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, June 5, 2023 | **3:00 PM** | **Amherst Municipal Building**

I. IN MEMORY

Frank Barone

II. INVOCATION

Councilmember Lavin

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

3:00 PM Meeting called to order on June 5, 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	
Jacqualine 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	
Dan Howard	Town of Amherst	Planning Director	Present	
Mark S. Berke	Town of Amherst	Building Commissioner	Present	
Jeffrey S. Burroughs	Town of Amherst	Town Engineer	Present	
Angela Rossi	Town of Amherst	Director of Economic Development	Present	
Melissa Abel	Town of Amherst	Deputy Director of Senior Services	Present	
Daryl Bramer	Town of Amherst	Comptroller	Present	

Laurie Stillwell	Town of Amherst	Director of Community Development	Present	
Samuel A Alba	Town of Amherst	Sr. Deputy Town Attorney	Present	

V. MINUTES APPROVAL

1. Monday, May 22, 2023

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

VI. PROCLAMATIONS AND ANNOUNCEMENTS

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2023-467

Adoption of the Town of Amherst Local Waterfront Revitalization Program (LWRP) Plan

WHEREAS the Town Board executed a contract with the New York State Department of State to complete a Local Waterfront Revitalization Program pursuant to Article 42 of the Executive Law in Town Board Resolution 2020-522; and

WHEREAS, the Town of Amherst initiated preparation of the Local Waterfront Revitalization Program Plan with a Waterfront Advisory Committee (Resolution 2018-739) and the Town's consultant in cooperation with the New York State Department of State; and

WHEREAS, the Town of Amherst conducted a public meeting presenting the draft plan to the public and solicited public comments in February 2023; and

WHEREAS the Local Waterfront Revitalization Program (LWRP) Plan has been circulated by the Department of State to potentially affected State and Local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Town conducted a public hearing on May 22, 2023 on the proposed LWRP Plan and Consistency Review law, Chapter 205 of the Town Code; and

WHEREAS the Town of Amherst Town Board, as SEQR Lead Agency, has filed a Negative Declaration Notice of Determination of Non-Significance on November 8, 2022 (Town Board Resolution 2022-1109) in accordance with the requirements of the State Environmental Quality Review Act (SEQR) and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law, for the preparation of the Local Waterfront Revitalization Program plan;

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst Local Waterfront

Revitalization Program Plan is hereby adopted, and that the Amherst Town Supervisor is authorized to submit the Local Waterfront Revitalization Program Plan and Local Law Local Waterfront Revitalization Program, Chapter 205, to the New York State Secretary of State for approval, pursuant to the provisions of Article 42 Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

A hard copy of the plan is available in the Planning Department for review. The Plan is also posted to the Town's website at:
<https://www.amherst.ny.us/pdf/planning/lwrp/230530_toa_lwrp_plan_not_officially_adopted.pdf>

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.

6/5/2023
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 3:05 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 3:07 PM.

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

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

2. Resolution 2023-504

Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000)

AGENDA ITEM : JUNE 5TH, 2023

TO: **Town Board**

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

DATE: May 30, 2023

RE: Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU)
2023 CIP Project Nos. E-1, E-8
Resolution and Order After Public Hearing
(Bond Resolution - $675,000)

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

(1) Adopt the attached bond resolution authorizing the issuance of $675,000.00 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/attachment, **Agenda Item - June 5, 2023**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachment)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachments*)

6/5/2023
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 3:07 PM.

Jeffrey Burroughs, Town Engineer, presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 3:10 PM.

A motion to adopt the Bond Resolution was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved via Roll Call vote 5-0.

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

3. Resolution 2023-505

2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000)

AGENDA ITEM : JUNE 5TH, 2023

TO: **Town Board**

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

DATE: **May 30, 2023**

RE: **2023 Sanitary Sewer Assessment Projects**
2023 CIP Project Nos. E-7, E-21
Resolution and Order After Public Hearing - $380,000

The above-referenced matter is scheduled for a Public Hearing on June 5, 2023 at 3:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding the bond action, also attached is the Map Plan and Report for the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - June 5, 2023**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachment)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachments*)

6/5/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 3:10 PM.

Jeffrey Burroughs, Town Engineer, presented.

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

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

hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 3:14 PM.

A motion to adopt 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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

4. Resolution 2023-506

Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000)

AGENDA ITEM : JUNE 5TH, 2023

TO: **Town Board**

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

DATE: **May 30, 2023**

Re: **Boulevard Central District Sanitary Sewer Improvements**
2023 CIP Project E-5
Resolution and Order After Public Hearing
(Bond Resolution - $300,000)

The above-referenced matter is scheduled for a Public Hearing on June 5, 2023 at 3:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding the bond action, also attached is the Map Plan and Report for the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - June 5, 2023**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*

Dan Howard, Director of Planning *(w/attachment)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachments*)

6/5/2023
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 3:15 PM.

Jeffrey Burroughs, Town Engineer, presented.

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 3:18 PM.

A motion to adopt the Bond Resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved via Roll Call vote 5-0.

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

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 (1)**

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 3:19 PM.

The following speakers addressed the Town Board:
Jane Cox, 4584 Harlem Rd - why a 3 PM meeting is being held in June
Shelly Schratz, 1952 Kensington Ave - questioned on holding a 3 PM meeting

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 3:25 PM.

XI. CONSENT AGENDA

XII. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

B. DEPUTY SUPERVISOR BUCKI:

C. COUNCILMEMBER BERGER:

1. Resolution 2023-507

Art on Signal Cabinets – Yr. 2023

WHEREAS, in 2019 the Town of Amherst Arts and Culture in Public Places Board spearheaded an initiative that converted six (6) traffic signal cabinets in the Town of Amherst into public artworks, and

WHEREAS, an additional twelve (12) traffic signal cabinets were painted in subsequent years for a total of eighteen (18) painted to date, and

WHEREAS, the Decorative Treatment for Traffic Signal Cabinets Initiative has been a success and there is desire to continue with the project, and

WHEREAS, signal cabinet artwork beautifies public spaces, builds community, and offers a more attractive and interesting streetscape environment, and

WHEREAS, an additional eleven (11) traffic signal boxes have been selected by the Arts and Culture in Public Places Board to be painted by qualified and trusted artists, and

WHEREAS, the selected locations for the 2023 signal cabinet painting are:
Hopkins Road & North French Road,
Dodge Road & North French Road,
Heim Road & North Forest Road,
John James Audubon Parkway & Gordon R. Yaeger Drive,
Wehrle Drive, Lehn Springs Drive, & Garrison Road,
North Forest Road & Klein Road,
Maple Road & Old Lyme Road,
Sheridan Drive & North Forest Road,
Main Street & Eggert Road,
Main Street & Kensington Highway,
Main Street HAWK in Williamsville, and

WHEREAS, the HAWK signal on Main Street is located within the Village of Williamsville and the Town has coordinated with the Village to include them in the project, and

WHEREAS, two (2) traffic signal cabinets at Sheridan Drive & N. Forest Road and Main Street HAWK require NYSDOT permits, and

WHEREAS, the NYSDOT allows for Decorative Treatment for Traffic Signals by TSMI 16-04 where a PERM-33 Highway Work Permit is required to paint or wrap a traffic signal cabinet, and

THEREFORE BE IT RESOLVED, the Town Board supports the initiative to paint artwork on signal cabinets by the Arts and Culture in Public Places Board in the selected locations, and

THEREFORE BE IT FURTHER RESOLVED, the Supervisor of the Town of Amherst is hereby authorized to sign all NYSDOT permits and applications in connection with the Signal Cabinet Artwork, and

THEREFORE BE IT FURTHER RESOLVED, that the NYSDOT work permit and necessary applications be reviewed by the Town Attorney prior to execution, and

THEREFORE BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided to the New York State Department of Transportation as part of the PERM-33 Highway Work Permit, and

THEREFORE, BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided to the New York State Department of Transportation permitting office at the time

of permit submittal.

6/5/2023
A motion to approve was made by Councilmember Berger, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

D. COUNCILMEMBER LAVIN:

E. COUNCILMEMBER SZUKALA:

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2023-508

Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000)

AGENDA ITEM : JUNE 5th, 2023

TO: **Town Board**

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

DATE: **May 30, 2023**

RE: **Town Facilities Improvements**
Town of Amherst Senior Center HVAC/Carpet Replacement
2023-2028 C.I.P. - Project Nos. F-10 and F-11
Bond Resolution - $592,000

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 $592,000.00 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 - June 5, 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*)
Daniel J. Rizzo, Director of Facilities (*w/attachments*)
Ann Dafchik, AIA, NCARB (*w/attachments*)

6/5/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved via Roll Call vote 5-0.

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

2. Resolution 2023-509

Audubon Golf Course Improvements (Bond Resolution - $500,000)

AGENDA ITEM : JUNE 5th, 2023

TO: **Town Board**

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

DATE: **May 30, 2023**

RE: **Audubon Golf Course Improvements**
2023-2028 C.I.P. - Project YR-5A
Bond Resolution - $500,000

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 $500,000.00 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 - June 5, 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*)
Mary-Diana Pouli, Executive Director, Youth and Recreation (*w/attachments*)

6/5/2023
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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

3. Resolution 2023-510

Settlement of Article 7 Matter - Government Employee Insurance Company V. Town of Amherst

AGENDA ITEM : June 5TH, 2023

TO: **Town Board**

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

DATE: **June 1, 2023**

RE: **Settlement of Article 7 Matter**
Government Employee Insurance Company 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 Judgment; and

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : June 5TH, 2023**)
Emily Murphy, Town Assessor

6/5/2023
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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

B. TOWN CLERK:

1. Resolution 2023-511

DXO Contract Extension-TOA Bid# 2022012 CRS #4055 (Original CRS/CMS ID# 3370/3138) for Tax Bill Processing

Please authorize the Supervisor to sign the Contract Extension with DXO for TOA Bid# 2022012 (Original CRS/CMS ID# 3370/3138) for Tax Bill Processing. This extension is valid for a one-year term from 5/23/23 to 5/22/24.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

2. Resolution 2023-512

Fireworks Permit - Park Country Club

Request for fireworks permit on July 4, 2023 at approx. 9:30PM at Park Country Club, 4949 Sheridan Drive with the following conditions:

1. That the spectators, parking area, and dwellings be 580 feet from the fireworks discharge location for vertical mortars. (max 8 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 Milton Surre, Dennis Otto, Steven Knapp, and Joshua Knapp.
5. Display shall follow NFPA 1123-2018 & IFC 2020.
6. Crowds over 1000 people require a crowd managers as per the International Fire Code.
7. 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.
8. The Amherst Town Board shall designate a time when the Fireworks display must conclude.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

3. Resolution 2023-513

Amusement License - JCC of Greater Buffalo

Request by JCC of Greater Buffalo, for a First Class Amusement License to hold an outdoor event at 2640 N. Forest Rd. on June 25, 2023, 12:00pm - 6:00pm.
Supervising Code Enforcement Officer recommends a fee of $50.00.

The following conditions apply:
1. Food Trucks must have a current Town of Amherst Food Vendor License and have the current inspection sticker affixed to the vehicle.
2. That all fire lanes be kept clear at all times.

3. For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
4. All temporary power must be code compliant.
5. Bathroom facility must be made available & accessible.
6. Vehicle impact protection must be provided for the guest area.
7. Fire Department access must be maintained at all times in the event of an emergency.
8. Events with 1,000 guests or more will be require "Crowd Managers" that are in compliance with Chapter 4 of the 2020 FCNYS.
9. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

6/5/2023
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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2023-514

Budget Transfers and Amendments

To: Town Board
From: Office of Town Comptroller
Date: 5/31/2023
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:***
A1990.4000 Contingency $5,000.00	A3020.2150 Building Imprv. & Equip. $13,344.00
A3020.1000 Personal Services $7,751.04	
A3020.8030 FICA $592.96	

To transfer funds for replacement of air conditioning units in server room for Central Alarm.

BUDGET AMENDMENTS - 2023

INCREASE:

A3136.04389 Crime Prevention-Federal Grant $50,000
To set up Crime Prevention Grant, CRS# 4072.

INCREASE:

A3136.2130 Computer Equipment $50,000

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

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

G. CONTRACT COMPLIANCE:

1. Resolution 2023-515

Authorize Piggyback on PEPPM Contract with Communications Consulting, Inc. - CRS #4078

WHEREAS, the Contract Compliance and Administration Department is requesting approval to piggyback on the PEPPM Cooperative Purchasing contract with Communications Consulting, Inc. (CCI) for the purchase of Sophos antivirus and internet content security products, Bid #536202, Contract #536202-054 dated May 1, 2023 through December 31, 2025 and Alcatel-Lucent communications and networking solutions, Bid #533902, Contract #533902-008 dated January 1, 2023 through December 31, 2025; and

WHEREAS, Communications Consulting, Inc. employees will not be on Town property or accessing Town data, and therefore a waiver of insurance is being requested;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to sign the piggyback contract with Communications Consulting, Inc.; and

BE IT FURHTER RESOLVED, that approval is subject to successful completion of the Contract Routing System due to the fact that we are currently without contracts and are in need of product as soon as possible.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

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

H. COURT:

I. ECONOMIC DEVELOPMENT:

J. EMERGENCY SERVICES:

K. ENGINEERING SERVICES:

1. Resolution 2023-516

Award of Bid - Robinhill Road & Swanson Terrace Waterline Replacement Fairway Contracting

Bids were received on May 18, 2023 for the above referenced project. After review of the bids (tabulation attached), we recommend award be made to Fairway Contracting, P.O. Box 352, Orchard Park, NY 14127, based on their low base bid of $872,722.25.

Funding for the above award is available from the following accounts:

KP2309-4972	$831,797.25
KP2120-4972	$ 40,925.00

6/5/2023
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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-517

Award of Bid – Highway Department Fuel System Repair Project Paragon Environmental Construction, Inc.

On May 18, 2023, bids were received for the above referenced project. After review of the two (2) bids received (bid tabulation attached), we recommend award of this contract to Paragon Environmental Construction, Inc., 5664 Mud Mill Road, Brewton, NY 13029, in the amount of $529,400.00 to include the base bid.

Funding for this contract shall be from project account KP2133.4972.

Thank you for considering this request.

6/5/2023
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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

L. FINANCE:

M. HIGHWAY

N. HUMAN RESOURCES:

1. Resolution 2023-518

Clerk - PT/Senior Services

Please appoint a Clerk - PT to the Senior Center. Effective June 6, 2023, Temporary, $14.20 ph, Step 1 for Nancy Giamberardino.

Contingent upon completing all pre-employment requirements.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

2. Resolution 2023-519

Assistant Planner/Planning Department

Please reappoint an Assistant Planner to the Planning Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective June 6, 2023, at an annual salary of $57,713, Grade 12, Step E for James Quinn.

This is a reappointment of the employee currently serving Provisionally.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

3. Resolution 2023-520

Emergency Services & Safety Coordinator/Emergency Services

Please appoint an Emergency Services & Safety Coordinator to the Emergency Services Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective June 6, 2023, at an annual salary of $66,028, Grade 14, Step F for Brandon Peters.

This is a Permanent appointment for an employee currently serving Provisionally.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

4. Resolution 2023-521

Sr. Deputy Town Attorney/Town Attorney's Office

Please appoint a Sr. Deputy Town Attorney to the Town Attorney's Office. Permanent, effective June 12, 2023, at an annual salary of $105,905.16, Grade 1, Step E of the Exempt Non-Department Head Salary Schedule for Nora Robshaw.

Contingent upon completing all pre-employment requirements.

6/5/2023
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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

O. INFORMATION TECHNOLOGY:

P. PLANNING:

1. Resolution 2023-522

To Authorize Adoption of an Amendment to the Reasonable Rent Section of the Erie County PHA Consortium Section 8 Administrative Plan

WHEREAS, the Town of Amherst acts as the lead Public Housing Authority (PHA) for the Erie County PHA Consortium; and

WHEREAS, the PHA is required to file an Administrative Plan with the Department of Housing and Urban Development; and

WHEREAS, 24 CFR 982.54(d)15 requires that the Administrative Plan must provide policies addressing the method used to determine rent paid to a property owner is reasonable (initially and during the term of the rental HAP contract); and

WHEREAS, it is the intent of the Administrator for the Erie County PHA Consortium, Belmont Housing Resources for WNY, to establish such policy that will implement the rules and regulations provided by the Department of Housing and Urban Development; and

WHEREAS, the Belmont Housing Resources has requested to revise the methodology for Rent Reasonableness to reflect the use of the "EZ-Reasonable Rent Determination System", to provide the analysis for Reasonable Rent Policy; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Amherst adopts the amendments to the Rent Reasonableness Update to the Administrative Plan for the Erie County PHA Consortium.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

Q. POLICE:

1. Resolution 2023-523

Travel & Training Request Basic SRO Course

TOWN BOARD AGENDA ITEM : JUNE 5, 2023

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Travel & Training Request**
Basic SRO Course

Kindly adopt a Resolution authorizing one (1) Officer to attend the above entitled training course. This course is being held in Erie, Pennsylvania from June 19, 2023 through June 23, 2023. A police department vehicle will be utilized to travel to and from this training. The cost for this course is approximately $1508.03.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: June 5, 2023)**

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

2. Resolution 2023-524

Grant Agreement 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) (CRS#4072) U.S. Department of Justice, Bureau of Justice Assistance

TOWN BOARD AGENDA ITEM: JUNE 5, 2023

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Grant Agreement (CRS#4072)**
2018 Edward Byrne Memorial Justice Assistance Grant (JAG)
U.S. Department of Justice, Bureau of Justice Assistance

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached grant agreement between the Town of Amherst (Police) and the U.S. Department of Justice, Bureau of Justice Assistance with regard to the above-entitled matter. This grant agreement has successfully completed the Contract Routing Process.

Thank you.

SPC: msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: June 5, 2023)**

6/5/2023
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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

R. SENIOR SERVICES:

1. Resolution 2023-525

Approval to Sell Chairs/Tables for Scrap

We respectfully request Town Board approval to give consent to sell our patio chairs and tables for scrap and throw out those that cannot be scrapped.

6/5/2023

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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Resolution 2023-526

Request to Use Trust and Agency Funds

We respectfully request Town Board permission to spend up to $5000.00 in Trust and Agency Funds, Account T2100. These funds will be used for the Volunteer Recognition Dinner July 21st. The event is sponsored by the Amherst Generations Foundation.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

S. SEWER/PLANT 16:

T. YOUTH AND RECREATION:

1. Resolution 2023-527

User Agreement (WNY PRISM) - CRS #4040

Authorize the Supervisor to sign a contract between the Town of Amherst (Youth & Recreation Department) and The Research Foundation for SUNY/Buffalo State to offer the free WNY PRISM Boat Stewarding Program at Veterans Canal Park from May 24 through September 4, 2023.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

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

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

1. Communication 2023-73

Request for Public Hearing - 1350 Eggert Road

Request from Sean Hopkins, Esq. for a public hearing with respect to the rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5.

This hearing has been scheduled for July 24.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

2. Communication 2023-74

Correspondence from Michael & Amanda Kruse

6/5/2023
A motion to refer to the Town Attorney and the Building Department was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

3. Communication 2023-75

2023 Calendar from the Amherst Community Diversity Commission

The attached calendar is from the Amherst Community Diversity Commission.

6/5/2023
A motion to refer to IT Department and Town Clerk was made by Deputy Supervisor Bucki, seconded by Supervisor Kulpa and unanimously approved 5-0.

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

4. Communication 2023-76

Notice of Claim: Trevor R. Tout Vs. Town of Amherst

6/5/2023
A motion to refer to the Town Attorney was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

5. Communication 2023-77

Notice of Claim: Taina S. Betancourt Vs. Town of Amherst Et Al.

6/5/2023

A motion to refer to the Town Attorney was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

6. Communication 2023-78

Notice of Claim: Allstate Fire and Casualty Insurance Company A/S/O Jeremy Matte Vs. Town of Amherst

6/5/2023
A motion to refer to the Town Attorney was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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 3:35 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 3:35 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 June 5, 2023 was adjourned at 3:35 PM.

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27539 **RESOLUTION 2023-467** **ADOPTED**

Adoption of the Town of Amherst Local Waterfront Revitalization Program (LWRP) Plan

WHEREAS the Town Board executed a contract with the New York State Department of State to complete a Local Waterfront Revitalization Program pursuant to Article 42 of the Executive Law in Town Board Resolution 2020-522; and

WHEREAS, the Town of Amherst initiated preparation of the Local Waterfront Revitalization Program Plan with a Waterfront Advisory Committee (Resolution 2018-739) and the Town's consultant in cooperation with the New York State Department of State; and

WHEREAS, the Town of Amherst conducted a public meeting presenting the draft plan to the public and solicited public comments in February 2023; and

WHEREAS the Local Waterfront Revitalization Program (LWRP) Plan has been circulated by the Department of State to potentially affected State and Local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Town conducted a public hearing on May 22, 2023 on the proposed LWRP Plan and Consistency Review law, Chapter 205 of the Town Code; and

WHEREAS the Town of Amherst Town Board, as SEQR Lead Agency, has filed a Negative Declaration Notice of Determination of Non-Significance on November 8, 2022 (Town Board Resolution 2022-1109) in accordance with the requirements of the State Environmental Quality Review Act (SEQR) and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law, for the preparation of the Local Waterfront Revitalization Program plan;

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst Local Waterfront Revitalization Program Plan is hereby adopted, and that the Amherst Town Supervisor is authorized to submit the Local Waterfront Revitalization Program Plan and Local Law Local Waterfront Revitalization Program, Chapter 205, to the New York State Secretary of State for approval, pursuant to the provisions of Article 42 Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

A hard copy of the plan is available in the Planning Department for review. The Plan is also posted to the Town's website at:
<https://www.amherst.ny.us/pdf/planning/lwrp/230530_toa_lwrp_plan_not_officially_adopted.pdf>

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.

6/5/2023
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 3:05 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 3:07 PM.

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

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Deborah Bruch Bucki, Deputy Supervisor
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

Attachment: Local Law LWRP.LegalRevised.PlanningFinalDraft5.26.23 (RES-2023-467 : Adoption of the Town of Amherst Local Waterfront

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 J 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 identified in the LWRP Plan 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 Offices of the Clerk of the Town of Amherst and the Planning Department.

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 a 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

Attachment: Local Law LWRP.LegalRevised.PlanningFinalDraft5.26.23 (RES-2023-467 : Adoption of the Town of Amherst Local Waterfront

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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

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.

~~Strikethrough~~ = Deleted language; Underline = Added language

Attachment: Local Law LWRP.LegalRevised.PlanningFinalDraft5.26.23 (RES-2023-467 : Adoption of the Town of Amherst Local Waterfront

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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

~~Strikethrough~~ = Deleted language; Underline = Added language

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27596 **RESOLUTION 2023-504** **ROLL CALL VOTE (ADOPTED)**

Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000)

AGENDA ITEM : JUNE 5TH, 2023

TO: **Town Board**

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

DATE: **May 30, 2023**

RE: **Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU)**
2023 CIP Project Nos. E-1, E-8
Resolution and Order After Public Hearing
(Bond Resolution - $675,000)

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

(1) Adopt the attached bond resolution authorizing the issuance of $675,000.00 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/attachment, **Agenda Item - June 5, 2023**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachment)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachments*)

6/5/2023
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 3:07

PM.

Jeffrey Burroughs, Town Engineer, presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 3:10 PM.

A motion to adopt the Bond Resolution was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved via Roll Call vote 5-0.

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

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the County of Erie, New York

June 5, 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 June 5, 2023.

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

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 5583 Main Street, Williamsville, New York, at 3 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Town's Consolidated Sanitary Sewer District (the "District"), at the estimated total cost of $675,000, consisting of (i) the acquisition of vehicles for Sewer Maintenance, at the estimated maximum cost of $116,000 (CIP Project No. E-1); (ii) the acquisition of equipment and vehicles for the WWTP, at the estimated maximum cost of $110,000 (CIP Project No. E-8); (iii) the acquisition of vehicles for Sewer Maintenance, at the estimated maximum cost of $159,000 (CIP Project No. E-1); and (iv) the acquisition of equipment for the WWTP at the estimated maximum cost of $290,000 (CIP Project No. E-8), as described in memoranda dated April 27, 2023 and April 28, 2023 prepared by the Town Engineering

Attachment: CertExMins (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

Department; and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities of said District:

The following persons appeared in opposition to such increase and improvement of facilities:

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

Attachment: CertExMins (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

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 of Minutes of a meeting of the Town Board of said Town of Amherst duly called and held on June 5, 2023, has been compared by me with the original minutes as officially recorded in my office as Town Clerk, and is a true, complete and correct copy thereof and of the whole of said original minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 5th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertExMins (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 5, 2023, APPROPRIATING $675,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN'S CONSOLIDATED SANITARY SEWER DISTRICT, AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF $675,000 TO FINANCE SAID APPROPRIATION

Offered by: _____

Seconded By: _____

Recital

WHEREAS, after a public hearing duly called and held on June 5, 2023, the Town Board of the Town of Amherst (the "Town") determined that it is in the public interest to increase and improve the facilities of the Consolidated Sanitary Sewer District (herein referred to as the "District") in the estimated maximum cost of $675,000, consisting of (i) the acquisition of vehicles for Sewer Maintenance, at the estimated maximum cost of $116,000 (CIP Project No. E-1); (ii) the acquisition of equipment and vehicles for the WWTP, at the estimated maximum cost of $110,000 (CIP Project No. E-8); (iii) the acquisition of vehicles for Sewer Maintenance, at the estimated maximum cost of $159,000 (CIP Project No. E-1); and (iv) the acquisition of equipment for the WWTP at the estimated maximum cost of $290,000 (CIP Project No. E-8), as described in memoranda dated April 27, 2023 and April 28, 2023 prepared by the Town Engineering Department, and ordered that such facilities be so increased and improved;

Now, therefore, be it

Attachment: CertBondReso (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

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

Section 1. The Town hereby appropriates the amount of $675,000 for the increase and improvement of facilities of the District, at the estimated total cost of $675,000, consisting of (i) the acquisition of vehicles for Sewer Maintenance, at the estimated maximum cost of $116,000 (CIP Project No. E-1); (ii) the acquisition of equipment and vehicles for the WWTP, at the estimated maximum cost of $110,000 (CIP Project No. E-8); (iii) the acquisition of vehicles for Sewer Maintenance, at the estimated maximum cost of $159,000 (CIP Project No. E-1); and (iv) the acquisition of equipment for the WWTP at the estimated maximum cost of $290,000 (CIP Project No. E-8) in connection therewith, as described in memoranda dated April 27, 2023 and April 28, 2023 prepared by the Town Engineering Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $675,000. The plan of financing includes the issuance of $675,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of $675,000 pursuant to the provisions of the Local Finance Law, constituting

Attachment: CertBondReso (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

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 stated:

(a) The period of probable usefulness of the class of objects or purposes for which said $226,000 bonds herein authorized by Section 1(i) and (ii) of this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is five (5) years.; and

(b) The period of probable usefulness of the class of objects or purposes for which said $449,000 bonds herein authorized by Section 1(iii) and (iv) of this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(c) 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. 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.

(d) The proposed maturity of the serial 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 said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a 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

Attachment: CertBondReso (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

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 issued 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 the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, 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 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

Attachment: CertBondReso (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

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

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in *"The Amherst Bee,"* a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Attachment: CertBondReso (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting _____
Councilwoman Jacqualine Berger	voting _____
Deputy Supervisor/Councilwoman Deborah Bruch Bucki	voting _____
Councilman Shawn Lavin	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution was declared adopted.

Attachment: CertBondReso (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

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 resolution of the Town Board of said Town adopted at a meeting duly called and held on June 5, 2023, has been compared by me with the original resolution 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 resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 5th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertBondReso (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

Attachment: CertResoOrderAfterPH (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

At a meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 5th day of June, 2023.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilwoman
Deborah Bruch Bucki, Deputy Supervisor/ Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sanitary Sewer District, in the Town of Amherst, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

---

Offered by: _____

Seconded By: _____

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of Consolidated Sanitary Sewer District (herein referred to as the "District"), has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare memoranda dated April 27, 2023

and April 28, 2023, for the increase and improvement of facilities of the District, at the estimated total cost of $675,000 consisting of (i) the acquisition of vehicles for Sewer Maintenance, at the estimated maximum cost of $116,000 (CIP Project No. E-1); (ii) the acquisition of equipment and vehicles for the WWTP, at the estimated maximum cost of $110,000 (CIP Project No. E-8); (iii) the acquisition of vehicles for Sewer Maintenance, at the estimated maximum cost of $159,000 (CIP Project No. E-1); and (iv) the acquisition of equipment for the WWTP at the estimated maximum cost of $290,000 (CIP Project No. E-8), required in connection therewith as described in said memoranda; and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be $675,000 and said memoranda dated April 27, 2023 and April 28, 2023 have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 5, 2023 at 3 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 5th day of June, 2023 at 3 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

Attachment: CertResoOrderAfterPH (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

Attachment: CertResoOrderAfterPH (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project is a Type II project which will not result in any significant adverse environmental impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of $675,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of $675,000 bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: June 5, 2023

(SEAL)

TOWN BOARD OF THE TOWN OF AMHERST

Attachment: CertResoOrderAfterPH (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

Attachment: CertResoOrderAfterPH (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting _____
Councilwoman Jacqualine Berger	voting _____
Deputy Supervisor/Councilwoman Deborah Bruch Bucki	voting _____
Councilman Shawn Lavin	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution and Order were 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 resolution and order of the Town Board of said Town adopted at a meeting duly called and held on June 5, 2023, has been compared by me with the original resolution and order 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 resolution and order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 5th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertResoOrderAfterPH (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y PPU/15YPPU) (Bond Resolution - $675,000))

TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E., TOWN ENGINEER

April 27, 2023

MEMORANDUM

To: Brian J. Kulpa, AIA – Town Supervisor

From: Jeffrey S. Burroughs, P.E. - Town Engineer

Re: 2023 CIP# E-1 & E-8 Equipment & Vehicle Bond: $675,000.00
Bond for 5-Year PPU - $ 226,000.00

Please accept this memorandum prioritizing the Engineering Department's 2023 Equipment Bond purchases. At this time, these are priority vehicles, but that should a different need come in to play, different equipment may be substituted. The following list of vehicles/equipment, pricing and purchase justification is found below:

Sewer Maintenance – G9000	**Est.Cost**	**Purchase Justification**
Two (2) 4 X 4 Crew Pickup	$115,420.00	Replace E-06 old (2008 Pickup)
Legal/Administration	$ 580.00	
Total Amount	$116,000.00	

WWTP – G9916	**Est.Cost**	**Purchase Justification**
F-150 Pickup	$ 57,450.00	Replace 16-016 (2007 Pickup)
Toro Workman HDXD-4WD	$ 39,000.00	Kawasaki Mule 1998 grounds vehicle
John Deere Snow Blower	$ 13,000.00	
Legal/Administration	$ 550.00	
Total Amount	$110,000.00	

CSSD Fund Tax Impact Summary (Project E-1 & E-8):

Total Amount to Bond	$226,000.00 (Sewer Fund)
Bond Term	5 Years
Cost per $1,000 AV	$ 0.0040
Annual cost for $250,000 property	$ 1.0093

Attachment: MPR E-1 & E-8 Engineering & WPCF Equipment - 5-Year PPU (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y

ENGINEERING OFFICE – SEWER MAINTENANCE
1100 N. FOREST ROAD
WILLIAMSVILLE, N.Y. 14221
(716) 631-7154 FAX: (716) 631-7222

WASTEWATER TREATMENT FACILITY – ENVIRONMENTAL CONTROL
455 TONAWANDA CREEK ROAD
AMHERST, N.Y. 14228
(716) 691-9771 FAX: (716) 691-4496

TOWN OF AMHERST

ENGINEERING DEPARTMENT

ERIE COUNTY – NEW YORK

JEFFREY S. BURROUGHS, P.E., TOWN ENGINEER

April 28, 2023

MEMORANDUM

To: Brian J. Kulpa, AIA – Town Supervisor

From: Jeffrey S. Burroughs, P.E. - Town Engineer

Re: 2023 CIP# E-1 & E-8 Equipment & Vehicle Bond: $675,000.00
Bonding for 15-Year PPU - $ 449,000.00

Please accept this memorandum prioritizing the Engineering Department's 2023 Equipment Bond purchases. At this time, these are priority vehicles, but that should a different need come in to play, different equipment may be substituted. The following list of vehicles/equipment, pricing and purchase justification is found below:

Sewer Maintenance – G9000	**Est.Cost**	**Purchase Justification**
Medium-Duty Dump Truck	$158,205.00	Replace E-39 (2001 4700 Dump)
Legal/ Administration	$ 795.00	
Total Amount	$159,000.00	

WWTP – G9916	**Est.Cost**	**Purchase Justification**
Front Loader	$198,550.00	Replace 2000 Case 721C
Kabota L6060 Tractor & mower	$ 90,000.00	Replace (2) Jacobson Ride-on mowers
Legal/ Administration	$ 1,450.00	
Total Amount	$290,000.00	

CSSD Fund Tax Impact Summary (Project E-1 & E-8):

Total Amount to Bond	$ 449,000.00 (Sewer Fund)
Bond Term	15 Years
Cost per $1,000 AV	$ 0.0032
Annual cost for $250,000 property	$ 0.8029

Attachment: MPR E-1 & E-8 Engineering & WPCF Equipment - 15-Year PPU (RES-2023-504 : Engineering Equipment and Vehicle Bond (5Y

ENGINEERING OFFICE – SEWER MAINTENANCE
1100 N. FOREST ROAD
WILLIAMSVILLE, N.Y. 14221
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455 TONAWANDA CREEK ROAD
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Amherst Town Board
5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27597 **RESOLUTION 2023-505** **ROLL CALL VOTE (ADOPTED)**

2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000)

AGENDA ITEM : JUNE 5TH, 2023

TO: **Town Board**

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

DATE: **May 30, 2023**

RE: **2023 Sanitary Sewer Assessment Projects**
2023 CIP Project Nos. E-7, E-21
Resolution and Order After Public Hearing - $380,000

The above-referenced matter is scheduled for a Public Hearing on June 5, 2023 at 3:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding the bond action, also attached is the Map Plan and Report for the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - June 5, 2023**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachment)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachments*)

6/5/2023
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. The public hearing was opened at 3:10 PM.

Jeffrey Burroughs, Town Engineer, presented.

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

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 3:14 PM.

A motion to adopt 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 - $380,000

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

Amherst

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: Vaishali Reberholt, P.E., Assistant Municipal Engineer
Engineering Department

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

RE: SEQR Determination
Sanitary Sewer Assessment Projects
2023-2028 C.I.P. Projects E-7 & E-21

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)\E-7 & E-21_Sanitary Sewer Assessemnt Projects_04_25_2023.docx

cc:
Martin A. Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: SEQR E-7 & E-21 (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the County of Erie, New York

June 5, 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 June 5, 2023.

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

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 5583 Main Street, Williamsville, New York, at 3 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Town's Consolidated Sanitary Sewer District (the "District"), at the estimated total cost of $380,000, consisting (i) a Mini-System Study – Area 1, at the estimated maximum cost of $100,000 (CIP Project No. E-7) and (ii) a Town-wide Sanitary Interceptor Condition Assessments Project, at the estimated maximum cost of $280,000 (CIP Project No. E-21), as described in the two-part map, plan and report, dated May 2023 prepared by the Town Engineering Department; and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice

Attachment: CertExMins (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities of said District:

The following persons appeared in opposition to such increase and improvement of facilities:

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

Attachment: CertExMins (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

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 of Minutes of a meeting of the Town Board of said Town of Amherst duly called and held on June 5, 2023, has been compared by me with the original minutes as officially recorded in my office as Town Clerk, and is a true, complete and correct copy thereof and of the whole of said original minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 5th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertExMins (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 5, 2023, APPROPRIATING $380,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN'S CONSOLIDATED SANITARY SEWER DISTRICT, AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF $380,000 TO FINANCE SAID APPROPRIATION

Offered by: _____

Seconded By: _____

Recital

WHEREAS, following preparation of a two-part map, plan and report and an estimate of cost for the increase and improvement of facilities of the Consolidated Sanitary Sewer District (herein referred to as the "District"), in the Town of Amherst (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held on June 5, 2023, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

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

Section 1. The Town hereby appropriates the amount of $380,000 for the increase and improvement of facilities of the District, consisting of (i) a Mini-System Study – Area

Attachment: CertBondReso (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

1, at the estimated maximum cost of $100,000 (CIP Project No. E-7) and (ii) a Town-wide Sanitary Interceptor Condition Assessments Project, at the estimated maximum cost of $280,000 (CIP Project No. E-21), as described in the two-part map, plan and report dated May, 2023 prepared by the Town Engineering Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $380,000. The plan of financing includes the issuance of $380,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of $380,000 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 stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62(2nd) of the Law, is five (5) 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. The foregoing statement of intent with respect to

Attachment: CertBondReso (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a 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 issued 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 the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Attachment: CertBondReso (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation 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 resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in *"The Amherst Bee,"* a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Attachment: CertBondReso (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting _____
Councilwoman Jacqualine Berger	voting _____
Deputy Supervisor/Councilwoman Deborah Bruch Bucki	voting _____
Councilman Shawn Lavin	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution was declared adopted.

Attachment: CertBondReso (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

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 resolution of the Town Board of said Town adopted at a meeting duly called and held on June 5, 2023, has been compared by me with the original resolution 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 resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 5th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertBondReso (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

At a meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 5th day of June, 2023.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilwoman
Deborah Bruch Bucki, Deputy Supervisor/ Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sanitary Sewer District, in the Town of Amherst, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

Offered by: _____

Seconded By: _____

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of Consolidated Sanitary Sewer District (herein referred to as the "District"), has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare two-part map, plan and report dated

Attachment: CertResoOrderAfterPH (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

May, 2023, for the increase and improvement of facilities of the District, consisting of (i) a Mini-System Study – Area 1, at the estimated maximum cost of $100,000 (CIP Project No. E-7) and (ii) a Town-wide Sanitary Interceptor Condition Assessments Project, at the estimated maximum cost of $280,000 (CIP Project No. E-21); and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be $380,000 and said two-part map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 5, 2023 at 3 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 5th day of June, 2023 at 3 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project is a Type II project which will not result in any significant adverse environmental

Attachment: CertResoOrderAfterPH (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of $380,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of $380,000 bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: June 5, 2023

(SEAL)

TOWN BOARD OF THE TOWN OF AMHERST

Attachment: CertResoOrderAfterPH (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting _____
Councilwoman Jacqualine Berger	voting _____
Deputy Supervisor/Councilwoman Deborah Bruch Bucki	voting _____
Councilman Shawn Lavin	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution and Order were declared adopted.

Attachment: CertResoOrderAfterPH (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

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 resolution and order of the Town Board of said Town adopted at a meeting duly called and held on June 5, 2023, has been compared by me with the original resolution and order 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 resolution and order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 5th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertResoOrderAfterPH (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

TOWN OF AMHERST
ENGINEERING DEPARTMENT

2023
SANITARY SEWER ASSESSMENT PROJECTS

2023 CIP PROJECT E-7

MINI-SYSTEM STUDY- AREA 1

TOWN OF AMHERST JOB NO. 2023-001F

2023 CIP PROJECT E-21

TOWN-WIDE SANITARY INTERCEPTOR SEWER EVALUATION

TOWN OF AMHERST JOB NO. 2020-024A

MAP, PLAN & REPORT

May 2023

Contents:

- Executive Summary
- Project Descriptions
- Financial Summary w/costs & taxation
- SEQR Determination

Appendices:

A. Mini-System Study Areas
B. Inspection Areas - Town-wide Sanitary Interceptor Condition Assessments

Attachment: MPR E-7 & E-21 Sanitary Sewer Studies (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

TOWN OF AMHERST
2023 SANITARY SEWER ASSESSMENT PROJECTS

MINI – SYSTEM STUDY – AREA 1

TOWN-WIDE SANITARY INTERCEPTOR SEWER EVALUATION

EXECUTIVE SUMMARY:

The Town of Amherst Engineering Department is proceeding with the above sanitary sewer projects in accordance with the 2023 Capital Improvement Project schedule (Projects E-7, & E-21). These projects, which are located within the Consolidated Sanitary Sewer District include Mini-System Study for Area 1 and Town-wide Sanitary Interceptor Sewer Evaluation Project.

The Town is aware of the challenges that face the community as its sewer infrastructure ages, wastewater flows increase and future demand for sewer capacity remains strong. As the Town matures and developers change their project profiles from green field development to redevelopment, the Town is going to need to adjust and focus its efforts not only on the elimination of the two remaining SSOs, but also the reduction of peak wet weather flows. In that, the Town has begun and is committed to complete mini-system study as part of the renewed SPDES permit over a span of 18 years. This Mini-System Study involves flow metering to be completed in mini-systems 1-12 in 12 – years and remaining mini-systems in 6 subsequent years in addition to the rehabilitation work. (See Location Map)

The Town-wide Sanitary Interceptor Condition Assessment Project will inspect the Town's large-diameter sanitary interceptor sewers ranging in size from 36-inch to 84-inch. These reinforced concrete pipe sewers, which were installed in the mid-1970's, convey a majority of the Town's sewage to Plant #16. These sewers are subjected to the deteriorating conditions hydrogen sulfide generated by the decomposition of sewage within the pipes. The Condition Assessment will use Closed Circuit Television Inspection (CCTV) and sonar to determine the overall condition of these large sewers and help develop a maintenance plan.

The Town-wide Sanitary Interceptor Assessment Project is CCTV inspections with no construction or disturbances and the Mini-System Study Project is flow metering data collection only, therefore no SEQR is required for these two projects.

Attachment: MPR E-7 & E-21 Sanitary Sewer Studies (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

Attachment: MPR E-7 & E-21 Sanitary Sewer Studies (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

PROJECT DESCRIPTION:

Mini–System Study – Area 1

As the town has defined and identified the solutions to the SSO issue, several initiatives have been implemented to remove extraneous wet weather flows (I&I) within the public and private side of the sewer system. Over the summer of 2017 the town adopted a “time of sale” law and amended its I&I mitigation program. In addition, the NYSDEC as part of its CMOM (Capacity Management Operations and Maintenance) plan review has required that the town study each mini system in its sewer shed with the goal of developing future effective I&I mitigation projects.

The I&I mitigation program is mandated by the NYSDEC and all new projects that require NYSDEC approval of a sanitary sewer extension (greater than 2,500 gallons/day) are required to mitigate the equivalent volume of sewage equal to four times the development’s peak flow. The town’s new program requires that the developer of the project cut a check in the amount of $250/gpm for mitigation of I&I flow. The check is deposited into a trust and agency account for use on future capital projects targeting I&I removal.

The town is also required to embark on its mini system studies with the goal of systematically removing as much I&I as feasible. As a start, the town is planning on studying MS01 and MS02 mini systems and will program capital work for each once the study is completed. It is anticipated that each mini system will yield at least one if not two capital projects focused on I&I work.

Town-wide Sanitary Interceptor Condition Assessment Project

There is approximately 72,269 l.f. (13.7 miles) of Reinforced Concrete Pipe (RCP) within the Town’s Sanitary Interceptor System. This interceptor system contains sewers ranging in size from 36-inch to 84-inch diameter.

These interceptor pipes a subjected to the harsh environment of the waste water system and interior of the pipes can be deteriorated by the formation of hydrogen sulfide gases generated by the decomposition of sewage over time.

The Interceptor Condition Assessment Project will use CCTV and Sonar inspection to check the condition of much of these pipes to determine the extent of pipe deterioration within the system and if any maintenance or system improvements are needed to mitigate these conditions.

Attachment: MPR E-7 & E-21 Sanitary Sewer Studies (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

FINANCIAL SUMMARY

Estimated Costs:

1. Mini–System Study – Area 1
Consolidated Sanitary Sewer District
Town of Amherst Job No. 2023-001F 2023 CIP Project E-7

Engineering & Inspection (Design & Inspection)	$99,500.00
Legal & Administration	$500.00
Total Bond Amount	$100,000.00

2. Town-wide Sanitary Interceptor Condition Assessments Project
Consolidated Sanitary Sewer District
Town of Amherst Job No. 2020-024A 2023 CIP Project E-21

Engineering & Inspection (In House Design & Inspection)	$278,600.00
Legal & Administration	$1,400.00
Total Bond Amount	$280,000.00

Tax Impact Summary (Projects E-7 & E-21):

Total Amount to be Bonded:	**$380,000.00**
Bond Term:	**5 years**
Annual Tax Impacts:	**$0.0068 per $1,000 AV**
Typical Property Impacts:	**$1.6971 per $250,000 AV**

Amherst

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: Vaishali Reberholt, P.E., Assistant Municipal Engineer
Engineering Department

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

RE: SEQR Determination
Sanitary Sewer Assessment Projects
2023-2028 C.I.P. Projects E-7 & E-21

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.

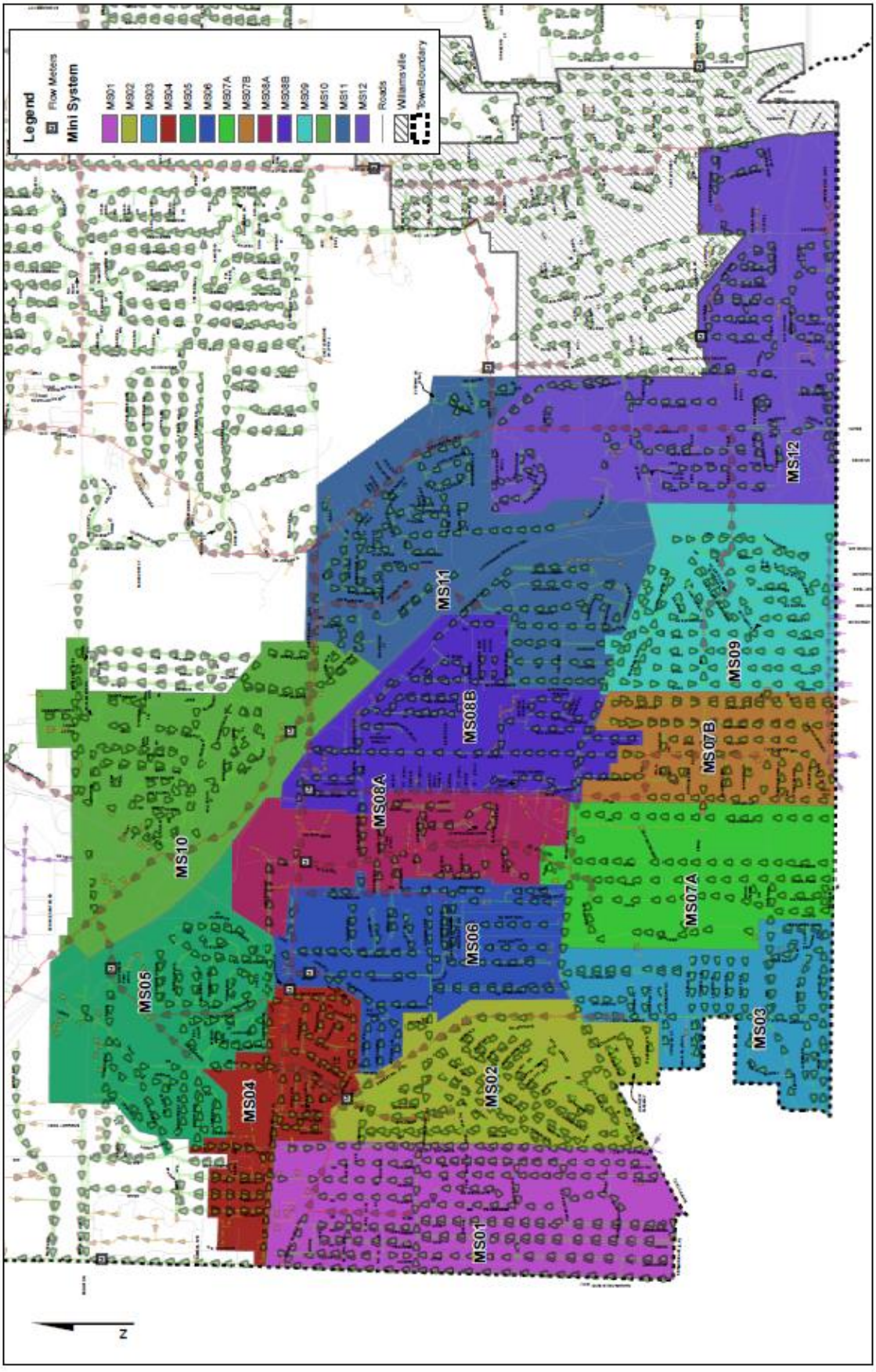
Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\E-7 & E-21_Sanitary Sewer Assessemnt Projects_04_25_2023.docx

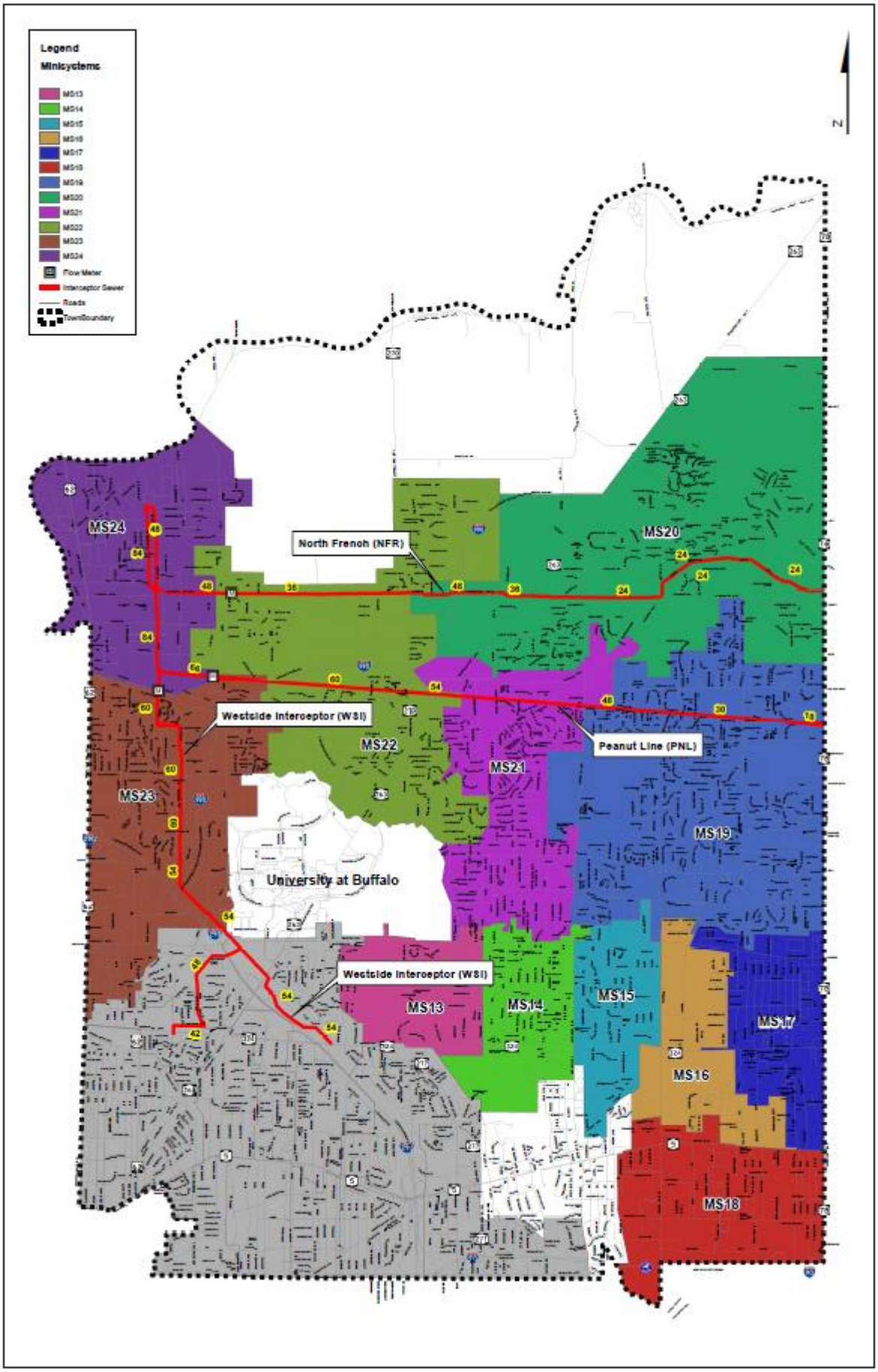
cc:
Martin A. Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR E-7 & E-21 Sanitary Sewer Studies (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

APPENDIX A
Mini-System Study Areas

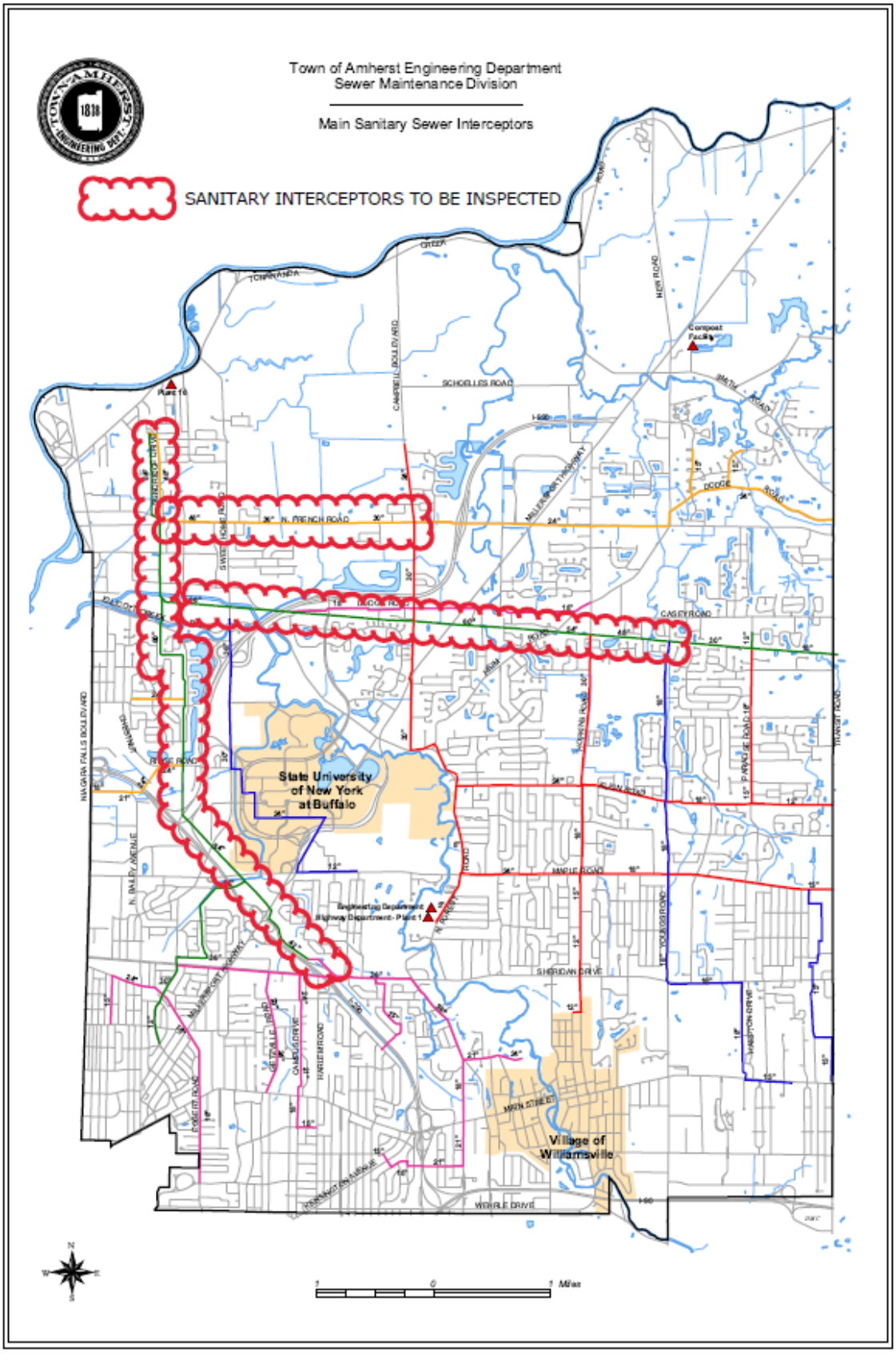


Attachment: MPR E-7 & E-21 Sanitary Sewer Studies (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))



Attachment: MPR E-7 & E-21 Sanitary Sewer Studies (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

APPENDIX B
Inspection Areas - Town-wide Sanitary Interceptor Condition Assessments



Attachment: MPR E-7 & E-21 Sanitary Sewer Studies (RES-2023-505 : 2023 Sanitary Sewer Assessment Projects (Bond Resolution - $380,000))

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27595 **RESOLUTION 2023-506** **ROLL CALL VOTE (ADOPTED)**

Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000)

AGENDA ITEM : JUNE 5TH, 2023

TO: **Town Board**

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

DATE: **May 30, 2023**

Re: **Boulevard Central District Sanitary Sewer Improvements**
2023 CIP Project E-5
Resolution and Order After Public Hearing
(Bond Resolution - $300,000)

The above-referenced matter is scheduled for a Public Hearing on June 5, 2023 at 3:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

For ease of reference and to provide detailed information regarding the bond action, also attached is the Map Plan and Report for the project.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - June 5, 2023**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachment)*
Dan Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachments*)
Vaishali Reberholt, PE, Assistant Town Engineer (*w/attachments*)

6/5/2023
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 3:15 PM.

Jeffrey Burroughs, Town Engineer, presented.

A motion to approve the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was closed at 3:18 PM.

A motion to adopt the Bond Resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved via Roll Call vote 5-0.

FINANCIAL IMPACT:

Bond Rresolution - $300,000

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

Amherst

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 January 25, 2023

TO: Vaishali Reberholt, P.E., Assistant Municipal Engineer
Engineering Department

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

RE: SEQR Determination
Westside Interceptor Diversion Facility Design
2023-2028 C.I.P. Project E-5 – TOA Job No. 2019.038

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)\Westside Interceptor Design_01_25_2023.docx

cc:
Martin A. Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: SEQR (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the County of Erie, New York

June 5, 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 June 5, 2023.

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

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 5583 Main Street, Williamsville, New York, at 3 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Town's Consolidated Sanitary Sewer District (the "District"), at the estimated total cost of $1,300,000, consisting of the planning costs for sanitary sewer system improvements (2023 CIP Project No. E-5), as described in the map, plan and report, dated April 2023, prepared by the Town Engineering Department; and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

Attachment: CertExMins (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities of said District:

The following persons appeared in opposition to such increase and improvement of facilities:

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

Attachment: CertExMins (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

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 of Minutes of a meeting of the Town Board of said Town of Amherst duly called and held on June 5, 2023, has been compared by me with the original minutes as officially recorded in my office as Town Clerk, and is a true, complete and correct copy thereof and of the whole of said original minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 5th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertExMins (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 5, 2023, APPROPRIATING $1,300,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN'S CONSOLIDATED SANITARY SEWER DISTRICT, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $300,000 TO FINANCE A PORTION OF SAID APPROPRIATION AND THE APPLICATION OF $1,000,000 IN TOWN ARPA FUNDING RECEIVED OR EXPECTED TO BE RECEIVED AND TO BE EXPENDED TOWARDS THE COST OF SAID OBJECT OR PURPOSE

Offered by: _____

Seconded By: _____

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Consolidated Sanitary Sewer District (herein referred to as the "District"), in the Town of Amherst (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held on June 5, 2023, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

Attachment: CertBondReso (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

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

Section 1. The Town hereby appropriates the amount of $1,300,000 for the increase and improvement of facilities of the District, consisting of the planning costs of sanitary sewer system improvements (2023 CIP Project No. E-5), as described in the map, plan and report dated April, 2023, prepared by the Town Engineering Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $1,300,000. The plan of financing includes (i) the issuance of bonds in the aggregate principal amount of $300,000 to finance said appropriation, (ii) $1,000,000 portion of such cost is to be funded with the Town's ARPA Funding received or expected to be received, and (iii) the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of $300,000 pursuant to the provisions of the Local Finance Law, constituting

Attachment: CertBondReso (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

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 stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62(2nd) of the Law, is five (5) 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. 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 serial bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a 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

Attachment: CertBondReso (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

notes issued 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 the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, 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 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.

Attachment: CertBondReso (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in *"The Amherst Bee,"* a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Attachment: CertBondReso (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting _____
Councilwoman Jacqualine Berger	voting _____
Deputy Supervisor/Councilwoman Deborah Bruch Bucki	voting _____
Councilman Shawn Lavin	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution was declared adopted.

Attachment: CertBondReso (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

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 resolution of the Town Board of said Town adopted at a meeting duly called and held on June 5, 2023, has been compared by me with the original resolution 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 resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 5th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertBondReso (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

At a meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 5th day of June, 2023.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilwoman
Deborah Bruch Bucki, Deputy Supervisor/ Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sanitary Sewer District, in the Town of Amherst, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

Offered by: _____

Seconded By: _____

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of Consolidated Sanitary Sewer District (herein referred to as the "District"), has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare the map, plan and report dated

Attachment: CertResoOrderAfterPH (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

April, 2023, for the increase and improvement of facilities of the District, consisting of the planning costs of sanitary sewer system improvements (2023 CIP Project No. E-5); and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be $1,300,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 5, 2023 at 3 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 5th day of June, 2023 at 3 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project is a Type II project which will not result in any significant adverse environmental impacts, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5;

Now, therefore, be it

Attachment: CertResoOrderAfterPH (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of $1,300,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the a portion of the expense of said increase and improvement of facilities shall be financed by the issuance of $300,000 bonds of the Town, and the cost of said portion of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: June 5, 2023

(SEAL)

TOWN BOARD OF THE TOWN OF AMHERST

Attachment: CertResoOrderAfterPH (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting _____
Councilwoman Jacqualine Berger	voting _____
Deputy Supervisor/Councilwoman Deborah Bruch Bucki	voting _____
Councilman Shawn Lavin	voting _____
Councilman Michael R. Szukala	voting _____

The Resolution and Order were declared adopted.

Attachment: CertResoOrderAfterPH (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

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 resolution and order of the Town Board of said Town adopted at a meeting duly called and held on June 5, 2023, has been compared by me with the original resolution and order 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 resolution and order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 5th day of June, 2023.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertResoOrderAfterPH (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

Attachment: MPR E-5 Boulevard Central District Sanitary Sewer Improvements (RES-2023-506 : Boulevard Central District Sanitary Sewer

TOWN OF AMHERST
ENGINEERING DEPARTMENT

BOULEVARD CENTRAL DISTRICT SANITARY SEWER IMPROVEMENTS

2023 CIP PROJECT E-5

CONSOLIDATED SANITARY SEWER DISTRICT, INCREASE IN FACILITIES #14
TOWN OF AMHERST JOB NO. 2019.038

MAP, PLAN & REPORT

April 2023

Contents:

- Executive Summary
- Project Description
- Financial Summary w/costs & taxation
- SEQR

Appendices:

A. Location Map – Westside Interceptor Location and Capacities
B. Project Schematic – Westside Interceptor Diversion Facility

TOWN OF AMHERST

BOULEVARD CENTRAL DISTRICT SANITARY SEWER IMPROVEMENTS

EXECUTIVE SUMMARY:

The Town of Amherst Engineering Department completed preliminary study and basis of design for the Westside Interceptor in 2022 and is proceeding with the final design per 2023 Capital Improvement Project schedule (Project E-5). As defined during the numerous downstream sewer capacity studies for projects proposed in Williamsville, Eggertsville and Snyder, the Westside Interceptor has wet weather capacity issues as illustrated in the exhibit provided in Appendix A. The well-documented wet weather capacity issues are significant enough to provide a possible barrier to the necessary redevelopment plans for the older areas of the town.

Over the past two decades, the town has been focused on eliminating its sanitary sewer overflows (SSO) which occur due to insufficient downstream pipe capacity. In 2007, the NYSDEC levied an order of consent against the town to prepare a plan to eliminate its four last remaining SSOs. Since that action, the town has eliminated two of the four and is working toward the elimination of the last two. It is possible that this project, as well as operational changes at the plant and future capital improvement projects focusing on I&I removal will mitigate the final two SSOs.

As the town has defined and identified the solutions to the SSO issue, several initiatives have been implemented to remove extraneous wet weather flows (I&I) within the public and private side of the sewer system. Over the summer of 2017, the town adopted a “time of sale” law and amended its I&I mitigation program. In addition, the NYSDEC as part of its CMOM (Capacity Management Operations and Maintenance) plan review has required that the town study each mini system in the Westside Interceptor sewer shed with the goal of developing future effective I&I mitigation projects.

The I&I mitigation program is mandated by the NYSDEC and all new projects that require NYSDEC approval of a sanitary sewer extension (greater than 2,500 gallons/day) are required to mitigate the equivalent volume of sewage equal to four times the development’s peak flow. The town’s new program requires that the developer of the project cut a check in the amount of $250/gpm for mitigation of I&I flow. The check is deposited into a trust and agency account for use on future capital projects targeting I&I removal.

The town will embark on its mini system studies with the goal of systematically removing as much I&I as feasible. As a start, the town is planning to study three smaller mini systems and will program capital work for each. It is anticipated that each mini system will yield at least one if not two capital projects focused on I&I work.

Given the above, and the considerable redevelopment opportunities that are forecasted in the Amherst Opportunity Zone located within the West Side Interceptor sewer shed, it is assumed that a methodical approach to I&I removal alone will not yield the capacities necessary in the West Side Interceptor in a time frame amenable to the Boulevard Central District redevelopment such that the town is going to have to construct a short to intermediate range solution to create sewer capacity.

Attachment: MPR E-5 Boulevard Central District Sanitary Sewer Improvements (RES-2023-506 : Boulevard Central District Sanitary Sewer

PROJECT DESCRIPTION:

West Side Diversion Facility – Final Design

The scope of the project includes preliminary, final and bidding phases to create capacity in the West Side Interceptor by constructing a diversion pump station (three pump) and approximately 13,300 lineal feet of 24-inch or 36-inch force main from the dead end of Rensch Road to the point where the Peanut Line Interceptor runs under Sweet Home Road as shown in Appendix B. It is anticipated that this project will reallocate in system flows and create 15 MGD or 30 MGD of capacity on the West Side Interceptor. The plan is to minimize impacts with existing utilities but if needed funds may be utilized for Right of Way purchases.

At this time, the bond request is for $300,000.00 bonded against the Town's Consolidated Sanitary Sewer District, additional funds per approved 2023 capital improvement project E-5 will be bonded when necessary.

FINANCIAL SUMMARY

Estimated Costs:

Engineering *(Preliminary, Final and Bidding Phase)*	$1,298,500.00
Legal & Administration	$1,500.00
Total Cost	$1,300,000.00
ARPA Funds	($1,000,000.00)
Total Amount to be Bonded	**$300,000.00**

Tax Summary:

Total Bond Request:	$ 300,000.00 (Sewer District)
Bond Term:	5 Years
Annual Tax Impacts:	$0.0054 per $1,000 AV
Typical Property Impacts:	$1.3398 per $250,000 AV

Attachment: MPR E-5 Boulevard Central District Sanitary Sewer Improvements (RES-2023-506 : Boulevard Central District Sanitary Sewer

Amherst

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 January 25, 2023

TO: Vaishali Reberholt, P.E., Assistant Municipal Engineer
Engineering Department

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

RE: SEQR Determination
Westside Interceptor Diversion Facility Design
2023-2028 C.I.P. Project E-5 – TOA Job No. 2019.038

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)\Westside Interceptor Design_01_25_2023.docx

cc:
Martin A. Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR E-5 Boulevard Central District Sanitary Sewer Improvements (RES-2023-506 : Boulevard Central District Sanitary Sewer

APPENDIX A

WEST SIDE INTERCEPTOR FLOWS
(SEE ATTCHED)

Attachment: MPR E-5 Boulevard Central District Sanitary Sewer Improvements (RES-2023-506 : Boulevard Central District Sanitary Sewer

Town of Amherst Engineering Department
Sewer Maintenance Division

Main Sanitary Sewer Interceptors

West Side Interceptor Flows (mgd)

Legend

- Flow Metering Nodes

84-Inch West Side Interceptor
Capacity: 104.10 mgd
21.1 mgd Avg. Daily Flow
26.85 mgd Daily Peak Flow
91.70 mgd 2 yr.-6 hr. Flow

66-Inch Peanut Line
Capacity: 57.4 mgd
8.37 mgd Avg. Daily Peak
11.55 mgd Daily Peak Flow
36.60 mgd 2 yr.-6hr. Flow

60-Inch West Side Interceptor
Capacity: 49.1 mgd
12.64 mgd Avg. Daily Flow
15.33 mgd Daily Peak Flow
54.10 mgd 2 yr.-6 hr. Flow

54-Inch West Side Interceptor
Capacity: 38.5 mgd
11.27 mgd Avg. Daily Peak
13.88 mgd Daily Peak Flow
56.65 mgd 2 yr.-6hr. Flow

48-Inch West Side Interceptor
Capacity: 24.6 mgd
3.10 mgd Avg. Daily Peak
4.15 mgd Daily Peak Flow
19.75 mgd 2 yr.-6hr. Flow

54-Inch West Side Interceptor
Capacity: 36.5 mgd
8.05 mgd Avg. Daily Peak
9.55 mgd Daily Peak Flow
36.50 mgd 2 yr.-6hr. Flow

Plant 16
Compost Facility
Engineering Department
Highway Department - Plant 1
State University of New York at Buffalo
Village of Williamsville

TONAWANDA CREEK ROAD
CAMPBELL BOULEVARD
NEW ROAD
SCHOELLES ROAD
SMITH ROAD
I-990
SUNDRIDGE DRIVE
SWEET HOME ROAD
N. FRENCH ROAD
MILLERSPORT HIGHWAY
DODGE ROAD
ELLICOTT CREEK ROAD
CASEY ROAD
HEIM ROAD
HOPKINS ROAD
TRANSIT ROAD
PARADISE ROAD
NIAGARA FALLS BOULEVARD
CHESTNUT RIDGE ROAD
KLEIN ROAD
MAPLE ROAD
N. BAILEY AVENUE
N. FOREST ROAD
YOUNGS ROAD
SHERIDAN DRIVE
HAMPTON DRIVE
EGGERT ROAD
GETZVILLE ROAD
CAMPUS DRIVE
HARLEM ROAD
I-290
MAIN STREET
KENSINGTON AVENUE
WEHRLE DRIVE
I-90
BMC

1 0 1 Miles

June 2019

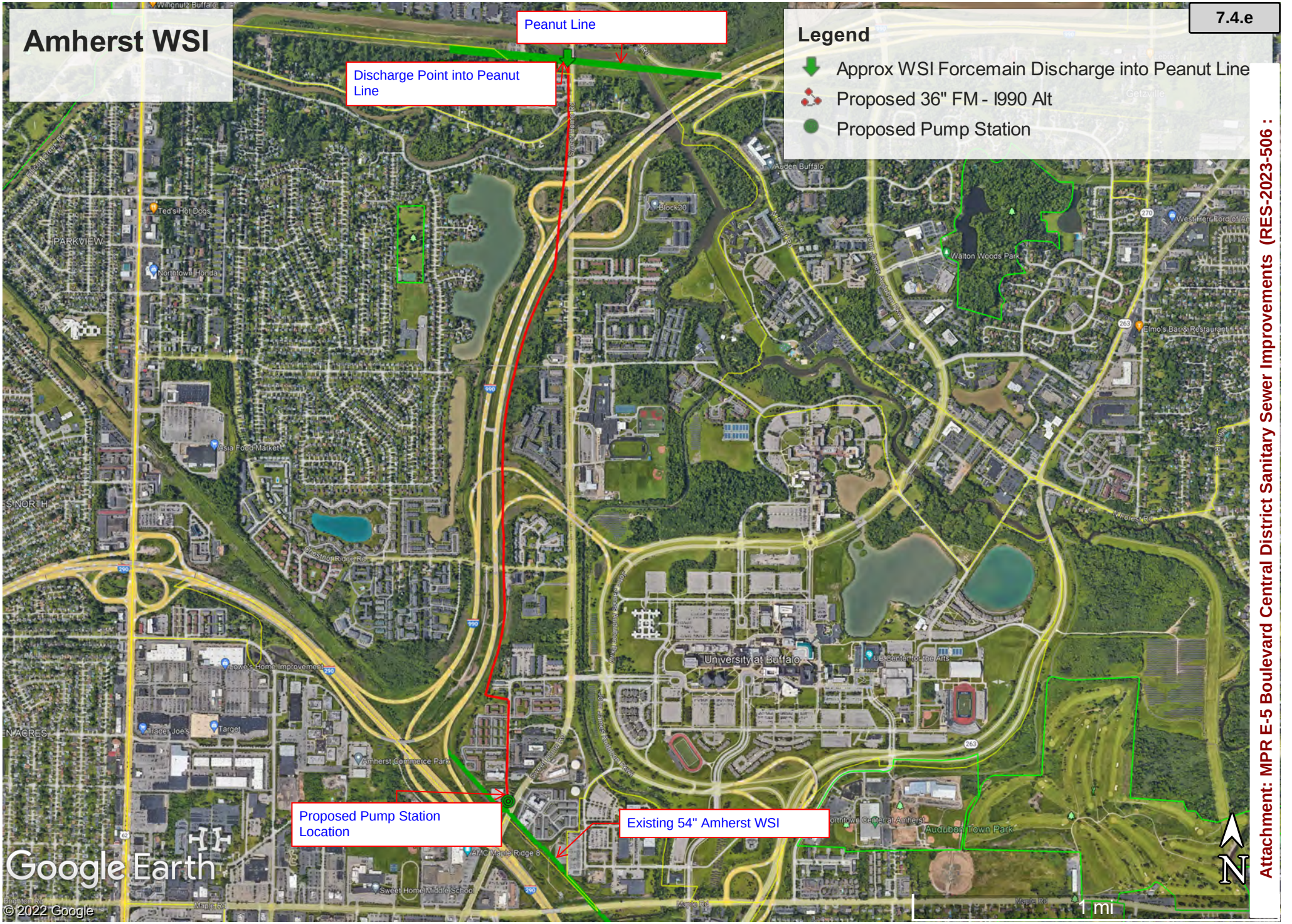
Attachment: MPR E-5 Boulevard Central District Sanitary Sewer Improvements (RES-2023-506 : Boulevard Central District Sanitary Sewer Improvements (Bond Resolution - $300,000))

APPENDIX B

PUMP STATION AND FORECEMAIN FIGURE
(SEE ATTACHED)

Attachment: MPR E-5 Boulevard Central District Sanitary Sewer Improvements (RES-2023-506 : Boulevard Central District Sanitary Sewer

Amherst WSI



Attachment: MPR E-5 Boulevard Central District Sanitary Sewer Improvements (RES-2023-506 :

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Councilmembers
Initiated by: **Jacqualine Berger**
Co-Sponsored by:

DOC ID: 27588 **RESOLUTION 2023-507** **ADOPTED**

Art on Signal Cabinets – Yr. 2023

WHEREAS, in 2019 the Town of Amherst Arts and Culture in Public Places Board spearheaded an initiative that converted six (6) traffic signal cabinets in the Town of Amherst into public artworks, and

WHEREAS, an additional twelve (12) traffic signal cabinets were painted in subsequent years for a total of eighteen (18) painted to date, and

WHEREAS, the Decorative Treatment for Traffic Signal Cabinets Initiative has been a success and there is desire to continue with the project, and

WHEREAS, signal cabinet artwork beautifies public spaces, builds community, and offers a more attractive and interesting streetscape environment, and

WHEREAS, an additional eleven (11) traffic signal boxes have been selected by the Arts and Culture in Public Places Board to be painted by qualified and trusted artists, and

WHEREAS, the selected locations for the 2023 signal cabinet painting are:
Hopkins Road & North French Road,
Dodge Road & North French Road,
Heim Road & North Forest Road,
John James Audubon Parkway & Gordon R. Yaeger Drive,
Wehrle Drive, Lehn Springs Drive, & Garrison Road,
North Forest Road & Klein Road,
Maple Road & Old Lyme Road,
Sheridan Drive & North Forest Road,
Main Street & Eggert Road,
Main Street & Kensington Highway,
Main Street HAWK in Williamsville, and

WHEREAS, the HAWK signal on Main Street is located within the Village of Williamsville and the Town has coordinated with the Village to include them in the project, and

WHEREAS, two (2) traffic signal cabinets at Sheridan Drive & N. Forest Road and Main Street HAWK require NYSDOT permits, and

WHEREAS, the NYSDOT allows for Decorative Treatment for Traffic Signals by TSMI 16-04 where a PERM-33 Highway Work Permit is required to paint or wrap a traffic signal cabinet, and

THEREFORE BE IT RESOLVED, the Town Board supports the initiative to paint artwork on signal cabinets by the Arts and Culture in Public Places Board in the selected locations, and

THEREFORE BE IT FURTHER RESOLVED, the Supervisor of the Town of Amherst is hereby authorized to sign all NYSDOT permits and applications in connection with the Signal Cabinet Artwork, and

THEREFORE BE IT FURTHER RESOLVED, that the NYSDOT work permit and necessary applications be reviewed by the Town Attorney prior to execution, and

THEREFORE BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided to the New York State Department of Transportation as part of the PERM-33 Highway Work Permit, and

THEREFORE, BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided to the New York State Department of Transportation permitting office at the time of permit submittal.

6/5/2023
A motion to approve was made by Councilmember Berger, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

FINANCIAL IMPACT:

None

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacqualine 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: 06/05/23 03:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27598 **RESOLUTION 2023-508** **ROLL CALL VOTE (ADOPTED)**

Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000)

AGENDA ITEM : JUNE 5th, 2023

TO: **Town Board**

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

DATE: **May 30, 2023**

RE: **Town Facilities Improvements**
Town of Amherst Senior Center HVAC/Carpet Replacement
2023-2028 C.I.P. - Project Nos. F-10 and F-11
Bond Resolution - $592,000

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 $592,000.00 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 - June 5, 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*)
Daniel J. Rizzo, Director of Facilities (*w/attachments*)
Ann Dafchik, AIA, NCARB (*w/attachments*)

6/5/2023
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. A motion to approve the Bond

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

FINANCIAL IMPACT:

Bond Resolution - $592,000

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

Amherst

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 May 1, 2023

TO: Anne Dafchik, AIA, NCARB, Architect
Facilities Department

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

RE: SEQR Determination
2023–2028 CIP – Facility Improvements – F-10 & F-11

The Planning Department has reviewed the scope of work 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)\2023 Facility Improvements_ F10_F11_F13.docx

cc:
Martin A. Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: SEQR F-10 & F-11 (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

June 5, 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 June 5, 2023.

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

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 5, 2023, AUTHORIZING SENIOR CENTER FACILITY IMPROVEMENTS, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $592,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $592,000 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 Senior Center facility improvements consisting of (i) HVAC replacement, at the estimated maximum cost of $500,000 (CIP Project No. F-10) and (ii) carpet replacement, at the estimated maximum cost of $92,000 (CIP Project No. F-11), each as described in the map, plan and report dated May 2023, prepared by the Town Facilities Department (2023-2028 Capital Improvement Program Project Nos. F-10 and F-11). The estimated total maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $592,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the aggregate principal amount of $592,000 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 $592,000 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 objects or purposes as set forth in section 1 hereof.

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

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 CIP Project Nos. F-10 and F-11, which said $592,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) 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.

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

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.

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

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:

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on June 5, 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 JUNE 5, 2023, AUTHORIZING SENIOR CENTER FACILITY IMPROVEMENTS, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $592,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $592,000 TO FINANCE SAID APPROPRIATION,"

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

FIRST: AUTHORIZING said Town is authorized to undertake Senior Center facility improvements, consisting of (i) HVAC replacement, at the estimated maximum cost of $500,000 (CIP Project No. F-10) and (ii) carpet replacement, at the estimated maximum cost of $92,000 (CIP Project No. F-11), each as described in the map, plan and report dated May 2023, prepared by the Town Facilities Department (2023-2028 Capital Improvement Program Project Nos. F-10 and F-11); STATING the estimated total maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $592,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of $592,000 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 $592,000 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 ten (10) 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;

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

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: June 5, 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.

* * *

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

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.

****

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

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 June 5, 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 June, 2023.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

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 she 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 June 5, 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 June, 2023.

_____
Notary Public, State of New York

Attachment: CertBondReso (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond Resolution - $592,000))

Town of Amherst

Facilities Department

2023 – 2028 Capital Improvement Projects
Facility Improvements
F-10 Senior Center HVAC Replacement
F-11 Senior Center Carpet Replacement

MAP, PLAN & REPORT

May 2023

Contents:

• Background
• Location
• Project Description and Improvements
• Project Justification
• Anticipated Project Schedule
• Financial Summary
• Taxation Summary
• Town of Amherst SEQR Determination

Prepared by:
Town of Amherst
Facilities Department
5583 Main Street, Williamsville, NY 14221
(716) 631 – 7080 | (716) 631 – 7109

Attachment: MPR F-10 & F-11 Senior Center Improvements (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond

Background

This MAP Plan & Report includes two projects.

The Amherst Senior Center located at 370 John James Audubon Pkwy was constructed over 20 years ago. Many building components that have a 20-year lifespan are not only due for replacement, but are showing clear signs of their age. The rooftop air handling units are original to the building and they have exceeded their useful life; and the refrigerant used is obsolete. Other HVAC components, such as makeup air (relief air) or specialty exhaust units for the kitchen are nearing the end of their useful life. Additionally, many interior finishes, such as carpet flooring have exceeded their useful life and are showing clear signs of deterioration. This is a highly utilized building, with lots of public access on a daily basis – so the finishes and systems are used more often, and show more wear and tear, then other buildings with limited operations.

The Town of Amherst has identified Project "**F-10**", referred to as "Senior Center HVAC Replacement" as a 2023 project to replace the three rooftop air handling units, and upgrade other HVAC components.

Approved 2023 – 2028 Capital Improvement Program (11-7-22)

Facilities Department (cont'd) *Recommended Schedule (X $1,000)*

Project ID	Project Title/Description	2023	2024	2025	2026	2027	2028	Total Cost
F-4	**Town Parking Lot Sealing & Striping:** Parking lot seal coating, crack filling and striping at Town buildings and facilities to prevent premature failure of asphalt surfacing.	100 LA	100 LA	100 LA	100 LA	100 LA	100 LA	**$600,000**
F-5	**Highway Garage Roof & Sprinkler System Replacement:** Replacement of sheet metal garage roof, and inspection and replacement of the fire suppressant sprinkler heads.			3,654.5 LA	490.4 LA			**$4,144,900**
F-6	**Engineering Department Building Improvements:** Phase 1 includes demolition of the existing LAB building at Plant 1 and installing a storage building. Phase 2 includes updating generators, replacing existing siding, and adding a privacy fence behind Plant 1.	185 LA		325 LA				**$510,000**
F-7	**Museum Improvements:** Maintain Town-owned buildings at the Buffalo Niagara Heritage Village required by the Town's contract.		100 LA	100 LA	100 LA	100 LA	100 LA	**$500,000**
F-8	**Williamsville Youth & Family Roof Restoration:** Roof restoration (coating) at 5005 Sheridan, Amherst Youth Foundation, to restore failing roof membrane and to protect building integrity.		458 LA					**$458,000**
F-9	**Jurek Post Renovations:** Replace the low slope roof and sloped shingle roof on the main building as well as the shingle roofs on the BBQ pit and the pavilion, and repair the south facing façade of the Jurek Post Building.	465 LA						**$465,000**
F-10	**Senior Center HVAC Replacement:** Replace three large rooftop air handler units that have exceeded their useful life.	500 LA 45 X	500 LA					**$1,045,000**

Key:

Funding Source
T – Tax
L – Bond
S – Surplus
E - Encumbered
I/M – I&I or Mitigation Funds
RF – Recreation Fund
OF – Open Space Fund
F/S – Federal or State Aid
X – Private Source

Funding Account
A – General Account
B – Part Town
C – Community Environment
D – Highway
F – Lighting
G – Sanitary Sewer District
H – Storm Drainage District
I – Water District
W – Water Pollution Control Facility
– Special District Number
NS – None Submitted

6

Attachment: MPR F-10 & F-11 Senior Center Improvements (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond

The Town of Amherst has also identified Project "**F-11**", referred to as "Senior Center Carpet Replacement" as a 2023 project to remove and replace damaged carpet flooring in as many spaces and rooms as possible.

Approved 2023 – 2028 Capital Improvement Program (11-7-22)

Facilities Department (cont'd) *Recommended Schedule (X $1,000)*

Project ID	Project Title/Description	2023	2024	2025	2026	2027	2028	Total Cost
F-11	**Senior Center Carpet Replacement:** Remove and replace carpeting where deteriorated.	92 LA						$92,000
F-12	~~Senior Center Roof System~~ **Improvements:** Restoration of the existing roof system.				~~750 LA~~			~~$750,000~~
F-13	**Harlem Road Community Center HVAC Controls Replacement:** Replace antiquated pneumatic control system with low voltage digital controls at HRCC.	320 LA						$320,000
F-14	**Harlem Road Community Center Auditorium Renovations:** Replacement and abatement of ceiling, replace seating and carpeting, and paint the entire room.					475 LA		$475,000
F-15	**Town Hall Renovations:** Renovate and reconfigure space within select departments to create space efficiencies for office and storage functions and improve public interactions, conduct a study to determine risk of short circuits and arc flash, and resurface deteriorated areas and replace terrazzo hallway floors.	100 LA	300 LA	500 LA	250 LA	250 LA		$1,400,000
F-16	**Additional Town Space:** Purchase of additional offices and improvements to archival space.	**1,500 LA** amended 1/17/23 resolution 2023-86			~~1,500 LA~~			$1,500,000
F-17	**Senior Center Café/Giftshop:** Construction of a café/giftshop to service the Senior Center.	200 LA						$200,000

Key:

Funding Source
T – Tax
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W – Water Pollution Control Facility
– Special District Number
NS – None Submitted

7

Attachment: MPR F-10 & F-11 Senior Center Improvements (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond

Location

The parcel is located at 370 John James Audubon Parkway, Amherst NY 14228. SBL: 41.03-1-66.

Figure 1 - Project Location, Amherst Senior Center

Figure 2 – Building on Site, Amherst Senior Center

Attachment: MPR F-10 & F-11 Senior Center Improvements (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond

Project Description and Improvements

The project at Amherst Senior Center includes the following scope of work:

- Replacement of interior finishes, such as flooring and associated wall base, transition strips, thresholds or substrates as necessary to install new flooring
- Work as necessary to prepare for flooring work, such as moving furniture out of and back into work spaces.
- Design and construction of HVAC rooftop unit replacements, including any necessary curbing, ductwork connections, gas line work, and wind restraints.
- Replacement or upgrades to existing HVAC related equipment throughout the building, such as boilers, makeup air, exhaust units, etc.

If funding allows, additional projects may be completed at the Senior Center, including exterior improvements, such as façade, fenestration and entry canopy refurbishments. Other projects may be prioritized on an as-needed basis.

Project Justification

At the Amherst Senior Center, these projects are necessary in order to keep the facility in good, functional condition.

- The aging rooftop units are the primary source of fresh air, heating and ventilation in the building. Furthermore, the average life-cycle duration for rooftop air handling units is typically 20 to 25 years, depending on quality and maintenance; as such, these units are approaching the end of their serviceable life.
- Aging carpeting and floor finishes can pose safety concerns for building users when they have snags, tears or gaps. The average life-cycle duration for carpet and resilient flooring is typically 7 to 15 years, depending on quality and maintenance.

In high-use buildings, such as the Senior Center, the importance of capital work to keep facilities operational is critical. The Town has a goal of providing safe, functional spaces to meet the needs of building occupants.

Anticipated Project Schedule

Bond Action: May 2023
Construction: starting June 2023, anticipated end date December 2024.

Attachment: MPR F-10 & F-11 Senior Center Improvements (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond

Financial Summary

The Town of Amherst identified funding to cover additional local shares in the approved 2023-2028 Capital Improvement Program under Projects F-10 and F-11, for a total of $592,000. The funds have been identified as a General Fund Bond with a minimum useful life of 15 years.

	F-11 Senior Center Carpet	F-10 Senior Center HVAC
Construction	91,540	472,500
Design	0	25,000
Legal / Admin	460	2,500
TOTAL	**92,000**	**500,000**

Funds will be moved between these three projects if needed to complete work.

Taxation Summary [Lynda Juul]

Total Bond Amount	$592,000 (Gen. Fund)
Bond Term	10 Years
Annual Tax Impact per $1,000 of AV:	$0.0068 cost per $1,000 of assessed value
Annual Impact on Property with AV of $200,000	$1.3624

Town of Amherst SEQR Determination

Please see attached memo from the Amherst Planning Department.

Attachment: MPR F-10 & F-11 Senior Center Improvements (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond

Amherst

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 May 1, 2023

TO: Anne Dafchik, AIA, NCARB, Architect
Facilities Department

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

RE: SEQR Determination
2023–2028 CIP – Facility Improvements – F-10 & F-11

The Planning Department has reviewed the scope of work 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)\2023 Facility Improvements_ F10_F11_F13.docx

cc:
Martin A. Polowy, Esq., Town Attorney
Daniel Howard, Planning Director

Attachment: MPR F-10 & F-11 Senior Center Improvements (RES-2023-508 : Town of Amherst Senior Center HVAC/Carpet Replacement (Bond

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 27602 **RESOLUTION 2023-509** **ROLL CALL VOTE (ADOPTED)**

Audubon Golf Course Improvements (Bond Resolution - $500,000)

AGENDA ITEM : JUNE 5th, 2023

TO: **Town Board**

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

DATE: **May 30, 2023**

RE: **Audubon Golf Course Improvements**
2023-2028 C.I.P. - Project YR-5A
Bond Resolution - $500,000

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 $500,000.00 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 - June 5, 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*)
Mary-Diana Pouli, Executive Director, Youth and Recreation (*w/attachments*)

6/5/2023
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 - $500,000

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

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

Transmitted electronically

MEMORANDUM May 25, 2023

TO: Mary-Diana Pouli, Executive Director
Youth and Recreation Department

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

RE: SEQR Determination
Audubon Golf Course Improvements
2023-2028 C.I.P. Project YR-5A

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)\Audubon Golf Course Improvements_YR-5A_05_25_2023.docx

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

5583 Main Street • Williamsville • New York • 14221 • (716) 631-7051 • Fax (716) 631-7153

Attachment: SEQR.AudGolfCourse-05302023121524 (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

Meeting of the Town Board of the
Town of Amherst, in the
County of Erie, New York
June 5, 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 June 5, 2023.

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

Attachment: CertBondReso (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JUNE 5, 2023, AUTHORIZING THE PLANNING COSTS FOR CERTAIN AUDUBON GOLF COURSE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $500,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $500,000 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 the planning for certain Audubon Golf Course improvements, as described in the map, plan and report dated May, 2023 and prepared by the Town Youth & Recreation Department (2023-2028 Capital Improvement Program Project YR-5A). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of $500,000 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 $500,000 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.

Attachment: CertBondReso (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

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

(a) The period of probable usefulness applicable to the objects or purposes for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 62(a)(2nd) of the Law, is five (5) 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 not 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.

Attachment: CertBondReso (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

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 shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the

Attachment: CertBondReso (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

"Amherst Bee," a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication.

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.

****

Attachment: CertBondReso (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

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 June 5 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 June, 2023.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

Town of Amherst
Youth & Recreation Dept.

Audubon Golf Course Improvements
2023 - 2028 C.I.P. Project YR-5A

Map, Plan & Report
May 2023

CONTENTS:

- Approved 2023 - 2028 CIP Project YR-5A
- Introductions / Existing Conditions
- Proposed Scope of Improvements
- Financial / Taxation Summary
- SEQR Determination – Type II Action

Prepared by
Town of Youth & Recreation Department
1615 Amherst Manor Drive
Williamsville, NY 14221
(716) 631-7132

Attachment: MPR YR-5A Audubon Golf Course Improvements (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution -

TOWN OF AMHERST YOUTH & RECREATION DEPARTMENT
Audubon Golf Course Improvements

Approved 2023-2027 CIP

Approved 2023 – 2028 Capital Improvement Program (11-7-22)

Youth & Recreation Department (cont'd) *Recommended Schedule (X $1,000)*

Project ID	Project Title/Description	2023	2024	2025	2026	2027	2028	Total Cost
	ATHLETIC & RECREATION FACILITIES / COMMUNITY CENTERS							
YR-1A	ECC **North Ball Fields:** Construction of ball fields at the ECC North Campus.	2,000 LA 2,500 X 500 X	2,000 LA 2,500 X 500 X					$10,000,000
YR-2A	**Royal Park Improvements:** Improvements at Royal Park including a new synthetic multi-use field for various sports and associated parking, bleachers, locker rooms, concessions, a new recreation path, tennis courts, a basketball court, a splash pad and a picnic pavilion.	400 X	6,722 LA					$7,122,000
YR-3A	**Northtown Center Ice Plant Renovations:** Change out of the ice plants to include floor renovations and phase out the R-22 gas, introducing an environmentally friendly CO2 gas.		4,400 LA 2,000 X					$6,600,000
YR-4A	**Recreation Complexes Concession / Restroom Facility Improvements:** New concessions, restrooms, and parking at North French Soccer Complex, and new restrooms and shelter at Paradise Park.		1,400 LA	1,400 LA	1,400 LA	1,400 LA		$5,600,000
YR-5A	**Audubon Golf Course:** Irrigation and site improvements at the Audubon Golf Course.	500 LA						$500,000
YR-6A	**Northtown Center Rubber Floor Replacement:** Replace approximately 40,000 sq. ft. of rubber flooring on the first floor at the Northtown Center.		200 LA	500 LA				$700,000
YR-7A	**Lou Gehrig Diamond #10 Renovation Phase 2:** Renovation of the collegiate style baseball field and add outfield and infield drainage as well as the remainder of the irrigation system.	150 LA						$150,000

Key:

Funding Source
T – Tax
L – Bond
S – Surplus
E - Encumbered
I/M – I&I or Mitigation Funds
RF – Recreation Fund
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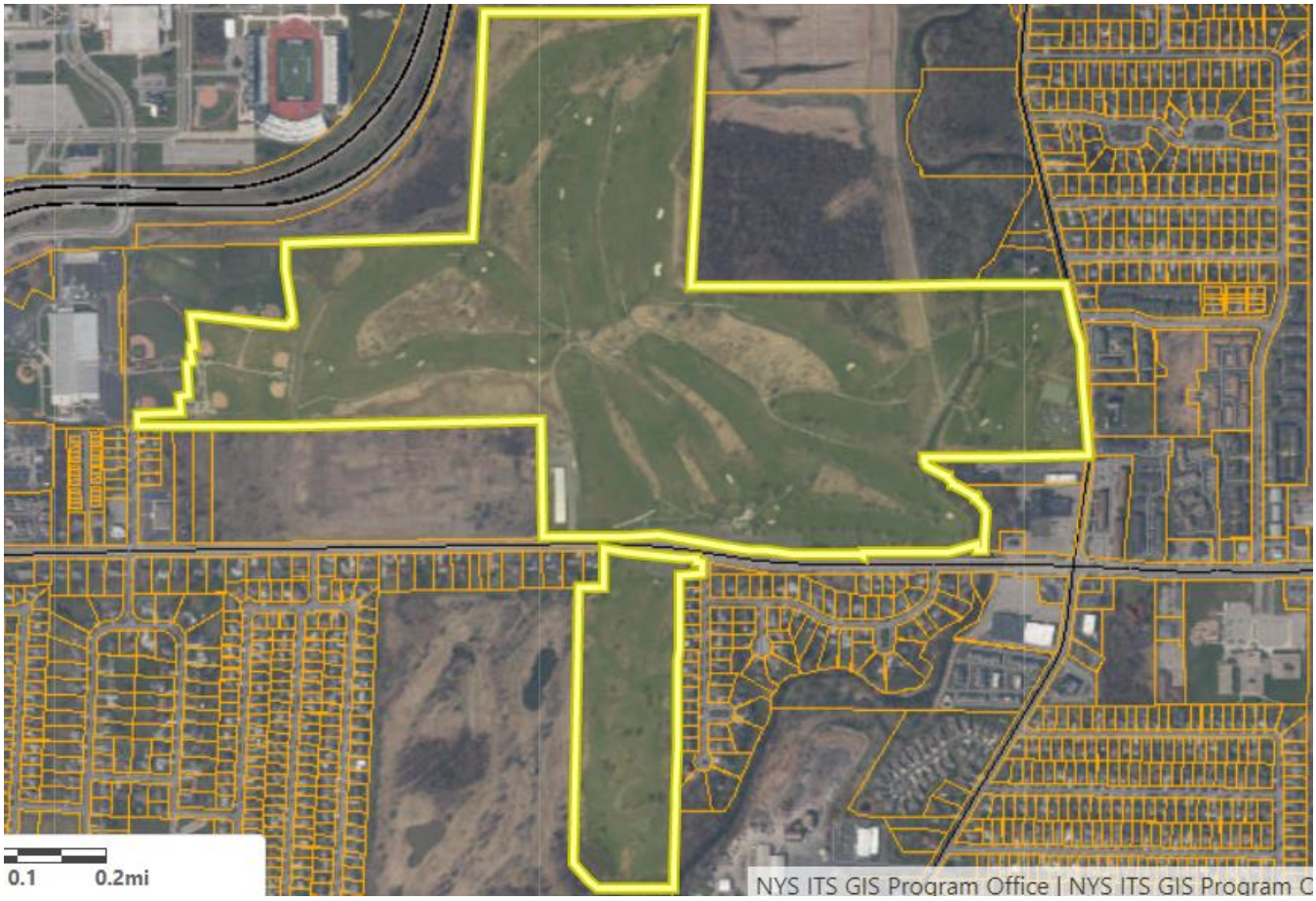
– Special District Number
NS – None Submitted

Attachment: MPR YR-5A Audubon Golf Course Improvements (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution -

TOWN OF AMHERST YOUTH & RECREATION DEPARTMENT
Audubon Golf Course Improvements



Audubon Golf Course Property, 500 Maple Road, Amherst, New York

INTRODUCTION / EXISTING CONDITIONS:

Audubon Golf Course is a municipally owned golf course consisting of an 18-hole golf course and driving range on the north side of Maple Road, and a Par 3 golf course on the south side of Maple Road. The course has been has been both municipally run and managed by an outside party over the years. The Town of Amherst is currently under contract with Indigo Golf, a division of Troon, to manage golf course operations. The golf course is in need of various improvements in order to facilitate successful operations and provide the proper amenities to Amherst residents. This is the next in a series of several improvement projects planned for the golf course.

Attachment: MPR YR-5A Audubon Golf Course Improvements (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution -

TOWN OF AMHERST YOUTH & RECREATION DEPARTMENT
Audubon Golf Course Improvements

PROPOSED SCOPE OF IMPROVEMENTS:

The general proposed scope of priority improvements are as follows:

Audubon 18-Hole Course:
- Bridge Evaluation

Audubon 18-Hole and Par 3 Courses:
- Hydrologist/Engineer
- Course Renovation Design (Golf Course Architect)
- Tree Removal

Driving Range:
- Netting Replacement

If other projects become a priority as the season progresses, the scope may change. If funding allows, additional projects may be undertaken.

FINANCIAL SUMMARY:

Estimated Design Costs	$109,900
Estimated Construction Costs	$387,600
Legal / Administrative	$2,500
Total Amount to be Bonded	**$500,000**

TAXATION SUMMARY:

Total Bond Amount:	$500,000.00 (General Fund)
Bond Term:	5 Years
Annual Tax Impacts:	$0.0105 per $1,000 AV
Typical Property Taxation Impact:	$2.6206 per $250,000 property

Attachment: MPR YR-5A Audubon Golf Course Improvements (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution -

Amherst

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 May 25, 2023

TO: Mary-Diana Pouli, Executive Director
Youth and Recreation Department

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

RE: SEQR Determination
Audubon Golf Course Improvements
2023-2028 C.I.P. Project YR-5A

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)\Audubon Golf Course Improvements_YR-5A_05_25_2023.docx

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

Attachment: MPR YR-5A Audubon Golf Course Improvements (RES-2023-509 : Audubon Golf Course Improvements (Bond Resolution -

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 27612 **RESOLUTION 2023-510** **ADOPTED**

Settlement of Article 7 Matter - Government Employee Insurance Company V. Town of Amherst

AGENDA ITEM : June 5TH, 2023

TO: **Town Board**

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

DATE: **June 1, 2023**

RE: **Settlement of Article 7 Matter**
Government Employee Insurance Company 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 Judgment; and

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

Thank you.

SAA:rms
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : June 5TH, 2023**)
Emily Murphy, Town Assessor

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

Assessment

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

At an IAS Term of the Supreme Court of the State of New York, held for the County of Erie, Buffalo, New York on the __ day of June, 2023.

PRESENT: HON. DEBORAH CHIMES

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

IN THE MATTER OF THE APPLICATION FOR REVIEW UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW OF A TAX ASSESSMENT BY GOVERNMENT EMPLOYEE INSURANCE COMPANY,

Petitioner,

-vs.-

THE BOARD OF ASSESSMENT REVIEW FOR THE TOWN OF AMHERST; THE ASSESSOR OF THE TOWN OF AMHERST; and THE TOWN OF AMHERST, NEW YORK

Respondents.

For Review of the Assessment of Certain Real Property known as 300 Crosspoint Pkwy in the said Town of Amherst for the 2022-23 Tax Year.

CONSENT ORDER AND JUDGMENT

Index No.: 808315/2022

WHEREAS Petitioner having heretofore commenced the within proceeding under Article 7 of the Real Property Tax Law to review the assessment of a certain parcel of real property located at and known as 300 Crosspoint Pkwy (SBL #28.00-1-65.1) in the Town of Amherst, County of Erie and State of New York for the tax year 2022-23, and

WHEREAS this proceeding having duly come before an IAS Term of this Court, and Kavinoky Cook LLP, Scott C. Becker, Esq., of counsel, having appeared for the Petitioner, Samuel A. Alba, Esq., having appeared for the Respondent Town of Amherst, Hodgson Russ LLP, Michael B. Risman, Esq., of Counsel, having appeared for the Intervenor-Respondent Williamsville Central School District, and Lippes Mathias LLP, Margaret A. Hurley, Esq., of counsel, having appeared for Intervenor-Respondent County of Erie, and the parties having agreed to a settlement of this proceeding, it is now hereby

Attachment: Consent order 300 Crosspoint Pkwy (RES-2023-510 : Settlement of Article 7 Matter - Government Employee Insurance Company V.

STIPULATED, ORDERED and ADJUDGED, that the assessment on the property designated as SBL #28.00-1-65.1 on the tax assessment roll of the Town of Amherst for the following tax year, has been and shall remain as follows:

Assessment Year	Assessment
2022-23	$17,070,000

and it is further

STIPULATED, ORDERED and ADJUDGED, that the assessment on the property designated as SBL #28.00-1-65.1 on the tax assessment roll of the Town of Amherst for the following tax year, has been as follows:

Assessment Year	Assessment
2023-24	$17,070,000

and it is further

STIPULATED, ORDERED and ADJUDGED, that the assessment on the property designated as SBL #28.00-1-65.1 on the tax assessment roll of the Town of Amherst for the following tax year, shall be as adjusted as follows:

Assessment Year	Assessment
2023-24	$8,500,000

and it is further

STIPULATED, ORDERED and ADJUDGED, that the assessment on the property designated as SBL #28.00-1-65.1 shall be based on a fair market value of $17,000,000 for the 2024-25 tax years and shall be calculated as follows:

Assessment Year	Assessment
2024-25	$17,000,000 multiplied by the uniform percentage of value stated on the 2024-25 assessment roll

and it is further

Attachment: Consent order 300 Crosspoint Pkwy (RES-2023-510 : Settlement of Article 7 Matter - Government Employee Insurance Company V.

STIPULATED, ORDERED and ADJUDGED, that the assessments as reduced, corrected and adjusted herein are fair, equitable and proper for the purposed of this settlement, and it is further

STIPULATED, ORDERED and ADJUDGED, that the officer or officers having custody of the aforesaid assessment rolls and the tax rolls of the Town of Amherst shall make or cause to be made upon the proper books and records of said Town the entries, changes and corrections necessary to conform said assessments to such corrected and reduced valuations that the appropriate financial officers are hereby directed and authorized to calculate and disburse any resulting refunds of taxes, and it is further

STIPULATED, ORDERED and ADJUDGED, that the provisions of Section 727 of the Real Property Tax Law shall apply to this settlement for years 2024-25, 2025-26, 2026-27, and it is further

STIPULATED, ORDERED and ADJUDGED, that in the event that the Assessor for the Town of Amherst assesses SBL #28.00-1-65.1 for any stated year at a level higher than provided for herein, Petitioner hereby reserves the right to reinstate and reinstitute its Article 7 proceedings herein settled, and the Respondents hereby agree to waive any objection based upon Statute of Limitations Grounds, and it is further

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

STIPULATED, ORDERED and ADJUDGED, that this Consent Order and Judgment hereby constitutes and represents the entire understanding and agreement among the parties and the full settlement of the assessment review proceeding herein, that there are no costs or disbursements awarded to, by, or against any party and that upon compliance with the terms of this Consent Order and Judgment, the above proceeding shall be, and the same hereby is, settled and discontinued with prejudice, and it is further

STIPULATED, ORDERED and ADJUDGED, that this Consent Order and Judgment may be

Attachment: Consent order 300 Crosspoint Pkwy (RES-2023-510 : Settlement of Article 7 Matter - Government Employee Insurance Company V.

executed in multiple counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

Signing and Entry of the within Order and Judgment is hereby Consented to:

KAVINOKY COOK LLP

Dated:_____ By: _____
Scott C. Becker, Esq.
Attorneys for Petitioner
726 Exchange Street, Suite 800
Buffalo, New York 14210

TOWN OF AMHERST

Dated:_____ By: _____
Samuel A. Alba, Esq.
Attorney for Respondent Town of Amherst
5583 Main Street
Williamsville, New York 14221

HODGSON RUSS LLP

Dated:_____ By: _____
Michael B. Risman, Esq.
Attorneys for Intervenor-Respondent Williamsville Central School District
140 Pearl Street, Suite 100
Buffalo, New York 14202-4040

LIPPES MATHIAS LLP

Dated:_____ By: _____
Margaret A. Hurley, Esq.
Attorneys for Intervenor-Respondent County of Erie
50 Fountain Plaza, Suite 1700
Buffalo, New York 14202

SO ORDERED:

_____
HON. DEBORAH CHIMES

ENTER:

Attachment: Consent order 300 Crosspoint Pkwy (RES-2023-510 : Settlement of Article 7 Matter - Government Employee Insurance Company V.

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Clerk
Initiated by: **Francina J. Spoth**
Co-Sponsored by:

DOC ID: 27553 **RESOLUTION 2023-511** **ADOPTED**

DXO Contract Extension-TOA Bid# 2022012 CRS #4055 (Original CRS/CMS ID# 3370/3138) for Tax Bill Processing

Please authorize the Supervisor to sign the Contract Extension with DXO for TOA Bid# 2022012 (Original CRS/CMS ID# 3370/3138) for Tax Bill Processing. This extension is valid for a one-year term from 5/23/23 to 5/22/24.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

FINANCIAL IMPACT:

DXO agrees to hold prices and extend the current contract for a one- year term from 5/23/23 to 5/22/24.

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
Jacqualine Berger
Shawn Lavin
Michael Szukala

DXO agrees to hold prices and extend the current contract with the Town of Amherst for Bid #2022012 (Original CRS/CMS ID #3370/3138) for Tax Bill Processing.

This contract will be extended for a one-year term from May 23, 2023 to May 22, 2024.

SIGNED:

Daniel F. Bailey
Vendor

DATED 5/12/23

Brian J. Kulpa, Supervisor
Town of Amherst

DATED

Attachment: DXO Contract Extension (RES-2023-511 : DXO Contract Extension- CRS/CMS ID# 3370/3138 for Tax Bill Processing)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27599 **RESOLUTION 2023-512** **ADOPTED**

Fireworks Permit - Park Country Club

Request for fireworks permit on July 4, 2023 at approx. 9:30PM at Park Country Club, 4949 Sheridan Drive with the following conditions:

1. That the spectators, parking area, and dwellings be 580 feet from the fireworks discharge location for vertical mortars. (max 8 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 Milton Surre, Dennis Otto, Steven Knapp, and Joshua Knapp.
5. Display shall follow NFPA 1123-2018 & IFC 2020.
6. Crowds over 1000 people require a crowd managers as per the International Fire Code.
7. 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.
8. The Amherst Town Board shall designate a time when the Fireworks display must conclude.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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
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 4949 Sheridan Dr

DATE & TIME: Tuesday July 4, 2023 @ 9:30 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 560 feet from the fireworks discharge location for vertical mortars. (max. 8 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 Milton Surre, Dennis Otto, Steven Knapp and Joshua Knapp.
5) Display shall follow NFPA 1123-2018 & IFC 2020.
6) Crowds over 1000 people require a crowd managers as per the International Fire Code.
7) 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.
8) The Amherst Town Board shall designate a time when the Fireworks display must conclude.

Bryan W. Parnell

Senior Fire Inspector
Fire Safety Division

Attachment: PCC-052520231056643 (RES-2023-512 : Fireworks Permit-Parks Country Club)

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: The Park Country Club (Sponsor)
   Young Explosives Corporation (Display Company)
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 @ 9:30pm
3. Exact location planned for the display:
   The Park Country Club grounds: 4949 Sheridan Drive, Williamsville, NY 14221
4. Age, experience and physical characteristics of individuals who are to discharge fireworks:
   Milton Surre- male over 18 Steven Knapp- male over 18
   Dennis Otto- male over 18 Joshua Knapp- male over 18
5. Number and kind of fireworks to be discharged (include largest shell size):
   Approx. 275 misc. 1.3G and 1.4G shells with the largest size of 8" (560' 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:

Company, Corporation or Individual
James R. Young on behalf of The Park Country Club

By: James R. Young

STATE OF NEW YORK
Monroe COUNTY
TOWN OF Brighton

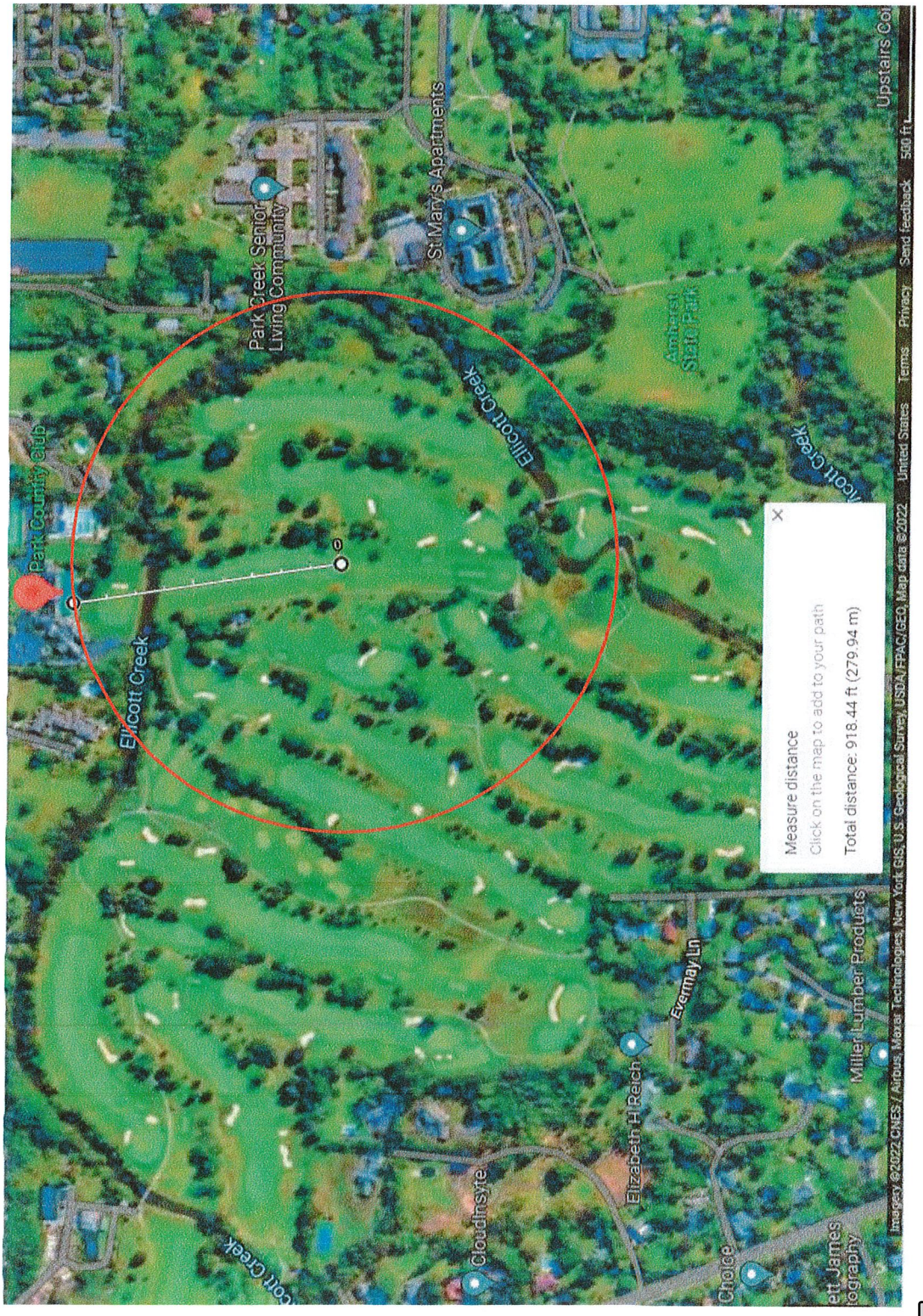
Sworn to before me this 19th day of May 2023

Notary Public

CURTIS D. CHAMBERS
Notary Public, State of New York
No. 01CH0006038
Qualified in Monroe County
Commission Expires April 24, 2027

Attachment: PCC-052520231056643 (RES-2023-512 : Fireworks Permit-Parks Country Club)

The Park Country Club
4949 Sheridan Dr, Williamsville, NY 14221
May (2022)



Attachment: PCC-052520231056643 (RES-2023-512 : Fireworks Permit-Parks Country Club)

NEW YORK STATE | 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 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)*	1b. Business Telephone Number of Insured (585) 394-1783 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.***

DB-120.1 (10-17) **Certificate Number 727851**

Attachment: PCC-052520231056643 (RES-2023-512 : Fireworks Permit-Parks Country Club)

NYSIF
New York State Insurance Fund

PO Box 66699, Albany, NY 12206
| nysif.com

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE (RENEWED)

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

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER	CERTIFICATE HOLDER
YOUNG EXPLOSIVES CORP P O BOX 18653 ROCHESTER NY 14618	YOUNG EXPLOSIVES CORPORATION PO BOX 18653 ROCHESTER NY 14618-1461

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
R 400 999-9	663648	01/01/2023 TO 01/01/2024	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. 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

U-26.3

Attachment: PCC-052520231056643 (RES-2023-512 : Fireworks Permit-Parks Country Club)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/26/2023

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	NAIC #
INSURER A : Everest National Insurance Company	10120
INSURER B : Axis Surplus Insurance Company	26620
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Young Explosives Corporation
P.O. Box 18653
Rochester NY 14618

COVERAGES **CERTIFICATE NUMBER:** 546533943 **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	X COMMERCIAL GENERAL LIABILITY	Y	Y	SI8GL00353-231	3/20/2023	3/20/2024	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY X PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY	Y	Y	SI8CA00054-231	3/20/2023	3/20/2024	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS / X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
B	UMBRELLA LIAB X OCCUR	Y	Y	P-001-000088056-05	3/20/2023	3/20/2024	EACH OCCURRENCE	$ 4,000,000
	X EXCESS LIAB CLAIMS-MADE						AGGREGATE	$ 4,000,000
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) N / A						E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						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: Tuesday, July 4, 2023
Location: The Park Country Club grounds
Additional Insured: The Park Country Club of Buffalo, Inc.; Town of Amherst, NY; Village of Williamsville, NY

Group Code: Cert#23-268

CERTIFICATE HOLDER

The Park Country Club of Buffalo, Inc.
4949 Sheridan Dr.
Williamsville NY 14221
United States

CANCELLATION

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.

Attachment: PCC-052520231056 43 (RES-2023-512 : Fireworks Permit-Parks Country Club)

SH-862 (3/22)
DIVISION OF SAFETY HEALTH
LICENSE AND CERTIFICATE UNIT
STATE OFFICE CAMPUS, BLDG. 1
ALBANY, NY 12226

WE ARE YOUR DOL
NEW YORK STATE | 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: PCC-052520231056643 (RES-2023-512 : Fireworks Permit-Parks Country Club)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Federal Explosives License/Permit
(18 U.S.C. Chapter 40)

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-069-21-4K-00338
Chief, Federal Explosives Licensing Center (FELC)	Mama Howard	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
21-MANUFACTURER 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."

Licensee/Permittee Responsible Person Signature | President — Position/Title

James R. Young — Printed Name | 11/4/2021 — Date

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

YOUNG EXPLOSIVES CORP
PO BOX 18653
ROCHESTER, NY 14618-0000

FOR Permit Use Only

Previous Edition is Obsolete

YOUNG EXPLOSIVES CORP;2165 NEW MICHIGAN ROAD;14424;6-NY-069-21-4K-00338;October 1, 2024;21-MANUFACTURER 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 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.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

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

Business Name:

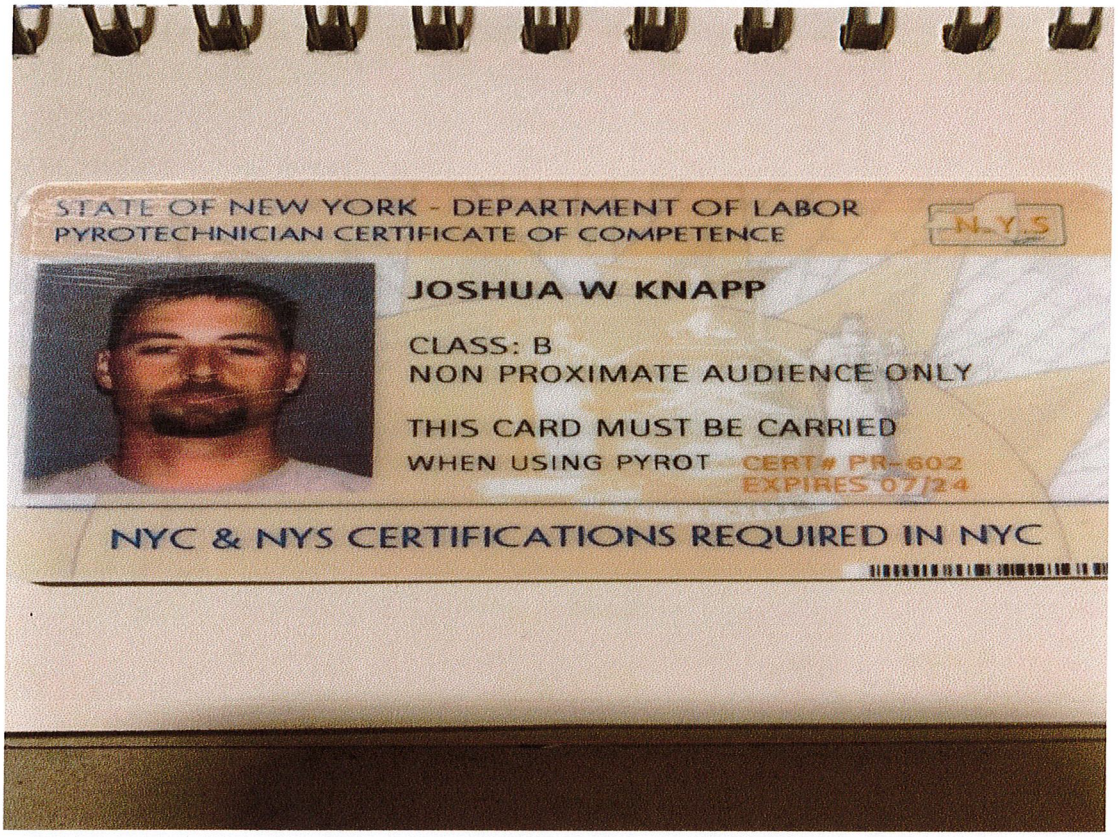
License/Permit Number: **6-NY-069-21-4K-00338**

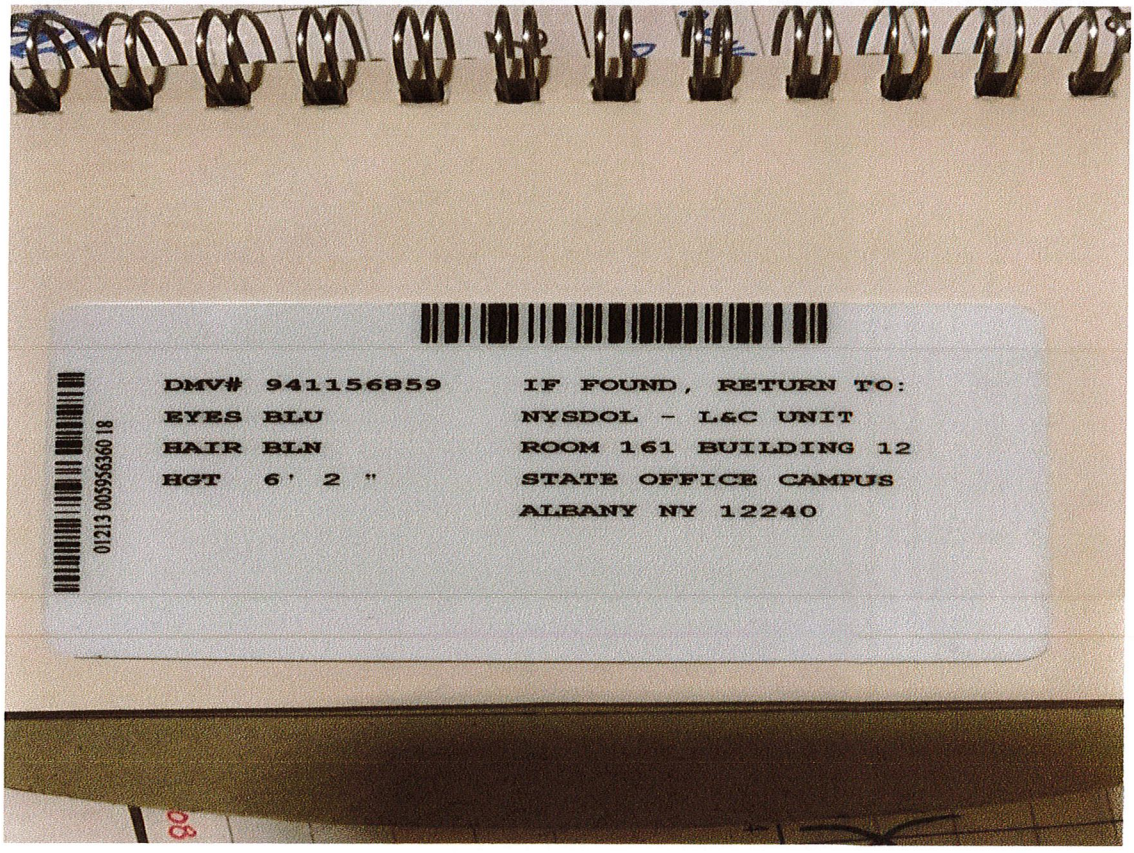
License/Permit Type: **21-MANUFACTURER OF EXPLOSIVES**

Expiration: **October 1, 2024**

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

Attachment: PCC-052520231056643 (RES-2023-512 : Fireworks Permit-Parks Country Club)





Attachment: PCC-052520231056643 (RES-2023-512 : Fireworks Permit-Parks Country Club)

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

FIRE PREVENTIO / OPERATING PERMI

APPLICATION DATE	DATE ISSUED	EXPIRATION DATE	PERMIT NUMBER
05/25/2023	05/25/2023	11/25/2023	FP-2023-0027

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

LOCATION OF ACTIVITY: - (SITE) 4949 Sheridan Dr, Amherst, NY 14221

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.)

Fireworks Display
July 4, 2023 at approx 9:30 PM
Must comply with IFC and NFPA
8 inch max shell (560 foot clearance)
Fire extinguishers required
Amherst Town Board to set a time for the display to conclude

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

APPROVED BY FIRE OFFICIAL	DATE	FEE PAID
BJ w. [illegible]	05/25/2023	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

President - Young Explosives Corporation
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: PCC-052520231056 43 (RES-2023-512 : Fireworks Permit-Parks Country Club)

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 – Building Dept.

From: Ashley Brownson

Date: May 23, 2023

RE: The Park Country Club

Enclosed is the application and related documentation for a FIREWORKS display on Tuesday, July 4th, 2023 at 4949 Sheridan Dr., Williamsville, NY 14221, per site map, approximately at 9:30 PM.

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

Thank you

Ashley

Attachment: PCC-05252023105643 (RES-2023-512 : Fireworks Permit-Parks Country Club)

Town of Amherst
5583 Main St.
Williamsville, NY 14221

* * * RECEIPT * * *

Date: 05/23/23 **Receipt#:** 250509

Quantity	Transactions	Reference	Subtotal
1	Fire Prevention/Fireworks	The Park Country	$100.00
		Total Paid:	$100.00

Notes:

Payment Type	Amount	Paid By
CK #34483	$100.00	Young Explosives

Name: Young Explosives
PO Box 18653
Rochester, NY 14618

Clerk ID: ANB

Internal ID: The Park Country C

Attachment: PCC-052520231056643 (RES-2023-512 : Fireworks Permit-Parks Country Club)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 27600 **RESOLUTION 2023-513** **ADOPTED**

Amusement License - JCC of Greater Buffalo

Request by JCC of Greater Buffalo, for a First Class Amusement License to hold an outdoor event at 2640 N. Forest Rd. on June 25, 2023, 12:00pm - 6:00pm.
Supervising Code Enforcement Officer recommends a fee of $50.00.

The following conditions apply:
1. Food Trucks must have a current Town of Amherst Food Vendor License and have the current inspection sticker affixed to the vehicle.
2. That all fire lanes be kept clear at all times.
3. For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
4. All temporary power must be code compliant.
5. Bathroom facility must be made available & accessible.
6. Vehicle impact protection must be provided for the guest area.
7. Fire Department access must be maintained at all times in the event of an emergency.
8. Events with 1,000 guests or more will be require "Crowd Managers" that are in compliance with Chapter 4 of the 2020 FCNYS.
9. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

Income to the Town

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

Town of Amherst
Amusement License Application

All amusement license applications must be submitted at least three (3) weeks prior to event

Resident / Organization: JCC of Greater Buffalo

Event Address: 2640 N Forest Rd, Getzville

Describe Event: Musical Concert

List All Dates: Sunday, June 25th 2023
Day / Month / Year & Day of Week

Time (Starting & Ending): ~~10~~ 12 - 6 PM

Please supply a site plan with designated area for the event with your application

Name of Organizer: Gon Erez

Address: 2640 N Forest Rd, Getzvile

Phone Number: 716 929 6568

Email: Gerez@jccbuffalo.org

Signature of Organizer:

Date of Application: 5/10/23

For Office Use Only:

____ Submitted to Police & Building Dept
____ Fee determined by Town Board
____ Business or Resident Notified
____ Payment received
____ License issued and mailed out

Attachment: JCC of Greater Buffalo-05302023135101 (RES-2023-513 : Amusement License-JCC of Greater Buffalo)

Creekside Concert Details:

- Date/time: 6/25/2023 from noon-6pm
- Location: Jewish Community Center of Greater Buffalo 2640 N. Forest Rd Getzville, NY 14051, Outdoors on JCC property
- Open to the public, tickets available to purchase
- Security and first aid will be on site
- Coordination with Amherst Police
- Live music
- Local Vendors
- Parking on site
- Food/drinks available for purchase
- We are planning for hundreds of guests

Attachment: JCC of Greater Buffalo-05302023135101 (RES-2023-513 : Amusement License-JCC of Greater Buffalo)

Attachment: JCC of Greater Buffalo-05302023135101 (RES-2023-513 : Amusement License-JCC of Greater Buffalo)

TOWN OF AMHERST
BUILDING DEPARTMENT
INTER-DEPARTMENTAL CORRESPONDENCE
5583 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221

PHONE: (716) 631-7080
FAX: (716) 631-7192

Mark S. Berke, P.E.
Commissioner of Building

Agenda Item

DATE: May 30, 2023

TO: Town Board

FROM: Douglas Gesel, Supervising Code Enforcement Officer

RE: Amusement License for 2640 N Forest Rd, JCC of Greater Buffalo

In response to the Amusement License Application dated May 10, 2023 from Gon Erez,

I recommend the approval of his request for First Class outdoor events at the above noted address. The fee for such an event is set be the Town Board, the fee can be from $5.00 to $50.00 per day, or fraction thereof.

With the event being on Sunday June 25, 2023 from 12:00 pm until 6:00pm in the parking lot of the address noted above, I would recommend a fee of $50.00.

I would recommend that the following conditions be stated:

- Food Trucks must have a current Town of Amherst Food Vendor License and have the current inspection sticker affixed to the vehicle.
- That all fire lanes be kept clear at all times.
- For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
- All temporary power must be code compliant.
- Bathroom facility must be made available & accessible.
- On site accessible parking must be maintained.
- Vehicle impact protection must be provided for the guest area.
- Fire Department access must be maintained at all times in the event of an emergency.
- Events with 1,000 guests or more will require "Crowd Managers" that are in compliance with Chapter 4 of the 2020 FCNYS.
- The applicant must abide by Chapter 138 of the Town of Amherst Code regarding noise.

Please contact me if you have any questions regarding this response.

Doug Gesel

Douglas Gesel, Supervising Code Enforcement Officer
cc: Fran Spoth, Town Clerk, Mark Berke P.E. Commissioner of Building, Bryan Parnell, Senior Fire Inspector

Attachment: JCC of Greater Buffalo-05302023135101 (RES-2023-513 : Amusement License-JCC of Greater Buffalo)

Brownson, Ashley

From: Scott Chamberlin [redacted]
Sent: Friday, May 19, 2023 2:30 PM
To: Brownson, Ashley
Subject: Re: JCC of Greater Buffalo Amusement License

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.

We have no issues with this event.

Regards,

Scott P. Chamberlin
Chief of Police
Town of Amherst Police Department
500 John James Audubon Parkway
Amherst, NY 14228
(716) 689-1351
[redacted]

On Thu, May 18, 2023 at 9:59 AM Brownson, Ashley <abrownson@amherst.ny.us> wrote:

Attached is an application from Gon Erez, JCC of Greater Buffalo, to hold an event at 2640 N. Forest Rd. The event will be held on June 25th, 2023.

Please review and send any written comments back to me as soon as possible so we can place this on the earliest Town Board Agenda. Thank you for your cooperation.

Thank you,
Ashley Brownson
Supervising Tax Clerk
Town of Amherst

Attachment: JCC of Greater Buffalo-05302023135101 (RES-2023-513 : Amusement License-JCC of Greater Buffalo)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 27604 **RESOLUTION 2023-514** **ADOPTED**

Budget Transfers and Amendments

To: Town Board
From: Office of Town Comptroller
Date: 5/31/2023
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:

A1990.4000 Contingency $5,000.00
A3020.1000 Personal Services $7,751.04
A3020.8030 FICA $592.96

TO:

A3020.2150 Building Imprv. & Equip. $13,344.00

To transfer funds for replacement of air conditioning units in server room for Central Alarm.

BUDGET AMENDMENTS - 2023

INCREASE:

A3136.04389 Crime Prevention-Federal Grant $50,000
To set up Crime Prevention Grant, CRS# 4072.

INCREASE:

A3136.2130 Computer Equipment $50,000

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

FINANCIAL IMPACT:

See Descriptions.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Councilmember
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: 06/05/23 03:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 27587 **RESOLUTION 2023-515** **ADOPTED**

Authorize Piggyback on PEPPM Contract with Communications Consulting, Inc. - CRS #4078

WHEREAS, the Contract Compliance and Administration Department is requesting approval to piggyback on the PEPPM Cooperative Purchasing contract with Communications Consulting, Inc. (CCI) for the purchase of Sophos antivirus and internet content security products, Bid #536202, Contract #536202-054 dated May 1, 2023 through December 31, 2025 and Alcatel-Lucent communications and networking solutions, Bid #533902, Contract #533902-008 dated January 1, 2023 through December 31, 2025; and

WHEREAS, Communications Consulting, Inc. employees will not be on Town property or accessing Town data, and therefore a waiver of insurance is being requested;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to sign the piggyback contract with Communications Consulting, Inc.; and

BE IT FURHTER RESOLVED, that approval is subject to successful completion of the Contract Routing System due to the fact that we are currently without contracts and are in need of product as soon as possible.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

FINANCIAL IMPACT:

Town-Wide; Various Accounts; Amount TBD

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

Attachment: Signed 2023 Communications Consulting, Inc. Piggyback Agreement (RES-2023-515 : Authorize Piggyback on PEPPM

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 Communications Consulting, Inc. and the Town of Amherst permitting the Town of Amherst to participate in the purchase of products under PEPPM Cooperative Purchasing Program Sophos Bid #536202 dated May 1, 2023 thru December 31, 2025 & Alcatel-Lucent Bid # 533902 dated January 1, 2023 thru December 31, 2025.

During the term of this Agreement, Communications Consulting, Inc. agrees to invoice the Town of Amherst for all parts and materials at the rates specified in the PEPPM Technology Cooperative Purchasing Program contracts at further discounted rates when such rates are part of a special being offered on certain parts or a special service package offered to Communications Consulting, Inc. invoices shall be the price charged and that no further attempts will be made to change or seek payment of a different price.

Agreed to and Accepted by:

COMMUNICATIONS CONSULTING, INC.

By: _____
Signature

Brooks Roy
Printed name

President
Title

Date: 5/23/23

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: Signed 2023 Communications Consulting, Inc. Piggyback Agreement (RES-2023-515 : Authorize Piggyback on PEPPM Contract

Addendum to Contract VENDOR NOT ON SITE

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.

4. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Vendor is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

5. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

(a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
(b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
(c) Affirmative action as required by the Labor Law.
(d) Prevention of dust hazard required by Labor Law Section 222-a.
(e) Preference in employment of persons required by Labor Law Section 222.
(f) Eight-hour workday as required by Labor Law Section 220(2).
(g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
(h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

Attachment: Signed 2023 Communications Consulting, Inc. Piggyback Agreement (RES-2023-515 : Authorize Piggyback on PEPPM Contract

6. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

7. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

8. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

Communications Consulting Inc
Print Name of Company

By: _____
Signature

Brooks Ray
Printed name

Date: 5/23/23

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Product Quote Comparison

Sophos			Alcatel		
CCI (PEPPM)		diff	**CCI (PEPPM)**		diff
XA1BTCHUS	$754.73		OS6560-P48X-US	$4,842.90	
XF1V3CSES	$1,419.57		OS6560-BP-PX-US	$1,079.76	
A320TCHNF	$441.44			**$5,922.66**	$296.44
	$2,615.74	$27.28			
			OVC-ESSENT-5Y	$322.05	
SHI			**NYS OGS**		
XA1BTCHUS	$754.73		OS6560-P48X-US	$4,842.90	
XF1V3CSES	$1,419.57		OS6560-BP-PX-US	$1,376.20	
A320TCHNF	$468.72			**$6,219.10**	
	$2,643.02				
			OVC-ESSENT-5Y	n/a	
EnterpriseAV					
XA1BTCHUS	$919.50				
XF1V3CSES	$1,729.50				
A320TCHNF	$500.50				
	$3,149.50				

Attachment: PEPPM Product Quote Comparison (RES-2023-515 : Authorize Piggyback on PEPPM Contract with Communications Consulting,

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27609 **RESOLUTION 2023-516** **ADOPTED**

Award of Bid - Robinhill Road & Swanson Terrace Waterline Replacement Fairway Contracting

Bids were received on May 18, 2023 for the above referenced project. After review of the bids (tabulation attached), we recommend award be made to Fairway Contracting, P.O. Box 352, Orchard Park, NY 14127, based on their low base bid of $872,722.25.

Funding for the above award is available from the following accounts:

KP2309-4972	$831,797.25
KP2120-4972	$ 40,925.00

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

KP2309-4972	$831,797.24
KP2120-4972	$ 40,925.00

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

Robinhill Road & Swanson Terrace Waterline Replacement

Bid Tabulation / May 18, 2023

T.O.A. Job Nos. 2021.042

No.	BIDDER	TOTAL BASE BID
1	Fairway Contracting	$872,722.25
2	716 Site Contracting, Inc.	$884,981.25

Attachment: Robin Hill Swanson WL Bid Tab (RES-2023-516 : Award of Bid - Robinhill Road & Swanson Terrace Waterline Replacement)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 27610 **RESOLUTION 2023-517** **ADOPTED**

Award of Bid – Highway Department Fuel System Repair Project Paragon Environmental Construction, Inc.

On May 18, 2023, bids were received for the above referenced project. After review of the two (2) bids received (bid tabulation attached), we recommend award of this contract to Paragon Environmental Construction, Inc., 5664 Mud Mill Road, Brewton, NY 13029, in the amount of $529,400.00 to include the base bid.

Funding for this contract shall be from project account KP2133.4972.

Thank you for considering this request.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

KP2133.4972; $529,400.00

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

Town of Amherst

Highway Department Fuel System Repair Project

Bid Tabulation (Rebid) / May 18, 2023

T.O.A. Job No. 2022.007

No.	Bidder	Bid Bond (Y/N)	Base Bid	Alternate Item (included in base bid amount) Additional Concrete Fueling Pad Removal & Replacement
1	Paragon Environmental Construction, Inc.	Y	**$529,400.00**	**$42,800.00**
2	The Pump Doctor Inc.	Y	**$899,035.00**	**$53,160.00**

Attachment: Highway Department Fuel System Repair Project_Bid Tabulation-TB (RES-2023-517 : Award of Bid – Highway Department Fuel

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 27605 **RESOLUTION 2023-518** **ADOPTED**

Clerk - PT/Senior Services

Please appoint a Clerk - PT to the Senior Center. Effective June 6, 2023, Temporary, $14.20 ph, Step 1 for Nancy Giamberardino.

Contingent upon completing all pre-employment requirements.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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: 06/05/23 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 27591 **RESOLUTION 2023-519** **ADOPTED**

Assistant Planner/Planning Department

Please reappoint an Assistant Planner to the Planning Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective June 6, 2023, at an annual salary of $57,713, Grade 12, Step E for James Quinn.

This is a reappointment of the employee currently serving Provisionally.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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: 06/05/23 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 27606 **RESOLUTION 2023-520** **ADOPTED**

Emergency Services & Safety Coordinator/Emergency Services

Please appoint an Emergency Services & Safety Coordinator to the Emergency Services Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective June 6, 2023, at an annual salary of $66,028, Grade 14, Step F for Brandon Peters.

This is a Permanent appointment for an employee currently serving Provisionally.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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: 06/05/23 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 27607 **RESOLUTION 2023-521** **ADOPTED**

Sr. Deputy Town Attorney/Town Attorney's Office

Please appoint a Sr. Deputy Town Attorney to the Town Attorney's Office. Permanent, effective June 12, 2023, at an annual salary of $105,905.16, Grade 1, Step E of the Exempt Non-Department Head Salary Schedule for Nora Robshaw.

Contingent upon completing all pre-employment requirements.

6/5/2023
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:	Jacqualine Berger, Councilmember
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: 06/05/23 03:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 27581 **RESOLUTION 2023-522** **ADOPTED**

To Authorize Adoption of an Amendment to the Reasonable Rent Section of the Erie County PHA Consortium Section 8 Administrative Plan

WHEREAS, the Town of Amherst acts as the lead Public Housing Authority (PHA) for the Erie County PHA Consortium; and

WHEREAS, the PHA is required to file an Administrative Plan with the Department of Housing and Urban Development; and

WHEREAS, 24 CFR 982.54(d)15 requires that the Administrative Plan must provide policies addressing the method used to determine rent paid to a property owner is reasonable (initially and during the term of the rental HAP contract); and

WHEREAS, it is the intent of the Administrator for the Erie County PHA Consortium, Belmont Housing Resources for WNY, to establish such policy that will implement the rules and regulations provided by the Department of Housing and Urban Development; and

WHEREAS, the Belmont Housing Resources has requested to revise the methodology for Rent Reasonableness to reflect the use of the "EZ-Reasonable Rent Determination System", to provide the analysis for Reasonable Rent Policy; now therefore,

BE IT RESOLVED, that the Town Board of the Town of Amherst adopts the amendments to the Rent Reasonableness Update to the Administrative Plan for the Erie County PHA Consortium.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

FINANCIAL IMPACT:

Adoption of the proposed resolution involves no monetary consideration and will have no impact on the Town Budget or tax rate

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

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulp
Supervisor
Daniel C. Howard P
Planning Direc
Daniel J. Ulatowsk CP
Assistant Planning tor

May 18, 2023

Agenda of June 5, 2023

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, New York 14221

Subject: Erie County PHA Consortium – Section 8 Administrative Plan
Adoption of an amendment to the Reasonable Rent Section

Dear Board Members:

The Town of Amherst is the lead for the Erie County Public Housing Authority (PHA) Consortium, which provides federal Section 8 Renter Assistance Vouchers to residents of its 42-member communities in Erie County. The day-to-day management of the program is handled by our administrator: Belmont Housing Resources for WNY, Inc. (Belmont).

Belmont has decided to utilize the EZ-Reasonable Rent Determination (EZ-RRD) system as the methodology tool to conduct the required rent-reasonableness analysis. This tool automatically selects the best comparable units in the database using consistent and objective methods. Amherst Community Development staff supports this revision to their procedures.

Attached for your consideration is a draft resolution for adoption of this amendment to the Reasonable Rent section of the Section 8 PHA Administrative Plan. The complete Plan is available in the Planning Department, if you wish to view it. Thank you for your consideration of this request.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

Att.
X:\Community Development\New Structure\PHA\PHA Administrative Plan Amendments\2023 Amendments\TB Letter_Amendment_PHA_Plan_6.5.23.docx

Attachment: tbletter-05192023153007 (RES-2023-522 : Amendment to the PHA Administrative Plan for Section 8)

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

1. OVERVIEW

HUD regulations define reasonable rent as not exceeding the rent charged for comparable, unassisted units in the same market area. HUD also requires owners not to charge more for assisted units than comparable units on the premises.

2. WHEN DETERMINATIONS ARE REQUIRED

Owner-Initiated Rent Determinations

The PHA must make a rent reasonableness determination at initial occupancy and whenever the owner requests a rent adjustment.

The PHA will determine whether the requested increase is reasonable within **ten** business days of receiving the request from the owner. The owner will be notified of the determination in writing.

All rents adjustments will be effective the first of the month following 60 days after the PHA's receipt of the owner's request or on the date specified by the owner, whichever is later.

PHA and HUD-Initiated Rent Reasonableness Determinations

HUD requires the PHA to determine rent reasonableness (even if the owner has not requested a change) if there is a 10 percent decrease in the fair market rent that goes into effect at least 60 days before the contract anniversary date. HUD also may direct the PHA to determine rent reasonableness at any other time. The PHA may determine that a new determination of rent reasonableness is needed at any time.

PHA Policy
In addition to the instances described above, the PHA will determine the rent reasonableness at any time after the initial occupancy period if: (1) the PHA determines. that the initial rent reasonableness determination was in error or (2) the PHA determines that the information provided by the owner about the unit or other units on the same premises needed to be corrected. At least three (3) comparable units will be used for each rent determination.

3. HOW COMPARABILITY IS ESTABLISHED

Factors to Consider

HUD requires PHAs to take into consideration the factors listed below when determining rent comparability. The PHA may use these factors to make upward or downward adjustments to the rents of comparison units when the units are not identical to the HCV-assisted unit.

Attachment: Rent Reasonableness updated-5.15.23 (RES-2023-522 : Amendment to the PHA Administrative Plan for Section 8)

- Location
- Quality
- Size (by # of bedrooms, overall size and # of bathrooms)
- Unit type
- Age of the contract unit
- Amenities
- Housing services
- Maintenance
- Utilities to be provided by the owner

Units that Must Not Be Used as Comparable

Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs: Section 8 project-based assistance, Section 236 and Section 221(d)(3) Below Market Interest Rate (BMIR) projects, HOME or Community Development Block Grant (CDBG) program assisted units in which the rents are subsidized; units subsidized through federal, state, or local tax credits; units subsidized by the Department of Agriculture rural housing programs, and units that are rent-controlled by local ordinance [Notice PIH 2002-22, Notice PIH 2005-20, and Notice PIH 2020-19].

Note: Notice PIH 2020-19, issued August 21, 2020, provides further guidance on the issue of what constitutes an assisted unit.4. **METHODOLOGY**

The PHA will utilize the EZ-Reasonable Rent Determination (EZ-RRD) system to conduct reasonable rent analysis for units to be assisted. EZ-RRD automatically selects the best comparable units in the database using consistent and objective methods. Thus, the PHA and U.S. Department of Housing and Urban Development (HUD) are protected from fraud, waste, and mismanagement. At least three (3) comparable units will be used for each rent determination.

The EZ-RRD system uses the standard deviation method to enable proper comparisons of the unit to be assisted and comparable units with different characteristics, assuring the PHA that an "apples-to-apples" comparison is made. The EZ-RRD Analysts divide the PHA's jurisdiction into three rental market value areas. Each unit to be assisted and each comparable unit is assigned to be in either a high, medium, or low rental market value location. The EZ-RRD system is a reasonable method per the Section 8 Housing Choice Voucher and SEMAP regulations and the HUD Housing Choice Voucher Program Guidebook. It also represents a common-sense approach according to the HUD SEMAP Confirmatory Review and Reasonable Rent Quality Assurance protocols.

PHA has a full explanation of EZ-RRD's step-by-step procedures in the Rent Reasonableness Procedure manual.

Attachment: Rent Reasonableness updated-5.15.23 (RES-2023-522 : Amendment to the PHA Administrative Plan for Section 8)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 27589 **RESOLUTION 2023-523** **ADOPTED**

Travel & Training Request Basic SRO Course

TOWN BOARD AGENDA ITEM : JUNE 5, 2023

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Travel & Training Request**
Basic SRO Course

Kindly adopt a Resolution authorizing one (1) Officer to attend the above entitled training course. This course is being held in Erie, Pennsylvania from June 19, 2023 through June 23, 2023. A police department vehicle will be utilized to travel to and from this training. The cost for this course is approximately $1508.03.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: June 5, 2023)**

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

FINANCIAL IMPACT:

A 3121 .4050: $155.94

A 3121 .4120: $1215.00

*Contingency amount is not included in this breakdown

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

RAVEL EXPENSE APPROVAL/REIMBURSEMENT FORM

☐ $250 or LESS and under 75 miles — Department Head Approval ONLY Required — *REVISED 01/01/2018*

☑ $250 + or greater than 75 miles — Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
[redacted]		Police	716-689-1311

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
6/19/2023	6/23/2023	Erie, PA	Basic SRO course

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.545	$150 gas for patrol car	A3121.4050	
Tolls	$5.94	"	
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
4 # nights @ $ 108	$432	A3121.4120	
Meals:			
IRS Per Diem Per Day: $			
1st & Last Day of Travel @ 75%			
1 # Breakfasts @ $ 13	$13	A3121.4120	
5 # Lunches @ $ 15	$75	"	
5 # Dinners @ $ 26	$130	"	
5 # Incidentals @ $ 5	$25	"	
Registration/Conference Fee	$540	A3121.4120	
Other			
Subtotal	$1370.94		N/A
Contingency - 10% of subtotal or $200	$137.09		N/A
TOTAL	$1508.03		

Request Approved By:

Department Head Signature

5/23/24

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

Town Board :

Town Board Resolution & Date

Complete Shaded Area
For Expense Reimbursement

orms\Travel Expense Reimbursement Form 4.7.17

Attachment: RedactedTravelforBasicSROCourse 6.5.23 (RES-2023-523 : Training & Travel Request)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 27608 **RESOLUTION 2023-524** **ADOPTED**

Grant Agreement 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) (CRS#4072) U.S. Department of Justice, Bureau of Justice Assistance

TOWN BOARD AGENDA ITEM: JUNE 5, 2023

TO: **Town Board**

FROM: **Scott P. Chamberlin, Chief of Police**

RE: **Grant Agreement (CRS#4072)**
2018 Edward Byrne Memorial Justice Assistance Grant (JAG)
U.S. Department of Justice, Bureau of Justice Assistance

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached grant agreement between the Town of Amherst (Police) and the U.S. Department of Justice, Bureau of Justice Assistance with regard to the above-entitled matter. This grant agreement has successfully completed the Contract Routing Process.

Thank you.

SPC: msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: June 5, 2023)**

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

FINANCIAL IMPACT:

A3136 .04389: Grant Funding : $50,000.00

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

NEW YORK STATE | Division of Criminal Justice Services

KATHY HOCHUL
Governor

ROSSANA ROSADO
Commissioner

YVONNE TURNER
Director of Funding

Grant Award Notice

Grantee/Contractor: **Town of Amherst / Amherst Town Police Department**		Date: **8/10/2022**
Program Name: **Crime Prevention Program**		Award Amount: **$50,000**[1]
Signatory Name and Title: **Chief Scott P. Chamberlin**		Term Dates: **TBD**
Email: **schamberlin@apdny.org**		Contract Number: **T637538**
SFS Vendor ID No.: **1000003949**		

Program Description: **Funds to be used to support the department's crime prevention programs that fit within the Edward Byrne/Justice Assistance Grant program guidelines.**

The following additional information is provided as required when grants are supported with federal funding:

Federal Award Identification Information
Award Name: **Federal Fiscal Year (FFY) 2018 Byrne Memorial Justice Assistance Grant (JAG)**
Federal Award Number: **2018-DJ-BX-0098**
Name of the Federal Award Agency: **U.S. Department of Justice, Bureau of Justice Assistance**
Federal Award Lapse Date: **9/30/2025**
Total Amount of Federal Award: **$8,818,775**
Federal Fiscal Year of Funds: **FFY 2018**
Catalog of Federal Domestic Assistance (CFDA) Title and Number: **16.738 Edward Byrne Memorial Justice Assistance Grant Program**

Grant Questions

Primary Contact	Secondary Contact
Melanie Dallas	**Tonya Tamir**
Public Safety Grants Representative 1	Public Safety Grants Representative 2
NYS Division of Criminal Justice Services	NYS Division of Criminal Justice Services
Office of Program Development and Funding	Office of Program Development and Funding
Phone:518-457-8499	Phone:518-457-9896
Email: melanie.dallas@dcjs.ny.gov	Email: tonya.tamir@dcjs.ny.gov

Thank you for all the work you do. We look forward to working with you in our continued efforts to safeguard the health and safety of all New York residents and visitors.
Attachment: Award Information

[1] The award amount listed above is contingent upon the completion and submission (as applicable) of all contractual obligations. This funding is provided by the Division of Criminal Justice Services (DCJS) with federal funds through the federal Bureau of Justice Assistance (BJA). Grantees receiving these funds will be subject to federal rules, regulations, and reporting requirements.

Attachment: 2018 JAG Agreement for Routing (RES-2023-524 : 2018 JAG Grant (CRS# 4072))

Project No.	Grantee Name	
BJ22-1010-D00	Amherst, Town of	05/08/2023

Project Title: Crime Prevention Program

Contacts

Mr. Daryl Bramer
Comptroller
5583 Main St.
Williamsville, NY 14221
Phone:(716) 631-2172, Ext: Fax:
Email:dbramer@amherst.ny.us

Mr. Brian J. Kulpa
Town Supervisor
5583 Main Street
Williamsville, NY 14221
Phone:716 631 7032, Ext: Fax:
Email:jyates@amherst.ny.us

Lt. Charles Persons
Lieutenant
500 John James Audubon Pkwy
Amherst , NY 14226
Phone:716-689-1322, Ext: Fax:
Email:cpersons@apdny.org

Capt. Thomas Maier
Captain
500 John J Audubon Parkway
Amherst, NY 14228
Phone:716 689-1308, Ext: Fax:716 689-1310
Email:tmaier@apdny.org

Project Start: 05/01/2023
Project End: 04/30/2024
Project Period: Years 1 Months 0
Submission Date: 05/08/2023 03:27 PM

EIN:
166002157
Municipality No:
140301900000
Dun & Bradstreet No:

Charities Registration No:
N/A
__ Not For Profit
__ Sectarian Entity

County:
Erie
Region:
Western

BUDGET SUMMARY

Grant Funds:	$50,000.00	100.00%
Matching Funds:	$0.00	0.00%
Total Funds:	$50,000.00	

Attachment: 2018 JAG Agreement for Routing (RES-2023-524 : 2018 JAG Grant (CRS# 4072))

Project No.	Grantee Name	
BJ22-1010-D00	Amherst, Town of	05/08/2023

Summary Description of Project

Funds to be used to support the department's crime prevention programs that fit within the Edward Byrne/Justice Assistance Grant program guidelines.

Federal Program Purpose Area

Program Purpose Code	Description
01	Law enforcement programs

Participants

Participant Name	Type	Comments
Amherst, Town of	Grantee	

Contacts	Type	Phone
Mr.Daryl Bramer	Fiscal	(716) 631-2172
Mr.Brian J. Kulpa	Signatory	716 631 7032

Participant Name	Type	Comments
Amherst Town Police Department	Implementing Agency	

Contacts	Type	Phone
Lt.Charles Persons	Primary	716-689-1322
Capt.Thomas Maier	Secondary	716 689-1308

Attachment: 2018 JAG Agreement for Routing (RES-2023-524 : 2018 JAG Grant (CRS# 4072))

Project No. Grantee Name

BJ22-1010-D00 Amherst, Town of 05/08/2023

Work Plan

Goal

Purchase and install desktop computers for patrol officers.

Objective #1

Provide patrol officers with new equipment that is capable of supporting modern software applications that are used to conduct police investigations and record keeping.

Task #1 for Objective #1

Install all police department applications and connect computers to the internal Amherst Police Department network.

#	Performance Measure
1	Evaluate the performance of the new computers by comparing the speed and effectiveness to previous computers.

Objective #2

Computers allow law enforcement officers to prepare and submit reports and securely transmit information. Officers rely on information in order to effectively complete their jobs. Computers greatly enhance Officers' ability to quickly access reliable information. Information can be collected from CHARMS, ejustice, NYSPIN, the Erie Crime Analysis Center, neighboring law enforcement agencies, agencies across the state, Department of Motor Vehicles (DMV) database, license plate readers, and a host of other sources. The information collected can be used to enhance targeted patrol in high crime areas, alert officers when they are dealing with wanted or dangerous individuals, and identify areas that are in need of expanded community policing programs. The MDT's also allow officers on patrol to communicate with officers from around the county without having to utilize a police radio. The quick communication between agencies over the Chatter application allows officers to respond to serious crimes without delay from communication over the phone by dispatchers. The result of the implementation of the MDT's will be crime reduction, improved safety for the public and improved community interaction.

Task #1 for Objective #2

Install all police department applications and connect computers to the internal Amherst Police Department network.

#	Performance Measure
1	Evaluate the performance of the new computers by comparing the speed and effectiveness to previous computers.

Objective #3

Computers allow law enforcement officers to prepare and submit reports and securely transmit information. Officers rely on information in order to effectively complete their jobs. Computers greatly enhance Officers¿ ability to quickly access reliable information. Information can be collected from CHARMS, ejustice, NYSPIN, the Erie Crime Analysis Center, neighboring law enforcement agencies, agencies across the state, Department of Motor Vehicles (DMV) database, license plate readers, and a host of other sources. The information collected can be used to enhance targeted patrol in high crime areas, alert officers when they are dealing with wanted or dangerous individuals, and identify areas that are in need of expanded community policing programs. The MDT¿s also allow officers on patrol to communicate with officers from around the county without having to utilize a police radio. The quick communication between agencies over the Chatter application allows officers to respond to serious crimes without delay from communication over the phone by dispatchers. The result of the implementation of the MDT¿s will be crime reduction, improved safety for the public and improved community interaction.

Task #1 for Objective #3

Install all police department applications and connect computers to the internal Amherst Police Department network.

#	Performance Measure
1	Evaluate the performance of the new computers by comparing the speed and effectiveness to previous computers

Objective #4

Implementation of new technology and cyber security are paramount to the success of a police department. These computers will be used by the police department's computer division in order to support the department's technology and security.

Task #1 for Objective #4

Install all police department applications and connect computers to the internal Amherst Police Department network.

#	Performance Measure
1	Evaluate the performance of the new computers by comparing the speed and effectiveness to previous computers

Objective #5

Upgraded graphics cards will be used to enhance the video viewing capabilities of police department computers. The enhanced ability will make it easier and more effective to identify suspcets and evidence in video footage.

Task #1 for Objective #5

Remove and replace existing graphics card with upgraded graphics card.

Attachment: 2018 JAG Agreement for Routing (RES-2023-524 : 2018 JAG Grant (CRS# 4072))

#	Performance Measure
1	Evaluate the quality of graphics resolution compared to old computers.

Objective #6

Monitors with higher resolution are required to view video evidence and identify subjects and evidence in video footage. The improved monitors will help to identify suspects and may lead to arrests of wanted criminals.

Task #1 for Objective #6

Connect new monitors to computers.

#	Performance Measure
1	Compare the resolution and picture quality on the new monitors with the old monitors.

Objective #7

Document scanners are crucial for scanning identification documents and vehicle registration documents in order to issue traffic summonses and verify the legitimacy of documents. Detecting fraudulent documents is vital to properly identifying suspects and taking proper enforcement action.

Task #1 for Objective #7

Connect the document scanners to police department computers.

#	Performance Measure
1	Test the document scanners with sample documents to ensure proper functioning.

Objective #8

Improve productivity of patrol officers by updating computers that work faster and more effectively.

Task #1 for Objective #8

Install all police department applications and connect computers to the internal Amherst Police Department network.

#	Performance Measure
1	Evaluate the performance of the new computers by comparing the speed and effectiveness to previous computers.

Attachment: 2018 JAG Agreement for Routing (RES-2023-524 : 2018 JAG Grant (CRS# 4072))

Project No.	Grantee Name	
BJ22-1010-D00	Amherst, Town of	05/08/2023

Specific Questions

Question #1

1.Briefly summarize your proposed project. Define the problem to be addressed through this project using up-to-date statistical data where applicable. When completing this section, please address the following questions: WHAT IS THE PROJECT? Describe the project. Is it a program to enhance the effectiveness of prosecution in your county, or to improve your narcotics enforcement efforts? What is the focus of your project? WHY IS THE PROJECT NEEDED? Describe what services will be provided and how the project will meet the needs of the target population. WHERE WILL THE PROJECT OPERATE? Describe the physical or geographical location(s) of the project. WHEN WILL THE PROJECT OPERATE? What is the projected "start date" and "end date" of this project? Also, include the schedule for the project. Different phases of your project may be running during different times of the year, for example you may need to hire personnel during the first quarter and then develop training materials during the second quarter. State the hours and/or days of project operation. Provide the tentative time frames for accomplishing project tasks.

Answer

The Amherst Police Department will use grant funds to purchase in-car computers (MDT's) for patrol cars, computers and monitors to be used in the police station and document scanners. MDTs and computers allow law enforcement officers to prepare and submit reports and securely transmit information. Officers rely on information in order to effectively complete their jobs. MDT's greatly enhance Officers' ability to quickly access reliable information. Information can be collected from CHARMS, ejustice, NYSPIN, the Erie Crime Analysis Center, neighboring law enforcement agencies, agencies across the state, Department of Motor Vehicles (DMV) database, license plate readers, and a host of other sources. The information collected can be used to enhance targeted patrol in high crime areas, alert officers when they are dealing with wanted or dangerous individuals, and identify areas that are in need of expanded community policing programs. The computers MDT's also allow officers on patrol to communicate with officers from around the county without having to utilize a police radio. The quick communication between agencies over the Chatter application allows officers to respond to serious crimes without delay from communication over the phone by dispatchers. The result of the implementation of the computers and MDT's will be crime reduction, improved safety for the public and improved community interaction.

Question #2

Is this project a continuation of a previous DCJS-funded project? If so, have all vouchers and progress reports been filed? Will an extension be needed on the prior grant?

Answer

This is not an continutation of previous DCJS-funded projects.

Question #3

Are you a subrecipient of a JAG award from another JAG grantee? Please answer yes or no. If yes, enter grantee organization or agency name.

Answer

No

Question #4

Are you using the crimesolutions.gov website? Please answer yes or no.

Answer

No

Attachment: 2018 JAG Agreement for Routing (RES-2023-524 : 2018 JAG Grant (CRS# 4072))

Project No. Grantee Name
BJ22-1010-D00 Amherst, Town of 05/08/2023
APPENDIX B - Budget Summary by Participant
Amherst, Town of
Version 2

#	Equipment	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Document Scanner	5	$415.50	$2,077.50	$2,077.50	$0.00
Justification: Grant funds will be used to purchase document scanners to work in conjunction with computer systems. The scanners are used to issue summonses and identify fraudulent documents.						
2	Desktop computer towers	4	$1,095.50	$4,382.00	$4,382.00	$0.00
Justification: Desktop computers are vital to the police departments daily activities and record keeping. These computers will be utilized by the police department's administration.						
3	Desktop Computer towers	4	$875.00	$3,500.00	$3,500.00	$0.00
Justification: Desktop computers are vital to the police departments daily activities and record keeping. These computers will be utilized by the police department's administration.						
4	Mobile Data Terminal	11	$2,860.00	$31,460.00	$31,460.00	$0.00
Justification: Mobile Data Terminals (MDT's / in-car computers) are used by officers everday in order to prevent crime and apprehend offenders. The ability to have up to date information readily available to officers is critical to every law enforcement mission.						
5	Monitors for Desktop computers	15	$130.00	$1,950.00	$1,950.00	$0.00
Justification: Grant funds will be used to purchase monitors for desktop computers. Monitors with higher resolution are required to view video evidence and identify subjects and evidence in video footage.						
6	Graphic Cards for desktop computers	6	$340.00	$2,040.00	$2,040.00	$0.00
Justification: Grant funds will be used to buy six graphics cards for detective computers. Upgraded graphics cards are essential for reviewing security and body camera footage with improved clarity.						
7	Desktop Computer Towers	2	$965.25	$1,930.50	$1,930.50	$0.00
Justification: Grant funds will be used to purchase desktop computers that will be utilized by patrol officers for booking procedures, record keeping and preparing court documents. Proper record maintenance is imperative for prosecution and developing analytics for crime statistics.						
8	Desktop Computer towers	2	$1,330.00	$2,660.00	$2,660.00	$0.00
Justification: Cyber security and technology management are vital to police operations. These computers will be utilized by our computer division to support department security and technology integration.						
			Total	$50,000.00	$50,000.00	$0.00

Amherst, Town of Total Project Costs	Total Cost	Grant Funds	Matching Funds
	$50,000.00	$50,000.00	$0.00

Amherst Town Police Department

Total Project Costs	Total Cost	Grant Funds	Matching Funds
	$50,000.00	$50,000.00	$0.00

Advance Request
Advance: $0.00

Justification

Attachment: 2018 JAG Agreement for Routing (RES-2023-524 : 2018 JAG Grant (CRS# 4072))

Project No.	Grantee Name	
BJ22-1010-D00	Amherst, Town of	05/08/2023

Assurance

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROGRAM DEVELOPMENT AND FUNDING

Certified Assurances for Federally-supported Projects, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug Free Workplace Requirements; Standard Assurances

The applicant hereby assures and certifies compliance with all Federal and State statutes,

Certified by - Charles Persons on 05/08/2023

Attachment: 2018 JAG Agreement for Routing (RES-2023-524 : 2018 JAG Grant (CRS# 4072))

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Senior Services
Initiated by: **Melissa Abel**
Co-Sponsored by:

DOC ID: 27590 **RESOLUTION 2023-525** **ADOPTED**

Approval to Sell Chairs/Tables for Scrap

We respectfully request Town Board approval to give consent to sell our patio chairs and tables for scrap and throw out those that cannot be scrapped.

6/5/2023
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:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

Brian J. Kulpa
Supervisor, Town of Amherst

Melissa Abel
Executive Director, Senior Center

Town of Amherst Center for Senior Services

Memorandum

Town Board Agenda Item for Monday, June 5, 2023

To : The Honorable Town Board
Brian J. Kulpa, Supervisor
Councilmembers:
Deborah Bruch Bucki, Deputy Supervisor, Liaison to Senior Services
Jacqualine G. Berger
Shawn Lavin
Michael Szukala

From : Melissa Abel, Director, Amherst Senior Services

Subject : Approval to sell patio chairs for scrap or throw out

Date : May 23, 2023

The Senior Center is requesting Town Board approval to give consent to sell our patio chairs and tables for scrap and throw out those that cannot be scrapped. They are over 23 years old, are dangerous, and there is no value to auction them off.

Attachment: patio-05232023182618-0001 (RES-2023-525 : Approval to Sell Chairs/Tables for Scrap)

370 John James Audubon Parkway~Amherst, New York~14228
Phone: 716-636-3050 Fax: 716-639-7572
AmherstCenterforSeniorServices.com

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Senior Services
Initiated by: **Melissa Abel**
Co-Sponsored by:

DOC ID: 27601 **RESOLUTION 2023-526** **ADOPTED**

Request to Use Trust and Agency Funds

We respectfully request Town Board permission to spend up to $5000.00 in Trust and Agency Funds, Account T2100. These funds will be used for the Volunteer Recognition Dinner July 21st. The event is sponsored by the Amherst Generations Foundation.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

Brian J. Kulpa
Supervisor, Town of Amherst

Melissa Abel
Executive Director, Senior Center

Town of Amherst Center for Senior Services

Town Board Agenda Item for Tuesday, June 5, 2023

TO: The Honorable Amherst Town Board
Brian Kulpa, Town Supervisor
Councilmembers:
Deborah Bruch Bucki, Deputy Supervisor
Jacqualine Berger
Shawn Lavin
Michael Szukala

FROM : Melissa Abel, Director, Amherst Senior Services

SUBJECT : Request to use Trust and Agency Funds- Account T2100

DATE: May 30, 2023

I am requesting approval to spend up to $5000.00 in Trust and Agency Funds, Account T2100. These funds will be used towards the 2023 Volunteer Recognition Dinner on July 21st. The Amherst Generations Foundation is sponsoring this event for $5000.00.

Please contact me directly should you have any questions or concerns.

Thank you.

Melissa Abel

Cc : Daryl Bramer, Comptroller, Town of Amherst
Nancy LeClair, Amherst Senior Services

370 John James Audubon Parkway~Amherst, New York~14228
Phone: 716-636-3050 Fax: 716-639-7572
AmherstCenterforSeniorServices.com

Attachment: Trust and Agency-05302023113135-0001 (RES-2023-526 : Permission to Use Trust and Agency Funds)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 27580 **RESOLUTION 2023-527** **ADOPTED**

User Agreement (WNY PRISM) - CRS #4040

Authorize the Supervisor to sign a contract between the Town of Amherst (Youth & Recreation Department) and The Research Foundation for SUNY/Buffalo State to offer the free WNY PRISM Boat Stewarding Program at Veterans Canal Park from May 24 through September 4, 2023.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

FINANCIAL IMPACT:

None

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

USER AGREEMENT

This Agreement, by and between the Town of Amherst (TOWN), located at 5583 Main Street, Williamsville, NY 14221 and the Research Foundation for SUNY / Buffalo State on behalf of WNY PRISM (WNY PRISM), located at Great Lakes Center SAM 319, 1300 Elmwood Avenue, Buffalo, NY 14222 is as follows:

The TOWN hereby grants permission for WNY PRISM to offer its free Boat Stewarding Program at Veterans Canal Park:

Dates: Thursdays thru Sundays and Holidays, May 24 - September 4, 2023
Time: 7:00am-5:30pm

WNY PRISM hereby agrees to indemnify and hold the TOWN harmless from any and all bodily injury or property damage claims or incidents that are a direct result of WNY PRISM's use of the TOWN property.

WNY PRISM is required to sign and adhere to the terms and conditions of the addendum to contract attached hereto and made a part hereof.

Town of Amherst

By: _____
Brian J. Kulpa
Supervisor

Date: _____

RF for SUNY o/b/o WNY PRISM

By: Jessica M Berg
Jessica M. Berg
Director, Sponsored Programs

Date: 4/28/2023

Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

Consultant Minor Exposure Addendum to Contract

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.

2. No rules, requirements or customs of any society or association of professional Consultants or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.

3. Both parties agree, to the fullest extent permitted by law, to indemnify, hold harmless and defend the indemnified parties and its directors, officers, employees, consultants, agents and representatives against all claims, including claims of third parties, causes of action, damages, losses or expenses, including without limitation attorneys' fees, arising out of or resulting from this Agreement or any action arising hereunder; provided, the indemnified party's actions are not based upon negligence or willful misconduct.

4. Consultant shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.

(a) Workers' Compensation Insurance: Consultant shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.

(b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Consultant shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate.

(c) Consultant shall furnish the above insurances, including sub-Consultants' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.

(d) Consultant shall ensure all its sub-Consultants, if any, have obtained all the above insurances and shall also assure that any policy procured by any sub-Consultant or sub-sub Consultant shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

5. Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible as and no later than three (3) days after the date of such accident.

6. No Assignment: In accordance with the provisions of Section 109 of the General Municipal Law, the Consultant is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.

7. The Consultant, in accordance with its status as an independent Consultant, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

8. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

9. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

Research Foundation for SUNY / Buffalo State

By: _____
Jessica M. Berg, Director
Sponsored Programs

Date: 4/28/2023

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). This list is posted on the OGS website.

By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor/Vendor is advised that any Bidder/ Contractor/Vendor seeking to renew or extend a Contract/Lease (or assume responsibility of a Contract/Lease awarded must certify at the time the Contract/Lease is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Town shall take such action as appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor/Vendor in default.

The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: Research Foundation for SUNY / Buffalo State

Signature: Jessica M Berg

Print Name: Jessica M. Berg

Title: Director, Sponsored Programs

Date: 4/28/2023

Sworn To Before Me This

28th Day of April, 2023

Laura J Leone

Notary Public

LAURA J LEONE
Notary Public, State of New York
NO. 01LE6233863
Qualified in Erie County
Commission Expires 1-3-27

Revised 4.2017

Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

Client#: 19172 RESEAFOU

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 7/22/2022

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 have ADDITIONAL INSURED provisions or 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 any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Donna Sharpe	
Amsure - Albany 12 Computer Drive West PO Box 15044 Albany, NY 12212-5044	PHONE (A/C, No, Ext): 518 458-1800	FAX (A/C, No): 518 458-8390
	E-MAIL ADDRESS: dsharpe@amsureins.com	

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Federal Insurance Company	20281
INSURER B : ACE American Insurance Company	22667
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
The Research Foundation for
The State University of New York
35 State Street, PO Box 9
Albany, NY 12201

COVERAGES CERTIFICATE NUMBER: 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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			35021737	07/01/2022	07/01/2023	EACH OCCURRENCE	$5,000,000
	X CLAIMS-MADE ☐ OCCUR			93639165	07/01/2022	07/01/2023	DAMAGE TO RENTED PREMISES (Ea occurrence)	$5,000,000
				74993048	07/01/2022	07/01/2023	MED EXP (Any one person)	$10,000
							PERSONAL & ADV INJURY	$5,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$5,000,000
	☐ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	$5,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			73507405	07/01/2022	07/01/2023	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	☐ UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE	$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	$
	☐ DED ☐ RETENTION $							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N			71644923	07/01/2022	07/01/2023	☐ PER STATUTE ☐ OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N	N / A					E.L. EACH ACCIDENT	$1,000,000
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
COI #3029 (22/23) RF #160-1149162-4-82453 S/C #C010338 Administering WNY Prism Project 2019-2023
The Town of Amherst is named as an additional insured on a primary basis as their interest may appear
PI: Dr. Christopher Pennuto

CERTIFICATE HOLDER

Town of Amherst
Att: Mary-Diana Pouli
5583 Main Street
Williamsville, NY 14221

CANCELLATION

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

Greg Alonge

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Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) The Research Foundation for The State University of New York 35 State Street, PO Box 9 Albany, NY 12201 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)*	1b. Business Telephone Number of Insured (518)434-7045 1c. NYS Unemployment Insurance Employer Registration Number of Insured 04-54705 1d. Federal Employer Identification Number of Insured or Social Security Number 14-1368361
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst Attn: Mary-Diana Pouli 5583 Main Street Williamsville, NY 14221 Blanket COI #3030	3a. Name of Insurance Carrier ACE American Insurance Co. 3b. Policy Number of Entity Listed in Box "1a" 71644923 3c. Policy effective period 7/1/2022 to 7/1/2023 3d. The Proprietor, Partners or Executive Officers are ☑ included. (Only check box if all partners/officers included) ☐ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

Will the carrier notify the certificate holder within 10 days of a policy being cancelled for non-payment of premium or within 30 days if cancelled for any other reason or if the insured is otherwise eliminated from the coverage indicated on this certificate prior to the end of the policy effective period? ☑ YES ☐ NO

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

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 the coverage as depicted on this form.

Approved by: Guy Alonge, III
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: _____ 7/20/2022
(Signature) (Date)

Title: President, Amsure - Albany Division

Telephone Number of authorized representative or licensed agent of insurance carrier: 518-458-1800

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

C-105.2 (9-15) www.wcb.ny.gov

Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

NEW YORK STATE | 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) The Research Foundation for the State University of New York 35 State Street Albany, NY 12207 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*	1b. Business Telephone Number of Insured 518-434-7132 1c. Federal Employer Identification Number of Insured or Social Security Number 141368361
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst Attn: Mary-Diana Pouli 5583 Main Street Williamsville, NY 14221 Blanket COI#3030	3a. Name of Insurance Carrier First Reliance Standard Life Insurance Company 3b. Policy Number of Entity Listed in Box "1a" DBL252038 3c. Policy effective period 01/01/2016 to 1/1/2024

4. Policy provides the following benefits:
   - [X] A. Both disability and paid family leave benefits.
   - [ ] B. Disability benefits only.
   - [ ] C. Paid family leave benefits only.

5. Policy covers:
   - [X] 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 12/16/2022 By Patti Gerlach Digitally signed by Patti Gerlach DN: cn=Patti Gerlach, o, ou, email=patti.gerlach@sli.com, c=US Date: 2017.12.04 10:44:05 -05'00'

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

Telephone Number 267-256-3625 Name and Title Patti Gerlach, Senior Compliance Consultant

IMPORTANT: If Boxes 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, 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.***

DB-120.1 (10-17)

DB-120.1 (10-17)

Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in box "1a" for disability and/or paid family leave benefits under the New York State Disability and Paid Family Leave Benefits Law. The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices my be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Disability and/or Paid Family Leave Benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or paid family leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of NYS Disability and/or Paid Family Leave Benefits Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Disability and Paid Family Leave Benefits Law.

DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and not withstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.

Attachment: Research Foundation SUNY - WNY Prism (RES-2023-527 : User Agreement (WNY PRISM) - CRS #4040)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Clerk
DOC ID: 27594

COMMUNICATION 2023-73 **APPROVED**

Request for Public Hearing - 1350 Eggert Road

Request from Sean Hopkins, Esq. for a public hearing with respect to the rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5.

This hearing has been scheduled for July 24.

6/5/2023
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

May 23, 2023

Timothy J. Koller, Deputy Town Clerk
Town of Amherst Town Clerk's Office
5583 Main Street
Williamsville, NY 14221

Re: Rezoning of 1350 Eggert Road from OB-TNB-1 to TI-2.5 [Z-2023-03]
Applicant/Project Sponsor: 1097 Group LLC c/o Ellicott Development Company
File No. 10173.13

Dear Tim:

This letter is being submitted on behalf of 1097 Group LLC ("Project Sponsor") to request that the Town Board adopt a resolution during its next meeting to be held on Monday, June 5th at 3:00 p.m. for the purpose of scheduling a public hearing in connection with the pending request to amend the zoning classification 1350 Eggert Road ("Project Site") from OB-TNB-1 to TI-2.5.

The Planning Board held a public hearing on the pending requested rezoning of the Project Site from OB-TNB-1 to TI-2.5 during its meeting on Thursday, May 18th and adopted a resolution by a unanimous vote recommending approval of the requested rezoning.

If you have any questions regarding this letter, please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

cc: Daniel Howard, Planning Director, Planning Department
Thomas M. Fox, Director of Development, Ellicott Development Company [Via mail]
Bill Paladino, Chief Executive Officer, Ellicott Development Company [Via e-mail]
Christopher Wood, P.E., Carmina Wood Design [Via e-mail]
David Sutton, Sutton Architecture PLLC [Via e-mail]

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Attachment: Koller-Ltr-Request to Schedule Public Hearing-05-23-23.docx (COM-2023-73 : Request for Public Hearing - 1350 Eggert Road)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Clerk
DOC ID: 27583

COMMUNICATION 2023-74 **REFERRED**

Correspondence from Michael & Amanda Kruse

6/5/2023
A motion to refer to the Town Attorney and the Building Department was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

Kruse Family
25 Beachridge Dr

15th May, 2023

Notified Parties
Erie County Department of Health(ECDOH)
Department of Environmental Conservation(DEC)
Town of Amherst Refuse & Rodent Control
Town of Amherst Attorney
Randy Gugino, Attorney at Law

To Whom it May Concern

I am writing to all parties as a form of "first notice" before next action is taken(Legal, Civil, and/or local media).

Our son Tyler(Kruse), was diagnosed with B-ALL(Acute Lymphoblastic Leukemia) on 12/27/22. Besides fighting for his life, he also has a severely weakened & compromised immune system, you might have seen Tyler on WKBW recently(WGRZ upcoming, as well as WNY Athletics), sharing his story(raising over to $10K+ for Courage of Carly).

With that being said, our neighbors at 32 Beachridge Dr have an excessive amount of Bird Feeders. The result of this is: Ungodly amount of bird feces all over our property(see attached), increased rodents and other animals.

As you may or may not know, Bird Feces carry disease(see attached). Disease that can severely affect the health of our son, and potentially put him at more risk. This can be done by the dust from the feces in the air. It can be transmitted to us, or pets and shared with Tyler or directly.

We should not be expected to live in this bubble during these summer months. Our son should be able to enjoy our yard & pool without fear of becoming ill, and end back up at OCH.

We have asked the Wiseman's over the years to remove these feeders, & were rejected. Now with the current situation of our son being immunocompromised for the next 3 years during treatment, it's more imperative than normal.

The ToA has zero restrictions on Bird Feeders, unlike other Erie County towns, so they are allowed to have this. But this is a health issue. A health issue of a 13 year old boy.

If you look at the picture of our pool safety cover, you will see the "party of poop". What if that cover was off. Should we, even if healthy, have to deal with that? Or better yet, should a young boy who is severely immunocompromised have to risk his health?

'23 MAY 19 PM1:16

Attachment: DOC052323-05232023150341 (COM-2023-74 : Correspondence from Michael & Amanda Kruse)

The argument could be made, "it's not the feeders causing all the poop". I beg to differ. The Wiseman's have admitted in years past to reading books how to get the birds to come in from various directions. Section 169-27 of the ToA code should be amended for this.

I challenge you to pick 20, heck 15, try 10 houses in our subdivision and you will NOT find a similar pattern of bird feces. Even our direct neighbors.

We would like these bird feeders removed immediately, by 6/15/2022. After that, anything that happens as a cause, we will hold liable:

ECDOH

DEC

Town of Amherst Refuse & Rodent Control

We will hold liable for your ignoring, and refusal to correct this problem. This will include any additional medical bills from Oishei Children's Hospital & Roswell Cancer Institute, as well as informing our insurance provider, NOVA, iin addition to compensation for pain and suffering. We will share this on www.tylertough.org which gets 1K views per day, with WKBW, and WGRZ.

When we have birds trying to nest in our garage, front porch lights, and pooping on our Pool Cover, Landscaping, Grill, Umbrella, outdoor dining table. Etc. That is unreasonable. It's disgusting. Especially when you have a child severely immunocompromised. He should not be exposed to this filth. You can't just hose off. You need to use a power washer.

If our son breaks 100.4 degree fever, it's an automatic 72 hour admittance to Oishei. My question is, if it was found that this was caused by exposure to bird feces, who should I have our insurance company call for reimbursement? As a FYI, it's ~$6,000/day for him to stay in the pediatric cancer floor.

While they may be entitled to their "Hobby", we are entitled to a safe & clean environment while our son battles for his life. If this request is denied, I would request in writing why it was.

Do you want to play roulette with a 13 year old's life & well being over 7-9 bird feeders? We don't. Amend 169-27.

Sincerely,

Amanda C. Kruse

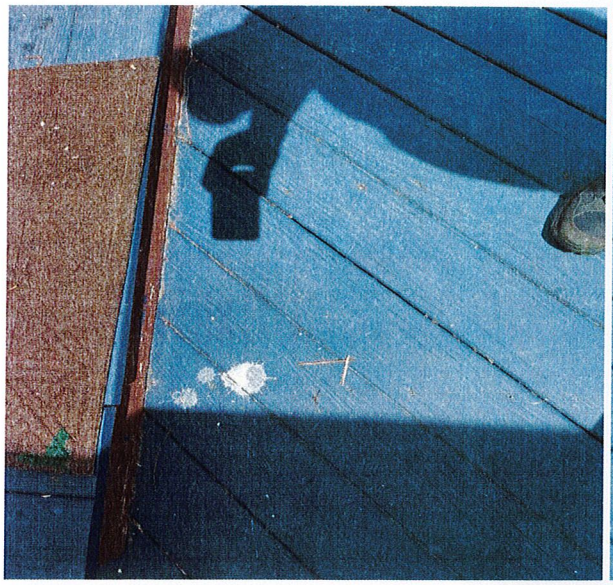
Michael & Amanda Kruse

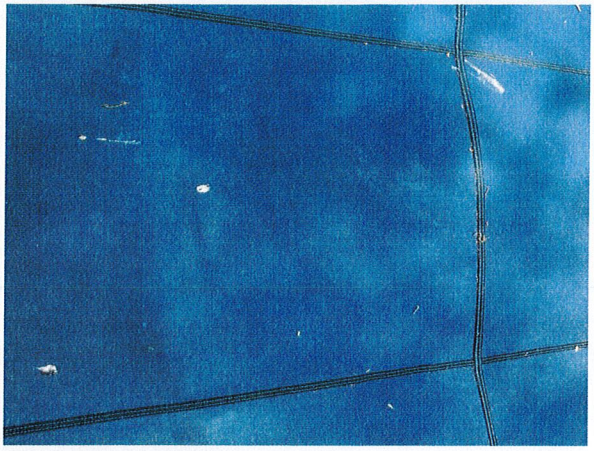
CC: Amherst Town Clerk

Attachment: DOC052323-05232023150341 (COM-2023-74 : Correspondence from Michael & Amanda Kruse)

Attachment: DOC052323-05232023150341 (COM-2023-74 : Correspondence from Michael & Amanda Kruse)

Attachment: DOC052323-052320231503 41 (COM-2023-74 : Correspondence from Michael & Amanda Kruse)





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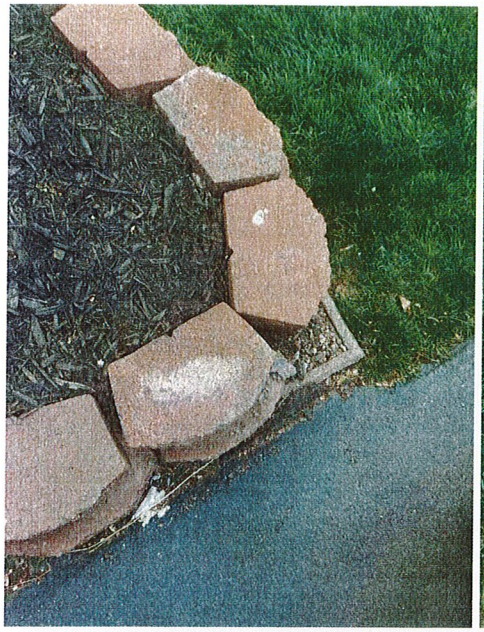

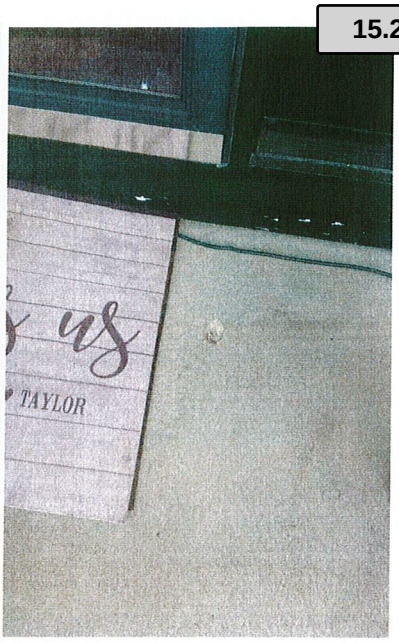

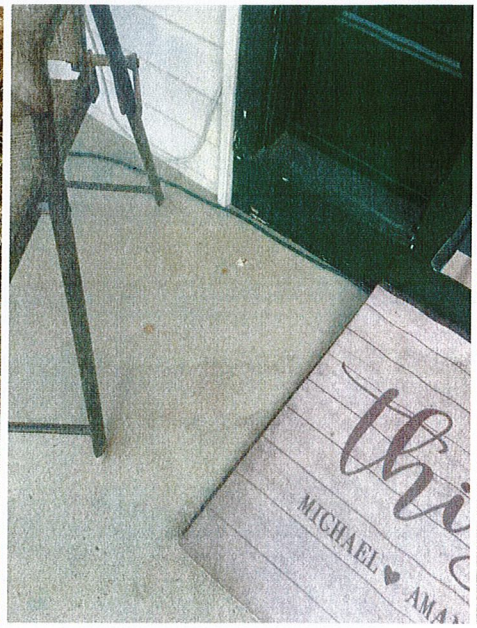

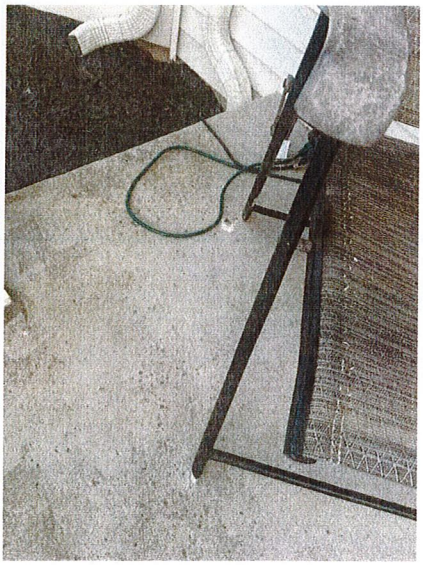

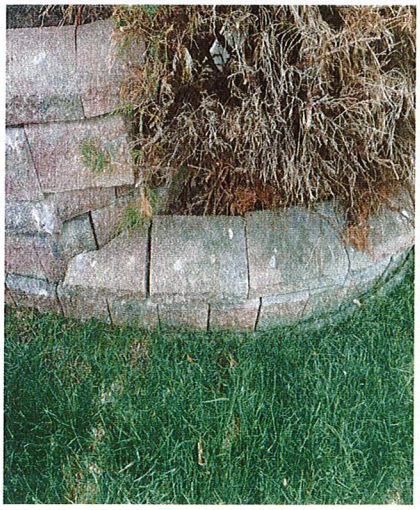

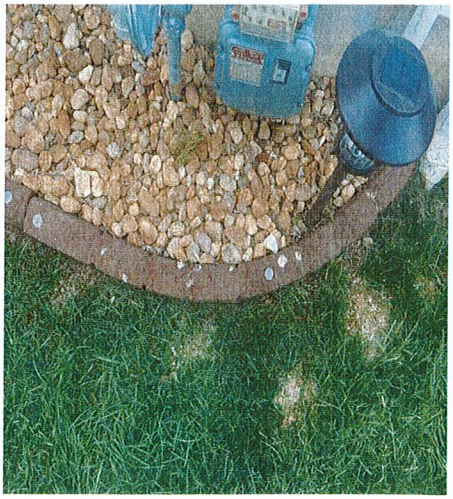

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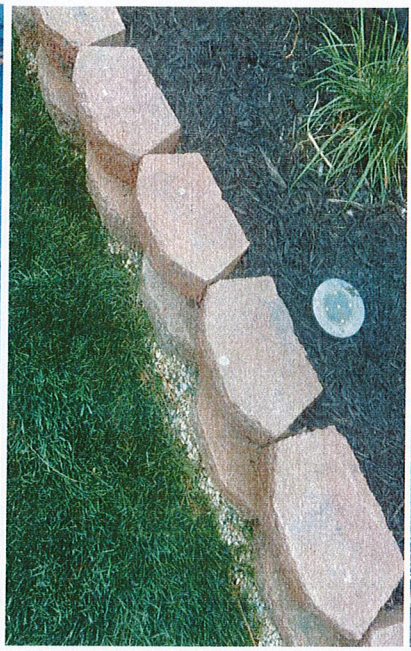

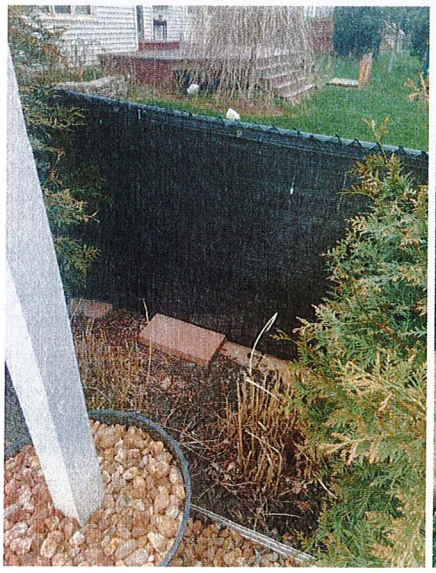

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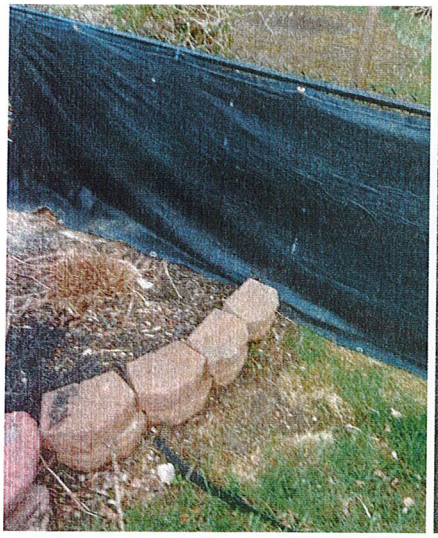
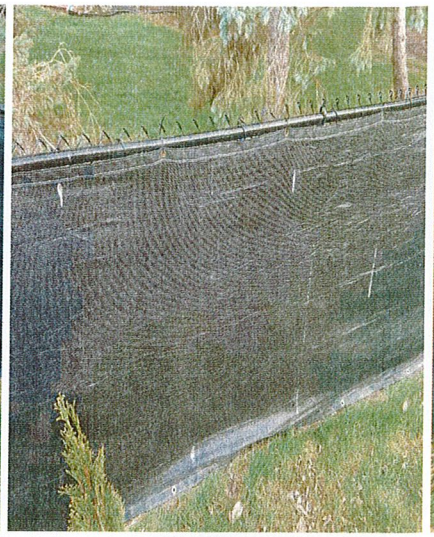
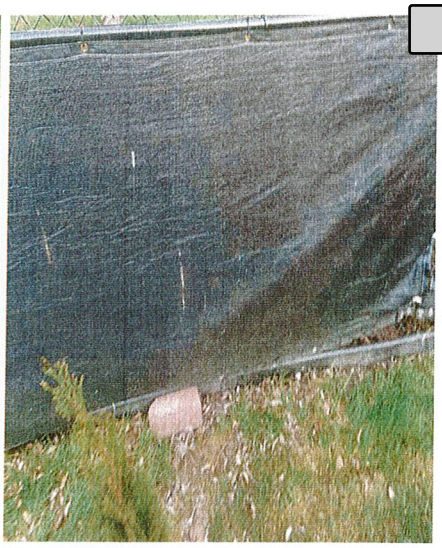

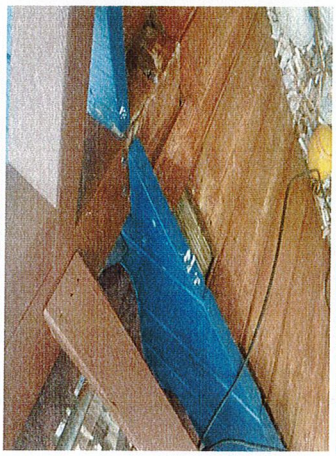

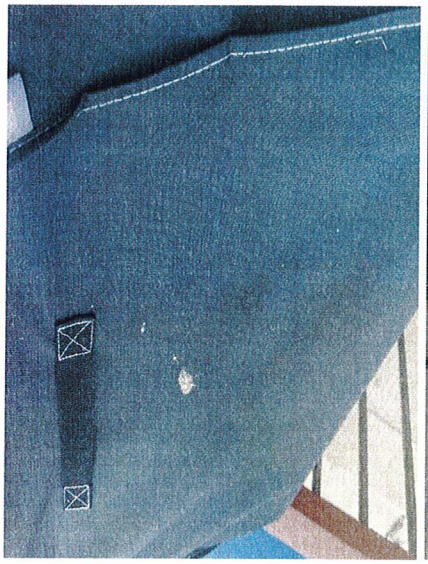
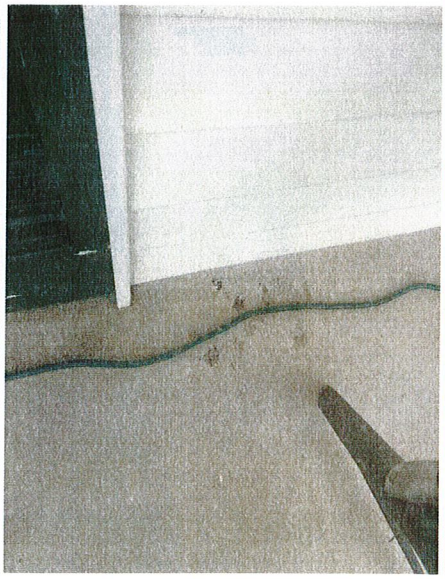

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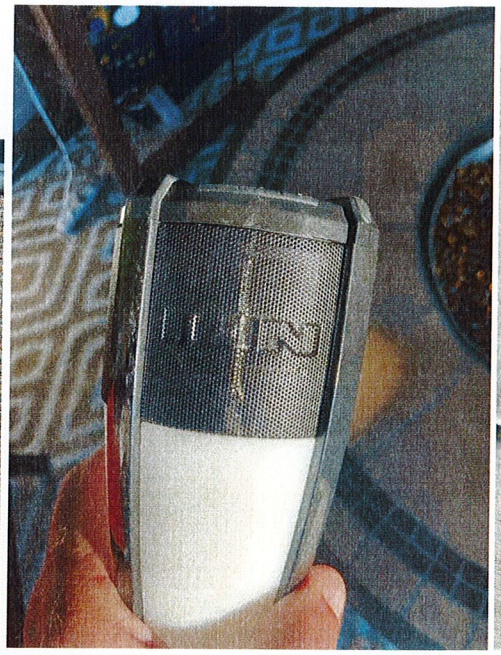

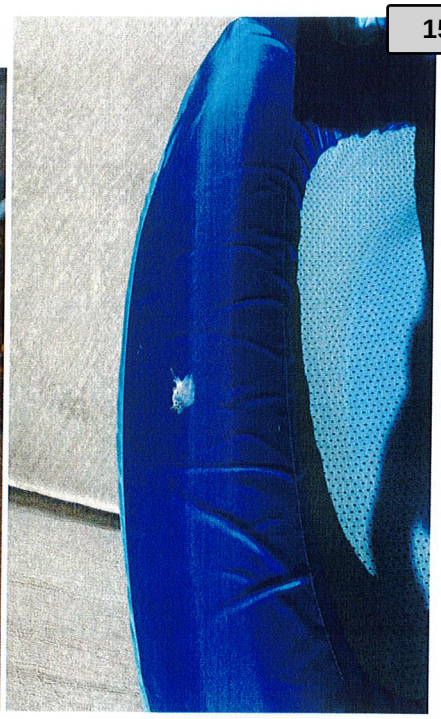

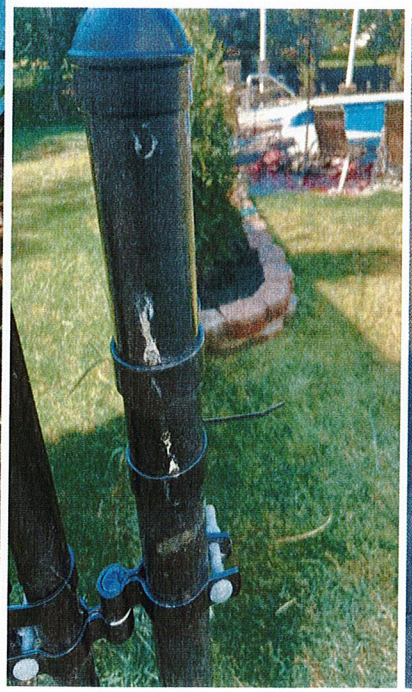

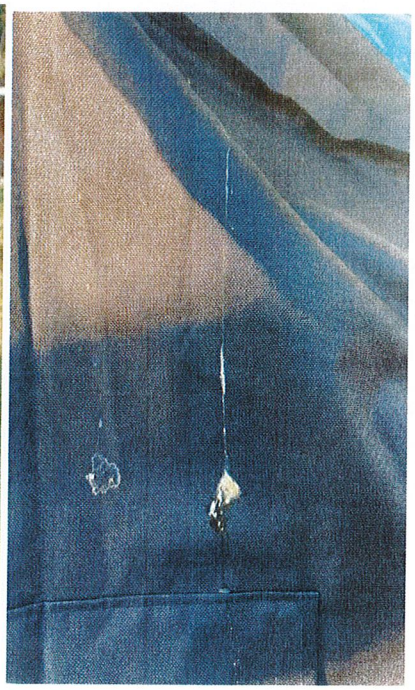

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Google bird droppings cause disease

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Psittacosis (also known as ornithosis) is a disease caused by the bacterium Chlamydia psittaci, carried by birds. Humans most commonly catch the disease by inhaling dust containing feathers, secretions and droppings from infected birds. Jul 1, 2018

New South Wales
https://www.health.nsw.gov.au › factsheets › Pages › psit...

Psittacosis (Ornithosis) fact sheet - NSW Health

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What are symptoms of histoplasmosis?

Do all bird droppings cause histoplasmosis?

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http://www.idph.state.il.us › public › hbb&bdrp

HEALTH HAZARDS ASSOCIATED WITH BIRD AND BAT ...

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Medical News Today
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Birds and their droppings can carry over 60 diseases

Histoplasmosis is a respiratory **disease** that may be fatal. It results from a fungus growing in dried **bird droppings**. Candidiasis is a yeast or fungus infection ...

Mayo Clinic
https://www.mayoclinic.org › syc-20373495

Histoplasmosis - Symptoms and causes

Mar 24, 2022 — Overview. Histoplasmosis is an infection **caused** by breathing in spores of a fungus often found in **bird** and bat **droppings**.
Symptoms · Risk Factors · Complications

NYC.gov
https://www.nyc.gov › doh › health › health-topics

Pigeon-Related Diseases - NYC Health

Diseases associated with **pigeon droppings** include Cryptococcosis, Histoplasmosis and Psittacosis. You can become infected with these **diseases** by breathing ...

Centers for Disease Control and Prevention (.gov)
https://www.cdc.gov › fungal › features › histoplasmosis

Histoplasmosis: A Common Fungal Lung Infection

Attachment: DOC052323-05232023150341 (COM-2023-74 : Correspondence from Michael & Amanda Kruse)

MEDICALNEWSTODAY SUBSCRIBE

Birds and their droppings can carry over 60 diseases

By on Invalid date

When it comes to birds, there may be more than just avian flu to be worried about. It has been suggested that there are over 60 other diseases that birds and their droppings can carry. The problem is especially worrisome in residential areas, as many of them are airborne and can be transferred to humans just by being around droppings.

Chicken farms can be fairly easily secured. With a combination of visual scare devices, sonic distress call emitters, ultrasonic disrupters and roost inhibitors other birds shouldn't be a problem. If farmers just took this preventative action it could help contain the bird flu outbreak a good deal.

Examples of transmissible bird diseases associated with pigeons, geese, starling and house sparrows:

- **Histoplasmosis** is a respiratory disease that may be fatal. It results from a fungus growing in dried bird droppings.
- **Candidiasis** is a yeast or fungus infection spread by pigeons. The disease affects the skin, the mouth, the respiratory system, the intestines and the urogenital tract, especially the vagina. It is a growing problem for women, causing itching, pain and discharge.
- **Cryptococcosis** is caused by yeast found in the intestinal tract of pigeons and starlings. The illness often begins as a pulmonary disease and may later affect the central nervous system. Since attics, cupolas, ledges, schools, offices, warehouses, mills, barns, park buildings, signs, etc. are typical roosting and nesting sites, the fungus is apt to found in these areas.
- **St. Louis Encephalitis**, an inflammation of the nervous system, usually causes drowsiness, headache and fever. It may even result in paralysis, coma or death. St. Louis encephalitis occurs in all age groups, but is especially fatal to persons over age 60. The disease is

ADVERTISEMENT

Attachment: DOC052323-05232023150341 (COM-2023-74 : Correspondence from Michael & Amanda Kruse)

pigeons and house finches carrying the Group B virus responsible for St. Louis encephalitis.

- **Salmonellosis** often occurs as "food poisoning" and can be traced to pigeons, starlings and sparrows. The disease bacteria are found in bird droppings; dust from droppings can be sucked through ventilators and air conditioners, contaminating food and cooking surfaces in restaurants, homes and food processing plants.
- **E.coli.** Cattle carry E. coli 0157:H7. When birds peck on cow manure, the E. coli go right through the birds and the bird droppings can land on or in a food or water supply.

Besides being direct carriers of disease, nuisance birds are frequently associated with over 50 kinds of ectoparasites, which can work their way throughout structures to infest and bite humans. About two-thirds of these pests may be detrimental to the general health and well-being of humans and domestic animals. The rest are considered nuisance or incidental pests.

A few examples of ectoparasites include:

- **Bed bugs** (Cimex lectularius) may consume up to five times their own weight in blood drawn from hosts which include humans and some domestic animals. In any extreme condition, victims may become weak and anemic. Pigeons, starlings and house sparrows are known to carry bed bugs.
- **Chicken mites** (Dermanyssus gallinae) are known carriers of encephalitis and may also cause fowl mite dermatitis and acariasis. While they subsist on blood drawn from a variety of birds, they may also attack humans. They have been found on pigeons, starlings and house sparrows.
- **Yellow mealworms** (Tenebrio molitor), perhaps the most common beetle parasites of people in the United States, live in pigeon nests. It is found in grain or grain products, often winding up in breakfast cereals, and may cause intestinal canthariasis and hymenolespiasis.

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Attachment: DOC052323-05232023150341 (COM-2023-74 : Correspondence from Michael & Amanda Kruse)

Centers for Disease Control and Prevention

Fungal Diseases

Fungal Diseases Home

Histoplasmosis: A Common Fungal Lung Infection

Histoplasmosis is caused by a fungus that lives in soil, particularly where there's a large amount of bird or bat poop. People can get histoplasmosis by breathing in fungal spores, and infection can be mild or life-threatening. It can be misdiagnosed because its symptoms are similar to those of other illnesses, like pneumonia caused by bacteria. This often results in delayed treatment. Here are some important things to know about histoplasmosis and *Histoplasma*, the fungus that causes this illness.

Histoplasmosis is a fungal infection that can affect anyone. It usually affects the lungs and causes pneumonia but also can affect other parts of the body. Learning about histoplasmosis can help you stay healthy and recognize symptoms early if you do get the infection.

Common Symptoms Can Lead to Delayed Diagnosis

Symptoms of histoplasmosis include:

- Fever
- Cough
- Fatigue (extreme tiredness)
- Chills
- Headache
- Chest pain
- Body aches

These symptoms usually appear 3 to 17 days after breathing in the fungus. Because other bacterial or viral diseases have similar symptoms, patients can experience delays in getting correctly diagnosed and treated.

Anyone can get infected, but most people who breathe in the fungus that causes histoplasmosis have no symptoms or only mild ones. Some people never know they've had histoplasmosis until a CT scan, X-ray, or other imaging test shows spots on their lungs. These spots can look identical to lung cancer, leading to unnecessary costs and emotional stress associated with finding the right diagnosis.

It is important to know that some people can develop severe histoplasmosis and get very sick. This includes:

- People who have existing health problems or take medicines that lower the body's ability to fight germs and sickness (people with weakened immune systems), and
- People who are exposed to a large amount of the fungus.

A severe infection must be treated with prescription antifungal medicine.

If you have symptoms and suspect that you might have histoplasmosis, ask your doctor to test you for it.

Attachment: DOC052323-05232023150341 (COM-2023-74 : Correspondence from Michael & Amanda Kruse)

How It Spreads: From Soil to Lungs

In the United States, the fungus that causes histoplasmosis mainly lives in soil in central and eastern states, especially in areas around the Ohio and Mississippi River valleys. It's also present in other U.S. states, likely in small pockets that offer the right growing conditions (such as a large amount of bird or bat poop). The fungus also lives in parts of Central and South America, Africa, Asia, and Australia. People can get histoplasmosis by breathing in the fungus from the air in these areas. Histoplasmosis does not spread from person to person.

Be Safe Around Bird or Bat Poop

It can be difficult to avoid breathing in the fungus that causes histoplasmosis in areas where it's common in the environment. In those areas, people who have weakened immune systems should consider avoiding activities associated with getting histoplasmosis, such as:

- Disturbing material where there is a large amount of bird or bat poop (for example, digging in soil or chopping wood)
- Cleaning, remodeling, or tearing down old buildings
- Exploring caves
- Cleaning chicken coops

Large amounts of bird or bat poop should be cleaned up by a professional company that specializes in handling hazardous waste. A small amount of bird or bat poop on a hard surface is much less likely to spread histoplasmosis than a larger amount around soil or plants.

Before starting a job or activity where there's a possibility of being exposed to the fungus that causes histoplasmosis, review Histoplasmosis: Protecting Workers at Risk [PDF – 39 pages].

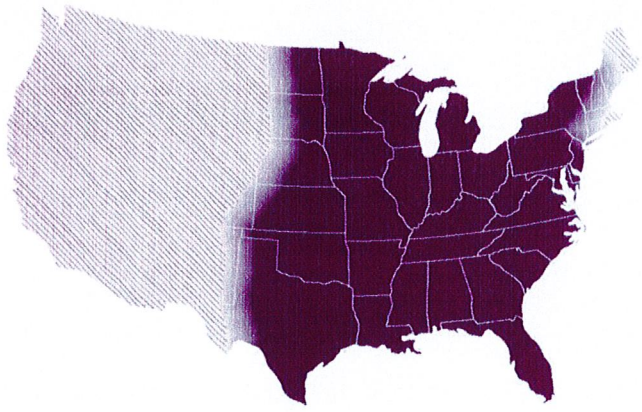
It's important to know that people can also get histoplasmosis without being exposed to bird or bat poop.

Awareness Is Key

In areas where the fungus that causes histoplasmosis is common, it's difficult to completely avoid exposure. That's why knowing about histoplasmosis is one of the most important ways to avoid delays in diagnosis and treatment.

Greater awareness about histoplasmosis is needed in the United States and around the world. In Latin America and the Caribbean, histoplasmosis is one of the most common infections among people living with HIV. There, about 1 in 3 people with HIV who get histoplasmosis die from this condition. Learn more about CDC's work to prevent deaths due to histoplasmosis by improving diagnosis and increasing access to lifesaving antifungal medications.

Estimated Areas With Histoplasmosis



This map shows CDC's current estimate of where the fungi that cause histoplasmosis live in the environment in the United States. These fungi are not distributed evenly in the shaded areas, might not be present everywhere in the shaded areas, and can also be outside the shaded areas. Darker shading shows areas where *Histoplasma* is more likely to live. Diagonal lines show the potential range of *Histoplasma*.

More Information

- Histoplasmosis Website
- Histoplasmosis Outbreaks

Fungal Disease Awareness Week

Attachment: DOC052323-05232023150341 (COM-2023-74 : Correspondence from Michael & Amanda Kruse)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Councilmembers
DOC ID: 27603

COMMUNICATION 2023-75 **REFERRED**

2023 Calendar from the Amherst Community Diversity Commission

The attached calendar is from the Amherst Community Diversity Commission.

6/5/2023
A motion to refer to IT Department and Town Clerk was made by Deputy Supervisor Bucki, seconded by Supervisor Kulpa and unanimously approved 5-0.

FINANCIAL IMPACT:

None

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

Town of Amherst Community Diversity Commission 2023 Calendar: Significant Dates (Link of 2023)		
Months and Dates	**Title**	**Description**
JANUARY		
December 26 - January 1, 2023	Kwanzaa	A celebration honoring African American Heritage
January 1st	New Year's Day	In the Gregorian Calendar, New Year's Day is the first day of the year.
January 1st	The Circumcision of the Jesus	A Catholic holy day.
January 1st	Haitian Independence Day	Haitian Independence Day commemorates the day Haiti declared itself as an independent nation on January 1, 1804. This declaration made Haiti the first black nation to gain independence from its colonizers, as well as the first nation in the world to outlaw slavery.
January 4th	World Braille Day	Celebration of human rights for blind and partially sighted individuals
January 5th	Birth of Guru Gobind Singh	Anniversary of the birth of the tenth guru (Sikh)
January 7th	Orthodox Christmas	A Christian holiday
January 10th	Vodoun Festival	Also known as Traditional Day or Fête du Vodoun, the Vodoun Festival is a celebration of traditional religions in the West African country of Benin. In particular, the public holiday celebrates Benin's history involving the religion of Vodoun.
January 13th	Korean American Day	Korean American day celebrates those in America of Korean descent and their role in history. Koreans were first documented to have immigrated to America in 1903.
January 16th	Martin Luther King Jr. Day	A day honoring the life and legacy of civil rights activist and Martin Luther King Jr.
January 16th	National Religious Freedom Day	Declared a national holiday in 1993, National Religious Freedom Day celebrates the anniversary of the adoption of the Virginia Statute for Religious Freedom by the Virginia General Assembly on January 16, 1786. The purpose of this day is to honor the right for those of any religion to practice in America, as well as the right for people not to practice at all.
January 22nd	Lunar New Year	The beginning of a lunar calendar or lunisolar calendar year, whose months are moon cycles. It is celebrated in multple cultures including the East Asian cultural sphere most significantly, such as Chinese, Korean, Vietnamese cutlures.
January 27th	International Holocaust Remembrance Day	This day was created by the United Nations in 2005, to remember the approximately six million Jewish men, women and children murdered by the Nazi government during World War II, and the other five million victims as well including Romani people, people with disabilities and gay people.
FEBRUARY		
Whole month	Black History Month	Celebrates black history and African American culture.
February 1st	National Freedom Day	Commemorates the signing of the 13th Amendment which abolished slavery in 1865.
February 5th	Chinese Lantern Festival	with the full moon -- as bright lanterns answer the call for even more light to dispel the winter darkness. Besides the hanging of lanterns (from homes, shops, and streets), other festivities
February 12th	Tadeusz Kosciuszko's Birthday	A Polish army officer who provided leadership throughout the American Revolution and in a national insurrection in his homeland.
February 14th	Valentine's Day	Originated as a Christian feast honoring a martyr named Valentine and through later folk traditions, has become a significant cultural, religious and commercial celebration of romance and love in many regions of the world.
February 15th	Parinirvana Day (Nirvana Day)	A Buddhist holiday commemorating the Buddha's death/ when he reached the zenith of Nirvana
February 15th	Susan B. Anthony Day	A commemorative holiday to celebrate the birth of Susan B. Anthony and women's suffrage in the United States.
February 17th-18th	Isra' and Mi'raj	An Islamic holiday that celebrates the night Allah took Muhammad on a journey from Mecca to Jerusalem and then to heaven.
February 18th	Maha Shivaratri	A Hindu holiday celebrated on 13th or 14th day of the waning moon in the Hindu calendar.
February 20th	World day of Social Justice	United Nations day to recognize efforts to achieve fair outcomes for all through employment, social protection, social dialogue, and fundamental principles and rights at work.
February 20th	President's Day	A day honoring the presidents of the United States.
February 21st	International Mother Language Day	Observed throughout the world since 2000, this observance promotes awareness of linguistic and cultural diversity and multilingualism.
February 21st	Shrove Tuesday	A Western Christian celebrating a day of penitence as well as the last chance to feast before Lent begins. This holiday is also known as Mardi Gras, Fat Tuesday, and Carnival Day.
February 22nd	Ash Wednesday	This holiday falls on the first day of Lent for Western Christian churches, a 40-day period of spiritual preparation for Easter, not counting Sundays.
February 27th	Clean Monday	The beginning of Great Lent for Eastern Christian churches, which starts 40 days before Orthodox Easter, counting Sundays.
MARCH		
Whole month	Women's History Month	This day honors women as significant agents of historical change.
Whole month	National Developmental Disabilities Awareness Month	Calls awareness towards the inclusion and achievements of those with developmental disabilities in everyday life, as well as the challenges they still face.
Whole month	National Multiple Sclerosis Education and Awareness Month	Aims to spread awareness and education regarding the central nervous system disease known as multiple sclerosis, or MS, as well as to show support towards those affected by the disease.
March 6th	Pulaski Day	It is a local holiday that commemorates and celebrates the birthday of Casimir Pulaski – a Polish soldier who contributed to the Independence of the United States and is often called the "Father of the American Cavalry."
March 6-7th	Purim	A Jewish holiday, also known as the Feast of Lots, which marks the salvation of the Jews of ancient Persia from extermination.
March 7th (evening) – March 8th (evening)	Holi	A Hindu celebration of the beginning of good harvest season, or spring.
March 8th	International Women's Day	The celebration of the economic, political, and social achievements of women worldwide.
March 17th	St. Patrick's Day	A Christian holiday which is a feast day of the patron Saint of Ireland. In the United States, a secular version is celebrated by people of all faiths through appreciation of all things Irish.
March 21st	Naw-Rúz	Bahá'í and Iranian New Year
March 21st	International Day for the Elimination of Racial Discrimination	A call to action to eliminate all forms of racial discrimination worldwide.
March 22nd (evening) to April 21st (evening)	Ramadan (Muslim)	Occurs during the ninth month of the Muslim year, during which strict fasting is observed from sunrise to sunset. It is observed by Muslims worldwide as a month of fasting to commemorate the first
March 30th	Sri Rama Navami	A Hindu holy day that celebrates the birthday of Rama, the seventh incarnation of the God Vishnu. During the previous eight days, Hindus read the Ramayana, a Hindu epic, which tells the story of Rama.
March 31st	Cesar Chavez Day	A Mexican holiday which honors the Mexican American farm worker and celebrates the contributions of labor leader and activist Cesar Chavez.

Attachment: CommunityDiversityCalendar2023 (COM-2023-75 : 2023 Calendar from the Amherst Community Diversity Commission)

Town of Amherst Community Diversity Commission 2023 Calendar: Significant Dates (Link of 2023)		
Months and Dates	**Title**	**Description**
March 31st	International Transgender Day of Visibility	This day supports the right of transgender people to freely express and take pride in their identities while also raising awareness regarding the challenges and prejudice trans people continue to face.
APRIL		
Whole month	Arab American Heritage Month	Celebrates Arab American heritage, culture and contributions.
Whole month	Genocide Awareness Month	A month that marks important anniversaries for past and contemporary genocides. Throughout the month, individuals, communities and organizations join together to remember and honor victims and survivors of mass atrocities.
Whole month	Deaf History Month	A month celebrating the history, achievements, and culture of those who are deaf or hard-of-hearing. This month used to be celebrated specifically from March 13th to April 15th but has recently been changed to all of April.
April 2nd	Palm Sunday	A Christian holiday observed the Sunday before Easter/Pascha to commemorate the entry of Jesus into Jerusalem
April 5th (evening) – April 13th (evening)	Passover	A Jewish celebration that commemorates the liberation of the Israelites from Egyptian slavery.
April 6th	Holy Thursday	A Christian holiday, also known as Maundy Thursday, is celebrated on the Thursday before Easter commemorating the Last Supper, at which Jesus and the Apostles were together for the last time before the Crucifixion.
April 7th	Good Friday	A Christian holiday, also known as Holy Friday in Eastern Christianity, it commemorates the Crucifixion of Jesus on the Friday before Easter/Pascha.
April 7th	Day of Remembrance of the Victims of Rwandan Genocide	A day that memorializes the horrific 1994 genocide of the Tutsi people of Rwanda, in which an estimated 800,000 people were killed.
April 9th	Easter Sunday	Known as Pascha in Eastern Christianity, it celebrates the resurrection of Jesus.
April 14th	Vaisakhi	A Sikhism and Hinduism holiday. It marks the first day of the solar year. Also celebrated as the occasion to transform the Sikhs into a family of soldier saints, known as the Khalsa Panth.
April 14th	Orthodox Good Friday	A strict day of fasting for many Greek Orthodox Christians in the United States.
April 16th	Orthodox Easter	Orthodox Christian celebration of the resurrection of Jesus Christ.
April 17th (evening) to April 18 (evening)	Yom HaShoah	"Holocaust Remembrance Day" memorializes the heroic martyrdom of six million Jews who perished in the Nazi Holocaust.
April 21st	Ridván	Commemorates the declaration of Bahá'u'lláh to his followers in 1863. Work is suspended for the 1st, 9th and 12th day. (Bahá'í)
April 21st (evening) to April 22nd (evening)	Eid al-Fitr	The "Festival of Breaking the Fast" and is celebrated by Muslims worldwide marking the end of Ramadan. (Islamic)
April 29th	Day of Remembrance for all Victims of Chemical Warfare	A day raising awareness regarding the consequences of chemical warfare and honoring those who have fallen victim to chemical warfare.
MAY		
Whole Month	Asian Pacific American Heritage Month	It recognizes the contributions and culture of Asians and Pacific Islanders in the United States.
Whole Month	Jewish-American Heritage Month	Observed in May, Jewish-American Heritage Month (JAHM) celebrates the history and culture of Jewish people living in the United States, highlighting their contributions to the nation's culture and society.
Whole Month	Haitian Heritage Month	Haitian Heritage Month is a celebration in the United States of Haitian heritage and culture. It was first celebrated in Boston, Massachusetts, in 1998.
May 1st	International Workers' Day	Also known as May Day, it celebrates the social and economic achievements of workers worldwide. The day commemorates the Haymarket Riot of 1886 in Chicago, in which police and protesters clashed following a workers' strike for an eight-hour work day.
May 1st	Beltane	Traditionally celebrated throughout Ireland and Scotland, Beltane is a spring festival that takes place roughly between the spring equinox and summer solstice.
May 3rd	World Press Freedom	Serves as an occasion to inform the public of violations of the right to freedom of expression and as a reminder that many journalists brave death or jail to bring people their daily news.
May 3rd	Polish Constitution Day	This holiday celebrates the declaration of the Polish Constitution of May 3, 1791.
May 5th	Cinco de Mayo	Cinco de Mayo is a Mexican holiday that commemorates the Mexican army's 1862 victory against France during the Franco-Mexican War. This battle came to be known as the Battle of Puebla.
May 14th	Mother's Day	Celebration to all mothers and motherhood.
May 18th	Ascension Day	A Christian holiday celebrated 40 days after Easter/Pascha, it commemorates the ascension of Jesus into Heaven.
May 19th	Malcolm X Day	Celebrated on his birthday or on the third Sunday in the month of May, Malcolm X Day celebrates the life and legacy of civil rights activist and revolutionary Malcolm X
May 21st	World Day for Cultural Diversity	A day that recognizes cultural diversity as a source of innovation, exchange and creativity.
May 24th	Declaration of the Báb	The Declaration of the Báb commemorates the day in 1844 on which He announced His identity as The Báb, or Gate, the Herald of he new age. (Baha'i's suspend work on this day)
May 26-27th	Shavuot	Jewish Festival of Weeks; celebrates harvest of first fruits and commemorates the giving of the Torah and Commandments at Mt' Sinai.
May 28th	Pentecost	Is the Christian festival celebrating the descent of the Holy Spirit on the disciples of Jesus after his Ascension, held on the seventh Sunday after Easter.
May 29th	Memorial Day	A federal holiday in the United States for remembering the people who died while serving in the country's armed forces.
May 29th	Ascension of Bahá'u'lláh	Marking the passing of 'Abdu'l-Bahá in 1921 (Bahá'í)
JUNE		
Whole month	LGBTQ Pride Month	Commemorates the anniversary of the June 28, 1969 Stonewall riot in New York City, the incident that initiated the modern gay rights movement in the United States.
June 11th	King Kamehameha I Day	First established as a holiday in 1871 of the Kingdom of Hawai'i, King Kamehameha I Day honors the legacy of Kamehameha the Great, who was Hawai'i's first king.
June 11th	Odunde Festival	Developed in 1975 by Lois Fernandez, the Odunde Festival takes place on the second Sunday of June in South Philadelphia every year and is one of the largest African-American street festivals in the United States.
June 14th	Flag Day	Flag Day is the day the country celebrates its national flag and holds events related to its flag, such as flag-raising ceremonies, displaying the flag on public buildings and in homes, as well as holding parades and salutes.
June 16th	Martyrdom of Guru Arjan Dev	Anniversary of the martyrdom of Guru Arjan Dev in 1606 C. E., the fifth guru who had built the Golden Temple of Amritsar (Sikh)
June 18th	Father's Day	Children of all ages show appreciation for their fathers and father figures.

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Town of Amherst Community Diversity Commission 2023 Calendar: Significant Dates (Link of 2023)		
Months and Dates	**Title**	**Description**
June 19th	Juneteenth	Originally commemorating the announcement of the abolition of slavery in Texas in 1865, it is now celebrated throughout the U.S. to honor African- American freedom and achievement.
June 20th	World Refugee Day	Raises awareness about the plight of refugees and displaced persons.
June 26th	Anniversary Of Legalization Of Same-sex Marriage in the US	On June 26, 2015, in the case of Obergefell v. Hodges, the Supreme Court ruled that the fundamental right to marry is guaranteed to same-sex couples.
June 26th	International Day in Support of Victims in Torture	Day of action calling to an end to the use of torture globally and to providing support to survivors.
June 28th (evening) to June 29th (evening)	Eid-Al-Adha	An Islamic holiday commemorating of Prophet Ibrahim's willingness to sacrifice his son in obedience of a command from God. Marks the end of the annual Hajj (pilgrimage to Mecca).
JULY		
Whole Month	Disability Pride Month	First officially recognized in Boston in 1990 and in New York City (NYC) in 2015, Disability Pride Month celebrates the collective pride in the identities of people with disabilities, emphasizing that disability is a natural aspect of human diversity, does not necessitate being "fixed" or "cured" and connects to the larger movement for disability justice.
July 3rd	Dharma Day	A Buddhist holiday also known as, Asalha Puja, it commemorates the historical Buddha's first discourse following his spiritual awakening.
July 4th	Independence Day	It is the anniversary of the publication of the Declaration of Independence from Great Britain in 1776. Patriotic displays and family events are organized throughout the United States.
July 10th	Martyrdom of the B'ab	Anniversary of the martyrdom of the B'ab, the forerunner of Bahá'u'lláh, in 1850. (Bahá'i)
July 11th to July 15th	Naadam	The largest national holiday celebrated in Mongolia, Naadam is a traditional festival that features aspects of traditional Mongolian nomadic culture.
July 18th	Nelson Mandela Day	This holiday was created to inspire people to embrace the values of democracy and contribute towards the ideals of ensuring a just and fair society.
July 19th to August 17th	Muharram	The month of Muharram marks the beginning of the Islamic liturgical year. This first day, al-Hijra, remembers the migration of Muhammad and his followers from Mecca to Medina in 622 CE.
July 26th	Americans with Disabilities Act Day	Commemorates the 1990 signing of the Americans with Disabilities Act, which guarantees equal opportunity for people with disabilities.
July 27th (evening) to July 28th (evening)	Ashura	An Islamic holiday consisting of a day of fasting observed on the 10th day of the month of Muharram to celebrate Moses' exodus from Egypt. For Shi'a Muslims, it also marks the climax of the ten-day Remembrance of Muharram, which mourns the martyrdom of Hussein at the Battle of Karbala.
July 27th	Tisha B' Av	A day of mourning and repentance in remembrance of the destruction of the First and Second Temples in Jerusalem.
AUGUST		
August 9th	International Day of the World's Indigenous Peoples	Celebrates the richness of indigenous cultures and recognizes the challenges indigenous peoples face today, ranging from poverty and disease to dispossession, discrimination and denial of basic human rights.
August 12th	International Youth Day	Celebrates young people and the integral role they play in helping to create a world fit for children.
August 15th	The Feast of the Assumption of the Blessed Mother	This Christian Day commemorates the belief that at the end of her life, the Blessed Virgin Mary was taken body and soul into Heaven.
August 21st	Senior Citizen Day	Recognizes the many contributions older adults make in communities across the United States.
August 23rd	International Day for the Remembrance of the Slave Trade and its Abolition	Memorializes the tragedy of the transatlantic slave trade, coinciding with the anniversary of the uprising in Santo Domingo (today Haiti and the Dominican Republic) that initiated its abolition.
August 26th	Women's Equality Day	Commemorates the 1920 passage of the 19th Amendment to the Constitution, granting women the right to vote.
August 30th	Raksha Bandhan	A Hindu holiday, also called Rakhi, this festival celebrates the protective relationship between brothers and their sisters.
SEPTEMBER		
September 15th - October 15th	National Hispanic Heritage Month	Celebrates the contributions, heritage and culture of Hispanic and Latino Americans.
September 4th	Labor Day	Celebrated the first Monday in September in recognition of U.S. workers.
September 5th	International Day of Charity	Recognizes the role of charity in alleviating human suffering, as well as of the efforts of charitable organizations and individuals, including the work of Mother Teresa.
September 11th	Patriot Day	This day honors the memory of those people killed in the September 11 attacks in 2001.
September 15th (evening) to September 17th (evening)	Rosh Hashanah	Beginning of the Jewish New Year and first of the High Holy Days, which marks the beginning of a ten-day period of penitence and spiritual renewal.
September 17th	Constitution and Citizenship Day	Commemorating the ratification of the United States Constitution in 1787 and also honors all who have become U.S. citizens.
September 21st	World Peace Day	A day dedicated to working towards world peace, World Peace Day is the day that the United Nations General Assembly begins its deliberations each year.
September 24th – September 25th	Yom Kippur	The "Day of Atonement" marks the end of the Ten Days of Penitence that begin with Rosh Hashanah.
September 26th (evening) to September 27th (evening)	Mawlid Al-Nabi	The observance of the birthday of Prophet Muhammad, which is celebrated in Rabi' al-Awwal, the third month in the Islamic calendar.
September 29th – October 6th	Sukkot	A Jewish holiday that is a week-long "Feast of Booths" commemorating the 40-year wandering of the Israelites in the desert on the way to the Promised Land.
September 29th	Mid-Autumn Festival	Also known as the Moon Festival or Mooncake Festival, is a traditional festival celebrated in Chinese culture. The festival is a joyous celebration with family reunions, mooncakes, parades, and lanterns.
OCTOBER		
Whole month	Global Diversity Awareness Month	A month that aims to increase awareness and acceptance of diverse cultures
Whole month	National Disability Employment Awareness Month	Recognizes the contributions of workers with disabilities.
Whole month	LGBT History Month	Marks and celebrates the lives and achievements of lesbian, gay bisexual and transgender people in the United States.
October 1st	Start of Polish American Heritage Month	Created in 1981 by an Act of Congress which was originally observed in August, but now is celebrated in October to commemorate the first Polish settlers, as well as the millions of freedom loving Poles who came to the United States to build a new land and life.

Attachment: CommunityDiversityCalendar2023 (COM-2023-75 : 2023 Calendar from the Amherst Community Diversity Commission)

Town of Amherst Community Diversity Commission 2023 Calendar: Significant Dates (Link of 2023)		
Months and Dates	**Title**	**Description**
October 2nd	International Day of Nonviolence	Marked on the birthday of Mahatma Gandhi, leader of the Indian independence movement and pioneer of the philosophy and strategy of nonviolence, a U.N commemoration promoting the principle of non-violence and the desire to secure a culture of peace, tolerance and understanding.
October 5th	World Teachers Day	Held annually to commemorate teacher organizations worldwide.
October 7-8th	Simchat Torah	Jewish joyous festival in which the reading of the Torah is completed and its first book begun again. Symbolized by singing, dancing and marching around the synagogue with Torah scrolls.
October 9th	Indigenous Peoples Day (Native American Day)	Celebrates and honors Native American history and culture.
October 9th	Columbus Day	Recognizes Christopher Columbus's voyage across the Atlantic in 1492.
October 11th	Coming Out Day	Encourages honesty and openness about being lesbian, gay, bisexual or transgender. Commemorates October 11, 1987, when 500,000 people marched on Washington, DC, for gay and lesbian equality.
October 12th	Dia De La Raza, "Day of the Race":	Celebrated in Spanish-speaking countries and communities.
October 15th – October 24th	Navaratri and Dussehra	A Hindu holiday consisting of a nine-day festival celebrating the triumph of good over evil. It worships God in the form of the universal mother commonly referred to as Durga, Devi or Shakti, and marks the start of fall.
October 16th	Birth of Báb	Anniversary of the birth of one of the twin prophet founders of the Bahá'í faith.
October 17th	Birth of Bahá'u'lláh	Commemorates the birth of the founder of the Bahá'í faith in 1817.
October 17th	International Day for the Eradication of Poverty	Call to action for the eradication of poverty and destitution worldwide.
October 22nd	Feast of Saint John Paul II	October 22 was chosen as his feast day to remember the anniversary of the liturgical inauguration of his Papacy in 1978.
October 31st	Reformation Day	A Christian holiday which commemorates the beginning of the Protestant Reformation in 1517.
NOVEMBER		
Whole month	National American Indian Heritage Month	Honoring the history and culture of Native Americans and indigenous people in the United States.
Whole month	National Adoption Month	Adoptees, birth families, adoptive families and adoption professionals reflect on, educate and celebrate adoption practices.
November 1st	All Saint's Day	Commemorates all known and unknown Christian saints. Eastern Christianity observes it on the first Sunday after Pentecost.
November 2nd	All Soul's Day	Commemoration of all faithful Christians who are now dead. In Mexican tradition it is celebrated as Dia de los Muertos between October 31 and November 2, and is an occasion to remember dead ancestors and celebrate the continuity of life.
November 9-10th	Kristallnacht	Commemorates the 1938 pogrom against Jews throughout Germany and Vienna.
November 11th	Veteran's Day	Honors military veterans and the U.S. Armed Services.
November 11th	Polish Independence Day	A National Day in Poland to commemorate the anniversary of the restoration of sovereignty as the second Polish Republic in 1918 from the German, Austro- Hungarian and Russian Empires.
November 12th	Diwali	A Hindu holiday also called Deepavali, "Festival of Lights", it celebrates the victory of good over evil, light over darkness, and knowledge over ignorance.
November 13th-17th	American Education Week	Celebrates public education and honors individuals who are making a difference in ensuring every child in the U. S. receives a quality education.
November 16th	International Day for Tolerance	Emphasizes the dangers of intolerance and is a call to action for the advancement of human welfare, freedom and progress everywhere, as well as a day to encourage tolerance, respect, dialogue and cooperation among different cultures and peoples.
November 20th	Transgender Day of Remembrance	Memorializes those who were killed due to anti transgender hatred or prejudice.
November 24th	Native American Heritage Day	Native American gathering of nations where over 500 tribes gather for three days to honor their culture.
November 27th	Birth of Guru Nanak	Birth of Guru Nanak Dev Ji, founder of the Sikh faith and first of the Ten Gurus, was born in 1469 CE.
DECEMBER		
December 1st	World AIDS Day	International day of action on HIV and AIDS.
December 3rd - December 24th	Advent	Advent is a season of spiritual preparation in observance of the birth of Jesus. In Western Christianity, it starts on the fourth Sunday before Christmas. In Eastern Christianity, the season is longer and begins in the middle of November.
December 3rd	International Day of Persons with Disabilities	Raises awareness about persons with disabilities in order to improve their lives and provide them with equal opportunity
December 7th	National Pearl Harbor Remembrance Day	Commemorates the attack on Hawaii in 1941, leading to the United States' involvement in World War II.
December 7th – December 15th	Chanukah	Eight-day "Festival of Lights", also known as Hanukkah, celebrating the rededication of the Temple to the service of God in 164 BCE. Commemorates the victory of the Maccabees over the Greek King, Antiochus, who sought to suppress freedom of worship.
December 8th	Bodhi Day	Celebration of the enlightenment of Buddha, c. 596 B.C.E.
December 8th	Feast of the Immaculate Conception	This is a Catholic Feast honoring Mary, our Mother, which celebrates Her conception without sin.
December 10th	Human Rights Day	On this day in 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights.
December 12th	Our Lady Of Guadalupe	A Christian holiday that celebrates the apparition of the Blessed Virgin Mary (by her title, Our Lady of Guadalupe, the Patroness of Mexico and the Americas) before Juan Diego, an indigenous convert to Roman Catholicism, on the Mexican hill of Tepeyac in 1531.
December 24th	Christmas Eve	A Christian celebration of the arrival of Mary and Joseph in Bethlehem for the birth of Jesus.
December 25th	Christmas	A Christian holiday which commemorates the birth of Jesus.
December 26th 2023 - January 1st 2024	Kwanzaa	A seven-day celebration honoring African American heritage and its continued vitality. "Kwanzaa" means "first fruits (of the harvest)" in Swahili.

Attachment: CommunityDiversityCalendar2023 (COM-2023-75 : 2023 Calendar from the Amherst Community Diversity Commission)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Clerk
DOC ID: 27593

COMMUNICATION 2023-76 **REFERRED**

Notice of Claim: Trevor R. Tout Vs. Town of Amherst

6/5/2023
A motion to refer to the Town Attorney was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 5-0.

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

TREVOR R. TOUT,
Claimant

NOTICE OF CLAIM

-vs-

TOWN OF AMHERST,
Defendant

PLEASE TAKE NOTICE that TREVOR R. TOUT hereby claims and demands from the above-named Defendant damages for medical and hospital expenses incurred and/or to be incurred, together with the permanent, disfiguring and debilitating injuries, as a result of the wrongful, unlawful, negligent and careless acts and/or omissions of the Defendant, its agents, servants, employees, appointees, designees, consulting project engineers, contractors, subcontractors, independent contractors, departments and/or divisions thereof and in support thereof, the Claimant states the following:

1. The post office address of the Claimant is

e name and post office address of Claimant's attorney is Thomas J. Grillo, Jr., Esq., John J. Fromen, Attorneys at Law, P.C., 4367 Harlem Road, Snyder, New York 14226.

2. That the nature of this claim is for the wrongful, unlawful, negligent, careless and reckless acts or omissions of the TOWN OF AMHERST, its agents, servants, employees, appointees, designees, consulting project engineers, contractors, subcontractors, independent contractors, departments and/or divisions thereof in the ownership,

'23 MAY 25 PM2:40

Attachment: DOC052623-05262023084500 (COM-2023-76 : Notice of Claim: Trevor R. Tout Vs. Town of Amherst)

operation, management, control, supervision, design, construction, maintenance, improvement, repair, inspection, noticing, warning, installing, signing, guarding, protecting and otherwise attending to, or failing to attend to the reasonable and safe conditions within the ice rink more commonly known as the Northtown Center at Amherst, located at 1615 Amherst Manor Drive in the Town of Amherst, New York, including without limiting thereto the Zamboni doors of the Feature Rink within the Northtown Center at Amherst; in permitting an unsafe and inherently dangerous condition to exist in, on, or about the Zamboni doors of the Feature Rink within the Northtown Center at Amherst, when said Defendant, its agents, servants, employees, appointees, designees, consulting project engineers, contractors, subcontractors, independent contractors, departments and/or divisions thereof knew or should have known that said doors were inherently unsafe, hazardous and dangerous; in the ownership, operation, management, repair, control, design, construction, improvement, repair, inspection, security and upkeep of the aforesaid ice rink more commonly known as the Northtown Center at Amherst, located at 1615 Amherst Manor Drive in the Town of Amherst, New York, including without limiting thereto the Zamboni doors of the Feature Rink within the Northtown Center at Amherst, thereby affirmatively creating and permitting a defective, unsafe, obstructive, hazardous and inherently dangerous condition and latent deceptive trap to exist in, on or about said premises; in permitting an unsafe and inherently dangerous condition to exist within said premises when said Defendant, its agents, servants, employees, appointees, designees, consulting project engineers, contractors, subcontractors, independent contractors, departments and/or divisions

Attachment: DOC052623-05262023084500 (COM-2023-76 : Notice of Claim: Trevor R. Tout Vs. Town of Amherst)

thereof, knew or should have known that the Zamboni doors of the Feature Rink within the Northtown Center at Amherst were inherently unsafe, hazardous and dangerous, thereby affirmatively creating and permitting a defective, unsafe, obstructive, hazardous and inherently dangerous condition and latent deceptive trap to exist on, in or about said premises, all of which caused and/or contributed to the happening of the within incident and the injuries sustained by the Claimant as hereinafter alleged.

3. That said claim arose on the 28th day of February, 2023, at approximately 8:00 pm at or near the Zamboni doors of the Feature Rink within the Northtown Center at Amherst, located at 1615 Amherst Manor Drive in the Town of Amherst, County of Erie and State of New York; that the manner in which said claim arose is that the Claimant was lawfully and properly upon the aforesaid premises in proximity to the aforesaid Zamboni doors of the Feature Rink. When the Plaintiff lawfully and properly attempted to open the right side of the aforesaid Zamboni doors, the door fell off its hinges and fell on top of the Claimant, causing serious and permanent bodily injuries to said Claimant as hereinafter alleged.

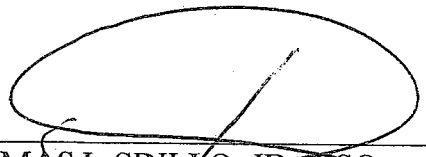
4. That so far as is now able to be determined, the Claimant has sustained multiple, extensive serious injuries externally, internally and permanently in and about the head, neck, spine, body, limbs and nervous system as a result of the aforesaid incident, including without limiting thereto injuries to his head, mouth, teeth, right knee, right foot and right ankle; together with multiple other injuries, the full degree and extent of which are unknown at this time.

Attachment: DOC052623-05262023084500 (COM-2023-76 : Notice of Claim: Trevor R. Tout Vs. Town of Amherst)

5. That by reason of the foregoing injuries, the Claimant became and will continue to be disabled and will continue to suffer great pain, discomfort, disfigurement, distress and psychological adjustment, and has and will require the services of physicians, surgeons, nurses, hospitals, therapy, prosthetic devices, manipulations and medicines and will continue to incur such expenses in the future; that as a result of the aforesaid injuries and the resulting permanent disabilities, said Claimant has been incapacitated from his activities of daily living and/or employment, and will continue to be incapacitated in the future, and as a result of the aforesaid injuries and permanent disabilities, the future activities and social and personal endeavors and hobbies of said Claimant and his enjoyment of life will be partially and/or totally impaired as a result thereof, all to the damage of said Claimant.

PLEASE TAKE FURTHER NOTICE that the Claimant requests payment of the claims and damages sustained by him as hereinbefore set forth.

DATED: Snyder, New York
May 24, 2023



THOMAS J. GRILLO, JR., ESQ.
on behalf of the Claimant, TREVOR R. TOUT

Attachment: DOC052623-05262023084500 (COM-2023-76 : Notice of Claim: Trevor R. Tout Vs. Town of Amherst)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Clerk
DOC ID: 27584

COMMUNICATION 2023-77

REFERRED

Notice of Claim: Taina S. Betancourt Vs. Town of Amherst Et Al.

6/5/2023
A motion to refer to the Town Attorney was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0.

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Bucki, Berger, Lavin, Szukala

In the Matter of the Claim of

TAINA S. BETANCOURT

Claimant,

-against-

NOTICE OF CLAIM

TOWN OF AMHERST,
TOWN OF AMHERST
HIGHWAY DEPARTMENT,
COUNTY OF ERIE and
ERIE COUNTY DEPARTMENT
OF PUBLIC WORKS DIVISION
OF HIGHWAYS

Respondents

TO:

TOWN OF AMHERST
Amherst Municipal Building
5583 Main Street
Williamsville, NY 14221

COUNTY OF ERIE
Edward A. Rath County Office Building
95 Franklin Street, 16th Floor
Buffalo, NY 14202

TOWN OF AMHERST
HIGHWAY DEPARTMENT
1042 North Forest Road
Williamsville, NY 14221

ERIE COUNTY DEPARTMENT OF
PUBLIC WORKS DIVISION OF HIGHWAYS
95 Franklin Street, 14th Floor
Buffalo, NY 14202

PLEASE TAKE NOTICE, that TAINA S. BETANCOURT, has and hereby makes claim against TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT, COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, and in support of said claim states the following:

1. The Post Office address of the claimant is [redacted]

'23 MAY 23 PM2:10

Attachment: DOC052423-052420230903327 (COM-2023-77 : Notice of Claim: Taina S. Betancourt Vs. Town of Amherst Et Al.)

2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of TAINA S. BETANCOURT is for personal injuries, including without limitation, loss of income, medical expenses and for consequential damages generally.

4. The claim arose at or near 1590 Sweet Home Road, approximately 665 feet south of Chestnut Ridge Road, both highways and thoroughfares located in the Town of Amherst, County of Erie and State of New York.

5. The claim arose in substance as follows: On the 2nd day of March, 2023 at approximately 3:30 a.m., the claimant, TAINA S. BETANCOURT, while traveling on her skateboard in a northly direction on Sweet Home Road, was caused to be struck by a motor vehicle, resulting in serious injuries to the claimant, including, but not limited to, critical head injuries, subdural hematomas, loss of consciousness and multiple abrasions. A copy of the Police Accident Report is attached as Exhibit A.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT, COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, and more particularly, among other things, in failing and omitting to install proper street lighting on the east side of Sweet Home Road near the aforesaid location for the northbound lanes and failing to properly remove snow and ice from the designated northbound bicycle lane along the east shoulder of Sweet Home Road, furthermore, the incident and resultant injuries and damages were caused by those and other acts and omissions of the agents, and/or employees of TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY

Attachment: DOC052423-052423090327 (COM-2023-77 : Notice of Claim: Taina S. Betancourt Vs. Town of Amherst Et Al.)

sustained injuries in the nature of critical head injuries. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests that TOWN OF AMHERST and TOWN OF AMHERST HIGHWAY DEPARTMENT honor and pay the claim on behalf of TAINA S. BETANCOURT.

DATED: Buffalo, New York
April 19, 2023

TAINA S. BETANCOURT

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
THOMAS M. MERCURE, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[TMM: #72250.0001]

Attachment: DOC052423-052420230903327 (COM-2023-77 : Notice of Claim: Taina S. Betancourt Vs. Town of Amherst Et Al.)

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

Francina J. Spoth
Town Clerk

Meeting: 06/05/23 03:00 PM
Department: Town Clerk
DOC ID: 27586

COMMUNICATION 2023-78 **REFERRED**

Notice of Claim: Allstate Fire and Casualty Insurance Company A/S/O Jeremy Matte Vs. Town of Amherst

6/5/2023
A motion to refer to the Town Attorney was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0.

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

LAW OFFICES OF
JOHN TROP

120 White Plains Road, Suite 200
Tarrytown, New York 10591

BronxLegal@allstate.com
Telephone: (914) 620-0100
Fax: (866) 655-5196

Client Legal Services
All Attorneys and Staff are Employees of
Allstate Insurance Company
This Office is not a Partnership or a Corporation

Attorney
(516) 547-3876

Paralegal
(716) 842-6051

May 18, 2023

Town of Amherst
5583 Main Street, Ste 1
Williamsville, NY 14221

Re: Our Insured: Jeremy Matte
Date of Loss: December 28, 2022
Allstate Fire and Casualty Insurance Company Claim Number: 0697644805.1
Your Insured: Douglas Bounds

To Whom It May Concern:

Allstate Fire and Casualty Insurance Company has referred the above subrogation claim to our office to initiate litigation to recover the damages caused by your insured on the date of the accident listed above. Enclosed please find the original Notice of Claim and our proofs for your reference.

The amount of subrogation damages we seek to recover are as follows:

Repairs	$863.01
Rental	$390.00
Deductible	$500.00
Total	**$1,753.01**

Please contact me within fourteen (14) days of this letter to discuss how we can work together to resolve this subrogation action. You may contact me at the number above or by Email at *busla@allstate.com*.

'23 MAY 22 PM3:08

Attachment: DOC052423-052420230924S8 (COM-2023-78 : Notice of Claim: Allstate Fire and Casualty Insurance Company A/S/O Jeremy Matte

Thank you in advance for your prompt attention to this matter.

Sincerely,

Brittany R. Uslaner, Esq.
Email: *busla@allstate.com*

Attachment: DOC052423-052420230924S8 (COM-2023-78 : Notice of Claim: Allstate Fire and Casualty Insurance Company A/S/O Jeremy Matte