1909 Restaurant

Friday, May 26, 2023

7:00 am - 9:00 am

Breakfast | Glimmerglass | Sponsored by Bond Schoeneck & King, PLLC (<https://www.bsk.com/offices/albany-ny>)

8:15 am - 9:00 am

Breakfast Keynote Address | Glimmerglass

9:15 am - 10:30 am

General Session | Ballroom

IDA Success Stories and Best Practices Across New York State


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Engineering Services
 Initiated by: **Brian J. Armstrong**
 Co-Sponsored by:

DOC ID: 27570

RESOLUTION 2023-490
ADOPTED

2023 - 2028 Capital Improvement Program Amendment CIP Project No. H-10: Morningside Subdivision Roadway Reconstruction Phase II – Meadowbrook Rd & Blossom Heath

The Engineering Department is recommending amendment of the 2023-2028 CIP for above project with respect to funding source. This project was originally allocated to be bonded against the General Fund but as these improvements will be roadway centric, we request that the funding source be amended for these funds to be bonded against the Highway District.

CIP No.	Project Description	2023 CIP Allocation	Amend To
H-10	Morningside Subdivision Roadway Reconstruction Phase II: Meadowbrook Rd & Blossom Heath	\$250,000 LA	\$250,000 LD

LA = General Fund Bond

LG = Highway District Bond

Please approve this amendment to the 2023-2028 CIP and allocate the funding as shown above.

5/22/2023

Consent

FINANCIAL IMPACT:

N/A

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 27535

RESOLUTION 2023-491
ADOPTED

Chief Wastewater Treatment Plant Operator/Engineering-Plant/16

Please appoint a Chief Wastewater Treatment Plant Operator to the Engineering/Plant #16 Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective May 23, 2023, at an annual salary of \$79,203, Grade 18, Step F for Mark Tirone.

Contingent upon completing all pre-employment requirements.

Please authorize a six (6) month residency waiver.

5/22/2023

Consent

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 27569

RESOLUTION 2023-492
ADOPTED

General Crew Chief/Highway Department

Please appoint a General Crew Chief to the Highway Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective May 23, 2023 at an annual salary of \$79,203, Grade 18, Step F for Craig Schreck.

Contingent upon completing all pre-employment requirements.

5/22/2023

Consent

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 27573

RESOLUTION 2023-493
ADOPTED

Assistant Electrical Inspector/Building Department

Please appoint an Assistant Electrical Inspector to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective May 23, 2023 at an annual salary of \$49,943, Grade 12, Step B for Gary Naylor.

This is a Permanent appointment for an employee who has been serving Provisionally.

Pending Erie County Civil Service Rules and Regulations.

5/22/2023

Consent

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Planning
 Initiated by: **Dan Howard**
 Co-Sponsored by:

DOC ID: 27566

RESOLUTION 2023-494

ADOPTED

To Authorize the Planning Department to Expend Funds from the Trust Account for the Veterans Memorial Consistent with Town Board Resolution RES-2011-871 for the Purpose of Engraving the Names of Veterans and Making Repairs to the Veterans Memorial.

WHEREAS, the Town of Amherst Town Board established the Town of Amherst Veterans Memorial in 2011, and

WHEREAS, the names of Veterans are engraved on the Memorial at the request of the veterans or their families and a fee of \$200 is charged per name that includes \$143 for engraving with the remaining amount deposited into a Trust Account for repairs and maintenance, and

WHEREAS, currently the Town of Amherst has received applications for names to be added to the Memorial this year, and

WHEREAS, the Town of Amherst has Leon Komm and Sons under contract to engrave the names of the Veterans and complete stone and masonry service maintenance at \$143 per hour in 2023, and

WHEREAS, the Veterans Memorial currently needs minor repairs to the existing Memorial wall itself, and

THEREFORE BE IT RESOLVED, that the Amherst Town Board hereby authorizes the Planning Department to not to exceed \$5,000.00 for the current fiscal year from the Veterans Memorial Trust Account T-4017-4002 for the purpose of engraving additional veterans names and completing maintenance repairs on the Amherst Veterans Memorial.

5/22/2023

Consent

FINANCIAL IMPACT:

The proposed expenditures will have no fiscal impact to the Town as the funds have or will have been deposited into Trust Account T-4017-4002 prior to the engraving. Each name will cost no more than \$143.00 to engrave in 2023 and the cost for repairs is \$143 per hour as the contract with Leon Komm and Sons (CRS #2592 / RES 2021-0458). The expenditures should not exceed \$5,000 for the current fiscal year.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Planning
 Initiated by: **Dan Howard**
 Co-Sponsored by:

DOC ID: 27567

RESOLUTION 2023-495

ADOPTED

Town Acceptance of a Land Donation at 3355 Millersport Highway

WHEREAS, Morgan Property Management Corporation LLC, owner of land identified as 3355 Millersport Highway (SBL: 28.17-1-6), is interested in donating to the Town a 0.11± acre vacant parcel of land located on the east side of Millersport Highway, south of its intersection with North French Road; and

WHEREAS, the subject property is zoned General Business District (GB) and is encumbered by a portion of Town Ditch 25A; and

WHEREAS, the parcel is shown as 'Mixed Residential' on Figure 6 (Conceptual Land Use Plan) in the Comprehensive Plan; and

WHEREAS, the land donation request was distributed to Town Departments for review, with no department objecting to the Town accepting the land donation, and

NOW THEREFORE BE IT RESOLVED, that the Town accepts the land donation and directs the Town Attorney's Office to complete the land transfer.

5/22/2023

Consent

FINANCIAL IMPACT:

None

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



Town of Amherst Planning Department

Erie County, New York



13.P.2.a

Brian J. Kulpa
Supervisor

Daniel C. Howard, Jr.
Planning Director

Daniel J. Ulatowski, Jr.
Assistant Planning Director

Town Board Agenda of May 22, 2023

May 16, 2023

The Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Proposed Donation of Land to Town – 3355 Millersport Highway
SR-2022-06

Honorable Members:

The Town recently received correspondence from James Warren representing Morgan Property Management Group LLC who owns a vacant property located at 3355 Millersport Highway. Mr. Warren has stated on an application that Morgan Property Management Group LLC wishes to donate the parcel to the Town of Amherst.

The land is located on the east side of Millersport Highway, just south of its intersection with North French Road. The subject property is zoned General Business (GB) and the adjacent land uses are as follows; automotive use to the north zoned Motor Service (MS), multi-family residential to the west zoned Multi-Family Residential District 4A (MFR-4A), multi-family residential to the east and south zoned Multi Family Residential District 5 (MFR-5) and Residential District 3 (R-3).

Town Ditch 25A traverses the property north to south through the entirety of the subject parcel. The soil composition of the subject parcel is Getzville silt loam which is classified as a hydric soil and indicates “severe” for any building construction in the Soil Survey of Erie County. The attached sketch illustrates these features.

COMPREHENSIVE PLAN

The parcel is shown as ‘Mixed Residential’ on Figure 6 in the Comprehensive Plan (Conceptual Land Use Plan). The neighboring property at 3325 & 3275 Millersport Highway has received site plan approval from the Planning Board for the construction of a multi-family residential housing development.

Attachment: SR-2022-06_TB_Packet_052223 (RES-2023-495 : Town Acceptance of a Land Donation at 3355 Millersport Highway)

Honorable Town Board

Proposed Donation of Land to Town –
3355 Millersport Highway, SR-2022-06
Agenda of May 22, 2023

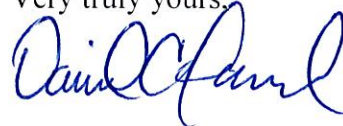
DEPARTMENTAL REVIEWS

A request was distributed to the Town of Amherst Highway Department, Building Department, Engineering Department, Traffic Safety Board, Fire Chief's Association, Assessor's Office and Town Attorney's Office for review and comment. The reviewing agencies did not raise any concerns or comments and there was no objection to the dedication of the subject parcel to the Town of Amherst.

RECOMMENDATION

The Planning Department recommends that the Town accept the donation of land at 3355 Millersport Highway. In addition to the benefits mentioned above, acceptance of this land would be consistent with Policies 3-13 and 3-15 of the Comprehensive Plan which promote open space preservation.

Very truly yours,



Daniel C. Howard, AICP
Planning Director

DH/TV/bf

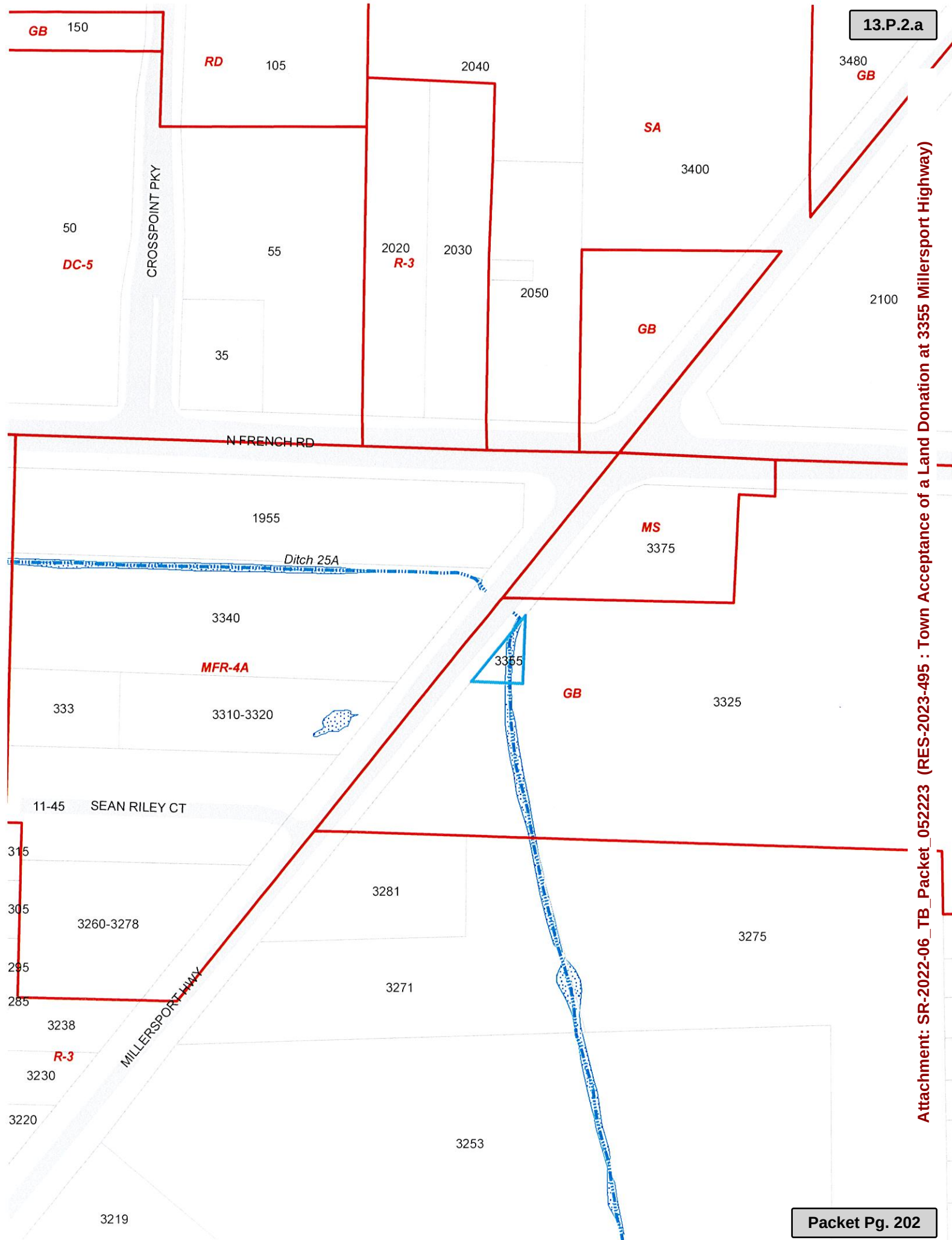
X:\Current_Planning\Files\Special Requests\2022\SR-2022-06_(3355_Millersport_Hwy_Land_Donate)_2022\SR-2022-06_Transmittal to TB_051523.docx

Attachments

cc: Martin Polowy, Esq., Town Attorney
Patrick Lucy, Superintendent of Highways
Emily Murphy, Town Assessor

Attachment: SR-2022-06_TB_Packet_052223 (RES-2023-495 : Town Acceptance of a Land Donation at 3355 Millersport Highway)

Attachment: SR-2022-06_TB_Packet_052223 (RES-2023-495 : Town Acceptance of a Land Donation at 3355 Millersport Highway)



55

2020

2030

2050

3400

N FRENCH RD

MILLERSPORT HWY

1955

3375

3340

3355



3310-3320

3325

11-45

Attachment: SR-2022-06 TB Packet_052223 (RES-2023-495 : Town Acceptance of a Land Donation at 3355 Millersport Highway)

Page 2



TOWN OF AMHERST PLANNING DEPARTMENT **Application for Miscellaneous Items**

File #:	Acreage	Fee \$
		<u>Fill In</u> <u>Applicable Fees</u>
Determination of Substantial Change	\$ 550.00	
Request for Abandonment of Streets or Other Town Owned Property	\$ 550.00	
Donation of Land to the Town	\$ -0-	
Other	\$	
Affidavit Fee for Public Hearing	\$ 15.00	
	TOTAL FEE:	\$
Materials Received by Planning Department	RECEIVED BY	DATE
Fee Paid to Town Clerk	RECEIVED BY	DATE

To Be Completed By Applicant

Petitioner:

Name:

Morgan Property Management Group LLC

Address:

5520 Strickler Rd

City

Clarence

State

NY

Zip Code

1431

Phone:

716-523-5520

Fax:

716-259-7 N/A

E-Mail:

morganhomeswny1@gmail.com

Representative (Architect, Engineer, Landscape Architect, Surveyor, or Attorney):

Name:

Jim Warren

Address:

5520 Strickler

City

Clarence

State

NY

Zip Code

1431

Phone:

716-523-5520

Fax:

N/A

E-Mail:

morganhomeswny1@gmail.com

APPLICATION FOR MISCELLANEOUS ITEMS (con't)

Page 2

Current Owner: Name: _____
 Address: _____
 City: Same as Above State: _____ Zip Code: _____
 Phone: _____ Fax: _____
 E-Mail: _____

Project Location (must be verified by Town Assessor's Office):

Address: 3355 Millersport Rd
Getzville NY 14268

SBL No(s): _____

Project Name: N/A

Project Description: I want to Deed this
property to the Town
of Amherst. and no one
else.

November 30, 2022

X:\Current_Planning\Application Forms 2019\Miscellaneous Application Form_2019.doc

REVISED February 2021

Town of Amherst Planning Department, 5583 Main Street, Williamsville, NY 14221
 (716) 631-7051; Fax: (716) 631-7153; Web: www.amherst.ny.us

AMHERST HIGHWAY DEPARTMENT

1042 North Forest Road Williamsville, New York 14221

Patrick Lucey

Superintendent of Highways
plucey@amherst.ny.us



PHONE (716) 631-7117

FAX (716) 631-7265

www.amherst.ny.us

January 24, 2023

To: Scott Marshall, Principal Planner

From: Patrick Lucey, Superintendent of Highways *PR*

Re: PROPOSED LAND DONATION-**3355 MILLERSPORT HIGHWAY;**
MORGAN PROPERTY MANAGEMENT GROUP LLC, PETITIONER
SR-2022-06

After review relative to Highway Department concerns, the plan is approved as submitted.

Martin Polowy, Sr. Deputy Town Attorney
Jeffrey Burroughs, Town Engineer
Mark Berke, Building Commissioner
Emily Murphy, Town Assessor
Chris Schregel, Traffic/Safety Coordinator (Eng)
Bryan Parnell, Fire Chief's Association (c/o Bldg)
Ann Demopoulos, Deputy Town Attorney, ROW Agent
Daniel Howard, Planning Director

PL/EB/TL/ke

Attachment: SR-2022-06_TB_Packet_052223 (RES-2023-495 : Town Acceptance of a Land Donation at 3355 Millersport Highway)

SR-2022-06



TOWN OF AMHERST

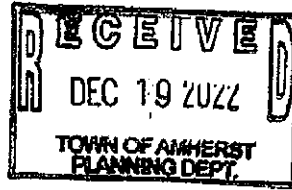
BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080

FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

DATE: December 19, 2022
 TO: Planning Department
 FROM: Doug Gesel Supervising Code Enforcement Officer
 RE: Land Donation @ 3355 Millersport Highway to the Town of Amherst

- ☒ Approved as Submitted
☐ Approved with the following conditions or changes:
☐ Denied for the following reasons:
☐ Not reviewable at this stage because the following information is not provided:
☐ Not applicable to this department at this time.

NOTE:

- ☐ Floodplain Development Permit required for any improvements
☐ Wetlands on property.
☐

Doug Gesel
 Douglas Gesel

Supervising Code Enforcement Officer
 Town of Amherst Building Department

Attachment: SR-2022-06_TB_Packet_052223 (RES-2023-495 : Town Acceptance of a Land Donation at 3355 Millersport Highway)



Amherst

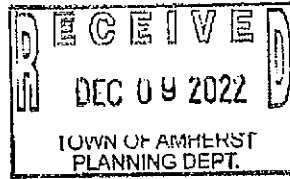
Town of Amherst Planning Department

Erie County, New York

Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director



MEMORANDUM

December 2, 2022

TO: Martin, Polowy, Sr. Deputy Town Attorney
Mark Berke, Building Commissioner
Patrick Lucey, Highway Superintendent of Highways
Jeffrey Burroughs, Town Engineer
Emily Murphy, Town Assessor
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg) *60 KH 12/7/22*

FROM: Scott Marshall, Principal Planner *[Signature]*

SUBJECT: Proposed Land Donation; **3355 Millersport Highway**; Morgan Property Management Group LLC, Petitioner. **SR-2022-06**

Attached please find one set of materials submitted for the subject proposed donation of land at 3355 Millersport Highway to the Town of Amherst. Please review these drawings relative to your areas of concern and submit your comments and/or recommendations to the Planning Department at your earliest convenience. Please send a copy of your review to those on the transmittal as well as the petitioner and the petitioner. Your prompt attention to this matter is appreciated.

Thank you for your assistance.

RECEIVED

DEC 02 2022

TOWN OF AMHERST
BUILDING DEPT

SM/ac

Att.

X:\Current_Planning\Files\Special Requests\2022\SR-2022-06_(3355_Millersport_Hwy_Land_Donate)_2022\SR-2022-06_Transmittal_129222.docx

cc: Ann Demopoulos, Deputy Town Attorney
Daniel Howard, Planning Director



TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E., TOWN ENGINEER

December 6, 2022

TO: Scott Marshall – Principal Planner
 Douglas Gesel – Senior Code Enforcement Officer
 Daniel Ulatowski., Zoning Enforcement Officer
 Patrick Lucey - Highway Superintendent
 Stanley Sliwa, Esq. – Town Attorney

FROM: Brian J. Armstrong, EIT – Assistant Municipal Engineer

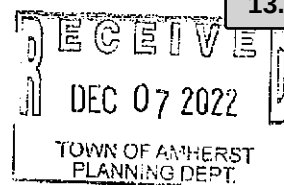
SUBJECT: Land Donation
 3355 Millersport Highway
 SR-2022-06

PETITIONER: Morgan Property Management Group, LLC

- At this time, we take no exception to the Town accepting this donation of land.

BJA/sld

Attachment: SR-2022-06_TB_Packet_052223 (RES-2023-495 : Town Acceptance of a Land Donation at 3355 Millersport Highway)



TOWN OF AMHERST

TRAFFIC SAFETY BOARD

MUNICIPAL BUILDING - 5583 MAIN STREET, WILLIAMSVILLE, NEW YORK 14221
 TRAFFIC SAFETY COORDINATOR - TELEPHONE 631-7154 - FAX 631-7222

MICHAEL SZUKALA
*Councilmember &
 Liaison Officer*

December 7, 2022

ERIC FRAAS
Chairman

TO: Scott Marshall, Principal Planner

GREGORY DIONNE
Vice Chairman

FROM: Christopher P. Schregel - Traffic Safety Coordinator

CHRISTOPHER P. SCHREGEL
Traffic Safety Coordinator

SUBJECT: Proposed Land Donation

ADDRESS: 3355 Millersport Highway

MEMBERS

PETITIONER Morgan Property Management Group LLC

DANIEL J. RIDER, P.E.
 MICHELLE NAGEL
 KENNETH A. SMITH
 J. MICHNIEWICZ, P.E., P.T.O.E.
 MARK STORCH
 MAXWELL KAHN
 KEVIN CANTWELL
 KRISTIN GOSS

☒

LAND DONATION IS

☒

APPROVED AS SUBMITTED

DEPT. LIAISONS

THOMAS VOIGHT
Planning

WILLIAM PRENEVAU
Building

CAPT. KEVIN BROWN
Police

AL SPOTH
Highway

CPS
 Cc: Dan Howard, Planning Director
 Ann Demopoulos, Deputy Town Attorney



Attachment: SR-2022-06_TB_Packet_052223 (RES-2023-495 : Town Acceptance of a Land Donation at 3355 Millersport Highway)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Police
 Initiated by: **Scott Chamberlin**
 Co-Sponsored by:

DOC ID: 27554

RESOLUTION 2023-496
ADOPTED

2023 Stop DWI Contract (CRS #4057) County of Erie

TOWN BOARD AGENDA ITEM: MAY 22, 2023

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: 2023 Stop DWI Contract (CRS #4057)
 County of Erie

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached agreement between the Town of Amherst and the County of Erie with regard to the above-entitled matter. Approval of this Contract is contingent upon successful completion of the Contract Routing Process.

Thank you.

MSL:hs

Attachment

C: Tim Koller, Deputy Town Clerk (**Agenda Item: May 22, 2023**)

5/22/2023

Consent

FINANCIAL IMPACT:

A3121 .02615: TBD

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

**Police & Court Contract
2023 STOP-DWI**

THIS AGREEMENT, made and entered into as of the 1st day of January, 2023, by and between the COUNTY OF ERIE, a municipal Corporation of the State of New York, with offices at 95 Franklin Street, Buffalo, New York, 14202, hereinafter referred to as the COUNTY, party of the first part, and the **TOWN OF AMHERST** a municipal corporation of the State of New York partly in Erie County, with offices at **5583 Main Street, Williamsville, New York 14221** hereinafter referred to as the MUNICIPALITY, party of the second part.

W I T N E S S E T H:

WHEREAS, the COUNTY, pursuant to the authority granted to it by Article 31 of the Vehicle and Traffic Law, has established a special traffic options program for driving while intoxicated (STOP-DWI) and has formulated a plan thereunder for the coordination of county, town, city and village efforts to reduce alcohol-related traffic injuries and fatalities, and

WHEREAS, the MUNICIPALITY, through its police agency, has made formal application to the Erie County STOP-DWI Coordinator for the funding of certain alcohol traffic safety law enforcement activities in Erie County during the period from January 1, 2023 to December 31, 2023, which application is attached hereto and made a part hereof as Appendix "A", and

WHEREAS, article 31 of the Vehicle and Traffic Law conveys to the County of Erie all fines associated with convictions on V&T Section 1192, Section 511(2)(a)(ii) and (iii) and Section 511(3)(i) provided that such cases are disposed within Erie County.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES:

FIRST: During the term of this Agreement, the MUNICIPALITY, as an independent contractor, agrees to engage in the alcohol traffic safety law enforcement activities set forth in the annexed Appendix "A".

SECOND:

The MUNICIPALITY, through its police agency, agrees to compile information and render monthly reports, in a form acceptable to the County, to the Erie County STOP-DWI Coordinator with respect to:

- (i) the MUNICIPALITY's law enforcement activities set forth in Appendix "A".
- (ii) all alcohol-related traffic crashes investigated by the MUNICIPALITY's police agency.
- (iii) the final court disposition of all cases involving alleged violation(s) of Section 1192, Section 511(2)(a)(ii) or (iii) or Section 511(3)(i) of the Vehicle and Traffic Law commenced by the MUNICIPALITY's police agency in any court in Erie County.

THIRD The County agrees to reimburse the MUNICIPALITY overtime wages, excluding benefits, for officers authorized to perform extra effort Impaired Driving Patrols and Sobriety Checkpoints, Impaired Driving Enforcement Training, Victim Impact Panel Presentations, and related equipment subject to the provisions and guidelines of attached Appendix A, in a sum not to exceed the amount annually approved.

FOURTH: In the event the Erie County STOP-DWI Program, as approved by the Commissioner of the New York State Department of Motor Vehicles, is terminated before the

COUNTY has paid to the MUNICIPALITY all of the sums otherwise payable under the terms of this Agreement, the provisions of Section 1197(9) of the Vehicle and Traffic Law with respect to program cessation shall govern for purposes of determining the availability of such sums for payment to the MUNICIPALITY.

FIFTH: The MUNICIPALITY shall not assign, transfer, convey, sublet or otherwise dispose of this Agreement or of any rights, title or interest herein, nor of the power to execute the same or any extension hereof to any other person or corporation without the previous consent in writing of the COUNTY.

SIXTH: The MUNICIPALITY agrees to comply with all applicable laws of the State of New York, the United States and the County of Erie, including laws against discrimination, and with all rules and regulations of pertinent authorities having jurisdiction.

SEVENTH: The MUNICIPALITY shall be fully accountable for its performance under this Agreement and agrees for itself and its officers to answer under oath all questions relevant to the performance thereof and to any transactions, act or omission in connection therewith if called before any Judicial, County, State or Federal agency empowered to investigate the Agreement or its performance.

EIGHTH: The MUNICIPALITY agrees to furnish verified accounts of its disbursements hereunder, with certified or verified invoices thereto attached at such times and in such form and detail as may be required by the Erie County Comptroller, who may at her option audit the pertinent books and records of the MUNICIPALITY, and a final account within thirty (30) days after the termination of this Agreement.

NINTH: The MUNICIPALITY agrees to defend, hold harmless and indemnify the COUNTY against any and all liability, claims, demands, suits and judgments arising out of the performance of the MUNICIPALITY's obligations under this Agreement. The MUNICIPALITY further agrees to maintain insurance coverage(s) during the term of this Agreement and to submit certificates of insurance in accordance with Vendor Classification C - "Professional Services"

appearing on Appendix “B” annexed hereto. For purposes of this Agreement, the County must be included as an additional named insured on the Municipality’s insurance policies. For purposes of this Agreement, the MUNICIPALITY need not provide proof of professional liability insurance coverage. At the request of the MUNICIPALITY and with the consent of the Erie County Attorney, the Erie County STOP-DWI Coordinator may waive the excess and/or umbrella liability insurance coverage(s), or reduce the amount(s) thereof, otherwise required under this paragraph. In lieu of proof of insurance coverage, the MUNICIPALITY may furnish evidence of a self-insurance plan acceptable to the Erie County Attorney.

TENTH: Consistent with the MUNICIPALITY’s status as an independent contractor, the COUNTY shall not be responsible for Worker’s Compensation benefits, Social Security coverage or unemployment insurance benefits with respect to the MUNICIPALITY.

ELEVENTH: This Agreement, or any renewal thereof, may be terminated by either party upon at least thirty (30) days prior notice. Such notice shall be provided in writing to the chief executive officer of the other party at the address appearing on the first page of this Agreement.

TWELVTH: Provided that the MUNICIPALITY shall have made formal application for the continued funding of its alcohol traffic safety law enforcement activities, this Agreement may be renewed for such additional twelve (12) month terms as may be mutually agreed upon by the parties through their respective legislative bodies.

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

On the _____ day of _____, in the year 2023, before me, the undersigned, personally appeared _____, Erie County Executive/ _____, Deputy County Executive, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her/his capacity, and that by her/his signature on the instrument, the entity or individual upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK:
COUNTY OF ERIE:

On this _____ day of _____, 2023 , before me personally came **Brian J. Kulpa** to me personally known, who, being by me duly sworn, did depose and say that he resides in **TOWN OF AMHERST**, County of Erie and State of New York; that he is the Supervisor of the **TOWN OF AMHERST**, the corporation described in, and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal and was so affixed by order of the governing body thereof and that signed name thereto by like order.

Notary Public

Attachment: 2023 Stop DWI Contract (RES-2023-496 : 2023 Stop DWI Contract (CRS# 4057))

This agreement is executed by the COUNTY pursuant to a resolution adopted by the Legislature of the County of Erie at its meeting held on December 6, 2022 and by the MUNICIPALITY pursuant to a resolution of its governing body adopted at a meeting of said governing body held on _____, a certified copy of the MUNICIPALITY'S resolution being annexed hereto as Appendix "C".

Town of Amherst

County of Erie

By: _____

By: _____

Brian J. Kulpa, Supervisor

Mark C. Poloncarz/Maria Whyte
Erie County Executive/Deputy

APPROVED AS TO CONTENT:

By: _____ Signed Electronically _____
James Jancewicz, Commissioner
Erie County Central Police Services

John F. Sullivan
STOP-DWI Coordinator

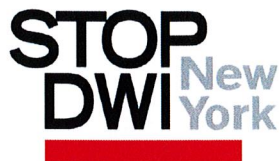
APPROVED AS TO FORM:

By: _____ Signed Electronically _____
Greg Kammer
Assistant County Attorney

Document No. _____

Date: _____

Attachment: 2023 Stop DWI Contract (RES-2023-496 : 2023 Stop DWI Contract (CRS# 4057))



2023 ERIE COUNTY STOP-DWI

APPENDIX A

Problem Identification

Approximately 2,000 drivers are arrested for DWI in Erie County each year. The typical alcohol impaired driver is a male between the ages of 30 and 37, driving on a weekend night, between the hours of 0100 and 0500, with an average BAC of .15%. Approximately 7% of impaired drivers are impaired by substances other than alcohol.

Alcohol is a factor in 30% of fatal traffic crashes in Erie County. In the year 2022, 15 persons were killed and dozens more injured in DWI related traffic crashes.

Police Participation in the Erie County STOP-DWI Program

To address this threat, regular enforcement of DWI laws will be a departmental priority. Within the practical boundaries of our department's resources, and in addition to normal patrol activities, the department will assign officers to dedicated DWI patrols at times and dates that coincide with New York's High Visibility Enforcement Campaign (HVEC) periods. The STOP-DWI office will supplement Impaired Driving Enforcement activities of the department.

In order to qualify for funding, I certify that

- ✓ STOP-DWI resources will be used for supplemental, DWI specific efforts or equipment
- ✓ State funds will be used during the High Visibility Enforcement periods during 2023
- ✓ Additional funds will be used support ongoing, supplemental Impaired Driving Enforcement Patrols and Sobriety Checkpoints.

Compliance with this plan qualifies this police department for participation in Erie County's STOP-DWI Program and 100% reimbursement of overtime expenses for dedicated DWI patrols.

Chief of Police

Police Agency

Date: _____

Attachment: 2023 Stop DWI Contract (RES-2023-496 : 2023 Stop DWI Contract (CRS# 4057))


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Senior Services
 Initiated by: **Melissa Abel**
 Co-Sponsored by:

DOC ID: 27548

RESOLUTION 2023-497
ADOPTED

Class Instructor Jane Cary CRS #4026

We respectfully request Town Board permission to authorize the Supervisor to sign the contract between the Town of Amherst (Department of Senior Services) and Jane Cary.

5/22/2023

Consent

FINANCIAL IMPACT:

A6772-4090

\$25.00 per hour

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

TOWN OF AMHERST

CLASS INSTRUCTOR/SUB-CONTRACTOR COMMITMENT FORM

Amherst Center for Senior Services
370 John James Audubon Pkwy.
Amherst NY 14228

Instructor Name: Jane Cary
(Payment/Check payable to same)

Address: 122 Culpepper Road
Williamsville, NY 14221

Class/Activity: Music Instructor

This is a -5- year contract.

Start Date: June 1, 2023 Date executed below by the Town Supervisor

End Date: May 31, 2028

Rate per hr.: \$25.00

Jane Cary, agrees to indemnify and hold the Town of Amherst harmless for any charges, damages, or liability resulting directly or indirectly from the negligence or culpable conduct of the instructor, its agents and/or employees and to release the Town of Amherst and its employees, agents, districts, commissions, and boards from liability arising from the performance of this agreements.

Jane G. Cary
Instructor/Leader Signature

01/05/2023
Date

Brian J. Kulpa, Supervisor, Town of Amherst

Date

Contract Name Class Instructor CRS# _____ Vendor Name Jane Cary


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Sewer/Plant 16
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 27577

RESOLUTION 2023-498
ADOPTED

2023 (Year 20) Stormwater Annual Report and Signature Of Municipal Compliance Certification (MCC) Form

The Engineering Department is requesting that the Town Board authorize the Town Supervisor to sign the attached Municipal Compliance Certification (MCC) Form that will accompany the Town of Amherst's 2023 (Year 20) Stormwater Management Program Annual Report to the NYSDEC.

The Engineering Department additionally requests that a public announcement be made indicating the Draft version of the Annual Report is available for public review and comment prior to the reports submission in June. Hard copies of the Draft version will be available at the Engineering Department. The Draft report will also be available electronically on the Town's Website.

There is no cost associated with the signing of the MCC or the submission of the Annual Report.

Thank you for considering this request.

5/22/2023

A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

N/A

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

MS4 Annual Report Cover Page**MCC form for period ending March 9, 2023**

Provide SPDES ID of each permitted MS4 included in this report.

SPDES ID

N Y R 2 0 A

SPDES ID

N Y R 2 0 A

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MS4 Municipal Compliance Certification(MCC) Form

MCC form for period ending March 9, 2023

Name of MS4	Town of Amherst
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SPDES ID

N	Y	R	2	0	A	1	2	2
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Each MS4 must submit an MCC form.

Section 1 - MCC Identification Page

Indicate whether this MCC form is being submitted to certify endorsement or acceptance of:

- An Annual Report for a single MS4
- A Single Entity (Per Part II.E of GP-0-10-002)
- A Joint Report

Joint reports may be submitted by permittees with legally binding agreements.

If Joint Report, enter coalition name:

[illegible]

MS4 Municipal Compliance Certification(MCC) FormMCC form for period ending March 9,

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Name of MS4

Town of Amherst

SPDES ID

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Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for ***each*** of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply: Duplicate this page as needed to include information for each contact.

- ☒ Principal Executive Officer/Chief Elected Official
- ☐ Duly Authorized Representative
- ☐ Local Stormwater Public Contact
- ☒ Stormwater Management Program (SWMP) Coordinator
- ☐ Report Preparer

First Name

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Last Name

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Title

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Phone

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County

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MS4 Municipal Compliance Certification(MCC) FormMCC form for period ending March 9,

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Name of MS4

Town of Amherst

SPDES ID

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Section 2 - Contact Information

Important Instructions - Please Read

Contact information must be provided for ***each*** of the following positions as indicated below:

1. Principal Executive Officer, Chief Elected Official or other qualified individual (per GP-0-08-002 Part VI.J).
2. Duly Authorized Representative (Information for this contact must only be submitted if a Duly Authorized Representative is signing this form)
3. The Local Stormwater Public Contact (required per GP-0-08-002 Part VII.A.2.c & Part VIII.A.2.c).
4. The Stormwater Management Program (SWMP) Coordinator (Individual responsible for coordination/implementation of SWMP).
5. Report Preparer (Consultants may provide company name in the space provided).

A separate sheet must be submitted for each position listed above unless more than one position is filled by the same individual. If one individual fills multiple roles, provide the contact information once and check all positions that apply to that individual.

If a new Duly Authorized Representative is signing this report, their contact information must be provided and a signature authorization form, signed by the Principal Executive Officer or Chief Elected Official must be attached.

For each contact, select all that apply: Duplicate this page as needed to include information for each contact.

- ☐ Principal Executive Officer/Chief Elected Official
- ☐ Duly Authorized Representative
- ☐ Local Stormwater Public Contact
- ☒ Stormwater Management Program (SWMP) Coordinator
- ☐ Report Preparer

First Name

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Last Name

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Title

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City

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State

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Zip

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eMail

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Phone

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County

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MS4 Municipal Compliance Certification (MCC) Form

MCC form for period ending March 9, 2 0 2 3

Name of MS4 Town of Amherst

SPDES ID

N Y R 2 0 A 1 2 2

Section 3 - Partner Information

Did your MS4 work with partners/coalition to complete some or all permit requirements during this reporting period?

☒ Yes ☐ No

If Yes, complete information below.

Submit a separate sheet for each partner. Information provided in other formats will not be accepted. If your MS4 cooperated with a coalition, submit one sheet with the name of the coalition. It is not necessary to include a separate sheet for each MS4 in the coalition.

If No, proceed to Section 4 - Certification Statement.

Partner/Coalition Name

W e s t e r n N Y S t o r m w a t e r C o a l i t i o n

Partner/Coalition Name (con't.)

c / o E r i e C o u n t y D E P

SPDES Partner ID - If applicable

N Y R 2 0

Address

9 5 F r a n k l i n S t r e e t

City

B u f f a l o

State

N Y

Zip

1 4 2 0 2 -

eMail

m a r y . m a c s w a n @ e r i e . g o v

Phone

(7 1 6) 8 5 8 - 7 5 8 3

Legally Binding Agreement in accordance
with GP-0-08-002 Part IV.G.?

☒ Yes ☐ No

What tasks/responsibilities are shared with this partner (e.g. MM1 School Programs or Multiple Tasks)?

● MM1 M u l t i p l e T a s k s

● MM2 M u l t i p l e T a s k s

● MM3 M u l t i p l e T a s k s - T r a i n i n g & E d

● MM4 T r a i n i n g & E d u c a t i o n

● MM5 T r a i n i n g & E d u c a t i o n

● MM6 T r a i n i n g & E d u c a t i o n

Additional tasks/responsibilities

- ☐ Watershed Improvement Strategy Best Management Practices required for MS4s in impaired watersheds included in GP-0-08-002 Part IX.

MCC form for period ending March 9, 2023

SPDES ID

N	Y	S	2	0	A	1	2	2
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"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

1100364151

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2023

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

SPDES ID

Name of MS4/Coalition

Town of Amherst

N Y R 2 0 A 1 2 2

Water Quality Trends

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s are contributed to this report?

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1. Has this MS4/Coalition produced any reports documenting water quality trends related to stormwater? If not, answer No and proceed to Minimum Control Measure One.

☐ Yes ☒ No

If Yes, choose one of the following

- ☐ Report(s) attached to the annual report
☐ Web Page(s) where report(s) is/are provided below

Please provide specific address of page where report(s) can be accessed - not home page.

URL

URL

URL

URL

Attachment: Year 20 Annual Report DRAFT (RES-2023-498 : 2023 Stormwater Annual Report)

4286299954

MS4 Annual Report Form**This report is being submitted for the reporting period ending March 9,**

2	0	2	3
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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Minimum Control Measure 1. Public Education and Outreach

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report?

--	--	--

1. Targeted Public Education and Outreach Best Management Practices

Check all topics that were included in Education and Outreach during this reporting period:

- | | |
|--|---|
| ☒ Construction Sites
☒ General Stormwater Management Information
☒ Household Hazardous Waste Disposal
☒ Illicit Discharge Detection and Elimination
☒ Infrastructure Maintenance
☐ Smart Growth
☐ Storm Drain Marking
☒ Green Infrastructure/Better Site Design/Low Impact Development
☒ Other: | ☒ Pesticide and Fertilizer Application
☒ Pet Waste Management
☐ Recycling
☐ Riparian Corridor Protection/Restoration
☒ Trash Management
☒ Vehicle Washing
☒ Water Conservation
☐ Wetland Protection
☐ None |
|--|---|

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Other

2. Specific audiences targeted during this reporting period:

- | | |
|---|--|
| ☒ Public Employees
☒ Residential
☐ Businesses
☐ Restaurants
☒ Other: | ☒ Contractors
☒ Developers
☒ General Public
☐ Industries
☐ Agricultural |
|---|--|

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Other

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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3. Web Page cont'.: Provide specific web addresses - not home page.

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URL

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URL

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URL

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

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4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Identification of Pollutants of Concern; Waterbodies of Concern; Geographic Areas of Concern; Target Audiences

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Pollutants of Concern: sediment/silt; pathogens; floatables; phosphorous
Waterbodies of Concern: Ellicott Creek and Ransom Creek
Geographic Areas of Concern: watershed of Ellicott Creek and Ransom Creek
Target Audiences: households; developers; contractors; small businesses

C. How many times was this observation measured or evaluated in this reporting period?

			4
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

As needed, update POCs, waterbodies of concern, geographic areas of concern and target audiences. Continue to address via public education and outreach.



MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

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4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Develop additional/update existing public education materials addressing stormwater pollution prevention for general public, target businesses/activities and schools. Prepare posters that can be placed within municipal buildings, libraries, and schools. Maintain a webpage to educate the public on stormwater pollution prevention, the MS4 SWMPP and involvement opportunities. Display/distribute public education materials and posters in municipal buildings and libraries.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Maintained records of number of educational materials distributed.
Rain barrel display at Niagara County DMV site - Niagara Falls.

C. How many times was this observation measured or evaluated in this reporting period?

2	7	3	5
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?
☒ Yes ☐ No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
☒ Yes ☐ No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Develop additional public education brochures - as needed.
Continue to display public education materials in municipal buildings and libraries.
Update webpage as needed with new educational materials.
Continue to reinforce the messages conveyed with printed materials & displays with use of additional media when funding is available.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

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4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Provide Grades K-12 teachers/youth-based community program educators with stormwater pollution prevention education materials.
Participate in educational programming.
Conduct annual Rain Barrel Painting Contest for schools/community groups in Erie/Niagara Counties.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Outreach to 472 Grade K-12 teachers/youth-based community program educators with stormwater pollution prevention education links.
Rain Barrel Painting Contest for schools/community groups in Erie/Niagara Counties currently underway.

C. How many times was this observation measured or evaluated in this reporting period?

	4	7	2
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

Teacher education packages are a bi-ennial BMP.

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Education resources are distributed annually to Grade K-12 teachers/youth-based community program educators.
Participate in all scheduled school science fairs/events upon request.
Continue annual Rain Barrel Painting Contest for K-12 schools/groups in Erie and Niagara County.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Utilize public education display for outreach & education for at least two local community events or set up public education display in a prominent location in a municipal building. Mount a permanent wall plaque in a municipal building frequented by the public.
Utilize public education display for outreach & education at regional community events.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Set up/maintain public education display and mounted wall plaque in prominent locations in a municipal building frequented by the public.

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?
☒ Yes ☐ No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
☒ Yes ☐ No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Plan to use public education display at two local community events/locations by March 9, 2024 and/or continue use of public education display and permanently mounted wall plaque in prominent locations in a municipal building frequented by the public.
Plan to use public education display at up to 25 regional community events by March 9, 2024.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

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4. Evaluating Progress Toward Measurable Goals MCM 1

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Post PSAs on WNY Stormwater Coalition webpage.

Use PSAs at public meetings, in school programs and at community events as appropriate.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

PSAs on webpage (www.erie.gov/stormwater).

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to promote PSAs addressing stormwater pollution and water quality protection in WNY. Use videos and/or PSAs at public education venues. Continue to pursue funding opportunities to use local media outlets to educate the public.

This report is being submitted for the reporting period ending March 9, 2 0 2 3

Name of MS4/Coalition	SPDES ID
Town of Amherst	N Y R 2 0 A 1 2 2

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?		
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1. What opportunities were provided for public participation in implementation, development, evaluation and improvement of the Stormwater Management Program (SWMP) Plan during this reporting period? Check all that apply:

- | | | | | | | |
|---|---|--|---|---|---|--|
| ☒ Cleanup Events | # Events | | | 5 | 4 | 3 |
| ☒ Comments on SWMP Received | # Comments | | | | | 0 |
| ☐ Community Hotlines | Phone # | (<input type="text"/> <input type="text"/> <input type="text"/>) | <input type="text"/> <input type="text"/> | - | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> | |
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| ☒ Community Meetings (All WNYSC meetings open to public) | # Attendees | | | 1 | 0 | 2 |
| ☐ Plantings | Sq. Ft. | | 5 | 4 | 0 | 6 |
| ☐ Storm Drain Markings | # Drains | | | | | |
| ☐ Stakeholder Meetings | # Attendees | | | | | |
| ☐ Volunteer Monitoring | # Events | | | | | |
| ☒ Other: | H o u s e h o l d H a z a r d o u s W a s t e D i s p o s s i b i l i t y | | | | | |

2. Was public notice of availability of this annual report and Stormwater Management Program (SWMP) Plan provided? ☒ Yes

- | | | | | | |
|---|------------|--|--|--|--|
| ☐ List-Serve | # In List | | | | |
| ☐ Newspaper Advertising | # Days Run | | | | |
| ☐ TV/Radio Notices | # Days Run | | | | |
| ☐ Other: | | | | | |

● Web Page URL: Enter URL(s) on the following two pages.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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2. URL(s) con't.:

Please provide specific address(es) where notice(s) can be accessed - not home page.

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

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Please provide specific address(es) where notices can be accessed - not home page.

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MS4 Annual Report Form**This report is being submitted for the reporting period ending March 9,**

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Name of MS4/Coalition

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SPDES ID

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3. Where can the public access copies of this annual report, Stormwater Management Program SWMP) Plan and submit comments on those documents?

Enter address/contact info and select radio button to indicate which document is available and whether comments may be submitted at that location. Submit additional pages as needed.

☒ MS4/Coalition Office☒ Annual Report ☒ SWMP Plan ☒ Comments

Department

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City

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☐ Library☐ Annual Report ☐ SWMP Plan ☐ Comments

Address

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City

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☒ Other☐ Annual Report ☒ SWMP Plan ☒ Comments

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☒ Web Page URL:☒ Annual Report ☒ SWMP Plan ☐ Comments

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Please provide specific address of page where report can be accessed - not home page.

☒ eMail☐ Comments

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst									
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 SPDES ID

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4.a. If this report was made available on the internet, what date was it posted?

Leave blank if this report was not posted on the internet.

0	5	/	1	7	/	2	0	2	3
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4.b. For how many days was/will this report be posted?

1	0	
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If submitting a report for single MS4, answer 5.a.. If submitting a joint report, answer 5.b..

5.a. Was an Annual Report public meeting held in this reporting period?

☒ Yes ☐ No

If Yes, what was the date of the meeting?

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If No, is one planned?

☐ Yes ☐ No

5.b. Was an Annual Report public meeting held for all MS4s contributing to this report during this reporting period? WNY Stormwater Coalition - April 2023

☒ Yes ☐ No

If No, is one planned for each?

☐ Yes ☐ No

6. Were comments received during this reporting period?

☐ Yes ☒ No

If Yes, attach comments, responses and changes made to SWMP in response to comments to this report.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

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7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Identify key individuals and groups who are interested in/or affected by the permitting program. Groups identified include: Erie County Environmental Management Council; Niagara County Environmental Management Council; municipal Conservation Advisory Committees; Buffalo Niagara Waterkeeper; Erie and Niagara County's Soil & Water Conservation Districts; Erie County Water Quality Committee.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Periodic reports to Erie/Niagara County Environmental Management Councils; MS4 Conservation Advisory Committees; Erie County Water Quality Committee. Participation of Erie and Niagara County Soil & Water Conservation Districts (9); Buffalo Niagara Waterkeeper (2); SWMP and Annual Report review, trainings and activities.

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?
☒ Yes ☐ No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
☒ Yes ☐ No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue periodic reports to Erie/Niagara County Environmental Management Councils; MS4 Conservation Advisory Committees; Erie County Water Quality Committee. Continue to encourage participation of Buffalo Niagara Waterkeeper; Erie County Soil & Water Conservation District; Niagara County Soil & Water Conservation District, and MS4 Conservation Advisory Committee members in WNYSC monthly meetings, trainings & activities.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

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7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Provide public with an ongoing opportunity to inspect Stormwater Management Program Plan (SWMPP) and review/comment. Present the draft Annual Report at a meeting that is open to the public and/or on the internet to solicit public review and comment.
Provide public notice about the presentation in accordance with State Open Meetings Law or other local public notice requirements.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of known SWMP reviews/comments.
Number of attendees at public meeting (WNYSC:TBD; MS4: TBD).
Number of known Annual Report reviews/comments (0)
Number of known webpage reviews (0).

C. How many times was this observation measured or evaluated in this reporting period?

		1	0
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?
☒ Yes ☐ No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
☒ Yes ☐ No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to provide public with an ongoing opportunity to inspect SWMPP and review/comment. Continue to present the draft Annual Report at a meeting that is open to the public and/or on the internet to solicit public review and comment.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

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7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Inform and encourage residents about opportunities to participate in stormwater pollution prevention programming including: community clean up initiatives such as Household Hazardous Waste collections, Great American Clean Ups; Buffalo Niagara Waterkeeper Spring/Fall Shoreline Clean Up and Keep America Beautiful Fall Beach Sweep; and, annual Erie-Niagara County Rain Barrel and Compost Bin Sales.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of Household Hazardous Waste collections (3 events plus continuous "by-voucher" collections in Erie & Niagara Counties); number of participants (3,501)
 Number of clean up events (543; number of participants (2,425)
 Number of Rain Barrels/Composters sold (282); number of participants (204)

C. How many times was this observation measured or evaluated in this reporting period?

Number of participants:

6	1	3	0
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Erie County: Publish a notice in local paper & Erie County Household Hazardous Waste webpage to notify residents of the Collection events. Niagara County: Educate residents on options for disposal of household hazardous waste, location, schedule and guidelines for facilities accepting the waste (year-round;ongoing). Annual rain barrel/composter sale.
 Continue to track community clean up events and other stormwater related community involvement.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

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7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Incorporate feedback mechanism into WNYSC and/or MS4 webpage

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of responses received.

C. How many times was this observation measured or evaluated in this reporting period?

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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to provide feedback option on webpage in the form of a name/contact number and public comment forms.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	2	3
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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7. Evaluating Progress Toward Measurable Goals MCM 2

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Identify Contact Person for Stormwater Program.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Stormwater Management Officer appointed/designated and listed in SWMPP.
Stormwater Management Officer listed in MS4 Reference Guide on WNY Stormwater Coalition webpage.

C. How many times was this observation measured or evaluated in this reporting period?

	N/A	
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Identify Stormwater Management Officer in SWMPP, update as needed.
Identify Stormwater Management Officer in MS4 Reference Guide on WNY Stormwater Coalition webpage, update as needed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2023

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Name of MS4/Coalition	Town of Amherst
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SPDES ID

N	Y	R	2	0	A	1	2	2
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Minimum Control Measure 3. Illicit Discharge Detection and Elimination

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report?

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1. Enter the number and approx. percent of outfalls mapped:

4	6	2			#
---	---	---	--	--	---

1	0	0	%
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2. How many of these outfalls have been screened for dry weather discharges during this reporting period (outfall reconnaissance inventory)?

	6	0
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3.a. What types of generating sites/sewersheds were targeted for inspection during this reporting period?

- | | |
|---|---|
| ☐ Auto Recyclers | ☒ Landscaping (Irrigation) |
| ☐ Building Maintenance | ☐ Marinas |
| ☐ Churches | ☐ Metal Plateing Operations |
| ☐ Commercial Carwashes | ☐ Outdoor Fluid Storage |
| ☐ Commercial Laundry/Dry Cleaners | ☐ Parking Lot Maintenance |
| ☐ Construction Vehicle Washouts | ☐ Printing |
| ☐ Cross-Connections | ☐ Residential Carwashing |
| ☐ Distribution Centers | ☒ Restaurants |
| ☐ Food Processing Facilities | ☐ Schools and Universities |
| ☐ Garbage Truck Washouts | ☐ Septic Maintenance |
| ☐ Hospitals | ☒ Swimming Pools |
| ☐ Improper RV Waste Disposal | ☐ Vehicle Fueling |
| ☐ Industrial Process Water | ☐ Vehicle Maint./Repair Shops |
| ☐ Other: | ☐ None |

[illegible]

- Sewersheds:

[illegible]

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

N	Y	R	2	0	A	1	2	2
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[illegible]

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☒ Yes ☐ No

	9	0	%
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☒ Yes ☐ No

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7	1	7	9	8	4	b	d	0	3	e	7	4	f	2	3	b	0	2	9	6	4	6	1	e	3	e	a	9	9	5	7

[illegible]

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Update outfall data and map as needed.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Outfall inspections according to schedule.
New outfalls added as located or at time of completion.
Timely updates to outfall data.
GIS outfall map is current.

C. How many times was this observation measured or evaluated in this reporting period?

0			
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?
☒ Yes ☐ No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
☐ Yes ☐ No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue outfall inspections according to schedule.
Continue to update existing information/add new outfalls as needed.
Continue to maintain and update GIS outfall map.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

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12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Outfall Reconnaissance Inventory (ORI) - routine dry weather visual inspections of outfalls.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of outfall inspections completed.

C. How many times was this observation measured or evaluated in this reporting period?

6	0		
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?
☒ Yes ☐ No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
☒ Yes ☐ No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Plan to inspect at least 20% of outfalls.

MS4 Annual Report Form

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Name of MS4/Coalition

Town of Amherst

SPDES ID

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12. Evaluating Progress Toward Measurable Goals MCM 3

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Pollutant source tracking procedures to detect and address non-stormwater discharges, including illegal dumping, as needed in response to public complaints or by scheduled inspection of outfalls.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of outfalls sampled/trackdown investigations conducted.

C. How many times was this observation measured or evaluated in this reporting period?

0			
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?
☒ Yes ☐ No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
☒ Yes ☐ No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Plan to sample outfalls discharging during dry weather to determine presence of pollutants.
Plan to conduct trackdown sampling/investigation as needed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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ne of MS4/Coalition

Town of Amherst

SPDES ID

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Minimum Control Measures 4 and 5.
Construction Site and Post-Construction Control

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report?

--	--	--

1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities? ☒ Yes ☐ No

1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook? ☐ Yes ☐ No ☐ NT

If Yes, Towns, Cities and Villages provide date of equivalent NYS Sample Local Law.

☐ 09/2004 ☒ 03/2006 ☐ NT

2. Does your MS4/Coalition have a SWPPP review procedure in place? ☒ Yes ☐ No

3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period?

5	1	
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4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs? ☒ Yes ☐ No ☐ NT

If Yes, how many public comments were received during this reporting period?

		0
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5. Does your MS4/Coalition provide education and training for contractors about the local SWPPP process? ☒ Yes ☐ No
 Via NYS 4 Hour Erosion & Sediment Control Training

3951056357

6. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:

- | | | | | | | | | |
|--|---|---|--|---|--|--|---|------------------------------------|
| ☒ Notices of Violation | # | <table border="1"><tr><td></td><td></td><td></td><td></td><td>8</td></tr></table> | | | | | 8 | ☐ No Authority |
| | | | | 8 | | | | |
| ☐ Stop Work Orders | # | <table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | ☐ No Authority |
| | | | | | | | | |
| ☐ Criminal Actions | # | <table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | ☐ No Authority |
| | | | | | | | | |
| ☐ Termination of Contracts | # | <table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | ☐ No Authority |
| | | | | | | | | |
| ☐ Administrative Fines | # | <table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | ☐ No Authority |
| | | | | | | | | |
| ☐ Civil Penalties | # | <table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | ☐ No Authority |
| | | | | | | | | |
| ☐ Administrative Orders | # | <table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | ☐ No Authority |
| | | | | | | | | |
| ☐ Enforcement Actions or Sanctions | # | <table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | |
| | | | | | | | | |
| ☐ Other | # | <table border="1"><tr><td></td><td></td><td></td><td></td><td></td></tr></table> | | | | | | ☐ No Authority |
| | | | | | | | | |



MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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Minimum Control Measure 4. Construction Site Stormwater Runoff Control

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report?

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1. How many construction projects have been authorized for disturbances of one acre or more during this reporting period?

		8
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2. How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period?

	3	1
--	---	---

3. What percent of active construction sites were inspected during this reporting period? ☐ NT

1	0	0
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 %

4. What percent of active construction sites were inspected more than once? ☐ NT

1	0	0
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 %

5. Do all inspectors working on behalf of the MS4s contributing to this report use the NYS Construction Stormwater Inspection Manual? ☒ Yes ☐ No ☐ NT

6. Does your MS4/Coalition provide public access to Stormwater Pollution Prevention Plans (SWPPPs) of construction projects that are subject to MS4 review and approval? ☒ Yes ☐ No ☐ NT

If your MS4 is Non-Traditional, are SWPPPs of construction projects made available for public review? ☐ Yes ☒ No

If Yes, use the following page to identify location(s) where SWPPPs can be accessed.

7482169883

MS4 Annual Report Form**This report is being submitted for the reporting period ending March 9,**

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

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6. con't.:

Submit additional pages as needed.

☐ MS4/Coalition Office

Department

E	n	g	i	n	e	e	r	i	n	g	D	e	p	a	r	t	m	e	n	t										
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City

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Zip

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Phone

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☐ Library

Address

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City

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Zip

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Phone

(				)				-				
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☐ Other

Address

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City

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Zip

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Phone

(				)				-				
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☐ Web Page URL(s): Please provide specific address where SWPPPs can be accessed - not home page.

URL

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MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Conduct SWPPP review for all permitted construction sites to ensure consistency with State and local erosion and sediment control requirements and NYS Design Standards.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of SWPPPs approved.

C. How many times was this observation measured or evaluated in this reporting period?

			8
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to conduct SWPPP review for all permitted construction sites to ensure consistency with State and local erosion and sediment control requirements and NYS Design Standards.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	2	3
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Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Conduct inspections of permitted construction sites that discharge stormwater to the MS4 as often as needed to ensure compliance with GP-0-20-001 (or previous permits for projects approved prior to January 29, 2020).
Issue enforcement actions to owners/operators of construction sites that are not in compliance with GP-0-20-001 (or previous permits for projects approved prior to January 29, 2020).

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of active construction sites and inspections performed for each.
Number and type of enforcement actions.

C. How many times was this observation measured or evaluated in this reporting period?

		6	0
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(ex.: samples/participants/events)

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to conduct inspections of permitted construction sites that discharge stormwater to the MS4 as often as needed to ensure compliance with GP-0-20-001 (or previous permits for projects approved prior to January 29, 2020). Continue to issue enforcement actions to owners/operators of construction sites that are not in compliance with GP-0-20-001 (or previous permits for projects approved prior to January 29, 2020).

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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Name of MS4/Coalition

Town of Amherst

SPDES ID

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7. Evaluating Progress Toward Measurable Goals MCM 4

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Provide the public with an opportunity to review and comment on proposed design plans and construction projects.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of projects presented for public review and comment.

C. How many times was this observation measured or evaluated in this reporting period?

		3	1
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(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to provide the public with an opportunity to review and comment on proposed design plans and construction projects.

This report is being submitted for the reporting period ending March 9, 2 0 2 3

Name of MS4/Coalition	Town of Amherst
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SPDES ID

N	Y	R	2	0	A	1	2	2
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The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?		
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1. How many and what type of post-construction stormwater management practices has your MS4/Coalition inventoried, inspected and maintained in this reporting period?

	# Inventoried	# Inspections	# Times Maintained
● Alternative Practices	2 0	2 0	0
○ Filter Systems			
● Infiltration Basins	6	6	
○ Open Channels			
● Ponds	5 6	5 6	0
○ Wetlands			
○ Other			

2. Do you use an electronic tool (e.g. GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance? ☒ Yes ☐ No

3. What types of non-structural practices have been used to implement Low Impact Development/Better Site Design/Green Infrastructure principles?

- ☒ Building Codes ☒ Municipal Comprehensive Plans
☐ Overlay Districts ☐ Open Space Preservation Program
☐ Zoning ☒ Local Law or Ordinance
☐ None ☐ Land Use Regulation/Zoning
☐ Watershed Plans ☐ Other Comprehensive Plan
☐ Other:

[illegible]

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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4a. Are the MS4s contributing to this report involved in a regional/watershed wide planning effort?

☒ Yes ☐ No

4b. Does the MS4 have a banking and credit system for stormwater management practices?

☐ Yes ☒ No

4c. Do the SWMP Plans for each MS4 contributing to this report include a protocol for evaluation and approval of banking and credit of alternative siting of a stormwater management practice?

☐ Yes ☒ No

4d. How many stormwater management practices have been implemented as part of this system in this reporting period?

0		
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5. What percent of municipal officials/MS4 staff responsible for program implementation attended training on Low Impace Development (LID), Better Site Design (BSD) and other Green Infrastructure principles in this reporting period?

0		
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 %

MS4 Annual Report Form

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Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Develop an inventory and inspection program for post-construction stormwater management practices.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Inventory of post-construction stormwater management practices.
Number of post-construction stormwater management practices inspected.

C. How many times was this observation measured or evaluated in this reporting period?

1	1	3
---	---	---

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?
☒ Yes ☐ No
E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?
☒ Yes ☐ No
F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Maintain inventory of all post-construction stormwater management practices.
Plan to inspect 20% of post-construction stormwater management practices per year.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	2	3
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID6

N	Y	R	2	0	A	1	2	2
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6. Evaluating Progress Toward Measurable Goals MCM 5

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Conduct maintenance on post-construction stormwater management practices as needed.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number and type of post-construction stormwater management practices maintained.

C. How many times was this observation measured or evaluated in this reporting period?

		8	2
--	--	---	---

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to conduct maintenance on post-construction stormwater management practices as needed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	2	3
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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Minimum Control Measure 6. Stormwater Management for Municipal Operations

The information in this section is being reported (check one):

- ☒ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report?

--	--	--

1. Choose/list each municipal operation/facility that contributes or may potentially contribute Pollutants of Concern to the MS4 system. For each operation/facility indicate whether the operation/facility has been addressed in the MS4's/Coalition's Stormwater Management Program(SWMP) Plan and whether a self-assessment has been performed during the reporting period. A self-assessment is performed to: 1) determine the sources of pollutants potentially generated by the permittee's operations and facilities; 2) evaluate the effectiveness of existing programs and 3) identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it's not done already.

<u>Operation/Activity/Facility</u>			<u>Self-Assessment</u>	
			<u>Operation/Activity/Facility</u>	<u>performed within the past 3</u>
	<u>Addressed in SWMP?</u>		<u>years?</u>	
Street Maintenance.....	☒ Yes	☐ No	☒ Yes	☐ No
Bridge Maintenance.....	☒ Yes	☐ No	☒ Yes	☐ No
Winter Road Maintenance.....	☒ Yes	☐ No	☒ Yes	☐ No
Salt Storage.....	☒ Yes	☐ No	☒ Yes	☐ No
Solid Waste Management.....	☒ Yes	☐ No	☒ Yes	☐ No
New Municipal Construction and Land Disturbance..	☒ Yes	☐ No	☒ Yes	☐ No
Right of Way Maintenance.....	☒ Yes	☐ No	☒ Yes	☐ No
Marine Operations.....	☒ Yes	☐ No	☐ Yes	☒ No
Hydrologic Habitat Modification.....	☒ Yes	☐ No	☐ Yes	☒ No
Parks and Open Space.....	☒ Yes	☐ No	☒ Yes	☐ No
Municipal Building.....	☒ Yes	☐ No	☒ Yes	☐ No
Stormwater System Maintenance.....	☒ Yes	☐ No	☒ Yes	☐ No
Vehicle and Fleet Maintenance.....	☒ Yes	☐ No	☒ Yes	☐ No
Other.....	☒ Yes	☐ No	☒ Yes	☐ No

MS4 Annual Report Form**This report is being submitted for the reporting period ending March 9,**

2	0	2	3
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

T	o	w	n	o	f	A	m	h	e	r	s	t
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SPDES ID

N	Y	R	2	0	A	1	2	2
---	---	---	---	---	---	---	---	---

2. Provide the following information about municipal operations good housekeeping programs:

- Parking Lots Swept (Number of acres X Number of times swept) # Acres

			1	3
--	--	--	---	---
- Streets Swept (Number of miles X Number of times swept) # Miles

	1	2	0	0
--	---	---	---	---
- Catch Basins Inspected and Cleaned Where Necessary #

	1	0	6	6
--	---	---	---	---
- Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary #

3				
---	--	--	--	--
- Phosphorus Applied In Chemical Fertilizer # Lbs.

0				
---	--	--	--	--
- Nitrogen Applied In Chemical Fertilizer # Lbs.

2	2	5	0	
---	---	---	---	--
- Pesticide/Herbicide Applied (Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.) # Acres

	2	4	0	.	0
--	---	---	---	---	---

3. How many stormwater management trainings have been provided to municipal employees during this reporting period?

			1	7
--	--	--	---	---

4. What was the date of the last training?

03/03/2023

5. How many municipal employees have been trained in this reporting period?

		5
--	--	---

6. What percent of municipal employees in relevant positions and departments receive stormwater management training?

1	0	0
---	---	---

 %

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	2	3
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Inspect catch basins and clean as needed.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of catch basins inspected.

Number of catch basins cleaned.

C. How many times was this observation measured or evaluated in this reporting period?

1	0	6	6
---	---	---	---

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to inspect catch basins and clean as needed.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	2	3
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Conduct street sweeping.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of miles of street swept.

C. How many times was this observation measured or evaluated in this reporting period?

1	2	0	0
---	---	---	---

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this measurable goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Continue to sweep streets.

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

2	0	2	3
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

Town of Amherst

SPDES ID

N	Y	R	2	0	A	1	2	2
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7. Evaluating Progress Toward Measurable Goals MCM 6

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.

Create an inventory of operations/activities/facilities that are subject to environmental assessment requirement.

Conduct environmental assessment of each operation/activity/facility every three years.

B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.

Number of environmental assessments performed.

C. How many times was this observation measured or evaluated in this reporting period?

7			
---	--	--	--

(ex.: samples/participants/events)

D. Has your MS4 made progress toward this Measurable Goal during this reporting period?

☒ Yes ☐ No

E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?

☒ Yes ☐ No

F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).

Conduct environmental assessment of each operation/activity/facility every three years.

MS4 Annual Report FormThis report is being submitted for the reporting period ending March 9,

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

SPDES ID

Name of MS4/Coalition

N	Y	R	2	0	A			
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Additional Watershed Improvement Strategy Best Management Practices

N/A

The information in this section is being reported (check one):

- ☐ On behalf of an individual MS4
☐ On behalf of a coalition

How many MS4s contributed to this report? **MS4s must answer the questions or check NA as indicated in the table below.**

MS4 Description	Answer	Check NA	(POC)
NYC EOH Watershed	-	-	-
Traditional Land Use	1,2,3,4,5,6,7a-d,8a,8b,9	10,11,12	Phosphorus
Traditional Non-Land Use	1,2,3,4,7a-d,8a,8b,9	5,10,11,12	Phosphorus
Non-Traditional	1,2,77a-d,8a,8b,9	3,4,5,10,11,12	Phosphorus
Onondaga Lake Watershed	-	-	-
Traditional Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Non-Traditional	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Greenwood Lake Watershed	-	-	-
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Oyster Bay	-	-	-
Traditional Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Non-Traditional	1,4,7a-d,9	2,3,4,5,8a,8b,10,11,12	Pathogens
Peconic Estuary	-	-	-
Traditional Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Traditional Non-Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Non-Traditional	1,4,7a-d,8a,9	2,3,4,5,8b,10,11,12	Pathogens and Nitrogen
Oscawana Lake Watershed	-	-	-
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
LI 27 Embayments	-	-	-
Traditional Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Non-Traditional	1,2,3,4,7a-d,9	5,6,8a,8b,10,11,12	Pathogens

1. Does your MS4/Coalition have an education program addressing impacts of phosphorus/nitrogen/pathogens on waterbodies?☐ Yes ☐ No ☐ N/A**2. Has 100% of the MS4/Coalition conveyance system been mapped in GIS?**☐ Yes ☐ No ☐ N/A

If N/A, go to question 3.

If No, estimate what percentage of the conveyance system has been mapped so far.

 %

Estimate what percentage was mapped in this reporting period.

 %

MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9,

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

N	Y	R	2	0	A				
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3. Does your MS4/Coalition have a Stormwater Conveyance System (infrastructure) Inspection and Maintenance Plan Program? ☐ Yes ☐ No ☐ N/A

4. Estimate the percentage of on-site wastewater treatment systems that have been inspected and maintained or rehabilitated as necessary in this reporting period?

--	--	--	--

 %

5. Has your MS4/Coalition developed a program that provides protection equivalent to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) to reduce pollutants in stormwater runoff from construction activities that disturb five thousand square feet or more? ☐ Yes ☐ No ☐ N/A

6. Has your MS4/Coalition developed a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre that provides equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), including the New York State Stormwater Design Manual Enhanced Phosphorus Removal Standards? ☐ Yes ☐ No ☐ N/A

7a. Does your MS4/Coalition have a retrofitting program to reduce erosion or phosphorus/nitrogen/pathogen loading? ☐ Yes ☐ No ☐ N/A

7b. How many projects have been sited in this reporting period?

--	--	--	--

7c. What percent of the projects included in 7b have been completed in this reporting period?

--	--	--	--

 %

7d. What percent of projects planned in previous years have been completed?

--	--	--	--

 %

☐ No Projects Planned

8a. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper fertilizer application on municipally owned lands? ☐ Yes ☐ No ☐ N/A

8b. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper disposal of grass clippings and leaves from municipally owned lands? ☐ Yes ☐ No ☐ N/A

MS4 Annual Report Form**This report is being submitted for the reporting period ending March 9,**

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

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SPDES ID

N	Y	R	2	0	A				
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9. Has your MS4/Coalition developed and implemented a program of native planting?
☐ Yes ☐ No ☐ N/A
10. Has your MS4/Coalition enacted a local law prohibiting pet waste on municipal properties and prohibiting goose feeding?
☐ Yes ☐ No ☐ N/A
11. Does your MS4/Coalition have a pet waste bag program?
☐ Yes ☐ No ☐ N/A
12. Does your MS4/Coalition have a program to manage goose populations?
☐ Yes ☐ No ☐ N/A


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Sewer/Plant 16
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 27571

RESOLUTION 2023-499
ADOPTED

Award of Bid - Pavement Reconstruction on Niagara Falls Boulevard

On May 11, 2023 four (4) bids were received for the above referenced project. The bid tabulation sheet is attached. At this time, we recommend award of the contract to American Paving and Excavating, Inc., 5880 Thompson Road, Clarence Center, NY 14032 per their low base bid for a total contract amount of \$ **87,500.00**.

The funds for this project are available from Account No. G-0380.

May we have your approval to award American Paving and Excavating the above referenced contract?

Thank you for considering this request.

5/22/2023

Consent

FINANCIAL IMPACT:

\$87,500.00; G-0380

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

Pavement Reconstruction on Niagara Falls Boulevard

Bid Opening: May 12, 2023

Time: 12:00 Noon

Town Job No. 2023.001B



	BIDDER	TOTAL BASE BID	BID BOND
1	American Paving and Excavating, Inc.	\$ 87,500.00	YES
2	Milherst Construction, Inc.	\$ 89,300.00	YES
3	Scott Lawn Yard, Inc.	\$ 89,700.00	YES
4	Anastasi Trucking, Inc.	\$ 104,800.00	YES

Attachment: Niagara Falls Blvd Bid Tab (RES-2023-499 : Award of Bid - Pavement Reconstruction on Niagara Falls Boulevard)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Sewer/Plant 16
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 27572

RESOLUTION 2023-500
ADOPTED

Lou Gehrig Baseball Fields Improvements - Change Order No. 3 Northeast Diversification, Inc. CRS No. 4060

The Engineering Department is requesting Town Board dual authorization for a change order for the above referenced project and also for approval of a transfer of funds within the project account.

The change order request of \$23,850 will fund the installation of 425 linear feet of French drain and connection of said French drain to the existing drainage structures outside of the outfield fence line. This will improve the drainage adjacent to the warning track, which currently shows signs of areas of water run on from outside of the fence line.

The second part of this request is for the transfer of the remaining funds, \$39,638 from the project contingency account (KP2135 4979) to the project construction account (KP2135 4972).

This request is pending successful completion of the contract review process.

Thank you for your consideration of this request.

5/22/2023

Consent

FINANCIAL IMPACT:

\$23,850.00; KP2135-4972

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

NORTHEAST DIVERSIFICATION, INC.

DBA Northeast Paving

2 Cadby Industrial Park, Lancaster, NY 14086
Tel: (716) 681-8879 • Fax: (716) 681-3407
Website: www.northeastpaving.com
Site Work, Utilities, Earthwork, Paving



May 2, 2023

Dan Reilly
Town of Amherst Engineering Department
1100 North Forest Road
Williamsville, New York 14221

Reference: Lou Gehrig Baseball Field – TOA Job# 2021.035C
Subject: Quotation for 425 LF of French Drain at Outfield Fence

Dear Dan,

Northeast is pleased to quote \$23,850.00 to install 425 LF of 18" x 30" French drain at Lou Gehrig Baseball Field. The price includes excavation, No. 57 drainage stone, Mirafi 140N filter fabric (sides and bottom) and subsurface drains at existing underdrains. The price also includes additional restoration as needed.

The drain will be installed directly adjacent to the outfield fence to accommodate drainage of the clay warning track.

Please issue a change order if you wish to proceed with this work.

Thank you,

Sincerely,

Timothy P. Szczepanski
Vice President

Attachment: Northeast Quote (RES-2023-500 : Lou Gehrig Baseball Fields Improvements - Change Order No. 3)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Sewer/Plant 16
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 27574

RESOLUTION 2023-501

ADOPTED

Purchase of One Easement Machine Dyna-Vac Equipment, Inc.

On May 4, 2023, one (1) bid was received for the above referenced purchase. The bid tabulation sheet is attached. At this time, we recommend award of the purchase to Dyna-Vac Equipment, Inc., 8963 State Route 365, Stittville, NY 13469 per their low bid in the amount of \$51,118.00.

Funding for this purchase is available from bond account KP2219-2600.

Thank you for considering our request.

5/22/2023

Consent

FINANCIAL IMPACT:

\$51,118.00; KP2219-2600

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

PURCHASE OF EASEMENT MACHINE



Bid Tabulation: May 4, 2023

T.O.A. Job No. 2023.001A

	No.	Bidder		Total
	1	Dyna-Vac Equipment, Inc.		\$51,118.00

Attachment: Easement Machine Bid Tabulation (RES-2023-501 : Purchase of One Easement Machine)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Sewer/Plant 16
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 27575

RESOLUTION 2023-502
ADOPTED

Purchase of One 2022 Dodge Ram 2500 Falls Dodge, Inc.

The Town of Amherst Engineering - Sewer Maintenance Division is seeking approval to purchase one (1) 2022 Dodge Ram 2500 Tradesman 4x4 from Falls Dodge, Inc. in the amount of \$52,687.60. They are the low bidder per the attached NYS Mini-Bid solicitation.

Funding for this purchase is available from bond account KP2218-2250.

Thank you for considering our request.

5/22/2023

Consent

FINANCIAL IMPACT:

\$52,687.60; KP2218-2250

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

[←](#) [→](#) [↺](#) platform-us.negometrix.com/Content/Tender/CompareOffersPriceRequest.aspx?tenderId=13267&phaseId=8

3 Home (UTC-05:00) Eastern Time (US & Canada)

Specific call for offers from: [1379 OGS Solicitation 23166: Vehicles, Class 1-8](#)

13267 *3 DAY RESPONSE REQUEST* (1) RAM 2500 Tradesman Crew Cab 4x4 w/6'4" Box - Town of Amherst

Evaluation phase Ends on May 10 2023 12:00 PM

[Settings](#) [Participants](#) [Schedule](#) [Pricing sheets](#) [Questionnaires](#) [Question & Answer](#) [Offers/Applications](#) [Compare & Select](#) 1

[Offer phase \(2\)](#) [Evaluation \(2\)](#) [Awarding](#)

Pre-Existing Vehicles Pricing Sheet

Offer ▾	Model Year ▾	Make ▾	Model & Trim Level ▾	Total Number of Vehicles ▾	Sort on supplier		
Rank ▲ Name	Model Year	Make	Model & Trim Level	Total Number of Vehicles	NYS Price for Vehicle	Phase	☐
1 FALLS DODGE INC dba JOE CECCONIS CHRYSLER COMPLEX	2022	ram	2500tradesman	1	\$52,687.60	Evaluation	☐
2 Nielsen of Morristown Inc	2022	Ram	2500 Tradesman	1	\$57,055.79	Evaluation	☐

Purchase order

This information is required to be entered by all Authorized Users of the NYS Vehicle Marketplace. Departments and agencies MUST provide a screenshot of this "Awarding" page information when requesting a State ID from OGS Fleet Management or NYS DOT. Please enter the purchase order or other ordering document information or if no purchase order was made by clicking on "Edit purchase order" below.

[Exports](#) ▲



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 05/22/23 07:00 PM
 Department: Youth & Recreation
 Initiated by: **Mary Diana Pouli**
 Co-Sponsored by:

DOC ID: 27576

RESOLUTION 2023-503

ADOPTED

Travel Authorization

Authorize Linda Groff to travel to the USA Hockey National Congress in Denver, CO from June 5-11, 2023. All costs will be paid by the NYS Amateur Hockey Association.

5/22/2023

Consent

FINANCIAL IMPACT:

None

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

TRAVEL EXPENSE APPROVAL/REIMBURSEMENT FORM

☐ \$250 or LESS and under 75 miles

Department Head Approval ONLY Required

REVISED 1/9/2023

☒ \$250 + or greater than 75 miles

Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Linda Groff	9420	Youth & Rec	(716) 631-7132

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
6/6/2023	6/11/2023	Denver, CO	Attend the USA Hockey Annual Congress at no cost to the Town of Amherst as a member of the NYSAHA Board of Directors

Expenses

	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ \$0.655			
Tolls			
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
# nights @			
Meals:			
IRS Per Diem Per Day			
1st & Last Day of Travel @75%			
# Breakfasts @			
# Breakfasts @			
# Lunches @			
# Lunches @			
# Dinners @			
# Dinners @			
# Incidentals @			
Registration/Conference Fee			
Other			
Subtotal	\$0.00		N/A
Contingency - 10% of subtotal or \$200	\$0.00		N/A
TOTAL	\$0.00		

Request Approved By:

Mary Diana Bui
 Department Head Signature

May 9, 2023
 Date

Town Board :

 Date of Town Board Approval

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

 Employee Signature Date

 Print Employee Name

Reimbursement Approved By:

 Department Head Signature Date

Complete Shaded Area
 For Expense Reimbursement

Attachment: Groff Travel (RES-2023-503 : Travel Authorization)



Amherst Town Board

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

15.1

Francina J. Spoth
Town Clerk

Meeting: 05/22/23 07:00 PM
Department: Town Clerk
DOC ID: 27533

COMMUNICATION 2023-69

APPROVED

Request for Fee Waiver - AAUW Buffalo Branch

AAUW Buffalo Branch is requesting a waiver from a Sign Permit Fee for their annual Book Sale. The Building Commissioner response is also attached.

5/23/2023

Consent

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala



TOGETHER MAKING A DIFFERENCE

Empowering Women and Girls in the Western New York area since 1890!

Brian J. Kulpa
Amherst Municipal Building
5583 Main St
Williamsville, NY 14221

May 4, 2023

Dear Mr Kulpa:

I am writing to request a waiver of the \$30 fee for a sign permit. This year will be the 67th year for our AAUW-Buffalo Book Sale, and for at least the seventh time in the past few years we will be situated in Amherst – this year at 425 Essjay, in the Centerpointe complex. Although we have been working since early-April to get things set up, the sale itself will be Wednesday, May 31 through Sunday, June 4.

Our intention during the sale is to have one sign directly outside our door and another near the edge of the street to direct our customers. Of course, there will also be signs in our windows.

The money raised from the book sale goes entirely to scholarships and educational programs/projects, most of which are open to the public. In addition to the community benefitting from the proceeds of the sale, it is also a means for people to purchase good books at reasonable prices and for people to turn over their “used” books to a good cause. Over 4,000 people walked through our doors during the five days of the sale in 2022 to purchase the more than 150,000 books we had available.

Please let me know if you have any questions, and I look forward to hearing from you.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Betty Preble'.

Betty Preble, AAUW-Buffalo Booksale Committee member

Attachment: DOC051023-05102023135352 (COM-2023-69 : Request for Fee Waiver - AAUW Buffalo Branch)

**TOWN OF AMHERST**

BUILDING DEPARTMENT

INTER-DEPARTMENTAL CORRESPONDENCE5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080

FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building**Memorandum**

DATE: May 8, 2023

TO: Tim Koller, Deputy Town Clerk

FROM: Mark Berke, P.E., Commissioner of Building, Amherst Building Department

RE: Waiver of Fees for Temporary Sign Permit for AAUW-Buffalo Book Sale

The Amherst Building Department recommends approval of the waiver of fees for the AAUW's Buffalo Book Sale for a temporary sign to be placed at 425 Essjay, in the Centerpointe Development.

The dates are as follows:

SIGNAGE DATES:
May 30, 2023 – June 4, 2023

A permit will still be required.

Mark S. Berke, P.E.
Commissioner of Building

CC: Francina J. Spoth, Town Clerk

Attachment: DOC051023-05102023135352 (COM-2023-69 : Request for Fee Waiver - AAUW Buffalo Branch)

5/8/2023



Amherst Town Board

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

Francina J. Spoth
Town Clerk

Meeting: 05/22/23 07:00 PM
Department: Town Clerk
DOC ID: 27531

15.2

COMMUNICATION 2023-70

RECEIVED & FILED

Correspondence from Judy Ferraro

5/23/2023

Received & Filed

RESULT:	RECEIVED & FILED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Koller, Timothy

From: Spoth, Francina
Sent: Monday, May 8, 2023 9:36 AM
To: Koller, Timothy; Uthman, Vianne
Subject: FW: Agenda packet..Thank you.

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: Judith Ferraro [REDACTED]
 Sent: Saturday, May 6, 2023 6:02 PM
 To: Spoth, Francina <fspoth@amherst.ny.us>
 Subject: Re: Agenda packet..Thank you.

CAUTION: This email originated from outside of the organization.
 Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Fran,
 Please include this message on the record and in the next agenda packet under "correspondence."

I've seen a lot..heard a lot..tolerated a lot. But this latest egregious betrayal of the people and abuse of power is beyond the pale.
 Anyone that concocted this or participated in it does not deserve to be in a position of power nor in service of the people.
 Thank you. Hope all is well.
 Judy

> On May 6, 2023, at 3:10 PM, Judith Ferraro [REDACTED] wrote:

>
 > ANOTHER EFFORT TO MINIMIZE THE WILL AND VOICE OF AMHERST CITIZENS
 >
 > The following message came to my attention from the ever-increasing disgusted and betrayed residents as to what you, our elected officials, have/are rigging behind closed doors..first during the Pandemic lockdowns and now.. brazenly in our faces:....
 >
 > "The Town of Amherst (TOA) will be voting on Monday (5/8) for a new local law to exempt themselves from their own zoning codes for TOA owned
 > property. This means Amherst will no longer need to hold a public hearing, notify nearby homeowners, will not be held to the same zoning
 > ordinances, or to go before the planning board for approval, etc. for TOA owned properties. It totally removes check and balances for local
 > government.
 > The planning board already denied this, but they are only advisory. The Amherst Town Board will vote to approve or deny this law, on Monday. Please

Attachment: jferraro email (COM-2023-70 : Correspondence from Judy Ferraro)

- > email, call the officials, or show up on Monday's Town Board meeting to tell TOA do deny this law and they should be accountable to their own zoning."
- >
- > Also..The Amherst Bee (May 3, 2023) letter: "Dawning of a new era" by
- > Amherst resident, Sam Smith articulates accurately what the Kulpa administration has wrought against the people of Amherst.
- >
- > It was not enough that you changed zoning laws to facilitate the path for developers to infiltrate established neighborhoods and build whatever, wherever these
- > pay masters desire for their maximum profits. It makes no difference whether it is truly needed, or creates devastating impacts on our already inadequate,
- > overburdened infrastructure that is unhealthy for all living creatures and our environment. Kulpa's grandiose, unfunded vision of turning our suburb into a
- > city with all the attendant problems is not why people moved to Amherst..And, most certainly is not what any of you promised during your campaigns..touting:
- > "transparency, accountability, residents first, protect/preserve established neighborhood and green space, etc. etc."
- Your actions speak for themselves. In
- > reality, you are finding any deceitful means to circumvent the will and voice of the people..just like any other corrupt, two-bit, sleazy organization. You are
- > selling out Amherst. For what? money? power?
- >
- > Do Amherst residents a favor, spare us any more of your outrageous, overused, empty promises and lies.. come election time.
- >
- >



Amherst Town Board

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

Francina J. Spoth
Town Clerk

Meeting: 05/22/23 07:00 PM
Department: Town Clerk
DOC ID: 27532

15.3

COMMUNICATION 2023-71

RECEIVED & FILED

Correspondence from Dwight Kanyuck of Knauf Shaw LLP

Letter submitted by Dwight Kanyuck of Knauf Shaw LLP regarding Resolution 2023-206, Local Law Amending Chapter 203 - to Exclude Certain Public Uses.

5/23/2023

Received & Filed

RESULT:	RECEIVED & FILED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala



1400 Crossroads Building
2 State Street
Rochester, New York 14614
nyenvlaw.com

DWIGHT E. KANYUCK
ATTORNEY AT LAW

585.546.8430
dkanyuck@nyenvlaw.com

VIA ELECTRONIC MAIL

May 8, 2023

Francina J. Spoth
Amherst Municipal Building
5583 Main Street
Williamsville, NY 14221
Email: fspoth@amherst.ny.us

**RE: Comments on Resolution 2023-326
Local Law Amending Chapter 203 - to Exclude Certain Public Uses**

Dear Town Clerk Spoth:

We are the attorneys for Concerned Residents for Amherst Central Park, a group of Amherst residents advocating for the promise of a world-class Amherst Central Park that is the center of community recreation and civic life within the Town of Amherst for generations. We write to provide comments for the record in opposition to proposed Resolution 2023-326, entitled Local Law Amending Chapter 203 - to Exclude Certain Public Uses (the "Proposed Local Law"), because: (1) the Proposed Local Law does not meet the review criteria necessary for the adoption of zoning text amendments provided in Zoning Code § 8-5-5; (2) is procedurally defective under SEQRA and General Municipal Law § 239-m; and (3) represents poor public policy because it is so vague and broad as to allow the Town Board to circumvent the Town's well-considered Zoning Code by deeming any use on its property to be for "governmental purposes." As recommended by the Planning Board, this ill-considered Proposed Local Law should be shelved.

Zoning Code § 8-5-5 requires the evaluation of the following criteria when assessing a proposed text amendment to the Zoning Code:

- A. (1) The extent to which the proposed text amendment is consistent with the remainder of this Ordinance, including, specifically, any purpose statements;
- (2) The extent to which the proposed text amendment represents a new idea not considered in the existing ordinance, or represents a revision necessitated by changing circumstances over time;
- (3) Whether or not the proposed text amendment corrects an error in the ordinance; and



- (4) Whether or not the proposed text amendment revises the ordinance to comply with state or federal statutes or case law.
- B. In deciding whether to adopt a proposed amendment to this Ordinance, the governing principle before the Town Board is whether the proposed amendment advances the public health, safety or welfare and is consistent with this Ordinance and generally consistent with the policies of the Comprehensive Plan.

Based on the documents available in the record in support of the Proposed Local Law, none of the above criteria have been demonstrated. First, there is no documentation in the record explaining “why” the text amendment is necessary. The Purpose statement contained in the Proposed Local Law is a textbook example of circular reasoning. No new ideas are expressed in the record and there is no identified relationship between the proposed text amendment and the existing Zoning Code that explains why the text amendment is necessary. No errors in the Zoning Code are identified and there is no mention of state or federal law or case law necessitating a text revision. In short, there is nothing in the Proposed Local Law expressing why it is needed.

Further, the Proposed Local Law fails to express how it “advances the public health, safety or welfare and is consistent with [the Zoning Code] and generally consistent with the policies of the Comprehensive Plan.” Indeed, the “purpose” of the Zoning Code is to “promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land.... generally consistent with the policies of the Comprehensive Plan.” Zoning Code § 1-2-1. How does excluding the thousands of acres of land owned by the Town or associated with public utilities from complying with the Zoning Code further “advance the public health, safety or welfare” when doing so circumvents the very land use regulations intended to promote and enforce these land use objectives? While it is true that certain public uses are exempt from local zoning codes by state or federal law, why should the Town concede this unilaterally and so broadly?

Additionally, the Proposed Local Law appears to allow land owned by the Town to be given carte blanche to be developed in any what it sees fit, without restraint by the Zoning Code, so long as it can be deemed for “governmental purposes.” The Zoning Code does not define “governmental purposes,” so it essentially leaves to the whims of the Town Board the determination of whether a particular project is suitable for a particular parcel—without the constraints of the zoning map and text amendment processes present in the Zoning Code. This is not a proposal that advances public health, safety or welfare or is not consistent with the Comprehensive Plan.

Finally, if the Town Board were to adopt the Proposed Local Law this evening without more analysis of the potential environmental impacts of the text amendment, it appears it will be done in contravention of the State Environmental Quality Review Act (“SEQRA”). Zoning text amendments are “actions” under SEQRA and, because the proposed text amendment would potentially change the allowable uses affecting 25 or more acres of any zoning district, the Proposed Local Law is a Type I Action under SEQRA, requiring, at a minimum, the preparation of a Full Environmental Assessment Form. There is no evidence in the record of compliance with SEQRA, which would make the approval of the Proposed Local Law procedurally defective. There is also no evidence available in the record



May 8, 2023
Page 3

that the Proposed Local Law conforms with the County Planning Board referral requirements of General Municipal Law § 239-m, making the approval even further defective.

In conclusion, as determined by the Planning Board, the text amendment contained in the Proposed Local Law does not meet the criteria for adopting text amendments contained in the Zoning Code and should be set aside.

On behalf of the Concerned Residents for Amherst Central Park, I appreciate the opportunity to comment on the Proposed Local Law.

Sincerely,

KNAUF SHAW LLP

DWIGHT E. KANYUCK

Cc: Martin A. Polowy, Esq., Town Attorney (mpolowy@amherst.ny.us)
 Hon. Karen McMahon, NYS Assembly
 Jeanne Vinal, Erie County Legislature
 Mr. Brian J. Kulpa, Town Supervisor (bkulpa@amherst.ny.us) (toainfo@amherst.ny.us)
 Jacqueline G. Berger, Town Councilmember (jberger@amherst.ny.us)
 Deborah Bruch Bucki RN, PhD, Town Councilmember (dbucki@amherst.ny.us)
 Shawn A. Lavin, Town Councilmember (slavin@amherst.ny.us)
 Michael Szukala, Town Councilmember (mszukala@amherst.ny.us)
 Concerned Residents for Amherst Central Park

Attachment: Amherst Town Clerk-2023.05.08 (COM-2023-71 : Correspondence from Dwight Kanyuck of Knauf Shaw LLP)



Amherst Town Board

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

15.4

Francina J. Spoth
Town Clerk

Meeting: 05/22/23 07:00 PM
Department: Town Clerk
DOC ID: 27579

COMMUNICATION 2023-72

REFERRED

Notice of Claim: Scott Kaplan Vs. Town of Amherst

5/22/2023

Referred to Town Attorney

RESULT:	REFERRED [UNANIMOUS]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

NOTICE OF CLAIM

Scott Kaplan
 7 Bel Air Court
 Getzville, NY 14068
 [REDACTED]
 [REDACTED]

Town of Amherst
 5583 Main Street
 Williamsville, NY 14221

Re. Notice of Claim

To Whom It May Concern:

I am filing this Notice of Claim for damage caused to a sprinkler head on our property located at 7 Bel Air Court, Getzville, NY 14068 when a Town of Amherst plow/loader was removing heavy snow from our cul-de-sac during the December 2022 storm. Our front lawn was used as a dump area for the snow and while the driver kept moving the snow to make more room, our lawn was dug-up as well as a sprinkler head in the process.

I understand that a claim needs to be submitted within 90 days, however, I could not obtain an estimate within that time frame.

I have enclosed an invoice for \$79.39 for the repair and replacement of the 1 sprinkler head by Aqua-Systems of W.N.Y. located at 7071 Transit Road, East Amherst, NY 14051.

Additionally, I have also enclosed photos showing specifically where and how the damage occurred, as well as the aftermath and the damaged sprinkler head.

Please let me know if you need any additional information.

Sincerely,



Scott Kaplan


 DEBORAH A. KUERZDOERFER
 Notary Public, State of New York
 Qualified in Erie County
 Reg. No. 01KU6336472
 My Commission Expires 2/1/2024

'23 MAY 17 PM3:55

Attachment: DOC051823-05182023084529 (COM-2023-72 : Notice of Claim: Scott Kaplan Vs. Town of Amherst)