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, July 8, 2024 | **3:00 PM** | **Amherst Municipal Building**

I. IN MEMORY

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

3:00 PM Meeting called to order on July 8, 2024 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived	Departed
Brian J. Kulpa	Town of Amherst	Supervisor	Present		
Shawn Lavin	Town of Amherst	Deputy Supervisor	Present		
Jacqualine Berger	Town of Amherst	Councilmember	Present		4:42 PM
Michael Szukala	Town of Amherst	Councilmember	Present		
Angela Marinucci	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		
Daryl Bramer	Town of Amherst	Comptroller	Present		
Mark S. Berke	Town of Amherst	Building Commissioner	Present		
Jeffrey S. Burroughs	Town of Amherst	Town Engineer	Present		
Mary Diana Pouli	Town of Amherst	Exec. Dir. of Youth & Recreation Departments	Present		
Emily Murphy	Town of Amherst	Assessor	Present		
Robert McCarthy	Town of Amherst	Director of Human Resources	Present		

V. MINUTES APPROVAL

1. Monday, June 24, 2024

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci

VI. PROCLAMATIONS AND ANNOUNCEMENTS

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2024-576

Appeal of the Historic Preservation Commission Decision - 400 Mill Street

A public hearing on the appeal of the Historic Preservation Commission decision to deny the request for a Certificate of Appropriateness for a synthetic slate replacement of the existing slate roof at 400 Mill Street also known as St. Mary's Motherhouse.

7/8/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 3:02 PM.

Attorney Tom Lyons and Nick Kraus presented.

The following speakers addressed the Board:
Dorothy Tudor, St. Mary's Apartments
Sister Judy Beiswanger, St. Mary's Apartments
Diane Foster, St. Mary's Apartments
Sister Barbara Whelan, St. Mary's Apartments
Genevieve Overholt, St. Mary's Apartments
Kathryn Luppi, St. Mary's Apartments
Tory Allen, St. Mary's Apartments
Susan Blum, 195 Old Lyme Dr
Elizabeth Clough, 70 Haymarket Sq
Ann Hutchinson, St. Mary's Apartments
Jane Cox, 4584 Harlem Rd
Shelly Schratz, 1952 Kensington Ave
Angela Wawro, 26 Old Spring Ln
Dave Howard, 194 Roycroft Dr
Don Smith, 201 N Long St
Dennis Hoban, 216 California Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to keep the hearing open and set a decision date for July 22nd Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 5-0.

RESULT:	**PUBLIC HEARING [UNANIMOUS]**	**Next: 7/22/2024 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Shawn Lavin, Deputy Supervisor	
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci	

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 (6)**

5. **Amherst Government Financial Advisory Board**

   Membership is full.

6. **Amherst Industrial Development Agency**

   Membership is full.

7. **Amherst Veterans Committee (6)**

8. **Arts & Culture in Public Places Board**

9. **Board of Assessment Review**

   Membership is full.

10. **Board of Electrician Examiners**

    Membership is full.

11. Board of Ethics

Membership is full.

12. Board of Plumbing and Drainage Examiners

Membership is full.

13. Design Advisory Board

14. Employee Suggestion Program Merit Award Board

Membership is full.

15. Employee Suggestion Review Committee

16. Energy Conservation Citizens Advisory Committee (3)

17. Freedom of Information Law (FOIL) Board

18. Glen Park Joint Board

19. Historic Preservation Commission

Membership is full.

20. Information Technology Advisory Committee (2)

21. Library Board of Trustees (2)

22. Minority / Woman Owned Business (4)

23. Open Government Advisory Board (8)

24. Planning Board

Membership is full.

25. Recreation Commission (1)

26. Recycling and Waste Committee (3)

27. Senior Services Advisory Board (6)

28. Traffic Safety Board (2)

29. Youth Board

Adult vacancies (6), Youth vacancies (0)

30. Zoning Board of Appeals

X. PUBLIC EXPRESSION

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

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. Public Expression was opened at 4:12 PM.

The following speakers addressed the Town Board:
Tom Weisbeck, 48 Drawbridge Ct - streetlights
Jane Cox, 4584 Harlem Rd - Resolution 2024-582
Don Smith, 201 N Long St - Resolution 2024-582 & Royal Parkway project
Bob Drdul, 92 Chateau Ter - School Zone signs at Main & Chateau
Matt Plunkett, 299 Northill Dr - Resolution 2024-589
Dave Howard, 194 Roycroft Dr - MusicalFare & Royal Parkway project
Shelly Schratz, 1952 Kensington Ave - Roundabout on Harlem Rd
Julie VanLente, 116 Parkwood Dr - MusicalFare
Dennis Hoban, 216 California Dr - Highway Department
Karen Howard, 194 Roycroft Dr - Resolution 2024-580

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. Public Expression was closed at 4:40 PM.

XI. CONSENT AGENDA

XII. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

B. DEPUTY SUPERVISOR LAVIN:

1. Resolution 2024-577

Fire Prevention Week Ad in the Amherst Bee

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

WHEREAS, the October 6-12, 2024 Fire Prevention campaign "Smoke Alarms: Make them work for you!" works to educate about the essentials of the sounds of fires, how to aid, assist, and avoid when a fire ensues; and

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

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves a Fire Prevention Week full page ad in the Amherst Bee for all fire departments in the Town of

Amherst to be paid from Avoidable Alarm Fund T-2999.4002.

7/8/2024
A motion to approve was made by Deputy Supervisor Lavin, seconded by Councilmember Marinucci and unanimously approved 4-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Shawn Lavin, Deputy Supervisor
SECONDER:	Angela Marinucci, Councilmember
AYES:	Kulpa, Lavin, Szukala, Marinucci
ABSENT:	Berger

C. COUNCILMEMBER BERGER:

D. COUNCILMEMBER SZUKALA:

1. Resolution 2024-578

Amherst Traffic Safety Board Appointment

WHEREAS, the Amherst Traffic Safety Board, also known as ATSB or Traffic Safety Board, advises the Town Board on matters affecting traffic safety on all existing and proposed roadways, subdivisions, commercial areas, and wherever cars, bicycles, recreational vehicles and pedestrians are involved; and

WHEREAS, the ATSB has a maximum roster of 10 members, with the Amherst Town Board majority appointing members, who shall serve a three (3) year term; and

WHEREAS, the ATSB currently has a Board of nine (9) members, who shall continue to serve until their term of appointment expires; and

WHERESAS, Cynthia Selden has expressed an interest in serving on the ATSB;

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of Cynthia Selden for a term to conclude on December 31, 2026.

7/8/2024
A motion to approve was made by Councilmember Szukala, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Szukala, Marinucci
ABSENT:	Berger

E. COUNCILMEMBER MARINUCCI:

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2024-579

Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels)

AGENDA ITEM : JULY 8TH, 2024

TO: **Town Board**

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

DATE: **July 2, 2024**

RE: **Lighting District Extension - Order Calling For A Public Hearing (Miscellaneous Parcels)**

Kindly adopt the following resolution with respect to the above matter:

RESOLVED, the Town Board hereby makes a motion to call for a Public Hearing to be held on August 19th, 2024 to extend the Town's consolidated lighting district to include miscellaneous parcels as identified on the attached list;

BE IT FURTHER RESOLVED, the Town Board adopts the attached Order Calling Public Hearing for this purpose.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachments, **Agenda Item - July 8, 2024**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachments)*
Jessica Boudreau, PE, Project Manager (*w/attachments*)

Christopher P. Schregel, Project Manager (*w/attachments*)

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

2. Resolution 2024-580

Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000)

AGENDA ITEM : JULY 8th, 2024

TO: **Town Board**

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

DATE: **July 2, 2024**

RE: **Town Hall & 30 S Cayuga Renovations**
2024-2029 C.I.P. - Project F-7
Bond Resolution - $100,000

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

(1) Adopt the attached bond resolution authorizing the issuance of $100,000.00 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 - July 8, 2024**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)

Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Daniel J. Rizzo, Project Manager (*w/attachments*)

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved via Roll Call vote 4-0.

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

3. Resolution 2024-581

Bus Shelter Agreement for Amherst Gateway Park (CRS# 4913)

AGENDA ITEM : JULY 8th, 2024

TO: **Town Board**

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

DATE: **July 2, 2024**

RE: **Bus Shelter License Agreement - Amherst Gateway Park**
Between: Niagara Frontier Transportation Authority (NFTA) and
Town of Amherst (CRS #4913)

Kindly adopt the following resolution with respect to the above matter:

WHEREAS, the NFTA desires to utilize a portion of Town property known as Amherst Gateway Park (Niagara Falls Boulevard and Kenmore Avenue), more specifically identified in Exhibit A attached, for the purposes of installing and maintaining two (2) bus shelters at that location;

NOW, THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Supervisor to execute the attached License Agreement for this purpose after successful completion of the Contract Routing System (CRS).

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk (*w/attachment*, **Agenda Item - July 8, 2024**)

7/8/2024

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

B. TOWN CLERK:

1. Resolution 2024-582

Electronic Records Standard

WHEREAS, the Town of Amherst New York generates thousands of records; and

WHEREAS, the Town of Amherst Record Center has reached its maximum capacity; and

WHEREAS, the Town of Amherst is working with Laserfiche Enterprise Content ManagementCloud to manage the Town's current and historical records; and

WHEREAS, most of the records generated are already in digital format or have been digitized;

NOW THEREFORE, be it resolved by the Amherst Town Board that the Town of Amherst shall maintain all digitally created records in their native digital format for the legally proscribed retention period of the record. The Town of Amherst shall maintain all digital records adhering to the guidelines set forth in the Regulations of the Commissioner of Education Part 185.8.

Copies of records in other formats, including paper, shall be deemed convenience copies and disposed of when no longer needed for reference or other administrative purposes.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Marinucci and unanimously approved 4-0.

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

2. Resolution 2024-583

Amusement License - Evans Bank

Request by Evans Bank for a First Class Amusement License to hold an outdoor event at 6460 Main St. on Thursday, September 19, 2024 from 5 PM - 10 PM.

Supervising Code Enforcement Officer recommends a fee of $50.00

The following conditions apply:

1. That all fire lanes be kept clear at all times.
2. For any tents in excess of 400 square feet bring used, a fire prevention tent permit must be obtained.
3. Food Trucks must have a current Town of Amherst Food Vendor License and have the current inspection sticker affixed to the vehicle.
4. All temporary power must be code compliant.
5. Bathroom facility must be made available & accessible.
6. Off street parking must be available and on site accessible parking must be maintained.
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 " per the 2020 FCNYS.
9. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

7/8/2024

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

3. Resolution 2024-584

Amusement License - Andale Cantina

Request by Andale Cantina for a First Class Amusement License to hold an Anniversary Celebration at 6850 Main St. on Saturday, July 20, 2024 from 4 PM - 10 PM.

Supervising Code Enforcement Officer recommends a fee of $50.00

The following conditions apply:

1. That all fire lanes be kept clear at all times.
2. All temporary power must be code compliant.
3. Bathroom facility must be made available & accessible.
4. For any tent in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
5. On site accessible parking must be maintained.
6. Vehicle impact protection must be provided for 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.

7/8/2024

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

4. Resolution 2024-585

Amusement License - the ARC Erie County

Request by The ARC Erie County for a First Class Amusement License to hold an event at 6850 Main St. on Thursday, September 26th, 2024 from 4:30 PM - 9 PM.

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 from the fire inspector's office.
4. All temporary power must be code compliant.
5. Bathroom facility must be made available & accessible.
6. On site accessible parking must be maintained.

7. Vehicle impact protection must be provided for guest area.
8. Fire Department access must be maintained at all times in the event of an emergency.
9. Events with 1,000 guests or more will be require "Crowd Managers "that are in compliance with Chapter 4 of the 2020 FCNYS.
10. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.
11. Additional fire extinguishers may be required.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2024-586

Budget Transfers and Amendments

For July 8, 2024 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 07/03/2024
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 - 2024

FROM: ***TO:***

BUDGET AMENDMENTS - 2024

INCREASE:	***INCREASE:***
N2344.02785 CHEEK Housing- PI $25,762.50	N2344.4000 Contractual $25,762.50
N2349.02785 CHEEK Admin- PI $2,862.50	N2349.4003 10% Admin $2,862.50

To recognize Community Development program income from 123 LeHavre, Cheektowaga.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

G. CONTRACT COMPLIANCE:

1. Resolution 2024-587

Award OGS Mini Bid #2024027 for (1) 2024 Ford Bronco Sport Big Bend - CRS #4898

WHEREAS, Contract Compliance and Administration issued Mini-Bid #2024027 through NYS OGS for one (1) 2024 Ford Bronco Sport Big Bend; and

WHEREAS, bids were received from six (6) vendors as per the attached Bid Tabulation Form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Mini-Bid be awarded to DeLacy Ford their low bid of $31,552.09; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with DeLacy Ford pending successful completion of the contract routing process due to the fact that we need to reserve the vehicle as soon as possible.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

H. COURT:

I. ECONOMIC DEVELOPMENT:

J. EMERGENCY SERVICES:

K. ENGINEERING SERVICES:

1. Resolution 2024-588

Installation of Street Lighting Miller's Crossing – Phase 1 and 2 TOA Job No: 2018.043

We are hereby requesting authorization for the installation of nine (9) street lights at the above referenced location.

During the course of construction, the Town of Amherst requires the developer to install street lighting along new public roadways. Following installation, the proposed lighting will be accepted by the Town for ownership and maintenance. As such, National Grid requires a Town Board resolution authorizing the installation of the proposed street lighting.

May we have your approval for the installation of nine (9) street lights?

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

2. Resolution 2024-589

Town of Amherst Engineering Department 3 Year Term Agreements T.O.A. Project No. 2024.014

In an attempt to minimize the number of contracts that are routed through the multistep contractual review procedure and to minimize the staff time associated with the preparation and review of individual project RFPs, the Engineering Services Department is requesting that the Town Board award Owner/Engineer/Architecture 3-year term agreements to the following firms, pending successful routing of contracts through CRS:

Firm	**Specialty Term**	**CRS #**
Earth Dimension, Inc.	Environmental	4916
Natural Architecture, PLLC	Environmental	4917
WSP USA Inc.	Environmental	4918
GPI	Survey	4919
Colliers	Traffic/Transportation	4920
Fisher Associates	Traffic/Transportation	4921
C&S Companies	Infrastructure	4922
CHA	Infrastructure	4923
Erdman & Anthony	Infrastructure	4924
Labella	Infrastructure	4925
Marquis	Infrastructure	4926
Nussbaumer & Clarke	Infrastructure	4927
Buffalo Engineering, P.C.	Facilities	4928
Didonato Associates	Facilities	4929
Foit Albert Associates	Facilities	4930
Kideney Architects	Facilities	4931
M/E Engineering	Facilities	4932
Watts Architects & Engineers	Facilities	4933
Arcadis	Wastewater	4934
GHD	Wastewater	4935
JM Davidson	Wastewater	4936
Wendel	Wastewater	4937

Please note that the intent of this procedure is to capture a majority of the professional services procured by the Town associated with all types of town projects; however individual RFPs will still be issued for large one-off projects. The awarded consultant may be used for multiple categories as needed based on project necessities.

With the award of the above referenced contracts, the Town is locking in consultant rates and personnel to prepare studies and designs related to various capital and maintenance projects. Project scopes and budgets (comprising of individual work orders attached to the master agreement) will be developed between any Town Department and the consultant and approved by the Comptroller for budget compliance and executed by the Town Supervisor.

There are other advantages to this approach to engineering contracts:

1 The consultant and Town Departments will jointly develop scope, which will minimize miscommunications about scope and improve owner-engineer understanding of project and potential project up front pitfalls in process;
2 The process is more efficient as less time is used to develop and review individual RFPs;

3 This will move the town away from low-cost engineering, which often costs the Town additional money on the construction end, as omissions and errors are expensive to fix during construction.

As you know, this type of contractual arrangement is not unique in the business and has been utilized successfully by the Town over the last six (6) years. Most of the major municipalities and special districts have similar arrangements with the consulting community, including Erie County Division of Sewerage Management, the City of Buffalo Water Board, the City of Buffalo Department of Public Works and the Erie County Department of Public Works.

Funding for these contracts will be project based and they will be available to be used town wide and from various accounts. Anticipated contract execution will be July 15th and the terms agreements will be active through December 31, 2027.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

3. Resolution 2024-590

Installation of Street Lighting Harding Road Subdivision TOA Job No: 2005.101/SUB-2022-01

We are hereby requesting authorization for the installation of five (5) street lights at the above referenced location.

During the course of construction, the Town of Amherst requires the developer to install street lighting along new public roadways. Following installation, the proposed lighting will be accepted by the Town for ownership and maintenance. As such, National Grid requires a Town Board resolution authorizing the installation of the proposed street lighting.

May we have your approval for the installation of five (5) street lights?

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

4. Resolution 2024-591

Change Order No. 1 & Final Quantity Adjustment Highway Department Fuel System Repair Project Project 2022.007 CRS #4906

We are requesting that the Town Board consider approval of the above referenced Change Order, which increases the overall contract amount by $15,502.08. During construction contaminated soil was encountered and needed to be removed in accordance with NYSDEC requirements. Additionally, existing elements of the fuel system that were assumed to be reusable were not, requiring additional material and labor. A full summary of the changes is attached.

This request is contingent on successful completion of the contract review process. Funding is available for this change order from the project bond account KP2133.4972.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

5. Resolution 2024-592

Award of Bid – N. Bailey Sanitary Sewer Extension 2024 – 2029 CIP Project S-4 T.O.A. Project No. 2022.026

On June 20th, 2024 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 716 Site Contracting, Inc., PO Box 120, N Boston, NY 14110, in the amount of $2,999,940.00.

Funding for this contract shall be from project account KP2408.4972.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

L. FINANCE:

M. HIGHWAY

N. HUMAN RESOURCES:

1. Resolution 2024-593

Laborer/Youth & Recreation

Please appoint a Laborer to the Youth & Recreation Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an hourly rate of $17.40, Grade 3, Step A for Jonathan Edwards.

Contingent upon completing all pre-employment requirements.

Due to an employee transferring to another department.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

2. Resolution 2024-594

Principal Engineer Assistant/Engineering-Plant #16

Please appoint a Principal Engineer Assistant to the Engineering Department/Plant #16. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $69,097, Grade 16, Step E for Michael Poslinski.

Pending Erie County requirements and Civil Service Rules and Regulations.

This is a promotion for an employee currently serving as Senior Engineer Assistant.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

3. Resolution 2024-595

Principal Clerk Typist/Youth & Recreation

Please appoint a Principal Clerk Typist to the Youth & Recreation Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $42,499, Grade 7, Step C for Robin Erwin.

This is a promotion for an employee currrently serving as Senior Clerk Typist.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

4. Resolution 2024-596

File Clerk/Building Maintenance-Facilities Department

Please a appoint a File Clerk to the Building Maintenance-Facilities Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 9, 2024 at an annual salary of $34,418, Grade 1, Step D for Jennifer Bennett.

This is a promotion for an employee currently serving as Messenger.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

5. Resolution 2024-597

Code Enforcement Officer/Building Department

Please appoint a Code Enforcement Officer to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $69,097, Grade 15, Step F for Jennifer Stephens.

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

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

6. Resolution 2024-598

Program Leader - Youth/Senior Services

Please appoint a Program Leader -Youth to the Senior Services Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 9, 2024 at an annual salary of $38,674, Grade 7, Step A for Marc Young.

Contingent upon completing all pre-employment requirements.

This is a promotion for an employee currently serving as Recreation Attendant - PT.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

7. Resolution 2024-599

General Crew Chief/Building Maintenance-Facilities Department

Please appoint a General Crew Chief to the Building Maintenance-Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $69,097, Grade 18, Step C for Jeffrey Ailing.

This is a title change for an employee currently serving Provisionally as Project Manager-Construction.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

8. Resolution 2024-600

Extended Sick Leave of Absence Without Pay/Highway Department

Please authorize an Extended Sick Leave of Absence Without Pay to an employee at the Highway Department. Effective July 3, 2024 through January 2, 2025.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

9. Resolution 2024-601

Assistant Code Enforcement Officer/Building Department

Please appoint an Assistant Code Enforcement Officer to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $55,288, Grade 12, Step D for William Prenevau.

Pending Erie County requirements and Civil Service Rules and Regulations.

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

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

10. Resolution 2024-602

Assistant Code Enforcement Officer/Building Department

Please appoint an Assistant Code Enforcement Officer to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $49,943, Grade 12, Step B for John Whitehead Jr.

Pending Erie County requirements and Civil Service Rules and Regulations.

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

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

O. INFORMATION TECHNOLOGY:

P. PLANNING:

Q. POLICE:

1. Resolution 2024-603

Training & Travel Request NCFI Introduction to Phone Repair Course

TOWN BOARD AGENDA ITEM : JULY 8, 2024

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: Training & Travel Request
NCFI Introduction to Phone Repair Course

Kindly adopt a Resolution authorizing one (1) Officer to attend the above entitled training course. This course is being held in Hoover, Alabama from August 4, 2024 through August 10, 2024. The cost for the training and travel for this course is paid for by the organization hosting the course.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: July 8, 2024)**

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

2. Resolution 2024-604

Training & Travel Request NCFI Vehicle Forensics Course

TOWN BOARD AGENDA ITEM : JULY 8, 2024

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: Training & Travel Request
NCFI Vehicle Forensics Course

Kindly adopt a Resolution authorizing one (1) Officer to attend the above entitled training course. This course is being held in Hoover, Alabama from August 18, 2024 through August 23, 2024. The cost for the training and travel for this course is paid for by the organization hosting the course.

Thank you.

SPC:msl
Attachment

C: Tim Koller, Deputy Town Clerk **(Agenda Item: July 8, 2024)**

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

3. Resolution 2024-605

Purchase of Child ID System & Designation of Sole Source Vendor: EZChildID (CRS#4941)

TOWN BOARD AGENDA ITEM : JULY 8, 2024

TO: **Town Board**

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

RE: **Purchase of Child ID System & Designation of Sole Source Vendor EZChildID (CRS#4941)**

Kindly adopt a resolution authorizing the Supervisor to execute the attached purchase agreement between the Town of Amherst (Police) and EZChildID, with regard to the above-entitled matter and also to establish this vendor as a Sole Source vendor for this product. Also, kindly authorize the waiver of insurance requirements as the vendor will not be on Town property nor will the equipment ever be used to access the Town's computer network. Approval of this agreement is contingent upon the successful completion of the Contract Routing Process.

Thank you.

SPC: msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: July 8, 2024)**

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

R. SENIOR SERVICES:

S. SEWER/PLANT 16:

1. Resolution 2024-606

Change Order No. 1 Paragon Environmental Construction, Inc. Town of Amherst Project No. 2016.002D CRS #4943

Attached, please find a copy of the above referenced Change Order #1 which calls for a $399,136.00 decrease to Paragon Environmental Construction Inc.'s contract amount. This Change Order will include the costs for Asbestos abatement of the pipe insulation on tanks nos. 402 and 403. In addition, the Town encountered unforeseen issues during the project that will need to be addressed with the NYSDEC, and no further work will be required on the part of the Contractor. The final value of this contract shall be $713,864.00.

Pending successful completion of the contract approval procedure, may we have your approval to award Paragon Environmental Construction, Inc. the above referenced Change Order? Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

2. Resolution 2024-607

Contract Extension - Joe Johnson Equipment High Pressure Sewer Cleaning Hose CRS No. 4897

We are requesting Town Board approval to extend the contract with Joe Johnson Equipment for purchase of High-Pressure Sewer Cleaning Hose. This contract was originally approved on December 2021, Town Board Resolution 2021-1101 (attached).

The contract will be extended for an additional year with a new expiration date of December 2024, based on the date the contract was fully executed.

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

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

3. Resolution 2024-608

Travel Request Required Operator Training Courses

The Engineering Department is requesting approval to send one (1) employee to attend the Basic Wastewater Operations Lab course at the North County Training Center in Dunkirk, NY through Jamestown Community College in September 2024. The total cost for the employee to attend the course is estimated to be $2,173.77, and includes registration, tolls/mileage reimbursement, and per diem.

The Engineering Department is also requesting to send another one (1) employee to attend the Activated Sludge Course at the North County Training Center in Dunkirk, NY through Jamestown Community College in October 2024. The total cost for the employee to attend the courses is estimated to be $1,821.77, and includes registration, tolls/mileage reimbursement, and per diem.

Lastly, the Engineering Department is requesting to send another one (1) employee to attend the Activated Sludge Course at the Environmental Training Center in Morrisville, NY through SUNY Morrisville in October 2024. The total cost for the employee to attend the courses is estimated to be $1,912.56, and includes registration, tolls/mileage reimbursement, lodging and per diem.

Funding for this request will be available in accounts G9916-4850.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

4. Resolution 2024-609

WPCF De-Ionized Water System Service Contract Evoqua Water Technologies CRS #4896

The WPCF is requesting that the Town Board authorize the Supervisor to sign a service agreement with Evoqua Water Technologies. Evoqua is the sole source, factory authorized service provider for the WPCF's De-Ionized Water Production System, which is critical to the lab at the WPCF. The term of this contract will be from date of execution by the Town of Amherst through February 28, 2025.

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

Funds will be available in G9916-4860.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

5. Resolution 2024-610

Certificate of Municipal Use or State Use NOCO Energy Corp. CRS No. 4895

The Engineering Department Water Pollution Control Facility is currently seeking Town Board approval for the Supervisor to sign the attached "Certificate of Municipal Use or State Use" with NOCO Energy Corp. This certificate is to verify that the fuel purchased during the period of January 1, 2024 through December 31, 2024 is only being utilized for

municipal use. The NYSOGS contract to purchase gasoline and flex fuel - E-85 under Group 05602, Award 232306, PC # 69484, was previously approved under CRS-CMS # 2866-2756 and RES-2021-791 on 9/13/21.

There is no additional cost for this request.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

6. Resolution 2024-611

Emergency Purchase Payment Authorization Ranch Cryogenics, Inc.

The Engineering Department, WPCF division's Cryogenic Oxygen System, a critical part of wastewater treatment process, has formed multiple leaks in the liquid oxygen generation transfer piping and in the lubricant delivery system for the turbine. To resolve these issues Ranch Cryogenics, Inc. was contracted with visit the plant and develop a scope of work that encompasses the repairs needed, so that the facility can operate as necessary during the replacement project. Please note that due to the leaks the system is not producing liquid oxygen and hence, the facility is trucking in liquid oxygen at an annual projected cost of $219,000.00 for which there is not adequate budget.

At this time, we ask the Town Board to authorize the Comptroller's office to pay Ranch Cryogenics' invoice #1858 in the amount totaling $4,481.34, which came in under the NTE estimate.

There will be a follow up request by the WPCF division to contract with Ranch Cryogenics to make the scoped repairs. Their work has not been fully priced yet, but is anticipated to be in the $60-80k range.

Funds for this request are available in G9916-4960.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

T. YOUTH AND RECREATION:

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

1. Communication 2024-56

Request for Public Hearing - 3880 & 3910 East Robinson Road Rezoning

Request from Sean Hopkins, Esq. for a public hearing with respect to the rezoning of 3880 & 3910 East Robinson Road from GB to MFR-7.

This hearing has been scheduled for August 19th.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

2. Communication 2024-57

Congregation Brith Hadoshah for Fee Waiver

Request from Congregation Brith Hadoshah seeking a waiver of the Fire Prevention Permit fee for their picnic on Sunday, August 11th.

Response from the Building Commissioner is attached.

7/8/2024

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

3. Communication 2024-58

Historic Preservation Commission - Permission for Sign Placement & Fee Waiver

Request from the Historic Preservation Commission to have fees waived and to place six signs to promote "Preservation Day" on Saturday, August 3rd at the Buffalo Niagara Heritage Village.

Please see the response from the Building Commissioner.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

XVI. PUBLIC IMPROVEMENT PERMITS

1. Resolution 2024-612

Public Improvement Permit No. 3118 Street Lights – Miller's Crossing Subdivision Phase 1 & 2 2018.043/SUB-2018-02

Attached please find an application for a Street Lighting Public Improvement Permit properly filled out. Please note this permit will include the installation of nine (9) public and seven (7) private street lights. Permit fee and inspection cost amounts to $8,650.00.

We are sending two (2) checks to the Comptroller's Office, one for $150.00 to be retained as a Permit Fee and one in the amount of $8,500.00 which will be held in escrow to cover the inspection costs.

At this time, we are asking for your approval of the application for PIP No. 3118.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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 Lavin and unanimously approved 4-0. Public Expression was opened at 4:55 PM.

The following speakers addressed the Town Board:
Don Smith, 201 N Long St - Daemen matching funds for project
Dave Howard, 194 Roycroft Dr - Royal Parkway project
Tom Weisbeck, 48 Drawbridge Ct - streetlights

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. Public Expression was closed at 5:02 PM.

XVIII. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The Town Board meeting of July 8, 2024 was adjourned at 5:09 PM.

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29208 **RESOLUTION 2024-576** **PUBLIC HEARING**

Appeal of the Historic Preservation Commission Decision - 400 Mill Street

A public hearing on the appeal of the Historic Preservation Commission decision to deny the request for a Certificate of Appropriateness for a synthetic slate replacement of the existing slate roof at 400 Mill Street also known as St. Mary's Motherhouse.

7/8/2024
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0. The public hearing was opened at 3:02 PM.

Attorney Tom Lyons and Nick Kraus presented.

The following speakers addressed the Board:
Dorothy Tudor, St. Mary's Apartments
Sister Judy Beiswanger, St. Mary's Apartments
Diane Foster, St. Mary's Apartments
Sister Barbara Whelan, St. Mary's Apartments
Genevieve Overholt, St. Mary's Apartments
Kathryn Luppi, St. Mary's Apartments
Tory Allen, St. Mary's Apartments
Susan Blum, 195 Old Lyme Dr
Elizabeth Clough, 70 Haymarket Sq
Ann Hutchinson, St. Mary's Apartments
Jane Cox, 4584 Harlem Rd
Shelly Schratz, 1952 Kensington Ave
Angela Wawro, 26 Old Spring Ln
Dave Howard, 194 Roycroft Dr
Don Smith, 201 N Long St
Dennis Hoban, 216 California Dr

There were no further speakers from the public, therefore Supervisor Kulpa moved to keep the hearing open and set a decision date for July 22nd Town Board meeting, seconded by Deputy Supervisor Lavin and unanimously approved 5-0.

RESULT:	**PUBLIC HEARING [UNANIMOUS]**	**Next: 7/22/2024 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Shawn Lavin, Deputy Supervisor	
AYES:	Kulpa, Lavin, Berger, Szukala, Marinucci	

Amherst
Town of Amherst Planning Department
Erie County, New York

Brian J. Kulpa
Supervisor

Daniel C. Howard,
Planning Direct

Daniel Ulatowski, A
Assistant Planning Di

TO: The Honorable Town Board

FROM: James Quinn, Assistant Planner

DATE: July 3, 2024

RE: Public Hearing - St Mary's Motherhouse at 400 Mill Street

REQUEST: Appeal of the Historic Preservation Commission Decision to deny the request for a Certificate of Appropriateness for a synthetic slate replacement of the existing slate roof; property located at 400 Mill Street also known as St. Mary's Motherhouse.

LOCATION: Within the complex of Amherst Central Park on the West side of Mill Street approximately 1,525 feet from Sheridan Drive.

HISTORIC DESIGNATION STATUS:

- Locally designated landmark (May 2000)
- State and National Register Listed (July and October 2002 respectively)

PROJECT TIMELINE:

January 2023 – Building Department issues a stop work order to the contractors replacing the existing slate roof and replacing it with an architectural shingle without a building permit and without an approved Certificate of Appropriateness from the Historic Preservation Commission.

February 2023 – Roofing Consultant, The Browne Company, presents a request for a Certificate of Appropriateness for the architectural shingle. (Adjourned decision)

March 2023 – Historic Preservation Commission denies the proposal for a Certificate of Appropriateness for the architectural shingle finding that the proposal represents a material change that would significantly alter the historic character of the building.

May 2023 – Roofing Consultant, The Browne Company, presents a new request for a Certificate of Appropriateness proposing a new architectural shingle which imitates the slate roof shingles (Adjourned to install mockup of shingle material and organize for HPC Member site visit – conducted)

June 2023 – Historic Preservation Commission denies the proposal for a Certificate of Appropriateness for the proposed architectural shingle replacement based on the finding that the new material would still significantly alter the historic character of the building.

Attachment: TB Memo Appeal 070824 (RES-2024-576 : Appeal of the Historic Preservation Commission Decision - 400 Mill Street)

October 2023 - Roofing Consultant, The Browne Company, presents several bids received for the slate roof replacement project that included the following options, architectural shingle replacement, synthetic slate replacement, and slate replacement. The bids presented a review of the costs of the different options. With costs being a clear consideration, it was suggested by the HPC that the petitioner pursue historic tax credits for the roof project. It was reported by Whitney Management Corporation, the managing partner, that St. Mary's Commons LLP (the majority owner of the limited liability partnership) was not willing to pursue historic tax credits at either the state or national level.

December 2023 – Roofing Consultant, The Browne Company, presents a new request for a Certificate of Appropriateness for a synthetic slate replacement of the existing slate roof. The HPC denies the proposal for a Certificate of Appropriateness for the proposed synthetic slate based on the finding that the synthetic slate would significantly alter the character of the building.

April 2024 – Whitney Management Corp retains additional council, Duke Holzman Phoiadis & Gresens LLP, and consults with Heritage Consulting Group to present a synthetic slate replacement in a revised request for a Certificate of Appropriateness. The Historic Preservation Commission denies the request of the revised Certificate of Appropriateness noting that the proposal still significantly alters the historic character of the building.

May 2024 – The petitioners advising council, Duke, Holzman, Photiadis, & Gresens LLP, files an appeal of the decision rendered by the Historic Preservation Commission to deny the Certificate of Appropriateness presented at the April 2024 regular meeting with the Town Board.

July 2024 – Town Board Public Hearing on Appeal.

JQ/ac
X:\Special_Projects\Historic Preservation\PROPERTY FILES\St. Marys\TBMemo_Appeal07082024.docx

Attachment: TB Memo Appeal 070824 (RES-2024-576 : Appeal of the Historic Preservation Commission Decision - 400 Mill Street)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Councilmembers
Initiated by: **Shawn Lavin**
Co-Sponsored by: **Councilmember Jacqualine Berger**

DOC ID: 29192 **RESOLUTION 2024-577** **ADOPTED**

Fire Prevention Week Ad in the Amherst Bee

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

WHEREAS, the October 6-12, 2024 Fire Prevention campaign "Smoke Alarms: Make them work for you!" works to educate about the essentials of the sounds of fires, how to aid, assist, and avoid when a fire ensues; and

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

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

7/8/2024
A motion to approve was made by Deputy Supervisor Lavin, seconded by Councilmember Marinucci and unanimously approved 4-0.

FINANCIAL IMPACT:

A cost not to exceed $1,500.00 T-2999.4002

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Shawn Lavin, Deputy Supervisor
SECONDER:	Angela Marinucci, Councilmember
AYES:	Kulpa, Lavin, Szukala, Marinucci
ABSENT:	Berger

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 29194 **RESOLUTION 2024-578** **ADOPTED**

Amherst Traffic Safety Board Appointment

WHEREAS, the Amherst Traffic Safety Board, also known as ATSB or Traffic Safety Board, advises the Town Board on matters affecting traffic safety on all existing and proposed roadways, subdivisions, commercial areas, and wherever cars, bicycles, recreational vehicles and pedestrians are involved; and

WHEREAS, the ATSB has a maximum roster of 10 members, with the Amherst Town Board majority appointing members, who shall serve a three (3) year term; and

WHEREAS, the ATSB currently has a Board of nine (9) members, who shall continue to serve until their term of appointment expires; and

WHERESAS, Cynthia Selden has expressed an interest in serving on the ATSB;

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of Cynthia Selden for a term to conclude on December 31, 2026.

7/8/2024
A motion to approve was made by Councilmember Szukala, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

None.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Szukala, Councilmember
SECONDER:	Shawn Lavin, Deputy Supervisor
AYES:	Kulpa, Lavin, Szukala, Marinucci
ABSENT:	Berger

Amherst Town Board
5583 Main Street
Williamsville, NY 14221
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Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 29178 **RESOLUTION 2024-579** **ADOPTED**

Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels)

AGENDA ITEM : JULY 8TH, 2024

TO: **Town Board**

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

DATE: **July 2, 2024**

RE: **Lighting District Extension - Order Calling For A Public Hearing (Miscellaneous Parcels)**

Kindly adopt the following resolution with respect to the above matter:

RESOLVED, the Town Board hereby makes a motion to call for a Public Hearing to be held on August 19th, 2024 to extend the Town's consolidated lighting district to include miscellaneous parcels as identified on the attached list;

BE IT FURTHER RESOLVED, the Town Board adopts the attached Order Calling Public Hearing for this purpose.

Thank you.

MAP:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachments, **Agenda Item - July 8, 2024**)
Daryl C. Bramer, Comptroller *(w/attachments)*
Lynda Juul, Director of Finance *(w/attachments)*
Dan Howard, Director of Planning *(w/attachments)*
Jessica Boudreau, PE, Project Manager (*w/attachments*)
Christopher P. Schregel, Project Manager (*w/attachments*)

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

Rate per $300,000 AV at 100% equalization - $118.85 per household

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

SBL	ADDRESS
26.12-1-19	12 GLENHAVEN DR
26.15-3-3	250 SUNDRIDGE DR
26.15-3-4	242 SUNDRIDGE DR
26.15-3-5	234 SUNDRIDGE DR
26.16-4-28	2930 SWEET HOME RD
27.07-1-1	52 HAVERTON LN
27.07-1-19	225 S ROCKINGHAM WAY
27.07-1-20	233 S ROCKINGHAM WAY
27.07-1-3	53 HAVERTON LN
27.07-1-4	61 HAVERTON LN
27.07-1-7	105 ARCADIAN DR
27.11-1-34.2	232 LANDINGS DR
27.11-1-50	1009 CAMPBELL BLVD
27.11-1-52	991 CAMPBELL BLVD
27.11-1-8.1	277 LANDINGS DR
27.12-1-1	8 PENNY LN
27.12-1-2	16 PENNY LN
27.12-1-22	3 ASHDALE CIR
27.12-1-26	61 PENNY LN
27.12-1-27	53 PENNY LN
27.12-1-28	45 PENNY LN
27.12-1-29	37 PENNY LN
27.12-1-3	10 ANSONIA CT
27.12-1-30	29 PENNY LN
27.12-1-31	21 PENNY LN
27.12-1-32	15 PENNY LN
27.12-1-33	5 PENNY LN
27.12-1-4	18 ANSONIA CT
27.12-1-5	19 ANSONIA CT
27.12-1-6	11 ANSONIA CT
27.12-1-7	26 PENNY LN
27.12-1-8	34 PENNY LN
27.12-1-9	2 ASHDALE CIR
27.15-6-10	64 S PARRISH CT
27.15-6-11	56 S PARRISH CT
27.15-6-12	48 S PARRISH CT
27.15-6-13	40 S PARRISH CT
27.15-6-14	32 S PARRISH CT
27.15-6-15	24 S PARRISH CT
27.15-6-16	16 S PARRISH CT
27.15-6-2	15 S PARRISH CT
27.15-6-3	47 S PARRISH CT
27.15-6-4	63 S PARRISH CT
27.15-6-5	71 S PARRISH CT
27.15-6-6	79 S PARRISH CT

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

27.15-6-7	88 S PARRISH CT
27.15-6-8	80 S PARRISH CT
27.15-6-9	72 S PARRISH CT
27.17-2-21	10 GASPE DR
27.17-2-24	11 ACACIA DR
27.18-3-1.1	1375 N FRENCH RD
27.18-3-10	58 LYNETTE LN
27.18-3-11	64 LYNETTE LN
27.18-3-12	70 LYNETTE LN
27.18-3-13	76 LYNETTE LN
27.18-3-14	82 LYNETTE LN
27.18-3-15	88 LYNETTE LN
27.18-3-3	16 LYNETTE LN
27.18-3-4	22 LYNETTE LN
27.18-3-5	28 LYNETTE LN
27.18-3-6	34 LYNETTE LN
27.18-3-7	40 LYNETTE LN
27.18-3-8	46 LYNETTE LN
27.18-3-9	52 LYNETTE LN
28.06-1-54.1	390 NEW RD
28.06-1-55.11	420 NEW RD
28.10-4-8	153 MEADOW SPRING LN
28.13-2-42	2200 N FRENCH RD
28.14-2-73	292 RAMBLING RD
28.14-3-5.11	2135 HOPKINS RD
28.14-3-5.12	501 RAMBLING RD
28.14-4-1.11	2125 HOPKINS RD REAR
28.14-4-1.12	2115 HOPKINS RD
28.18-1-31	1895 HOPKINS RD
28.18-1-32.1	1905 HOPKINS RD
28.18-1-32.2	32 SHELLRIDGE DR
28.18-6-15.111	231 BRENRIDGE DR
28.18-6-15.112	215 BRENRIDGE DR
28.18-6-15.113	223 BRENRIDGE DR
28.18-6-15.12	207 BRENRIDGE DR
28.18-6-15.2	1770 DODGE RD
28.18-8-1	1740 DODGE RD
28.18-8-3	220 BRENRIDGE DR
28.18-8-4	212 BRENRIDGE DR
28.18-8-5	208 BRENRIDGE DR
28.41-2-1	1 GLEN ABBEY
28.41-2-2	2 GLEN ABBEY
28.41-2-3	3 GLEN ABBEY
28.41-2-4	4 GLEN ABBEY
28.41-2-5	5 GLEN ABBEY
28.41-2-6	6 GLEN ABBEY
28.41-2-7	7 GLEN ABBEY

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

28.41-2-8	8 GLEN ABBEY
28.41-3-2	261 OLD OAK POST RD
28.41-3-3	263 OLD OAK POST RD
28.41-3-4	265 OLD OAK POST RD
28.50-1-33	139 OLD OAK POST RD
28.50-1-34	131 OLD OAK POST RD
40.04-1-31.112	492 KAYMAR DR
40.04-1-31.12	493 KAYMAR DR
40.10-2-12.1	301 PEPPER TREE DR
40.10-2-14.1	305 PEPPER TREE DR
40.10-2-15.1	311 PEPPER TREE DR
40.10-2-16.1	315 PEPPER TREE DR
40.14-2-16	0 JOE MC CARTHY DR
40.15-11-27	17 PARKHAVEN DR
41.08-2-51	237 LONDONDERRY LN
41.15-5-48	17 WOODSHIRE S
41.15-5-49	9 WOODSHIRE S
41.15-5-50	STAHL RD
41.16-9-11.11	84 HAUSSAUER RD
41.16-9-13	104 HAUSSAUER RD
41.19-3-12	147 DEER RIDGE
41.19-3-14	163 DEER RIDGE
41.19-3-21.1	179 DEER RIDGE
41.19-3-22	200 HEIM RD
41.19-3-23	158 HEIM RD
41.19-4-6	165 STAHL RD
41.19-4-7.1	44 WYETH DR
41.19-4-7.2	36 WYETH DR
41.19-4-8.1	29 WYETH DR
41.19-4-8.2	21 WYETH DR
41.19-5-21	214 WYETH DR
41.19-5-23	230 WYETH DR
41.20-3-29	187 STUEWE RD
41.57-3-1	702 ROBIN RD
41.57-3-10	705 ROBIN RD
41.57-3-11	703 ROBIN RD
41.57-3-12	701 ROBIN RD
41.57-3-2	704 ROBIN RD
41.57-3-3	706 ROBIN RD
41.57-3-5	710 ROBIN RD
41.57-3-6	712 ROBIN RD
41.57-3-7	711 ROBIN RD
41.57-3-8	709 ROBIN RD
41.57-3-9	707 ROBIN RD
42.05-5-52	26 FORESTBROOK CT
42.05-7-31	10 YOLANDA CT
42.07-1-34.1	19 MISSION DR

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

42.07-1-34.2	630 CASEY RD
42.07-1-7	56 MISSION DR
42.07-2-28	105 MILL VALLEY DR
42.07-2-29	97 MILL VALLEY DR
42.07-7-1.11	440 CASEY RD
42.08-3-1	700 CASEY RD
42.08-3-3.11	730 CASEY RD
42.08-4-1	145 SAN FERNANDO LN
42.08-4-10	217 SAN FERNANDO LN
42.08-4-11	225 SAN FERNANDO LN
42.08-4-12	233 SAN FERNANDO LN
42.08-4-13	241 SAN FERNANDO LN
42.08-4-14	249 SAN FERNANDO LN
42.08-4-15	257 SAN FERNANDO LN
42.08-4-16	265 SAN FERNANDO LN
42.08-4-17	273 SAN FERNANDO LN
42.08-4-18	281 SAN FERNANDO LN
42.08-4-19	289 SAN FERNANDO LN
42.08-4-2	153 SAN FERNANDO LN
42.08-4-20	297 SAN FERNANDO LN
42.08-4-21	305 SAN FERNANDO LN
42.08-4-23.1	298 SAN FERNANDO LN
42.08-4-24	290 SAN FERNANDO LN
42.08-4-25	282 SAN FERNANDO LN
42.08-4-26	250 SAN FERNANDO LN
42.08-4-27	226 SAN FERNANDO LN
42.08-4-28	218 SAN FERNANDO LN
42.08-4-29	210 SAN FERNANDO LN
42.08-4-3	161 SAN FERNANDO LN
42.08-4-30	194 SAN FERNANDO LN
42.08-4-31	186 SAN FERNANDO LN
42.08-4-32	178 SAN FERNANDO LN
42.08-4-33	170 SAN FERNANDO LN
42.08-4-34	154 SAN FERNANDO LN
42.08-4-35	146 SAN FERNANDO LN
42.08-4-36	13 SAN JOSE CT
42.08-4-37	19 SAN JOSE CT
42.08-4-38	25 SAN JOSE CT
42.08-4-39	18 SAN JOSE CT
42.08-4-4	169 SAN FERNANDO LN
42.08-4-40	12 SAN JOSE CT
42.08-4-41	17 SAN DOMINICO CT
42.08-4-42	23 SAN DOMINICO CT
42.08-4-43	29 SAN DOMINICO CT
42.08-4-44	22 SAN DOMINICO CT
42.08-4-45	16 SAN DOMINICO CT
42.08-4-5	177 SAN FERNANDO LN

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

42.08-4-6	185 SAN FERNANDO LN
42.08-4-7	193 SAN FERNANDO LN
42.08-4-8	201 SAN FERNANDO LN
42.08-4-9	209 SAN FERNANDO LN
42.14-4-1	2 GREENCASTLE LN
42.14-4-10	74 GREENCASTLE LN
42.14-4-11.1	82 GREENCASTLE LN
42.14-4-11.21	90 GREENCASTLE LN
42.14-4-13	98 GREENCASTLE LN
42.14-4-14	106 GREENCASTLE LN
42.14-4-15	114 GREENCASTLE LN
42.14-4-16	122 GREENCASTLE LN
42.14-4-17	130 GREENCASTLE LN
42.14-4-18	129 GREENCASTLE LN
42.14-4-19	121 GREENCASTLE LN
42.14-4-2	10 GREENCASTLE LN
42.14-4-20	113 GREENCASTLE LN
42.14-4-21	97 GREENCASTLE LN
42.14-4-22	89 GREENCASTLE LN
42.14-4-23	81 GREENCASTLE LN
42.14-4-24	73 GREENCASTLE LN
42.14-4-25	57 GREENCASTLE LN
42.14-4-26	35 GREENCASTLE LN
42.14-4-27	27 GREENCASTLE LN
42.14-4-28	19 GREENCASTLE LN
42.14-4-29	11 GREENCASTLE LN
42.14-4-3	18 GREENCASTLE LN
42.14-4-30	3 GREENCASTLE LN
42.14-4-4	26 GREENCASTLE LN
42.14-4-5	34 GREENCASTLE LN
42.14-4-6	42 GREENCASTLE LN
42.14-4-7	50 GREENCASTLE LN
42.14-4-8	58 GREENCASTLE LN
42.14-5-18	177 E PINELAKE CT
55.08-10-1	22 CEDARWOOD DR
55.08-10-2	14 CEDARWOOD DR
55.08-10-3	6 CEDARWOOD DR
55.18-8-17	234 W MAPLEMERE RD
55.18-8-18	224 W MAPLEMERE RD
55.18-8-19	216 W MAPLEMERE RD
55.18-8-20	208 W MAPLEMERE RD
55.18-8-21	200 W MAPLEMERE RD
55.18-8-22	192 W MAPLEMERE RD
55.18-8-23	184 W MAPLEMERE RD
56.07-2-20	15 STONYBROOK LN
56.07-2-21	23 STONYBROOK LN
56.07-2-22	31 STONYBROOK LN

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

56.07-3-4	90 ROLLINGWOOD
56.07-3-5	80 ROLLINGWOOD
56.07-3-6	70 ROLLINGWOOD
56.07-4-15	65 ROLLINGWOOD
56.07-4-16	75 ROLLINGWOOD
56.08-2-2	2 FOX HUNT LN
56.08-2-3	8 FOX HUNT LN
56.08-2-4	14 FOX HUNT LN
56.08-6-6	262 PARADISE RD
56.08-6-7.1	214 PARADISE RD
56.09-3-16	36 PLAZA DR
56.11-6-3.11	86 RAPHAEL CT
56.12-1-25	56 SHIRE DR
56.12-5-1	8 TIFFANY PL
56.12-5-10	47 TIFFANY PL
56.12-5-11	39 TIFFANY PL
56.12-5-12	31 TIFFANY PL
56.12-5-13	23 TIFFANY PL
56.12-5-14	15 TIFFANY PL
56.12-5-15	7 TIFFANY PL
56.12-5-3	16 TIFFANY PL
56.12-5-4	24 TIFFANY PL
56.12-5-5	32 TIFFANY PL
56.12-5-6	40 TIFFANY PL
56.12-5-7	48 TIFFANY PL
56.12-5-8	56 TIFFANY PL
56.12-5-9	55 TIFFANY PL
56.12-6-1	295 VIA FORESTA LN
56.12-6-10	205 VIA FORESTA LN
56.12-6-11	195 VIA FORESTA LN
56.12-6-12	185 VIA FORESTA LN
56.12-6-13	175 VIA FORESTA LN
56.12-6-14	165 VIA FORESTA LN
56.12-6-15	155 VIA FORESTA LN
56.12-6-16	145 VIA FORESTA LN
56.12-6-17	135 VIA FORESTA LN
56.12-6-18	125 VIA FORESTA LN
56.12-6-19	115 VIA FORESTA LN
56.12-6-2	285 VIA FORESTA LN
56.12-6-20	105 VIA FORESTA LN
56.12-6-21	95 VIA FORESTA LN
56.12-6-22	85 VIA FORESTA LN
56.12-6-23	75 VIA FORESTA LN
56.12-6-24	65 VIA FORESTA LN
56.12-6-25	55 VIA FORESTA LN
56.12-6-26	45 VIA FORESTA LN
56.12-6-27	35 VIA FORESTA LN

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

56.12-6-28	25 VIA FORESTA LN
56.12-6-29	15 VIA FORESTA LN
56.12-6-3	275 VIA FORESTA LN
56.12-6-30	5 VIA FORESTA LN
56.12-6-31	4 VIA FORESTA LN
56.12-6-32	14 VIA FORESTA LN
56.12-6-33	24 VIA FORESTA LN
56.12-6-34	34 VIA FORESTA LN
56.12-6-35	20 NATURE COVE CT
56.12-6-36	36 NATURE COVE CT
56.12-6-37	64 NATURE COVE CT
56.12-6-38	72 NATURE COVE CT
56.12-6-39	65 NATURE COVE CT
56.12-6-4	265 VIA FORESTA LN
56.12-6-40	53 NATURE COVE CT
56.12-6-41	47 NATURE COVE CT
56.12-6-42	39 NATURE COVE CT
56.12-6-43	31 NATURE COVE CT
56.12-6-44	23 NATURE COVE CT
56.12-6-45	15 NATURE COVE CT
56.12-6-46	7 NATURE COVE CT
56.12-6-47.1	100 VIA FORESTA LN
56.12-6-49	110 VIA FORESTA LN
56.12-6-5	255 VIA FORESTA LN
56.12-6-50	120 VIA FORESTA LN
56.12-6-51	130 VIA FORESTA LN
56.12-6-52	140 VIA FORESTA LN
56.12-6-53	150 VIA FORESTA LN
56.12-6-54	160 VIA FORESTA LN
56.12-6-55	170 VIA FORESTA LN
56.12-6-56	180 VIA FORESTA LN
56.12-6-57	210 VIA FORESTA LN
56.12-6-58	6 LANOCHE CT
56.12-6-59	14 LANOCHE CT
56.12-6-6	245 VIA FORESTA LN
56.12-6-60	22 LANOCHE CT
56.12-6-61	30 LANOCHE CT
56.12-6-62	38 LANOCHE CT
56.12-6-63	46 LANOCHE CT
56.12-6-64	54 LANOCHE CT
56.12-6-65	62 LANOCHE CT
56.12-6-66	70 LANOCHE CT
56.12-6-67	63 LANOCHE CT
56.12-6-68	55 LANOCHE CT
56.12-6-69	31 LANOCHE CT
56.12-6-7	235 VIA FORESTA LN
56.12-6-70	15 LANOCHE CT

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

56.12-6-71	9 LANOCHE CT
56.12-6-72	270 VIA FORESTA LN
56.12-6-73	280 VIA FORESTA LN
56.12-6-74	290 VIA FORESTA LN
56.12-6-8	225 VIA FORESTA LN
56.12-6-9	215 VIA FORESTA LN
56.13-8-11.11	198 HICKORY HILL RD
56.13-8-14.21	199 HICKORY HILL RD
56.14-1-45	141 OAKBROOK DR
56.14-1-46	159 OAKBROOK DR
56.14-1-47	165 OAKBROOK DR
56.14-1-48	171 OAKBROOK DR
56.14-1-49	183 OAKBROOK DR
56.14-1-50	189 OAKBROOK DR
56.14-1-51	195 OAKBROOK DR
56.14-1-52	201 OAKBROOK DR
56.14-1-53	207 OAKBROOK DR
56.14-1-54	213 OAKBROOK DR
56.14-1-55	255 OAKBROOK DR
56.14-1-56	261 OAKBROOK DR
56.14-1-57	267 OAKBROOK DR
56.14-1-58	273 OAKBROOK DR
56.14-1-59	279 OAKBROOK DR
56.14-1-60	285 OAKBROOK DR
56.14-1-61	291 OAKBROOK DR
56.14-1-62	297 OAKBROOK DR
56.14-1-63	303 OAKBROOK DR
56.14-1-64	309 OAKBROOK DR
56.14-1-65	315 OAKBROOK DR
56.15-4-76.1	24 CROWN ROYAL DR
56.15-4-76.2	605 AYER RD
56.16-1-13.2	174 COVENT GARDEN LN
56.17-5-6	25 MEADOWVIEW LN
56.17-5-7	41 MEADOWVIEW LN
56.18-1-1	20 MEADOWVIEW LN
56.18-1-34	40 MEADOWVIEW LN
56.18-1-35	36 MEADOWVIEW LN
56.18-14-10	72 LEMAY CT
56.18-14-11	64 LEMAY CT
56.18-14-12	56 LEMAY CT
56.18-14-13	48 LEMAY CT
56.18-14-14	40 LEMAY CT
56.18-14-15	32 LEMAY CT
56.18-14-16	24 LEMAY CT
56.18-14-17	16 LEMAY CT
56.18-3-23	82 BRAGG CT
56.18-3-8.112	112 BRAGG CT

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

56.18-3-8.12	104 BRAGG CT
56.18-3-9	90 BRAGG CT
56.18-5-26	98 BRAGG CT
56.19-1-18	1860 MAPLE RD
56.19-7-12	109 MAPLELEAF DR
56.20-1-24.2	492 BAUMAN RD
56.20-3-1	333 PATRICE TER
56.20-3-10	283 PATRICE TER
56.20-3-11	277 PATRICE TER
56.20-3-12	271 PATRICE TER
56.20-3-13	265 PATRICE TER
56.20-3-14	259 PATRICE TER
56.20-3-2	329 PATRICE TER
56.20-3-3	323 PATRICE TER
56.20-3-4	317 PATRICE TER
56.20-3-5	311 PATRICE TER
56.20-3-6	307 PATRICE TER
56.20-3-7	301 PATRICE TER
56.20-3-8	295 PATRICE TER
56.20-3-9	289 PATRICE TER
56.20-4-10	290 PATRICE TER
56.20-4-11	284 PATRICE TER
56.20-4-12	278 PATRICE TER
56.20-4-13	272 PATRICE TER
56.20-4-14	266 PATRICE TER
56.20-4-15	260 PATRICE TER
56.20-4-3	330 PATRICE TER
56.20-4-4	324 PATRICE TER
56.20-4-5	318 PATRICE TER
56.20-4-6	312 PATRICE TER
56.20-4-7	308 PATRICE TER
56.20-4-8	302 PATRICE TER
56.20-4-9	296 PATRICE TER
56.20-5-1	499 TEAKWOOD TER
56.20-6-1	521 SAGEWOOD DR
56.20-6-18	411 SAGEWOOD DR
56.20-6-19	419 SAGEWOOD DR
56.20-6-20	425 SAGEWOOD DR
56.20-6-21	433 SAGEWOOD DR
56.20-6-22	441 SAGEWOOD DR
56.20-6-23	449 SAGEWOOD DR
56.20-6-24	457 SAGEWOOD DR
56.20-6-25	465 SAGEWOOD DR
56.20-6-26	473 SAGEWOOD DR
56.20-6-27	481 SAGEWOOD DR
56.20-6-28	489 SAGEWOOD DR
56.20-6-29	497 SAGEWOOD DR

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

56.20-6-3	500 TEAKWOOD TER
56.20-6-30	505 SAGEWOOD DR
56.20-6-31	513 SAGEWOOD DR
56.20-7-10	458 SAGEWOOD DR
56.20-7-11	450 SAGEWOOD DR
56.20-7-12	442 SAGEWOOD DR
56.20-7-13	434 SAGEWOOD DR
56.20-7-14	426 SAGEWOOD DR
56.20-7-15	418 SAGEWOOD DR
56.20-7-16	410 SAGEWOOD DR
56.20-7-2	516 SAGEWOOD DR
56.20-7-3	510 SAGEWOOD DR
56.20-7-4	506 SAGEWOOD DR
56.20-7-5	498 SAGEWOOD DR
56.20-7-6	490 SAGEWOOD DR
56.20-7-7	482 SAGEWOOD DR
56.20-7-8	474 SAGEWOOD DR
56.20-7-9	466 SAGEWOOD DR
57.09-1-14.1	15 BRADFIELD DR
57.09-1-14.2	7 BRADFIELD DR
67.07-3-4	18 HILTON BLVD
67.07-3-5	22 HILTON BLVD
67.07-3-6	28 HILTON BLVD
67.07-3-7	34 HILTON BLVD
67.07-5-25.2	137 HILTON BLVD
67.07-5-25.3	145 HILTON BLVD
67.12-6-18.1	62 SNYDERWOODS CT
67.16-3-31	360 HEDSTROM DR
67.16-4-15	340 HEDSTROM DR
67.16-5-17	349 HEDSTROM DR
67.16-5-18.1	355 HEDSTROM DR
67.16-8-48	22 BONDCROFT DR
67.16-8-49	16 BONDCROFT DR
67.16-8-50	10 BONDCROFT DR
67.16-8-61	47 DANEBROCK DR
67.16-8-79	94 DANEBROCK DR
67.16-8-80	90 DANEBROCK DR
67.16-9-33	579 LONGMEADOW RD
67.20-3-2	15 BONDCROFT DR
67.20-3-3	19 BONDCROFT DR
67.79-6-21	58 CAMBRIDGE BLVD
68.07-2-1	21 FOREST HILL DR
68.07-2-2	27 FOREST HILL DR
68.07-2-41	1095 N FOREST RD
68.13-3-9.11	15 THOMAS JEFFERSON LN
68.13-4-1.21	86 THOMAS JEFFERSON LN
68.13-4-1.221	87 THOMAS JEFFERSON LN

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

68.13-7-12	101 MEADOWSTREAM DR
68.18-4-36.1	135 LAKEWOOD PKWY
69.06-10-19	302 PATTON PL
69.06-9-14	288 MC NAIR RD
69.09-2-13	587 MILL ST
69.10-3-1	339 MAC ARTHUR DR
69.10-3-2	345 MAC ARTHUR DR
69.10-3-3	351 MAC ARTHUR DR
69.10-3-4	357 MAC ARTHUR DR
69.10-3-5	363 MAC ARTHUR DR
69.10-3-6	369 MAC ARTHUR DR
69.10-3-7	375 MAC ARTHUR DR
69.12-2-34	67 BAUMAN RD
69.12-5-32	99 SHETLAND DR
69.12-5-33	107 SHETLAND DR
69.12-5-34	115 SHETLAND DR
69.12-5-35	123 SHETLAND DR
69.20-2-2.111	28 BERESFORD CT
70.09-1-1	17 PALMDALE DR
70.09-1-2	11 PALMDALE DR
70.09-1-3	5 PALMDALE DR
70.09-1-4	414 THIRD AVE
70.09-1-5	420 THIRD AVE
70.09-1-6	426 THIRD AVE
79.08-4-37.1	75 RUSKIN RD
79.11-2-4	99 LE BRUN CIR
79.12-9-6	233 BRANTWOOD RD
79.23-4-37	295 ALLENHURST RD
80.06-6-37	101 LIVINGSTON PKWY
80.06-7-1.1	115 LAKEWOOD PKWY
80.06-7-16	104 LIVINGSTON PKWY
80.10-3-8	105 WALTON DR
80.11-4-3.1	80 RIDGEWOOD DR
80.14-1-11	365 ROYCROFT BLVD

Attachment: LDParcels-07022024094932 (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

At a regular 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 8th day of July, 2024.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Shawn Lavin, Councilman
Jacqualine Berger, Councilwoman
Angela Marinucci, Councilwoman
Michael R. Szukala, Councilman

In the Matter

of the

Extensions to the Consolidated Lighting District
in the Town of Amherst
in the County of Erie, New York, pursuant to Article 12-A
of the Town Law

Offered by: _____

Seconded by: _____

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
AUGUST 19, 2024

WHEREAS, the Town Board of the Town of Amherst, in the County of Erie, New York (the "Town") has caused the Town to prepare several maps, plans and reports for the proposed extensions of the Consolidated Lighting District in the Town, pursuant to Article 12-A of the Town Law (the "Extensions"); and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that the Extensions may have on the environment, and the Town Board and the Town have

Attachment: OCPH (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (SEQRA), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, the Town Board has determined that the proposed action is a Type II action for SEQRA purposes and will not have a significant effect on the environment and a Negative Declaration has been issued; and

WHEREAS, the properties to be included in the Extensions are listed on the Town's website at www.amherst.ny.us and on file with the office of the Town Clerk; and

WHEREAS, the Town will separately notify each of the properties affected by the proposed Extensions; and

WHEREAS, the maximum amount proposed to be expended by the Town for the Extensions is the sum of zero dollars ($0.00) as there is no cost for the Extensions; and

WHEREAS, the annual estimated cost of providing street lighting services within the Extensions for a $300,000 Property at 100% Equalization is $118.85; and

WHEREAS, since there will be no capital cost to the Town for the Extensions, no financing will be employed and it is therefore not necessary to obtain the approval of the New York State Comptroller's Office.

NOW, THEREFORE BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 19th day of August, 2024 at 7:00 P.M. (Prevailing Time) to consider said Extensions and to hear all persons interested in the subject thereof

Attachment: OCPH (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the "*Amherst Bee,"* hereby designated as the official newspaper of the Town for such publication, post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, post to the Town's website at www.amherst.ny.us, and mail to the properties located in the Extensions, the Order Calling A Public Hearing, the first publication thereof, posting and mailing to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: July __, 2024

TOWN BOARD OF THE TOWN OF AMHERST

(SEAL)

Attachment: OCPH (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

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

Hon. Brian J. Kulpa, Supervisor	Voting_____
Shawn Lavin, Deputy Supervisor/Councilman	Voting_____
Jacqualine Berger, Councilwoman	Voting_____
Angela Marinucci, Councilwoman	Voting_____
Michael R. Szukala, Councilman	Voting_____

The Order was declared adopted.

* * * * *

Attachment: OCPH (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling for a Public Hearing with the original thereof filed in the office of the Town Clerk on the 8th day of July, 2024, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 8th day of July, 2024.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: OCPH (RES-2024-579 : Order Calling for Public Hearing - Lighting District Extension (Miscellaneous Parcels))

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 29176 **RESOLUTION 2024-580** **ROLL CALL VOTE (ADOPTED)**

Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000)

AGENDA ITEM : JULY 8th, 2024

TO: **Town Board**

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

DATE: **July 2, 2024**

RE: **Town Hall & 30 S Cayuga Renovations**
2024-2029 C.I.P. - Project F-7
Bond Resolution - $100,000

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

(1) Adopt the attached bond resolution authorizing the issuance of $100,000.00 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 - July 8, 2024**)
Daryl C. Bramer, Comptroller (*w/attachments*)
Lynda Juul, Director of Finance (*w/attachments*)
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
Dan Howard, Director of Planning (*w/attachments*)
Daniel J. Rizzo, Project Manager (*w/attachments*)

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved via Roll Call vote 4-0.

FINANCIAL IMPACT:

Bond Resolution - $100,000

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

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

MEMORANDUM June 21, 2024

TO: Daniel Rizzo, Director
Facilities Department

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

RE: SEQR Classification – Town Hall & 30 S. Cayuga Road Renovations
2024-2029 C.I.P. Project F-7

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(b). Therefore, no further environmental review is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\06-21-2024_H-7_Town Hall and 30 S Cayuga Renovations.docx

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

Attachment: 06-21-2024_F-7_Town Hall and 30 S Cayuga Renovations SEQR (RES-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

July 8, 2024

* * *

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 July 8, 2024.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Angela Marinucci, Councilwoman Shawn Lavin, Deputy Supervisor/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-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JULY 8, 2024, AUTHORIZING IMPROVEMENTS TO TOWN HALL AND 30 SOUTH CAYUGA, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $100,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $100,000 TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake improvements to Town Hall and 30 South Cayuga, as described in the map, plan and report dated June 2024 and prepared by the Town of Amherst Facilities Department (2024-2029 Capital Improvement Program, Project F-7). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $100,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of $100,000 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 $100,000 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-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000))

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 which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 12(a)(2) of the Law, is fifteen (15) years.

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

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

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

Attachment: CertBondReso (RES-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000))

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-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000))

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-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on July 8, 2024, 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 July 8, 2024, authorizing improvements to Town Hall and 30 South Cayuga, stating the estimated maximum cost thereof is $100,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of $100,000 to finance said appropriation,"

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

FIRST: AUTHORIZING said Town to undertake improvements to Town Hall and 30 South Cayuga, as described in the map, plan and report dated June 2024 and prepared by the Town of Amherst Facilities Department (2024-2029 Capital Improvement Program, Project F-7); STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $100,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of $100,000 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 $100,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

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

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

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

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

Attachment: CertBondReso (RES-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000))

DATED: July 8, 2024

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-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000))

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-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000))

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 July 8, 2024, 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 July, 2024.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2024-580 : Town Hall & 30 S Cayuga Renovations (Bond Resolution - $100,000))

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Attorney
Initiated by: **Martin A. Polowy**
Co-Sponsored by:

DOC ID: 29175 **RESOLUTION 2024-581** **ADOPTED**

Bus Shelter Agreement for Amherst Gateway Park (CRS# 4913)

AGENDA ITEM : JULY 8th, 2024

TO: **Town Board**

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

DATE: **July 2, 2024**

RE: **Bus Shelter License Agreement - Amherst Gateway Park Between: Niagara Frontier Transportation Authority (NFTA) and Town of Amherst (CRS #4913)**

Kindly adopt the following resolution with respect to the above matter:

WHEREAS, the NFTA desires to utilize a portion of Town property known as Amherst Gateway Park (Niagara Falls Boulevard and Kenmore Avenue), more specifically identified in Exhibit A attached, for the purposes of installing and maintaining two (2) bus shelters at that location;

NOW, THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Supervisor to execute the attached License Agreement for this purpose after successful completion of the Contract Routing System (CRS).

MAP:nmb
Attachment
c: Tim Koller, Deputy Town Clerk (*w/attachment*, **Agenda Item - July 8, 2024**)

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

Attachment: Bus stop shelters Town of Amherst Niagara Falls BLVD at Kenmore Ave License Agreement July 2024 (RES-2024-581 : Bus

BUS SHELTER LICENSE AGREEMENT

THIS BUS SHELTER LICENSE AGREEMENT ("Agreement") is hereby made and entered into as of the ___ day of July, 2024 (the "Effective Date "), by and between the NIAGARA FRONTIER TRANSPORTATION AUTHORITY ("NFTA"), a New York public benefit corporation with its principal office for the transaction of business at 181 Ellicott Street, Buffalo, New York 14203, and the Town of Amherst , a municipal corporation existing under the, and by virtue of, the laws of the State of New York, with its principal office for the transaction of business at 5583 Main Street, Williamsville, New York 14221 (Town).

WITNESSETH:

WHEREAS, the NFTA owns and operates buses for public transportation in Erie and Niagara Counties; and,

WHEREAS, in order to improve service to the public, the NFTA and the Town have determined that two (2) bus shelters should be installed at the Amherst Gateway Park; and,

WHEREAS, the parties mutually wish for the NFTA to install and maintain two (2) bus shelters in the Town of Amherst, County of Erie, and State of New York; and,

WHEREAS, the NFTA is desirous of utilizing a portion of Town Property more commonly known as the Amherst Gateway Park (Niagara Falls Boulevard and Kenmore Avenue), under Erie County S.B.L. number 79.31-3-22.11 as shown on Exhibit A; and

WHEREAS, the intended use of land hereinafter does not interfere with municipal purposes; and

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and promises hereinafter contained, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

AGREEMENTS

1. The Town gives and grants unto the NFTA a license at no cost to the NFTA to use a portion of the Town's property at the intersection of Niagara Falls Boulevard and Kenmore Avenue for the installation and maintenance of two (2) bus shelters, as shown on the plot plan annexed hereto as Exhibit A. In addition, the Town gives and grants unto the NFTA a license at no cost to the NFTA and its contractor(s) to access, stage or store equipment for the purposes of installing and maintaining the bus shelters or to conduct NFTA related studies on Amherst Gateway Park. NFTA shall provide the Town written notice of its construction schedule or any studies it intends to undertake.

2. The NFTA shall install and maintain at its own cost and expense the approximately 15.75' by 6.41' concrete pads. The Town shall be responsible for snow

removal. NFTA at its sole cost shall, pay for and restore all disturbed areas of the property to existing conditions or better that may have been impacted during studies, or during construction or maintenance of the bus shelters.

3. Title to the bus shelter shall at all times reside with the NFTA.

4. To the extent permitted by law, the Town shall indemnify and save The NFTA harmless from all legal action, damages, loss, liability and expense in connection with loss of life, personal injury or property damage arising from or out of the use by the NFTA of the area covered by this License Agreement occasioned, wholly or in part by any negligent act or omission of the Town, its agents, contractors or employees, but only in such amount as is in direct proportion to the degree or percentage of liability or fault attributable to the Town, its agents, contractors or employees.

5. The NFTA shall indemnify and save the Town harmless from legal action, damages, loss, liability and expense in connection with loss of life, bodily or personal injury or property damage arising from or out of the use by the NFTA of the area covered by this License Agreement occasioned wholly or in part by a negligent act or omission of the NFTA, its agents, or employees of the NFTA, but only in such amount as is in direct proportion to the degree or percentage of liability or fault attributable to the NFTA, its agents, or employees.

6. This Agreement is revocable by either party upon sixty days' written notice to the other party. If the Town revokes the Agreement within five years from the date of execution, the Town agrees to pay all costs incurred in removing the shelters and restoring the Town's property to its original condition, reasonable wear and tear excepted. Otherwise, these costs will be paid by the NFTA.

7. All notices which either party shall desire to send shall be personally served or sent by registered mail, return receipt requested, at or to the addresses set forth at the commencement of this Agreement or to such other person(s) and address(es) as the Town and the NFTA may from time to time designate by written notice addressed to one another.

8. Neither party has made any representations or promises except as herein contained, and no modification of any provision hereof shall be valid unless in writing and signed by the parties hereto.

9. The Town shall not assign this Agreement or delegate any of its duties hereunder without the prior written consent of NFTA.

10. This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement. Electronic signatures and counterparts delivered by electronic means shall be deemed originals for all purposes.

11. This Agreement shall be governed by, and construed in accordance with, the laws of New York applicable to agreements made and to be performed therein without regard to

Attachment: Bus stop shelters Town of Amherst Niagara Falls BLVD at Kenmove Ave License Agreement July 2024 (RES-2024-581 : Bus

conflict of laws principles.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the Effective Date.

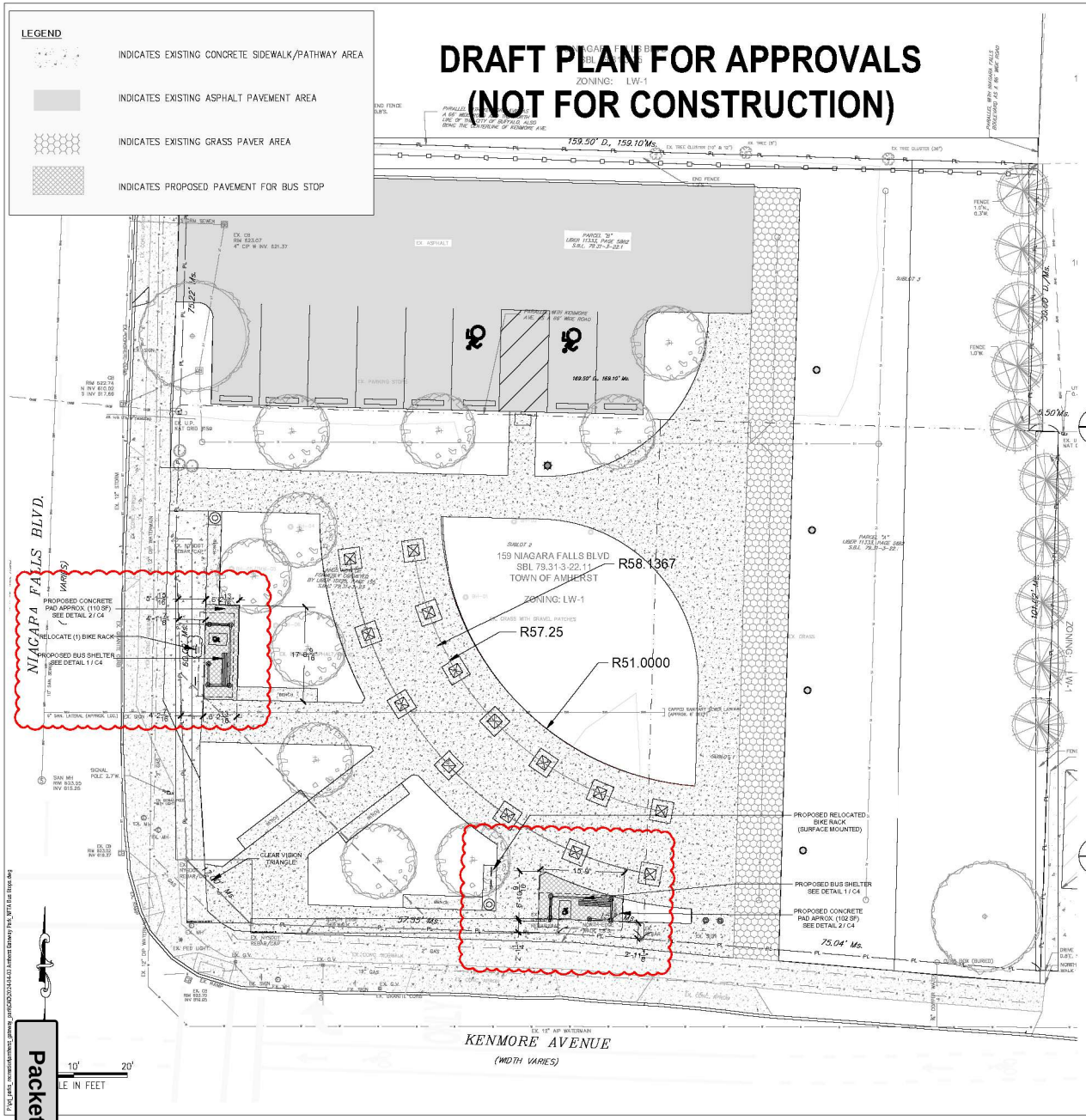
NIAGARA FRONTIER TRANSPORATATION AUTHORITY	TOWN OF AMHERST
By: _____	By: _____
Kimberley A. Minkel Executive Director	Brian J. Kulpa Supervisor

Attachment: Bus stop shelters Town of Amherst Niagara Falls BLVD at Kenmove Ave License Agreement July 2024 (RES-2024-581 : Bus

Exhibit A

Attachment: Bus stop shelters Town of Amherst Niagara Falls BLVD at Kenmove Ave License Agreement July 2024 (RES-2024-581 : Bus

DRAFT PLAN FOR APPROVALS (NOT FOR CONSTRUCTION)

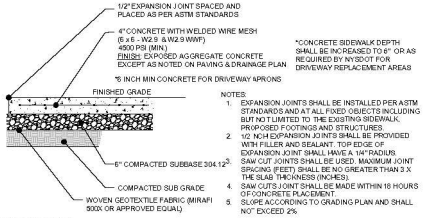


NOTES:

1. ALL CONSTRUCTION SHALL CONFORM TO TOWN OF AMHERST CONSTRUCTION SPECIFICATIONS AND DETAILS.
2. THIS SITE PLAN IS NOT AN "AS-BUILT" SURVEY AND AN AUTOCAD FILE WILL BE AVAILABLE FOR THE PURPOSE OF SITE LAYOUT FOR THE SURVEYOR.
3. THE BUS SHELTERS WILL BE CUSTOM BUILT ON SITE TO CONFORM TO THE EXISTING CONDITIONS. AS A RESULT THIS PLAN IS INTENDED TO BE USED AS GRAPHIC TO IDENTIFY THE NECESSARY SITE WORK AND RECEIVE THE NECESSARY APPROVALS.
4. ALL NECESSARY PERMITS AND APPROVALS SHOULD BE SECURED PRIOR TO CONSTRUCTION.

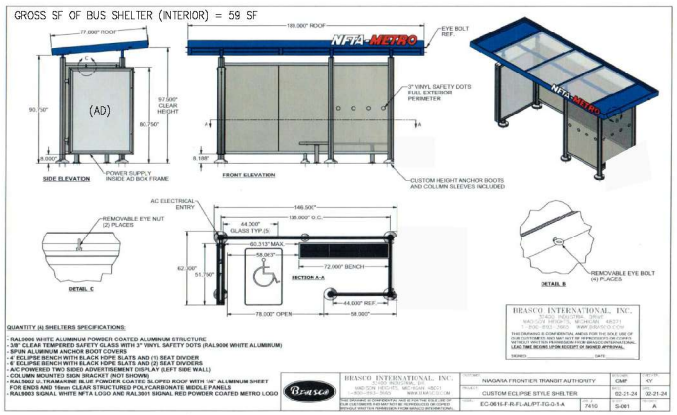
SITE DATA TABLE:

159 NIAGARA FALLS BOULEVARD		
AREA:		0.58 ACRES
EXISTING PARKING:		8
SITE:		
PERVIOUS AREA:		13,892 S.F.
ASPHALT AREA:		4,092 S.F.
CONCRETE AREA:		5,843 S.F.
		23,827 S.F.
PROPOSED CONCRETE		212 S.F.
TOTAL	=	24,039.0 S.F.



2 / C4 CONCRETE DETAIL
SCALE: 1" = 1'

GROSS SF OF BUS SHELTER (INTERIOR) = 59 SF



1 / C4 PROPOSED NFTA BUS STOP DETAIL - BRASCO
SCALE: NTS

TOWN OF AMHERST
PLANNING DEPARTMENT
5583 MAIN STREET
WILLIAMSVILLE, NY 14221
PHONE: (716) 631-7051

GATEWAY PARK - BUS SHELTER

SITE PLAN

FIELD CREW:
DRAWN BY: JLB/JDS
JOB NO. 2020.031
CHECKED BY: JDS
CHECKED BY:
SCALE: 1" = 10'
DATE: 8/24/20

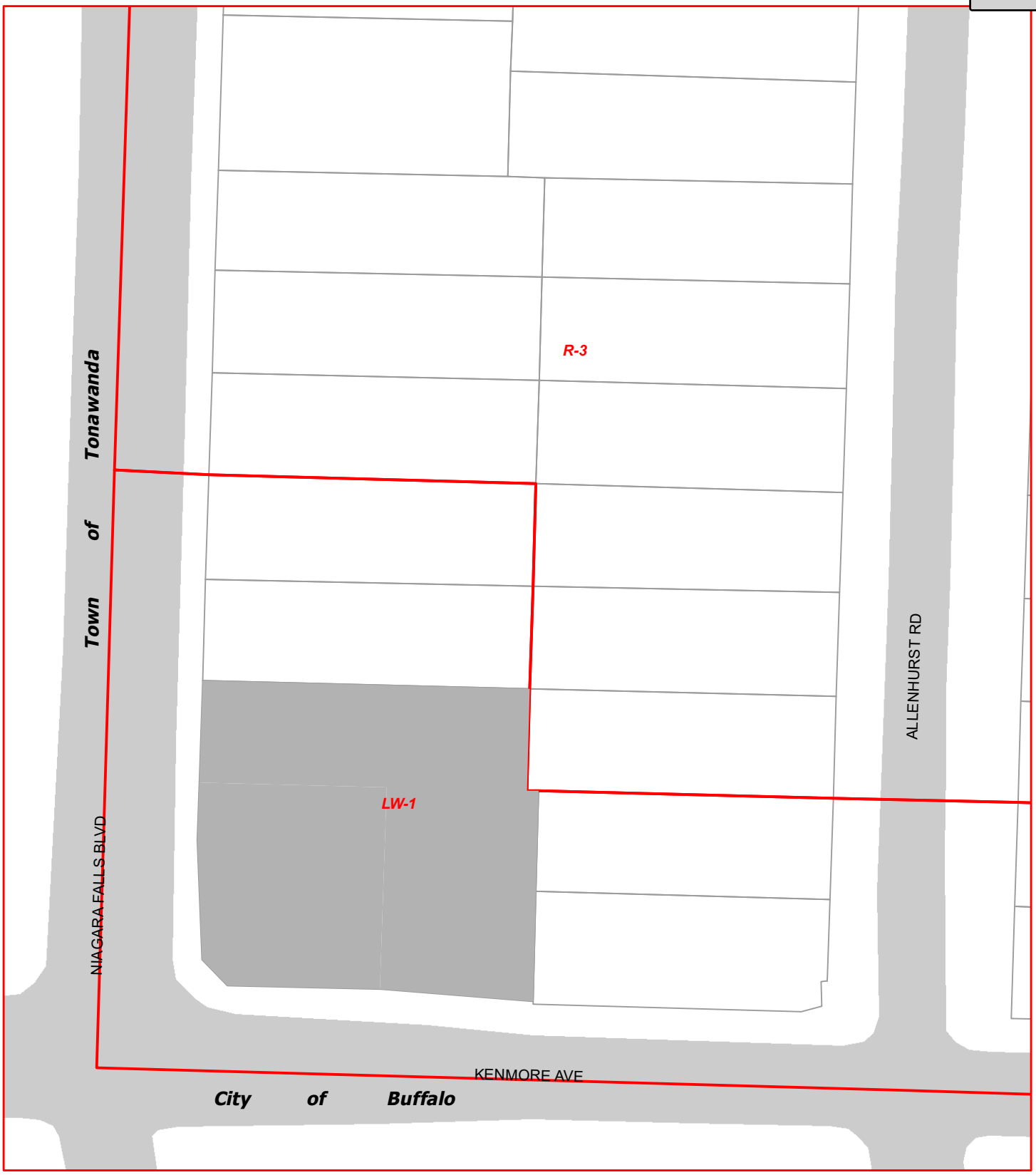
REVISIONS

BY	DATE
JLB	01/20/22
JDS	04/01/24
JDS	05/09/24

DWG. NO.
C4
SHT. NO. 4 OF 15

P:\PLANS_Projects\Current_planning_plans\2020.031-44-03 Amherst Gateway Park_NFTA Bus Stops.dwg

Attachment: Bus stop shelters Exhibit A (RES-2024-581 : Bus Shelter Agreement for Amherst Gateway Park (CRS# 4913))



SP-2020-11A

Amherst Gateway Park - Bus Shelters

Town of Amherst, Petitioner

June 2024

159 Niagara Falls Boulevard

Attachment: SP-2020-11_A_Context (RES-2024-581 : Bus Shelter Agreement for Amherst Gateway Park (CRS# 4913))

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Clerk
Initiated by: **Joanne A. Schultz**
Co-Sponsored by:

DOC ID: 29203 **RESOLUTION 2024-582** **ADOPTED**

Electronic Records Standard

WHEREAS, the Town of Amherst New York generates thousands of records; and

WHEREAS, the Town of Amherst Record Center has reached its maximum capacity; and

WHEREAS, the Town of Amherst is working with Laserfiche Enterprise Content ManagementCloud to manage the Town's current and historical records; and

WHEREAS, most of the records generated are already in digital format or have been digitized;

NOW THEREFORE, be it resolved by the Amherst Town Board that the Town of Amherst shall maintain all digitally created records in their native digital format for the legally proscribed retention period of the record. The Town of Amherst shall maintain all digital records adhering to the guidelines set forth in the Regulations of the Commissioner of Education Part 185.8.

Copies of records in other formats, including paper, shall be deemed convenience copies and disposed of when no longer needed for reference or other administrative purposes.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Councilmember Marinucci and unanimously approved 4-0.

FINANCIAL IMPACT:

n/a

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29171 **RESOLUTION 2024-583** **ADOPTED**

Amusement License - Evans Bank

Request by Evans Bank for a First Class Amusement License to hold an outdoor event at 6460 Main St. on Thursday, September 19, 2024 from 5 PM - 10 PM.

Supervising Code Enforcement Officer recommends a fee of $50.00

The following conditions apply:

1. That all fire lanes be kept clear at all times.
2. For any tents in excess of 400 square feet bring used, a fire prevention tent permit must be obtained.
3. Food Trucks must have a current Town of Amherst Food Vendor License and have the current inspection sticker affixed to the vehicle.
4. All temporary power must be code compliant.
5. Bathroom facility must be made available & accessible.
6. Off street parking must be available and on site accessible parking must be maintained.
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 " per the 2020 FCNYS.
9. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

Income for the Town

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

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: June 27, 2024

TO: Town Board

FROM: Douglas Gesel, Supervising Code Enforcement Officer

RE: Amusement License for 6460 Main Street, Evans Bank

In response to the Amusement License Application dated 6/25/2024, from Andrew Coyle, 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 events being held on September 19, 2024 from 5:00pm until 10:00pm in the parking lot area of the address noted above, I would recommend a fee of $50.00 per day.
See attached site plan.

I would recommend that the following conditions be stated:

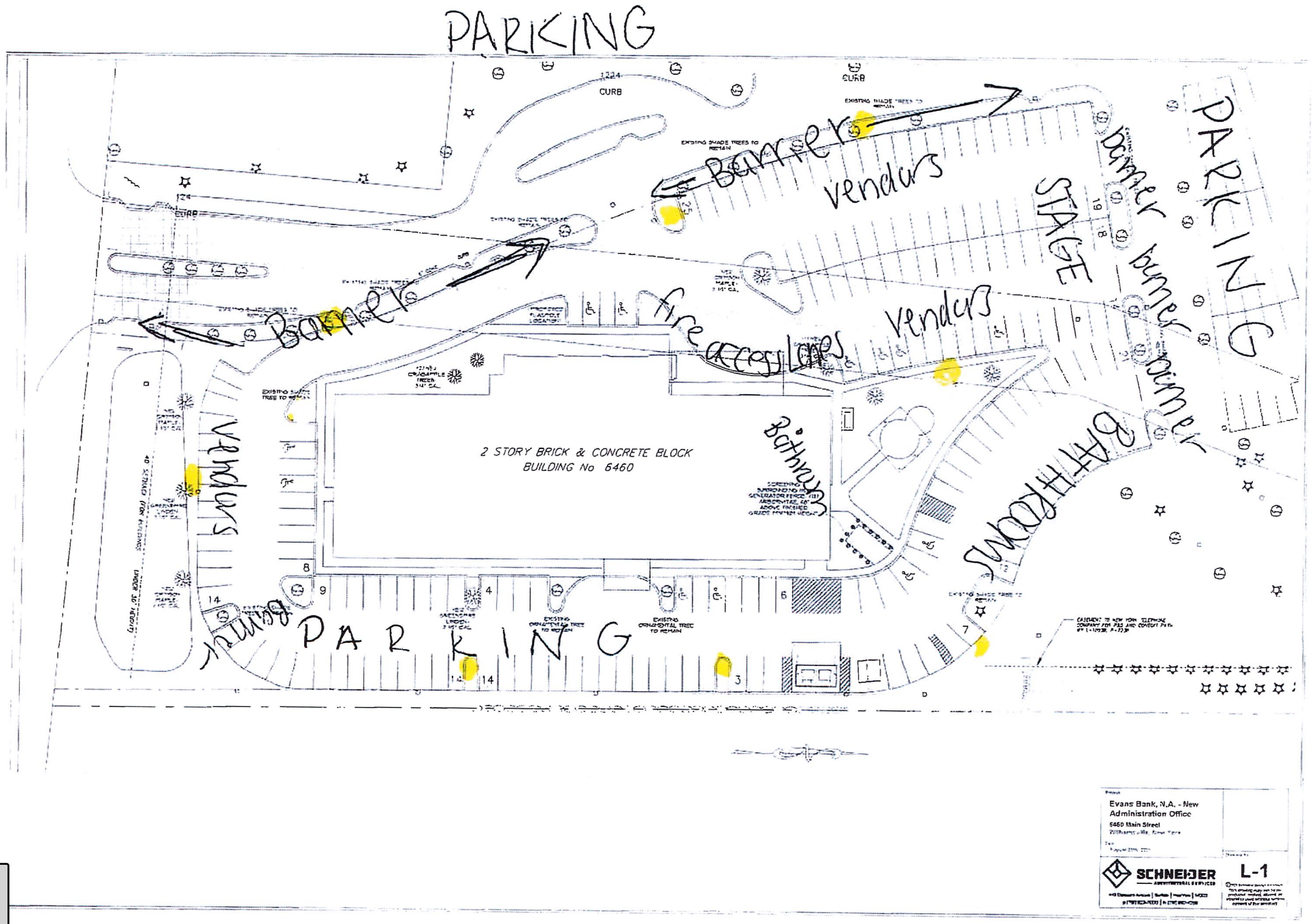
- That all fire lanes be kept clear at all times.
- For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
- Food Trucks must have a current Town of Amherst Food Vendor License and have the current inspection sticker affixed to the vehicle.
- All temporary power must be code compliant.
- Bathroom facility must be made available & accessible.
- Off street parking must be available and on site accessible parking must be maintained.
- 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" per 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.

DG Douglas Gesel, Supervising Code Enforcement Officer

cc: Fran Spoth, Town Clerk, Mark Berke P.E. Commissioner of Building, Bryan Parnell, Senior Fire Inspector

Attachment: Evans Bank-06272024135158 (RES-2024-583 : Amusement License - Evans Bank)


PARKING
CURB
CURB
Barrier
Vendors
PARKING
bumper bumper bumper
STAGE
Barrier
fire access Lanes
Vendors
2 STORY BRICK & CONCRETE BLOCK
BUILDING No 6460
Bathroom
Vendors
Bathrooms
PARKING
Evans Bank, N.A. - New Administration Office
6460 Main Street
SCHNEIDER
L-1

Town of Amherst
Amusement License Application

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

Resident / Organization: Evans Bank

Event Address: 6460 main Street, Williamsville NY 14221

Describe Event: free outdoor festival

List All Dates: Thursday September 19th 2024
Day / Month / Year & Day of Week

Time (Starting & Ending): 5:00pm - 10:00pm

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

Name of Organizer: Evans Bank: Andrew Cayle

Address: 6460 main Street, Williamsville NY 14221

Phone Number: 585-478-3989

Email: acayle@evansbank.com

Signature of Organizer: ACayle

Date of Application: 6/25/2024

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: Evans Bank-06272024135158 (RES-2024-583 : Amusement License - Evans Bank)

Brownson, Ashley

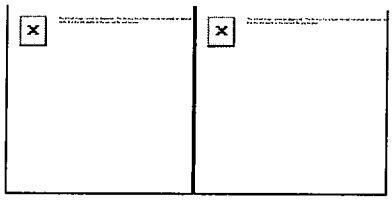
From: Scott Chamberlin
Sent: Thursday, June 27, 2024 11:16 AM
To: Brownson, Ashley
Subject: Re: FW: Amusement License Application: 17

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.

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



On Thu, Jun 27, 2024 at 10:26 AM Brownson, Ashley <abrownson@amherst.ny.us> wrote:
Please review this new application for Evans Bank. They have updated the date and the map. Any written comments please send back to me so this can be placed on the earliest Town of Amherst board meeting.

Thank you,

Ashley Brownson
Tax Supervising Clerk
Town of Amherst
716-631-7048

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Tuesday, June 25, 2024 2:06 PM
To: Brownson, Ashley <abrownson@amherst.ny.us>
Subject: Amusement License Application: 17

Attachment: Evans Bank-06272024135158 (RES-2024-583 : Amusement License - Evans Bank)

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.

For best security and privacy of your information, we recommend viewing this entry in the Data Manager

View Entry<https://us-east-2.protection.sophos.com?d=emailmeform.com&u=aHR0cHM6Ly9hcHAuZW1haWxtZWZvcm0uY29tL2J1aWxkZXIvZm9ybXMvZW50cmllcy9hQjMyVTNlU2Q0P3VlaWQ9MTc=&i=NjE4YmM0NzkwOTc5NDgwZTIzYjMwNmYy&t=SEtmRWl4SGUyZ1JCNStyZWxvVkJOQjl4TElwZTBzdGlPeDVkUVFxRTdSYz0=&h=532a802eab4e41f38a655afe636164c9&s=AVNPUEhUT0NFTkNSWVBUSVYEdmerb___7lD3nb4T60Vv3-9893M6h5zz5w98jO8t4mPnXmsjFbgBG2x0ab6Ci-qG_lKIUbf8opV1tXKJQ1W4>

Resident / Organization: *:

Evans Bank

Event Address*:

6460 Main Street

Williamsville, New Yoprk 14221

Describe Event*:

Free Outdoor Festival at our Company Parking Lot

List All Dates*:

Thursday September 19 2024

Start Time*:

05:00 PM

End Time*:

10:00 PM

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

Amusement license and site plan.pdf<https://us-east-2.protection.sophos.com?d=emailmeform.com&u=aHR0cHM6Ly9maWxlcy5lbWFpbG1lZm9ybS5jb20vODc0MDg5L0NSak1rckdaL0FtdXNlbWVudCUyMGxpY2Vuc2UlMjBhbmQlMjBzaXRlJTIwcGxhbi5wZGY=&i=NjE4YmM0NzkwOTc5NDgwZTIzYjMwNmYy&t=TXJhRmw3VWZJai9qWEdmcWtSdFpjWFJuSVdIU2c2VXRCcDhodnpWM3BqZz0=&h=532a802eab4e41f38a655afe636164c9&s=AVNPUEhUT0NFTkNSWVBUSVYEdmerb___7lD3nb4T60Vv3-9893M6h5zz5w98jO8t4mPnXmsjFbgBG2x0ab6Ci-qG_lKIUbf8opV1tXKJQ1W4>

Name of Organizer*:

Evans Bank/ Andrew Coyle

Attachment: Evans Bank-06272024135158 (RES-2024-583 : Amusement License - Evans Bank)

Address*:

6460 Main Street

Williamsville, New York 14221

Phone*:

585-478-3989

Email*:

acoyle@evansbank.com

Signature*:

[Image removed by sender.]

Attachment: Evans Bank-06272024135158 (RES-2024-583 : Amusement License - Evans Bank)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 29172 **RESOLUTION 2024-584** **ADOPTED**

Amusement License - Andale Cantina

Request by Andale Cantina for a First Class Amusement License to hold an Anniversary Celebration at 6850 Main St. on Saturday, July 20, 2024 from 4 PM - 10 PM.

Supervising Code Enforcement Officer recommends a fee of $50.00

The following conditions apply:

1. That all fire lanes be kept clear at all times.
2. All temporary power must be code compliant.
3. Bathroom facility must be made available & accessible.
4. For any tent in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
5. On site accessible parking must be maintained.
6. Vehicle impact protection must be provided for 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.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

Income for the Town

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

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

DATE: June 28, 2024

TO: Town Board

FROM: Douglas Gesel, Supervising Code Enforcement Officer

RE: Amusement License for 6850 Main Street, Andale Cantina Restaurant

In response to the Amusement License Application dated June 26, 2024 from Lizbeth Lizardo,

The event is classified as a First-Class Amusement by Chapter 68 of Town Code

With the event being on July 20, 2024 from 4:00 pm until 10:00 pm in the parking lot of the address noted above, I recommend the approval of his request for First Class outdoor event 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. I recommend a fee of $50.00 for the one-day event.

I would require that the following conditions be adhered too:

- That all fire lanes be kept clear at all times.
- All temporary power must be code compliant.
- Bathroom facility must be made available & accessible.
- For any tents in excess of 400 square feet being used, a fire prevention tent permit must be obtained.
- 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: Andale Cantina-06282024092432 (RES-2024-584 : Amusement License - Andale Cantina)

MAIN STREET N.Y.S. ROUTE 5
(99.0' R.O.W.)
TRANSIT ROAD N.Y.S. ROUTE 78
(100.0' & R.O.W. VARIES)
30x20
30x20
2 portable potties
DEAD TREE TO BE REPLACED WITH ONE GTD. SEE LANDSCAPE PLANTING NOTES AND DETAILS
EXISTING 1-STORY BRICK BLDG
EXISTING RESTAURANT
EXISTING RETAIL
PROPOSED REFUSE BLDG AND SITE IMPROVEMENTS SEE CS101 FOR DETAILS
SEE CS101 FOR SITE IMPROVEMENTS
LOT 1 PLAZA AT TRANSIT LLC T.A. # 70.17-03-10 6842 MAIN STREET
LOT 2 ALS MAIN AND TRANSIT LLC T.A. # 70.17-03-8.2 6850-6872 MAIN STREET
LOT 10 PLAZA AT TRANSIT LLC T.A. # 70.17-03-10 6842 MAIN STREET
ONE GTD
EXISTING TREE (10" CAL.)
EXISTING TREE (11" CAL.)
EXISTING TREE (12" CAL.)
EXISTING TREE (9" CAL.)
EXISTING TREE (16" CAL.)
EXISTING TREE (10" CAL.)
EXISTING TREE (1" CAL.)
EXISTING TREE (10" CAL.)
EXISTING TREE (10" CAL.)
EXISTING TREE (10

Gesel, Doug

From: Brownson, Ashley
Sent: Thursday, June 27, 2024 9:17 AM
To: Gesel, Doug; Parnell, Bryan; Chamberlin, Scott
Subject: FW: Amusement License Application: 18

Please review the application for an amusement license below. Send any written comments back to me, so we can place this on the earliest Town of Amherst board Meeting.

Thank you,

Ashley Brownson
Tax Supervising Clerk
Town of Amherst
716-631-7048

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Wednesday, June 26, 2024 4:15 PM
To: Brownson, Ashley <abrownson@amherst.ny.us>
Subject: Amusement License Application: 18

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.

For best security and privacy of your information, we recommend viewing this entry in the Data Manager

View Entry

Resident / Organization: *:	Andale Cantina
Event Address*:	6850 Main Street Williamsville, NY 14221
Describe Event*:	Our Event will be held July 20th for our second anniversary. The Restaurant name is Andale Cantina
List All Dates*:	07/20/2024
Start Time*:	04:00 PM
End Time*:	10:00 PM

Attachment: Andale Cantina-06282024092432 (RES-2024-584 : Amusement License - Andale Cantina)

Please supply a site plan with designated area for the event with your application*:	4860 Main Street Site Plan mark up.pdf
Name of Organizer*:	Lizbeth Audelo
Address*:	6850 Main Street Williamsville, NY 14221
Phone*:	323-506-4381
Email*:	Andalecantina@gmail.com
Signature*:	

Attachment: Andale Cantina-06282024092432 (RES-2024-584 : Amusement License - Andale Cantina)

Brownson, Ashley

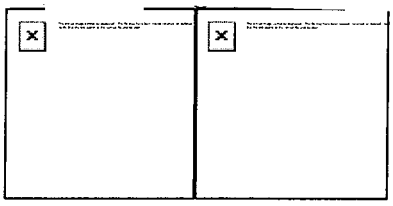
From: Scott Chamberlin
Sent: Thursday, June 27, 2024 11:18 AM
To: Brownson, Ashley
Subject: Re: FW: Amusement License Application: 18

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.

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



On Thu, Jun 27, 2024 at 9:17 AM Brownson, Ashley <abrownson@amherst.ny.us> wrote:

> Please review the application for an amusement license below. Send any written comments back to me, so we can place this on the earliest Town of Amherst board Meeting.
>
> Thank you,
>
> Ashley Brownson
> Tax Supervising Clerk
> Town of Amherst
> 716-631-7048

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Wednesday, June 26, 2024 4:15 PM
To: Brownson, Ashley <abrownson@amherst.ny.us>
Subject: Amusement License Application: 18

CAUTION: This email originated from outside of the organization.

Attachment: Andale Cantina-06282024092432 (RES-2024-584 : Amusement License - Andale Cantina)

Please do not click links or open attachments unless you recognize the sender and know the content is safe.

For best security and privacy of your information, we recommend viewing this entry in the Data Manager

View Entry<https://us-east-2.protection.sophos.com?d=emailmeform.com&u=aHR0cHM6Ly9hcHAuZW1haWxtZWZvcm0uY29tL2J1aWxkZXIvZm9ybXMvZW50cmllcy9hQjMyVTNlU2Q0P3VlaWQ9MTg=&i=NjE4YmM0NzkwOTc5NDgwZTIzYjMwNmYy&t=L05oU2tZWkZ0Zko4YWVmUzZMZzcxU2R0UXBYZzR3SUt0dm1iRnN4a0pzST0=&h=93189d27f2f1480685917eee2068de30&s=AVNPUEhUT0NFTkNSWVBUSVYEdmerb___7lD3nb4T60Vv3-9893M6h5zz5w98jO8t4mPnXmsjFbgBG2x0ab6Ci-qG_lKIUbf8opV1tXKJQ1W4>

Resident / Organization: *:

Andale Cantina

Event Address*:

6850 Main Street

Williamsville, NY 14221

Describe Event*:

Our Event will be held July 20th for our second anniversary.
The Restaurant name is Andale Cantina

List All Dates*:

07/20/2024

Start Time*:

04:00 PM

End Time*:

10:00 PM

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

4860 Main Street Site Plan mark up.pdf<https://us-east-2.protection.sophos.com?d=emailmeform.com&u=aHR0cHM6Ly9maWxlcy5lbWFpbG1lZm9ybS5jb20vODc0MDg5L1dLMUpnWHFHLzQ4NjAlMjBNYWluJTIwU3RyZWV0JTIwU2l0ZSUyMFBsYW4lMjBtYXJrJTIwdXAucGRm&i=NjE4YmM0NzkwOTc5NDgwZTIzYjMwNmYy&t=d2c5bUZvQ3NsQXVtekg2T3pKV0dDTkthNVB4MEl2Qm8zWk9iOWhUcFlMZz0=&h=93189d27f2f1480685917eee2068de30&s=AVNPUEhUT0NFTkNSWVBUSVYEdmerb___7lD3nb4T60Vv3-9893M6h5zz5w98jO8t4mPnXmsjFbgBG2x0ab6Ci-qG_lKIUbf8opV1tXKJQ1W4>

Name of Organizer*:

Lizbeth Audelo

Attachment: Andale Cantina-06282024092432 (RES-2024-584 : Amusement License - Andale Cantina)

Address*:

6850 Main Street

Williamsville, NY 14221

Phone*:

323-506-4381

Email*:

Andalecantina@gmail.com

Signature*:

[Image removed by sender.]

Attachment: Andale Cantina-06282024092432 (RES-2024-584 : Amusement License - Andale Cantina)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Clerk
Initiated by: **Francina J. Spoth**
Co-Sponsored by:

DOC ID: 29173 **RESOLUTION 2024-585** **ADOPTED**

Amusement License - the ARC Erie County

Request by The ARC Erie County for a First Class Amusement License to hold an event at 6850 Main St. on Thursday, September 26th, 2024 from 4:30 PM - 9 PM.

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 from the fire inspector's office.
4. All temporary power must be code compliant.
5. Bathroom facility must be made available & accessible.
6. On site accessible parking must be maintained.
7. Vehicle impact protection must be provided for guest area.
8. Fire Department access must be maintained at all times in the event of an emergency.
9. Events with 1,000 guests or more will be require "Crowd Managers "that are in compliance with Chapter 4 of the 2020 FCNYS.
10. The applicant must abide by Chapter 138 of the Town Of Amherst Code regarding noise.
11. Additional fire extinguishers may be required.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

Income for the Town

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

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: June 28, 2024

TO: Town Board

FROM: Douglas Gesel, Supervising Code Enforcement Officer

RE: Amusement License for 30 Wilson Rd, The ARC Erie County

In response to the Amusement License Application dated May 9, 2024 from Jessica Trainor,

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 September 26, 2024 from 4:30 pm until 9:00 pm in the parking lot and on the grounds of the address noted above, I would recommend a fee of $50.00,

The following conditions are required:

- 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.
- 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.
- Additional fire extinguishers may be required.

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

Douglas Gesel, Supervising Code Enforcement Officer

Attachment: The ARC-06282024124237 (RES-2024-585 : Amusement License - the ARC Erie County)

Attachment: The ARC-06282024124237 (RES-2024-585 : Amusement License - the ARC Erie County)

Brownson, Ashley

From: burst@emailmeform.com on behalf of EmailMeForm <burst@emailmeform.com>
Sent: Thursday, May 9, 2024 1:05 PM
To: Brownson, Ashley
Subject: Amusement License Application: 14

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.

For best security and privacy of your information, we recommend viewing this entry in the Data Manager

View Entry

Resident / Organization*:	The Arc Erie County New York
Event Address*:	30 Wilson Road Williamsville, NY 14221
Describe Event*:	This will be the 4th annual Ale Trail! The Ale Trail is a fundraiser to support the Arc Erie County New York's work supporting people with developmental disabilities. The Ale Trail is a tasting event we hold at our 30 Wilson Road location where 20+ local beer, wine and cider vendors pour tastings for attendees. There will also be live music and food trucks! All food trucks have licenses for Amherst and there will be hired security to manage the event as well.
List All Dates*:	September 26th, 2024
Start Time*:	04:30 PM
End Time*:	09:00 PM
Please supply a site plan with designated area for the event with your application*:	Ale Trail Site Map (9).pdf
Name of Organizer*:	Jessica Trainor

Attachment: The ARC-06282024124237 (RES-2024-585 : Amusement License - the ARC Erie County)

Address*: 30 Wilson Road
Williamsville, NY 14221

Phone*: 716-529-3054

Email*: jtrainor@arceriecounty.org

Signature*:

Attachment: The ARC-06282024124237 (RES-2024-585 : Amusement License - the ARC Erie County)

Brownson, Ashley

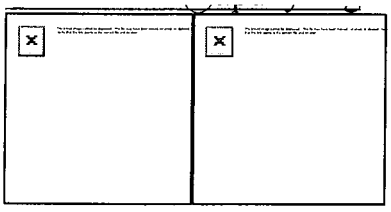
From: Scott Chamberlin
Sent: Thursday, May 9, 2024 1:21 PM
To: Brownson, Ashley
Subject: Re: FW: Amusement License Application: 14

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 approve as long as they will be checking IDs and have a plan to be sure that underage people aren't served by people who are of age.

Regards,

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



On Thu, May 9, 2024 at 1:11 PM Brownson, Ashley <abrownson@amherst.ny.us> wrote:

Please review the email below for an amusement license application. Send any comments back to me as soon as possible so we can place it on the earliest Town Board Agenda.
Thank you,

Ashley Brownson
Supervising Tax Clerk
Town of Amherst
716-631-7048

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Thursday, May 9, 2024 1:05 PM
To: Brownson, Ashley <abrownson@amherst.ny.us>
Subject: Amusement License Application: 14

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.

Attachment: The ARC-06282024124237 (RES-2024-585 : Amusement License - the ARC Erie County)

For best security and privacy of your information, we recommend viewing this entry in the Data Manager

View Entry<https://us-east-2.protection.sophos.com?d=emailmeform.com&u=aHR0cHM6Ly9hcHAuZW1haWxtZWZvcm0uY29tL2J1aWxkZXIvZm9ybXMvZW50cmllcy9hQjMyVTNlU2Q0P3VlaWQ9MTQ=&i=NjE4YmM0NzkwOTc5NDgwZTIzYjMwNmYy&t=NFE5RWNDUDI2WS9OU3VHVVRITCtkaHFkbXNsMGEzd2tUVXNDK09lVWtadz0=&h=ac9ef4e7a5ce43c8b5e2081d0e3b40ef&s=AVNPUEhUT0NFTkNSWVBUSVYEdmerb___7lD3nb4T60Vv3-9893M6h5zz5w98jO8t4mPnXmsjFbgBG2x0ab6Ci-qG_lKIUbf8opV1tXKJQ1W4>

Resident / Organization: *:

The Arc Erie County New York

Event Address*:

30 Wilson Road

Williamsville, NY 14221

Describe Event*:

This will be the 4th annual Ale Trail! The Ale Trail is a fundraiser to support the Arc Erie County New York's work supporting people with developmental disabilities. The Ale Trail is a tasting event we hold at our 30 Wilson Road location where 20+ local beer, wine and cider vendors pour tastings for attendees. There will also be live music and food trucks! All food trucks have licenses for Amherst and there will be hired security to manage the event as well.

List All Dates*:

September 26th, 2024

Start Time*:

04:30 PM

End Time*:

09:00 PM

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

Ale Trail Site Map (9).pdf<https://us-east-2.protection.sophos.com?d=emailmeform.com&u=aHR0cHM6Ly9maWxlcy5lbWFpbG1lZm9ybS5jb20vODc0MDg5L01sUzRQS0hBL0FsZSUyMFRyYWlsJTIwU2l0ZSUyME1hcCUyMCUyODklMjkucGRm&i=NjE4YmM0NzkwOTc5NDgwZTIzYjMwNmYy&t=VlRocUlZZEs2eTZwZ3RaLzFnRFczR0FwVkMvZG9XZ3NrZWY5b2ozdkVmMD0=&h=ac9ef4e7a5ce43c8b5e2081d0e3b40ef&s=AVNPUEhUT0NFTkNSWVBUSVYEdmerb___7lD3nb4T60Vv3-9893M6h5zz5w98jO8t4mPnXmsjFbgBG2x0ab6Ci-qG_lKIUbf8opV1tXKJQ1W4>

Name of Organizer*:

Attachment: The ARC-06282024124237 (RES-2024-585 : Amusement License - the ARC Erie County)

Jessica Trainor

Address*:

30 Wilson Road

Williamsville, NY 14221

Phone*:

716-529-3054

Email*:

jtrainor@arceriecounty.org

Signature*:

[Image removed by sender.]

Attachment: The ARC-06282024124237 (RES-2024-585 : Amusement License - the ARC Erie County)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 29182 **RESOLUTION 2024-586** **ADOPTED**

Budget Transfers and Amendments

For July 8, 2024 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 07/03/2024
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 - 2024

FROM: ***TO:***

BUDGET AMENDMENTS - 2024

INCREASE: ***INCREASE:***

N2344.02785 CHEEK Housing- PI $25,762.50 N2344.4000 Contractual $25,762.50
N2349.02785 CHEEK Admin- PI $2,862.50 N2349.4003 10% Admin $2,862.50
To recognize Community Development program income from 123 LeHavre, Cheektowaga.

7/8/2024

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

Community Development program income.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29169 **RESOLUTION 2024-587** **ADOPTED**

Award OGS Mini Bid #2024027 for (1) 2024 Ford Bronco Sport Big Bend - CRS #4898

WHEREAS, Contract Compliance and Administration issued Mini-Bid #2024027 through NYS OGS for one (1) 2024 Ford Bronco Sport Big Bend; and

WHEREAS, bids were received from six (6) vendors as per the attached Bid Tabulation Form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Mini-Bid be awarded to DeLacy Ford their low bid of $31,552.09; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with DeLacy Ford pending successful completion of the contract routing process due to the fact that we need to reserve the vehicle as soon as possible.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

KP2325-2250 $31,552.09

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

Rank	Total Quantity	Make & Model	Model Code	Mini-Bid #	Contractor	Contract #	NYS Discount	NYS Base Price	Price offered for Mini Bid	NYS Aftermarket Components	Grand Total Price for Mini-Bid	Built to Spec or Pre-Existing Inventory	Estimated # of days if built to spec	Notes
1	1	2024 Ford Bronco Sport Big Bend 4X4	R9B	2024027	Delacy Ford	PC68978	4.59%	$33,070.00	$31,552.09	$0.00	$31,552.09	Pre-Existing	N/A	Carbonized Gray Metallic exterior, Ebony Black interior
2	1	2024 Ford Bronco Sport Big Bend 4x4	13-K226	2024027	Romeo Ford	PC70419	4.02%	$33,565.00	$32,216.96	$225.00	$32,441.96	Pre-Existing	N/A	Red exterior, black interior
3	1	2024 Ford Bronco Sport Big Bend 4x4	13-P504 O/T 2	2024027	DePaula Ford	PC69145	2.00%	$33,365.00	$32,697.70	$0.00	$32,697.70	Pre-Existing	2	Eruption Green Metallic exterior, ebony black interior. Vehicle window sticker provided with bid, I believe this is an in stock vehicle even though dealer completed the built to spec section.
4	1	2024 Ford Bronco Sport	R9B	2024027	C. Basil Ford Inc.	PC68991	8.42%	$3,285.00	$29,841.34	$0.00	$29,841.34	Built to Spec	90-180	Can order as soon as PO is received
5	1	2024 Ford Bronco Sport Big Bend 4X4	R9B	2024027	Van Bortel Ford, Inc.	PC68953	8.22%	$32,585.00	$29,906.51	$0.00	$29,906.51	Built to Spec	120 +/-	Order bank closes in 3rd quarter, no exact date at this time.
6	1	2024 Ford Bronco Sport Big Bend 4X4	R9B	2024027	Nielsen Ford of Morristown Inc	PC69843	6.52%	$32,585.00	$30,460.46	$0.00	$30,460.46	Built to Spec	90-150	Built to spec

Notes: This bid was for a 2024 Ford Bronco Sport Big Bend model that is in Pre-Existing inventory. We will also consider built to specification if there are no pre-existing options.

Attachment: Mini Bid 2024027 - Bid Tab (RES-2024-587 : Award OGS Mini Bid #2024027 for (1) 2024 Ford Bronco Sport Big Bend - CRS #4898)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29186 **RESOLUTION 2024-588** **ADOPTED**

Installation of Street Lighting Miller's Crossing – Phase 1 and 2 TOA Job No: 2018.043

We are hereby requesting authorization for the installation of nine (9) street lights at the above referenced location.

During the course of construction, the Town of Amherst requires the developer to install street lighting along new public roadways. Following installation, the proposed lighting will be accepted by the Town for ownership and maintenance. As such, National Grid requires a Town Board resolution authorizing the installation of the proposed street lighting.

May we have your approval for the installation of nine (9) street lights?

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

NA

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29185 **RESOLUTION 2024-589** **ADOPTED**

Town of Amherst Engineering Department 3 Year Term Agreements T.O.A. Project No. 2024.014

In an attempt to minimize the number of contracts that are routed through the multistep contractual review procedure and to minimize the staff time associated with the preparation and review of individual project RFPs, the Engineering Services Department is requesting that the Town Board award Owner/Engineer/Architecture 3-year term agreements to the following firms, pending successful routing of contracts through CRS:

Firm	Specialty Term	CRS #
Earth Dimension, Inc.	Environmental	4916
Natural Architecture, PLLC	Environmental	4917
WSP USA Inc.	Environmental	4918
GPI	Survey	4919
Colliers	Traffic/Transportation	4920
Fisher Associates	Traffic/Transportation	4921
C&S Companies	Infrastructure	4922
CHA	Infrastructure	4923
Erdman & Anthony	Infrastructure	4924
Labella	Infrastructure	4925
Marquis	Infrastructure	4926
Nussbaumer & Clarke	Infrastructure	4927
Buffalo Engineering, P.C.	Facilities	4928
Didonato Associates	Facilities	4929
Foit Albert Associates	Facilities	4930
Kideney Architects	Facilities	4931
M/E Engineering	Facilities	4932
Watts Architects & Engineers	Facilities	4933
Arcadis	Wastewater	4934
GHD	Wastewater	4935
JM Davidson	Wastewater	4936
Wendel	Wastewater	4937

Please note that the intent of this procedure is to capture a majority of the professional services procured by the Town associated with all types of town projects; however individual RFPs will still be issued for large one-off projects. The awarded consultant may be used for multiple categories as needed based on project necessities.

With the award of the above referenced contracts, the Town is locking in consultant rates and personnel to prepare studies and designs related to various capital and maintenance

projects. Project scopes and budgets (comprising of individual work orders attached to the master agreement) will be developed between any Town Department and the consultant and approved by the Comptroller for budget compliance and executed by the Town Supervisor.

There are other advantages to this approach to engineering contracts:

1 The consultant and Town Departments will jointly develop scope, which will minimize miscommunications about scope and improve owner-engineer understanding of project and potential project up front pitfalls in process;
2 The process is more efficient as less time is used to develop and review individual RFPs;
3 This will move the town away from low-cost engineering, which often costs the Town additional money on the construction end, as omissions and errors are expensive to fix during construction.

As you know, this type of contractual arrangement is not unique in the business and has been utilized successfully by the Town over the last six (6) years. Most of the major municipalities and special districts have similar arrangements with the consulting community, including Erie County Division of Sewerage Management, the City of Buffalo Water Board, the City of Buffalo Department of Public Works and the Erie County Department of Public Works.

Funding for these contracts will be project based and they will be available to be used town wide and from various accounts. Anticipated contract execution will be July 15th and the terms agreements will be active through December 31, 2027.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

NA

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29187 **RESOLUTION 2024-590** **ADOPTED**

Installation of Street Lighting Harding Road Subdivision TOA Job No: 2005.101/SUB-2022-01

We are hereby requesting authorization for the installation of five (5) street lights at the above referenced location.

During the course of construction, the Town of Amherst requires the developer to install street lighting along new public roadways. Following installation, the proposed lighting will be accepted by the Town for ownership and maintenance. As such, National Grid requires a Town Board resolution authorizing the installation of the proposed street lighting.

May we have your approval for the installation of five (5) street lights?

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

NA

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29188 **RESOLUTION 2024-591** **ADOPTED**

Change Order No. 1 & Final Quantity Adjustment Highway Department Fuel System Repair Project Project 2022.007 CRS #4906

We are requesting that the Town Board consider approval of the above referenced Change Order, which increases the overall contract amount by $15,502.08. During construction contaminated soil was encountered and needed to be removed in accordance with NYSDEC requirements. Additionally, existing elements of the fuel system that were assumed to be reusable were not, requiring additional material and labor. A full summary of the changes is attached.

This request is contingent on successful completion of the contract review process. Funding is available for this change order from the project bond account KP2133.4972.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

Funding is available for this change order from the project bond account KP2133.4972.

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

Highway Department Fuel System Repair Project **TB Agenda 7-8-2024**

Change Order Summary & Final Quantity Adjustment 6/27/2024

OWNER: Town of Amherst
1100 North Forest
Williamsville, New York 14221

PROJECT: Highway Department Fuel System Repair Project
Town Job # 2022.007

CONTRACTOR: Paragon Environmental Construction, Inc.
5664 Mud Mill Road
Brewerton, NY 13029

AWARD DATE: 6/05/2023

CHANGE ORDER (S):		Quantity	Units	Unit Price	Total
CO #1	Additional Excavation & Backfill - Per NYSDEC Contaminated Soil Removal	95.34	CY	$57.00	$5,434.38
CO #2	Post Excavation Soil Samples per NYSDEC	5	Each	$1,800.00	$9,000.00
CO #3	Ex Diesel Sump Repair - Labor & Equipment	1	LS	$1,600.00	$1,600.00
CO #4	Ex Diesel Manhole Frames	1	LS	$2,560.00	$2,560.00
CO #5	Existing LED Light replacement	1	LS	$7,612.50	$7,612.50
*Additional Contaminated Soil Hauling & Removal (Above contract amount of 250 cy)		51.64	CY	$180.00	$9,295.20
					$35,502.08
				Reduced by Misc. Construction Allowance per contract (Bid Item 4)	**($20,000.00)**
				Remaining Change order Balance	**$15,502.08**

*Unit price per bid item in awarded contract. Quantity above reflects the amount above the contract award quantity of 250 CY.

Attachment: 2024-07-08_Highway Fuel Change Order Packet (RES-2024-591 : Change Order Highway Department Fuel System Repair Project)

Change Order

PROJECT: *(Name, address and Project File No.)*
Highway Department Fuel System Repair
Town of Amherst Job No. 2022.024

CHANGE ORDER NUMBER: 1
DATE: 06/27/2024

TO CONTRACTOR: *(Name and address)*
Paragon Environmental Construction, Inc.
5664 Mud Mill Road
Brewerton, NY 13029

The Contract is changed as follows:
(*Include, where applicable, any undisputed amount attributable to previously executed construction Change Directives*)

The original (Contract Sum) ~~(Guaranteed Maximum Price)~~ was	$	$ 529,400.00
The net change by previously authorized Change Orders	$	$ 0
The (Contract Sum) ~~(Guaranteed Maximum Price)~~ prior to this Change Order was	$	$ 529,400.00
The (Contract Sum) ~~(Guaranteed Maximum Price)~~ will be increased ~~(decreased)~~ ~~(unchanged)~~ by this Change Order in the amount of	$	$ 15,502.08
The new (Contract Sum) ~~(Guaranteed Maximum Price)~~ including this Change Order will be	$	$ 544,902.08

The Contract Time will be ~~(increased) (decreased)~~ unchanged.

(Note: This change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive).

NOT VALID UNTIL SIGNED BY THE ENGINEER, CONTRACTOR AND OWNER.

ENGINEER (*Firm name*)	CONTRACTOR (*Firm name*)	OWNER
N/A	Paragon Environmental Construction, Inc.	Town of Amherst
N/A	5664 Mud Mill Road	5583 Main St.
ADDRESS	Brewerton, NY 13029 ADDRESS	Williamsville, NY 14221 ADDRESS
N/A BY (*Signature*)	BY (*Signature*)	BY (*Signature*)
(*Typed name*)	~~David Schwalenberg~~ PETER PAVAO (*Typed name*)	Brian J. Kulpa (*Typed name*)
DATE	DATE 6/27/24	DATE

Attachment: 2024-07-08_Highway Fuel Change Order Packet (RES-2024-591 : Change Order Highway Department Fuel System Repair Project)

Paragon Environmental Construction, Inc.
"Full Service Environmental/Construction Company"

04/30/24

Town of Amherst
Engineering Dept.
1100 North Forest Rd.
Williamsville, NY 14221

CO #1

At: Ms. Jessica Boudreau, PE
Email: jboudreau@amherst.ny.us
Ph: 716-631-7154

RE: CO #1 – Provide Additional Excavation & Backfill as directed by NYS DEC/Owner
Town of Amherst # 2022.007- Fuel System Repair Project

Dear Ms. Boudreau:

Paragon Environmental Construction Inc. (PEC) is pleased to submit **Change Order #1** to provide additional excavation and backfill as directed by the NYS DEC and Owner at the above referenced site.

Description	Unit Price
Additional Excavation & Backfill	**$ 57.00/CY ($ 38.00/Ton)**
	95.34 CY @ $57/CY = $5,434.38

Note: Disposal of Contaminated Soil Removal per Original Bid @ $ 180.00/CY.

Terms: Per Original Contract

Should you have any questions regarding this information, please contact me at 315-699-0840 (Ext. 206).

Sincerely,

Peter Paragon
President

CO #1 Acceptance **Date:**
Signature

Attachment: 2024-07-08_Highway Fuel Change Order Packet (RES-2024-591 : Change Order Highway Department Fuel System Repair Project)

Paragon Environmental Construction, Inc.
"Full Service Environmental/Construction Company"

04/30/24

Town of Amherst
Engineering Dept.
1100 North Forest Rd.
Williamsville, NY 14221

CO #2

At: Ms. Jessica Boudreau, PE
Email: jboudreau@amherst.ny.us
Ph: 716-631-7154

RE: CO #2 – Collect Post Excavation Samples as requested by NYS DEC:
Town of Amherst # 2022.007- Fuel System Repair Project

Dear Ms. Boudreau:

Paragon Environmental Construction Inc. (PEC) is pleased to submit **Change Order #2** to collect post excavation samples as requested by the NYS DEC at the above referenced site.

Description	Unit Price	Total
Labor, Materials & Equipment to collect soil samples & provide analysis:		
~~(4)~~ **5 Samples EPA 8260/8270 CP-51**	**$ 1,800.00/Ea.**	~~**$ 7,200.00**~~ **$9,000.00 JB 6/27/2024**

Terms: Per Original Contract

Should you have any questions regarding this information, please contact me at 315-699-0840 (Ext. 206).

Sincerely,

Peter Paragon
President

CO #2 Acceptance **Date:**
Signature

Attachment: 2024-07-08_Highway Fuel Change Order Packet (RES-2024-591 : Change Order Highway Department Fuel System Repair Project)

Paragon Environmental Construction, Inc.
"Full Service Environmental/Construction Company"

04/30/24

Town of Amherst
Engineering Dept.
1100 North Forest Rd.
Williamsville, NY 14221

CO #3

At: Ms. Jessica Boudreau, PE
Email: jboudreau@amherst.ny.us
Ph: 716-631-7154

RE: CO #3 – Provide Labor, Equipment & Materials to Repair Existing Diesel Sump: Town of Amherst # 2022.007- Fuel System Repair Project

Dear Ms. Boudreau:

Paragon Environmental Construction Inc. (PEC) is pleased to submit **Change Order #3** to provide labor, equipment and materials to repair the existing diesel sump by removing the top lid, cleaning & fiberglassing into place at the above referenced site.

Description	Unit Price
Labor Materials & Equipment to repair existing diesel sump.	**$ 1,600.00/LS**

Terms: Per Original Contract

Should you have any questions regarding this information, please contact me at 315-699-0840 (Ext. 206).

Sincerely,

Peter Paragon
President

CO #3 Acceptance **Date:**
Signature

Attachment: 2024-07-08_Highway Fuel Change Order Packet (RES-2024-591 : Change Order Highway Department Fuel System Repair Project)

Paragon Environmental Construction, Inc.

"Full Service Environmental/Construction Company"

06/10/24

Town of Amherst
Engineering Dept.
1100 North Forest Rd.
Williamsville, NY 14221

CO #4

At: Ms. Jessica Boudreau, PE
Email: jboudreau@amherst.ny.us
Ph: 716-631-7154

RE: CO #4 – Replace (3) Diesel Manways – (1) 12", (1) 18", (1) 40" all DOT Rated: Town of Amherst # 2022.007- Fuel System Repair Project

Dear Ms. Boudreau:

Paragon Environmental Construction Inc. (PEC) is pleased to submit **Change Order #4** to purchase & replace (3) manways for the diesel tank at the above referenced site.

Description	Total Price
Manways: (1) 12", (1) 18" and (1) 40" DOT Rated	**$ 2,560.00**

Terms: Per Original Contract

Should you have any questions regarding this information, please contact me at 315-699-0840 (Ext. 206).

Sincerely,

Peter Paragon
President

CO #4 Acceptance: _____ **Date:** _____
Signature

Attachment: 2024-07-08_Highway Fuel Change Order Packet (RES-2024-591 : Change Order Highway Department Fuel System Repair Project)

Paragon Environmental Construction, Inc.

"Full Service Environmental/Construction Company"

06/26/24

Town of Amherst
Engineering Dept.
1100 North Forest Rd.
Williamsville, NY 14221

CO #5

At: Ms. Jessica Boudreau, PE
Email: jboudreau@amherst.ny.us
Ph: 716-631-7154

RE: CO #5 –Installation of 12 LED Lights in Canopy - Town of Amherst #2022.007

Dear Ms. Boudreau:

Paragon Environmental Construction Inc. (PEC) is pleased to submit **Change Order #5** to install (12) LED Lights in the Canopy at the above referenced site.

Description	Total Price
Labor , Materials & Equipment to Install 12 LED Lights	**$ 7,250.00**
Overhead & Profit = 5%	**$ 362.50**
Total	**$ 7,612.50**

Terms: Per Original Contract

Should you have any questions regarding this information, please contact me at 315-699-0840 (Ext. 206).

Sincerely,

Peter Paragon
President

CO#5 Acceptance: _____ **Date:** _____
Signature

Attachment: 2024-07-08_Highway Fuel Change Order Packet (RES-2024-591 : Change Order Highway Department Fuel System Repair Project)

Change Order

PROJECT: *(Name, address and Project File No.)*
Highway Department Fuel System Repair
Town of Amherst Job No. 2022.024

CHANGE ORDER NUMBER: 1
DATE: 06/27/2024

TO CONTRACTOR: *(Name and address)*
Paragon Environmental Construction, Inc.
5664 Mud Mill Road
Brewerton, NY 13029

The Contract is changed as follows:
(*Include, where applicable, any undisputed amount attributable to previously executed construction Change Directives*)

The original (Contract Sum) ~~(Guaranteed Maximum Price)~~ was	$	$ 529,400.00
The net change by previously authorized Change Orders	$	$ 0
The (Contract Sum) ~~(Guaranteed Maximum Price)~~ prior to this Change Order was	$	$ 529,400.00
The (Contract Sum) ~~(Guaranteed Maximum Price)~~ will be **increased** ~~(decreased)~~ ~~(unchanged)~~ by this Change Order in the amount of	$	$ 15,502.08
The new (Contract Sum) ~~(Guaranteed Maximum Price)~~ including this Change Order will be	$	$ 544,902.08

The Contract Time will be ~~(increased) (decreased)~~ **unchanged.**

(Note: This change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive).

NOT VALID UNTIL SIGNED BY THE ENGINEER, CONTRACTOR AND OWNER.

ENGINEER (*Firm name*)	CONTRACTOR (*Firm name*)	OWNER
N/A	Paragon Environmental Construction, Inc.	Town of Amherst
N/A	5664 Mud Mill Road	5583 Main St.
ADDRESS	Brewerton, NY 13029 ADDRESS	Williamsville, NY 14221 ADDRESS
N/A BY (*Signature*)	BY (*Signature*)	BY (*Signature*)
(*Typed name*)	~~David Schwalenberg~~ PETER PAVAO (*Typed name*)	Brian J. Kulpa (*Typed name*)
DATE	DATE 6/27/24	DATE

Attachment: 2024-07-08_Highway Fuel Change Order Packet (RES-2024-591 : Change Order Highway Department Fuel System Repair Project)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29190 **RESOLUTION 2024-592** **ADOPTED**

Award of Bid – N. Bailey Sanitary Sewer Extension 2024 – 2029 CIP Project S-4 T.O.A. Project No. 2022.026

On June 20th, 2024 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 716 Site Contracting, Inc., PO Box 120, N Boston, NY 14110, in the amount of $2,999,940.00.

Funding for this contract shall be from project account KP2408.4972.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

Funding for this contract shall be from project account KP2408.4972.

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

Town of Amherst

N Bailey Sanitary Sewer Extension Project

Bid Tabulation / June 20, 2024

T.O.A. Job No. 2022.026

No.	Bidder	Bid Bond (Y/N)	Base Bid
1	Milherst	Yes	**$3,312,580.30**
2	**716 Site Contracting Inc.**	**Yes**	**$2,999,940.00**

Attachment: North Bailey Avenue Sanitary Sewer Extension_Bid Recommendation_TB Agenda (RES-2024-592 : Award of Bid – N. Bailey

June 27, 2024

Ms. Jessica Boudreau, PE

Town of Amherst
Engineering Support Division
1100 North Forest Road
Williamsville, NY 14221

RE: BID RECOMMENDATION

North Bailey Avenue Sanitary Sewer Extension
Town Job No. 2022.026

Dear Ms. Boudreau:

CHA Consulting, Inc. (CHA) has reviewed the bids received on Thursday, June 20, 2024, for the above referenced project. The results of the bids are as follows:

	Base Bid
716 Site Contracting, Inc.	$ 2,999,940.00
Milherst Construction, Inc.	$ 3,312,580.30

The attached Bid Tabulation spreadsheets show the breakdown by item for each of the two bidders along with the engineer's estimate. A review of the bid tabulation indicates that all the bids received were within a competitive range of each other and therefore the bids can be considered reasonable and reflective of the current state of the marketplace for this type of construction.

Discussions were held between Eric Pacer, Vice President of 716 Site Contracting, Inc. (716) and CHA. During these discussions the scope of work, bid item prices, schedule and sequence of construction were covered in detail. Mr. Pacer conveyed that he is satisfied with his bid proposal, fully understands the scope of work and included all the required work in his bid.

Four (4) references we contacted to discuss the quality of 716's work on other projects. Positive feedback was received from all four references.

Therefore, CHA recommends that the Town of Amherst accept the proposal of the low bidder, 716 Site Contracting, Inc. at the bid price of $2,999,940.00.

2200 Main Place Tower | Buffalo, NY 14202-3722 | T: (716) 847-6310 | F: (716) 847-0123
CHASOLUTIONS.COM

Attachment: North Bailey Avenue Sanitary Sewer Extension_Bid Recommendation_TB Agenda (RES-2024-592 : Award of Bid – N. Bailey

Should you have any questions, please contact me at (716) 491-7400 or mmauche@chasolutions.com.

Sincerely,

Muffett Mauche George, PE
Senior Project Manager

Attachment: North Bailey Avenue Sanitary Sewer Extension_Bid Recommendation_TB Agenda (RES-2024-592 : Award of Bid – N. Bailey

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29177 **RESOLUTION 2024-593** **ADOPTED**

Laborer/Youth & Recreation

Please appoint a Laborer to the Youth & Recreation Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an hourly rate of $17.40, Grade 3, Step A for Jonathan Edwards.

Contingent upon completing all pre-employment requirements.

Due to an employee transferring to another department.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29179 **RESOLUTION 2024-594** **ADOPTED**

Principal Engineer Assistant/Engineering-Plant #16

Please appoint a Principal Engineer Assistant to the Engineering Department/Plant #16. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $69,097, Grade 16, Step E for Michael Poslinski.

Pending Erie County requirements and Civil Service Rules and Regulations.

This is a promotion for an employee currently serving as Senior Engineer Assistant.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29180 **RESOLUTION 2024-595** **ADOPTED**

Principal Clerk Typist/Youth & Recreation

Please appoint a Principal Clerk Typist to the Youth & Recreation Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $42,499, Grade 7, Step C for Robin Erwin.

This is a promotion for an employee currrently serving as Senior Clerk Typist.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29181 **RESOLUTION 2024-596** **ADOPTED**

File Clerk/Building Maintenance-Facilities Department

Please a appoint a File Clerk to the Building Maintenance-Facilities Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 9, 2024 at an annual salary of $34,418, Grade 1, Step D for Jennifer Bennett.

This is a promotion for an employee currently serving as Messenger.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29184 **RESOLUTION 2024-597** **ADOPTED**

Code Enforcement Officer/Building Department

Please appoint a Code Enforcement Officer to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $69,097, Grade 15, Step F for Jennifer Stephens.

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

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29183 **RESOLUTION 2024-598** **ADOPTED**

Program Leader - Youth/Senior Services

Please appoint a Program Leader -Youth to the Senior Services Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective July 9, 2024 at an annual salary of $38,674, Grade 7, Step A for Marc Young.

Contingent upon completing all pre-employment requirements.

This is a promotion for an employee currently serving as Recreation Attendant - PT.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29189 **RESOLUTION 2024-599** **ADOPTED**

General Crew Chief/Building Maintenance-Facilities Department

Please appoint a General Crew Chief to the Building Maintenance-Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $69,097, Grade 18, Step C for Jeffrey Ailing.

This is a title change for an employee currently serving Provisionally as Project Manager-Construction.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29202 **RESOLUTION 2024-600** **ADOPTED**

Extended Sick Leave of Absence Without Pay/Highway Department

Please authorize an Extended Sick Leave of Absence Without Pay to an employee at the Highway Department. Effective July 3, 2024 through January 2, 2025.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29205 **RESOLUTION 2024-601** **ADOPTED**

Assistant Code Enforcement Officer/Building Department

Please appoint an Assistant Code Enforcement Officer to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $55,288, Grade 12, Step D for William Prenevau.

Pending Erie County requirements and Civil Service Rules and Regulations.

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

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 29206 **RESOLUTION 2024-602** **ADOPTED**

Assistant Code Enforcement Officer/Building Department

Please appoint an Assistant Code Enforcement Officer to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective July 9, 2024 at an annual salary of $49,943, Grade 12, Step B for John Whitehead Jr.

Pending Erie County requirements and Civil Service Rules and Regulations.

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

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 29193 **RESOLUTION 2024-603** **ADOPTED**

Training & Travel Request NCFI Introduction to Phone Repair Course

TOWN BOARD AGENDA ITEM : JULY 8, 2024

TO: **Town Board**

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

RE: **Training & Travel Request**
NCFI Introduction to Phone Repair Course

Kindly adopt a Resolution authorizing one (1) Officer to attend the above entitled training course. This course is being held in Hoover, Alabama from August 4, 2024 through August 10, 2024. The cost for the training and travel for this course is paid for by the organization hosting the course.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: July 8, 2024)**

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

No Cost

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

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☐ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☑ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
[redacted]		Police	716-689-1311

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
August 3, 2024	August 11, 2024	Hoover, AL	NCFI: Introduction to Phone Repair

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.67			
Tolls			
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
# nights @ $			
Meals:			
IRS Per Diem Per Day:			
1st & Last Day of Travel @ 75%			
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee			
Other			
Subtotal			N/A
Contingency - 10% of subtotal or $200			N/A
TOTAL	Ø		

Request Approved By:

Department Head Signature

7/2/24

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: RedactedTravelRequestNCFI Intro to Phone Repair Course7.8.2024 (RES-2024-603 : Training & Travel: NCFI Introduction to Phone

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 29195 **RESOLUTION 2024-604** **ADOPTED**

Training & Travel Request NCFI Vehicle Forensics Course

TOWN BOARD AGENDA ITEM : JULY 8, 2024

TO: **Town Board**

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

RE: **Training & Travel Request**
NCFI Vehicle Forensics Course

Kindly adopt a Resolution authorizing one (1) Officer to attend the above entitled training course. This course is being held in Hoover, Alabama from August 18, 2024 through August 23, 2024. The cost for the training and travel for this course is paid for by the organization hosting the course.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: July 8, 2024)**

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

No Cost

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

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☐ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☑ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
[redacted]		Police	716-689-1311

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
August 17, 2024	August 24, 2024	Hoover, AL	NCFI: Vehicle Forensics Course

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.67			
Tolls			
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
# nights @ $			
Meals:			
IRS Per Diem Per Day:			
1st & Last Day of Travel @ 75%			
# Breakfasts @ $			
# Lunches @ $			
# Dinners @ $			
# Incidentals @ $			
Registration/Conference Fee			
Other			
Subtotal			N/A
Contingency - 10% of subtotal or $200			N/A
TOTAL	Ø		

Request Approved By:

Department Head Signature

Date 7/2/2024

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: RedactedTravelRequestNCFI Vehicle Forensics Course7.8.2024 (RES-2024-604 : Training & Travel Request: NCFI Vehicle

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 29207 **RESOLUTION 2024-605** **ADOPTED**

Purchase of Child ID System & Designation of Sole Source Vendor: EZChildID (CRS#4941)

TOWN BOARD AGENDA ITEM : JULY 8, 2024

TO: **Town Board**

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

RE: **Purchase of Child ID System & Designation of Sole Source Vendor EZChildID (CRS#4941)**

Kindly adopt a resolution authorizing the Supervisor to execute the attached purchase agreement between the Town of Amherst (Police) and EZChildID, with regard to the above-entitled matter and also to establish this vendor as a Sole Source vendor for this product. Also, kindly authorize the waiver of insurance requirements as the vendor will not be on Town property nor will the equipment ever be used to access the Town's computer network. Approval of this agreement is contingent upon the successful completion of the Contract Routing Process.

Thank you.

SPC: msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: July 8, 2024)**

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

T2917.4002: $8,128.00

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

EZ Child ID .com
34900 Plymouth Rd
Livonia, MI 48150
PH: 734-838-9800
FX: 734-838-9767

Estimate

Date	Estimate #
6/26/2024	33863

Name / Address

Amherst Police Department
Dale Goudy
500 John James Audubon Parkway
Amherst, NY 14228

Project

Description	Qty	Cost	Total
EZ Child ID Compact Mobile System ***NYSSA SYSTEM***	1	7,999.00	7,999.00
Laptop Computer			
Web Camera			
Futronics Fingerprint Scanner			
Laptop Cooler			
Custom Compact Aluminum Case			
Maintenance Package *** Including 1 year Software Updates & 1 Year Tech Support	1		0.00
1 Year Parts and Labor	1		0.00
Magicard 600 Dual-Sided Printer (use with MB250YMCKOK Ribbons) comes with 1 pre-installed ribbon & 250 cards		0.00	0.00
Printer Case	1	0.00	0.00
Shipping and Insurance	1	129.00	129.00

If you have any questions call us at 734-838-9800
Or email us at sales@ezchildid.com

Total **$8,128.00**

Attachment: EzChildIDContract for CRS Routing (RES-2024-605 : Purchase of Child ID System (CRS# 4941))

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: EzChildIDContract for CRS Routing (RES-2024-605 : Purchase of Child ID System (CRS# 4941))

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:

EZ ChildID
Print Name of Company

By: _____
Signature

Dave Saba
Printed name

Date: 7-2-24

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: EzChildIDContract for CRS Routing (RES-2024-605 : Purchase of Child ID System (CRS# 4941))

EZ Child ID.com®

6-24-24

We are the sole supplier of the EZ Child ID there are no other distributors.
You buy direct from the manufacturer to insure the best pricing and best service. All systems are proprietary and must be serviced by EZ Child ID Inc.

Our system is unique in that fact that it is the only self contained mobile id unit in the country. It is also the only system that integrates with the child id mobile APP, offering you the ability to send the child's information directly to the parents cell phone.

We are the only id system in the US that has GR Fingerprint analysis software to insure quality fingerprints. Our system can be set up in under 30 Seconds. The data can be printed, copied to a CDRW or a USB memory stick. EZ Child ID is the system of choice for the National Center for Missing and Exploited Children, US Secret Service, Law Enforcement, US Military, and Department of Home Land Security.

If you have any further questions please feel free to contact me at 734-838-9800.

Sincerely,

John Wisniewski
President

Attachment: EzChildIDContract for CRS Routing (RES-2024-605 : Purchase of Child ID System (CRS# 4941))

EZChildID.com
34900 Plymouth Rd, Livonia, MI 48150 734-838-9800
Sales @ezchildid.com

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 29168 **RESOLUTION 2024-606** **ADOPTED**

Change Order No. 1 Paragon Environmental Construction, Inc. Town of Amherst Project No. 2016.002D CRS #4943

Attached, please find a copy of the above referenced Change Order #1 which calls for a $399,136.00 decrease to Paragon Environmental Construction Inc.'s contract amount. This Change Order will include the costs for Asbestos abatement of the pipe insulation on tanks nos. 402 and 403. In addition, the Town encountered unforeseen issues during the project that will need to be addressed with the NYSDEC, and no further work will be required on the part of the Contractor. The final value of this contract shall be $713,864.00.

Pending successful completion of the contract approval procedure, may we have your approval to award Paragon Environmental Construction, Inc. the above referenced Change Order? Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

Decrease of $399,136.00

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

Change Order

PROJECT: *(Name, address and Project File No.)*

CHANGE ORDER: # **1**
DATE: 6-14-24

WPCF: Permanent Closure of Fuel Oil USTs – General Contract
Project No. **2016.002D**

TO CONTRACTOR: *(Name and address)*
Paragon Environmental Construction, Inc.
5664 Mud Mill Road
Brewerton, NY 13029

The Contract is changed as follows:
(*Include, where applicable, any undisputed amount attributable to previously executed construction Change Directives*)

1. Asbestos Abatement – The removal and disposal of approximately 21 LF at tank #402 and 21 LF at tank #403 of asbestos pipe insulation as outlined in survey conducted by AMD Environmental dated 11/29/2023. ($10,920.00 addition to the contract)
2. Due to unforeseen issues that were encountered during the project that the Town of Amherst needs to address with the NYSDEC, no further work was required on the part of Paragon Environmental Construction, Inc. On June 5, 2024, the Town of Amherst notified Paragon Environmental Construction, Inc. that the Town of Amherst will be terminating the agreement and abandoning the remaining work. ($410,056.00 deduct to the contract)

All other terms and conditions remain the same.

The original (Contract Sum) (~~Guaranteed Maximum Price~~) was	$ 1,113,000.00
The net change by previously authorized Change Orders	$ 0.00
The (Contract Sum) (~~Guaranteed Maximum Price~~) prior to this Change Order was	$ 1,113,000.00
The (Contract Sum) (~~Guaranteed Maximum Price~~) will be (~~increased~~) (decreased) (~~unchanged~~) by this Change Order in the amount of	$ (399,136.00)
The new (Contract Sum) (~~Guaranteed Maximum Price~~) including this Change Order will be	$ 713,864.00
The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by	( ) days
The date of Substantial Completion as of the date of this Change Order therefore is	

(Note: This change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive).

NOT VALID UNTIL SIGNED BY THE ENGINEER, CONTRACTOR AND OWNER.

ENGINEER (*Firm name*)	CONTRACTOR (*Firm name*)	OWNER (*Firm name*)
AECOM	Paragon Environmental Construction, Inc.	Town of Amherst
50 Lakefront Blvd., Suite 111 Buffalo, NY 14202	5664 Mud Mill Road Brewerton, NY 13029	5583 Main Street Williamsville, NY 14221
ADDRESS	ADDRESS	ADDRESS
BY (*Signature*)	BY (*Signature*)	BY (*Signature*)
(*Typed name*)	(*Typed name*)	Brian J. Kulpa (*Typed name*)
DATE	DATE	DATE

Attachment: Change Order #1 Form - Paragon Environmental (#2016.002D) 6-14-24 (1) (RES-2024-606 : Change Order No. 1 CRS #4943)

IDENTIFY (INFORMATION MUST BE COMPLETED OR CONTRACT WILL BE RETURNED TO APPROPRIATE DEPARTMENT)

REQUESTED TOWN BOARD AGENDA DATE: June 24, 2024

Contract/Project Title: WPCF: Permanent Closure of Fuel Oil USTs – General Contract (TOA Project #2016.002D)

Vendor: Paragon Environmental Construction, Inc.

ORG: KP2136

OBJECT: 4972

Amount: Decrease of $399,136.00

Contract Period: October 12, 2023 – March 10, 2024

Department contact: Michael J. Poslinski [ext #8045]

APPROVED AS TO CONTENT

Department Head - Signature

Jeffrey S. Burroughs, P.E.

Department Head - Print Name

Date Approved:

Attachment: Contract Routing Sheet 06-14-24 (#2016.002D) (RES-2024-606 : Change Order No. 1 CRS #4943)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 29196 **RESOLUTION 2024-607** **ADOPTED**

Contract Extension - Joe Johnson Equipment High Pressure Sewer Cleaning Hose CRS No. 4897

We are requesting Town Board approval to extend the contract with Joe Johnson Equipment for purchase of High-Pressure Sewer Cleaning Hose. This contract was originally approved on December 2021, Town Board Resolution 2021-1101 (attached).

The contract will be extended for an additional year with a new expiration date of December 2024, based on the date the contract was fully executed.

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

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

N/A

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

June 20, 2024

Joe Johnson Equipment
Craig Reynolds
62 LaGrange Avenue
Rochester, NY 14613

Dear Mr. Reynolds:

This is to show that Joe Johnson Equipment is mutually agreeable and would like to extend their current contract for an additional one (1) year from December 31, 2023 through December 31, 2024. This contract will include all terms and conditions as spelled out in the original Town of Amherst Bid 2021034, Town Board Resolution 2021-1101 approved December 20, 2021.

Agreed and accepted by:

Joe Johnson Equipment

By: Craig Reynolds

Craig Reynolds

Printed Name

Date: 6/21/24

Agreed and accepted by:

Town of Amherst

By:_____

Brian J. Kulpa, Supervisor

Date:_____

Attachment: Joe Johnson Contract Extension (RES-2024-607 : Contract Extension - Joe Johnson Equipment)

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

Francina J. Spoth
Town Clerk

Meeting: 12/20/21 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 25120 **RESOLUTION 2021-1101** **ADOPTED**

Award Bid #2021034 - Sewer Hose - CRS #3072

WHEREAS, the Contract Compliance and Administration Department received bids on November 18, 2021 for Bid #2021034 for Town Wide Sewer Hose; and

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

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

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Joe Johnson Equipment.

12/20/2021
Consent

FINANCIAL IMPACT:

Town Wide; Various accounts; Amount TBD

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

Attachment: Joe Johnson Contract Extension (RES-2024-607 : Contract Extension - Joe Johnson Equipment)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 29197 **RESOLUTION 2024-608** **ADOPTED**

Travel Request Required Operator Training Courses

The Engineering Department is requesting approval to send one (1) employee to attend the Basic Wastewater Operations Lab course at the North County Training Center in Dunkirk, NY through Jamestown Community College in September 2024. The total cost for the employee to attend the course is estimated to be $2,173.77, and includes registration, tolls/mileage reimbursement, and per diem.

The Engineering Department is also requesting to send another one (1) employee to attend the Activated Sludge Course at the North County Training Center in Dunkirk, NY through Jamestown Community College in October 2024. The total cost for the employee to attend the courses is estimated to be $1,821.77, and includes registration, tolls/mileage reimbursement, and per diem.

Lastly, the Engineering Department is requesting to send another one (1) employee to attend the Activated Sludge Course at the Environmental Training Center in Morrisville, NY through SUNY Morrisville in October 2024. The total cost for the employee to attend the courses is estimated to be $1,912.56, and includes registration, tolls/mileage reimbursement, lodging and per diem.

Funding for this request will be available in accounts G9916-4850.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

G9916-4850

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

Revised 1.2.2024

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☒ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☐ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
[redacted]	[redacted]	Eng.-Plant 16	716-691-9771

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
[redacted]	[redacted]	Jamestown Community College, North County Training Center, Dunkirk,NY	Activated Sludge

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.67 123.2*5days	$616.00	G9916-4040	
Tolls $3.14+$4.89=$8.03*5days	$40.15	G9916-4040	
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
# nights @ $	$0.00	G9916-4040	
Meals:			
IRS Per Diem Per Day: $59.00			
1st & Last Day of Travel @ 75%		G9916-4040	
# Breakfasts @ $ 13.00		G9916-4040	
# Lunches 5 @ $ 15.00	$75.00	G9916-4040	
# Dinners @ $ 26.00		G9916-4040	
# Incidentals @ $ 5.00		G9916-4040	
Registration/Conference Fee	$925.00	G9916-4850	
		G9916-4850	
Other			
Subtotal	$1,656.15 -		N/A
Contingency - 10% of subtotal or $200	$165.615 -		N/A
TOTAL	$1,821.77 -		

Request Approved By:

Department Head Signature

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: cruz activated sludge-07022024103725 (RES-2024-608 : Travel Request)

Workforce Development

Register

Activated Sludge - Dunkirk (4069)

$925

with J. Mogavero

This course is for candidates applying for wastewater certification for an activated sludge or "A" facility.

OCT
15

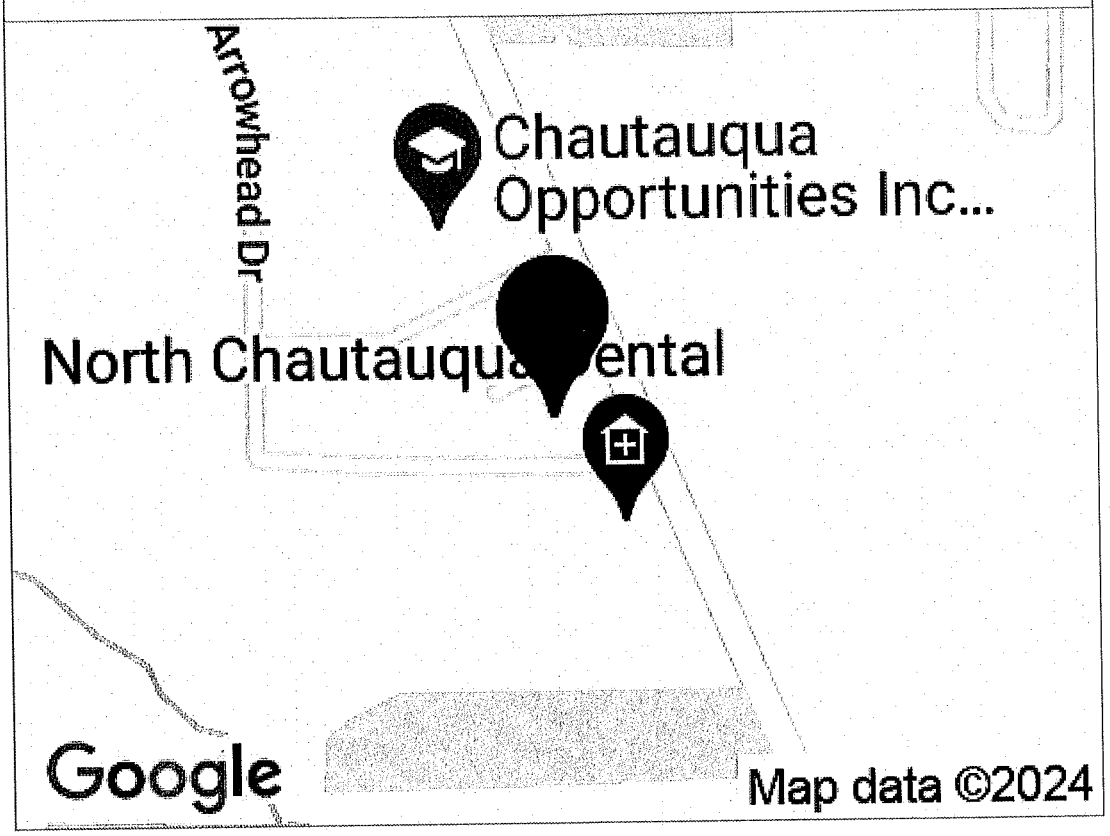
Oct 15 - 18th, 2024
Tue - Fri from **8:00 am - 4:00 pm**

North County Training Center - Dunkirk
(716)363-6500

10785 Bennett Rd.
Dunkirk, NY 14048 Get directions

Attachment: cruz activated sludge-07022024103725 (RES-2024-608 : Travel Request)

Room: 117



(716) 338-1005 • 525 Falconer St, Jamestown, NY 14702 (get directions) • workforce@sunyjcc.edu • © 2024

Powered by CourseStorm

Staff Log In

Attachment: cruz activated sludge-07022024103725 (RES-2024-608 : Travel Request)

Thruway Authority

Toll and Distance Calculator

Tolls Rates Effective Jan. 1, 2024

Tolls from
Exit 18A - (I-190 - Niagara Thruway) - Grand Island Boulevard (NY Route 324 West) (No Southbound Exit)
to
Exit 59 - (I-90 - NYS Thruway) - Dunkirk - Fredonia - NY Route 60

Additional E-ZPass discount plans are available for commuters, motorcycles, motorhomes And other vehicles. The table below represents your anticipated tolls.

TOLLS FOR A CLASS 2L VEHICLE

TOLL LOCATIONS	NY E-ZPASS TOLLS *	NON-NY E-ZPASS & TOLLS BY MAIL *
Lackawanna Highway Gantry --> Exit 59 (I-90 - NYS Thruway)	$1.79	$3.14
Total	**$1.79**	**$3.14**
NY E-ZPASS CUSTOMERS WILL SAVE $1.35. DISCOUNT APPLIES TO E-ZPASSNY ACCOUNTS ONLY		

*** Tolls that post to E-ZPass accounts by license plate will be charged the Tolls by Mail rate.**

Approximate Distance: 15.5 miles

Calculate return tolls for Dunkirk - Fredonia - NY Route 60 to Grand Island Boulevard (NY Route 324 West) (No Southbound Exit)

ALONG YOUR TRIP, YOU WILL PASS THE FOLLOWING SERVICE AREAS

SERVICE AREA	MILEPOST
Angola Service Area	Milepost 447

Calculate Another Trip Back

Attachment: cruz activated sludge-07022024103725 (RES-2024-608 : Travel Request)

Thruway Authority

Toll and Distance Calculator

Tolls Rates Effective Jan. 1, 2024

Tolls from
Exit 59 - (I-90 - NYS Thruway) - Dunkirk - Fredonia - NY Route 60
to
Exit 18A - (I-190 - Niagara Thruway) - Grand Island Boulevard (NY Route 324 West) (No Southbound Exit)

Additional E-ZPass discount plans are available for commuters, motorcycles, motorhomes And other vehicles. The table below represents your anticipated tolls.

TOLLS FOR A CLASS 2L VEHICLE

TOLL LOCATIONS	NY E-ZPASS TOLLS *	NON-NY E-ZPASS & TOLLS BY MAIL *
Exit 59 (I-90 - NYS Thruway) --> Lackawanna Highway Gantry	$1.79	$3.14
South Grand Island Bridge - Tonawanda Highway Gantry (Northbound Toll Only)	$1.00	$1.75
Total	**$2.79**	**$4.89**
NY E-ZPASS CUSTOMERS WILL SAVE $2.10. DISCOUNT APPLIES TO E-ZPASSNY ACCOUNTS ONLY		

*** Tolls that post to E-ZPass accounts by license plate will be charged the Tolls by Mail rate.**

Approximate Distance: 15.5 miles

Calculate return tolls for Grand Island Boulevard (NY Route 324 West) (No Southbound Exit) to Dunkirk - Fredonia - NY Route 60

ALONG YOUR TRIP, YOU WILL PASS THE FOLLOWING SERVICE AREAS

SERVICE AREA	MILEPOST
Angola Service Area	Milepost 447

Calculate Another Trip Back

Attachment: cruz activated sludge-07022024103725 (RES-2024-608 : Travel Request)

GSA U.S. General Services Administration

FY 2024 Per Diem Rates for ZIP Code 14048

Meals & Incidentals (M&IE) rates and breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Standard Rate	Applies for all locations without specified rates	$59	$13	$15	$26	$5	$44.25

Attachment: cruz activated sludge-07022024103725 (RES-2024-608 : Travel Request)

Revised 1.2.2024

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☒ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☐ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
[redacted]	[redacted]	Eng.-Plant 16	716-691-9771

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
[redacted]	[redacted]	Jamestown Community College, North County Training Center, Dunkirk,NY	Basic Wastewater Operations Lab

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.67 123.2*5days	$616.00	G9916-4040	
Tolls $3.14+$4.89=$8.03*5days	$40.15	G9916-4040	
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
# nights @ $	$0.00	G9916-4040	
Meals:			
IRS Per Diem Per Day: $59.00			
1st & Last Day of Travel @ 75%		G9916-4040	
# Breakfasts @ $ 13.00		G9916-4040	
# Lunches 5 @ $ 15.00	$75.00	G9916-4040	
# Dinners @ $ 26.00		G9916-4040	
# Incidentals @ $ 5.00		G9916-4040	
Registration/Conference Fee	$1,245.00	G9916-4850	
		G9916-4850	
Other			
Subtotal	$1,976.15 -		N/A
Contingency - 10% of subtotal or $200	$197.615 -		N/A
TOTAL	$2,173.77 -		

Request Approved By:

_____

Department Head Signature

_____

Date

Town Board :

_____

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

_____

Employee Signature Date

_____

Print Employee Name

Reimbursement Approved By:

_____

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: cruz basic lab-07022024102215 (RES-2024-608 : Travel Request)

Workforce Development

Search all classes...

Register

Basic Wastewater Operations Lab - Dunkirk (3811)

$1,245

with J. Mogavero

Each applicant seeking certification at the Grade 2 or 2A level or higher must be able to conduct the necessary laboratory tests to maintain proper operation of a wastewater treatment plant. This course covers collection and analysis of wastewater samples.

SEP
9

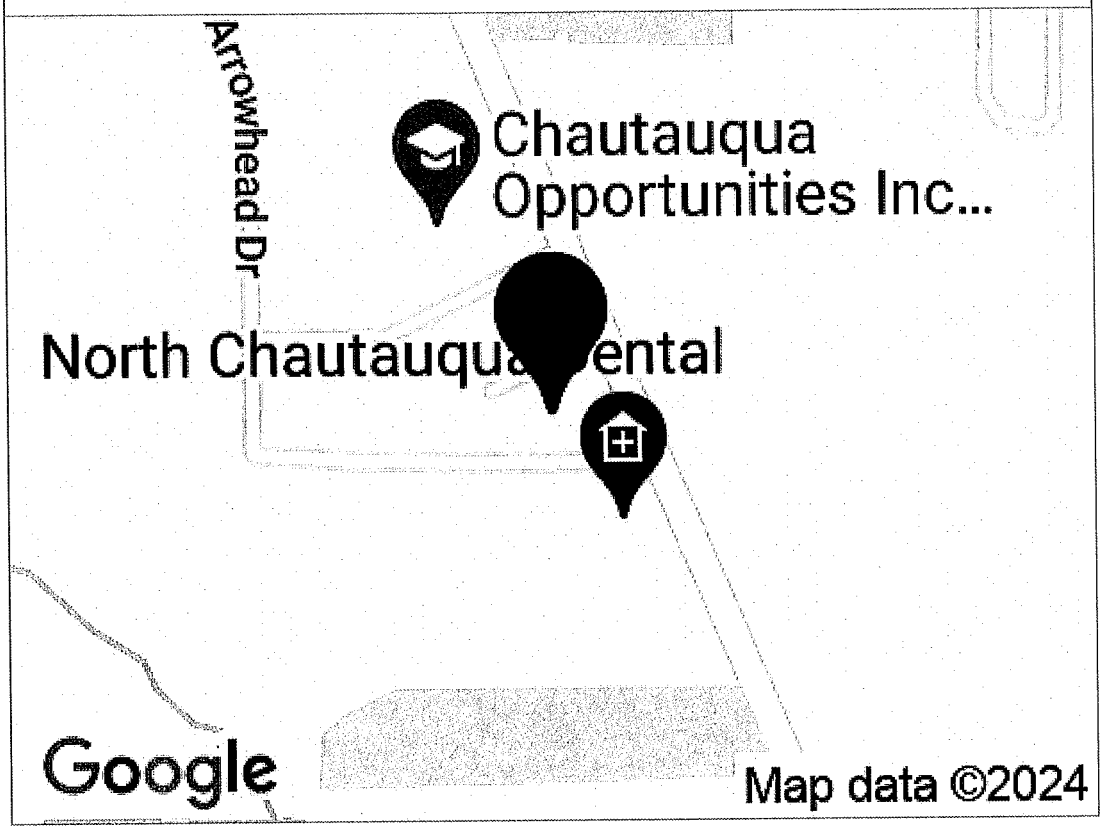
Sep 9 - 13th, 2024
Mon - Fri from **8:00 am - 3:30 pm**

North County Training Center - Dunkirk
(716)363-6500

Attachment: cruz basic lab-07022024102215 (RES-2024-608 : Travel Request)

10785 Bennett Rd.
Dunkirk, NY 14048 Get directions

Room: 115



Attachment: cruz basic lab-07022024102215 (RES-2024-608 : Travel Request)

U.S. General Services Administration

FY 2024 Per Diem Rates for ZIP Code 14048

Meals & Incidentals (M&IE) rates and breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Standard Rate	Applies for all locations without specified rates	$59	$13	$15	$26	$5	$44.25

Attachment: cruz basic lab-07022024102215 (RES-2024-608 : Travel Request)

Thruway Authority

Toll and Distance Calculator

Tolls Rates Effective Jan. 1, 2024

Tolls from
Exit 18A - (I-190 - Niagara Thruway) - Grand Island Boulevard (NY Route 324 West) (No Southbound Exit)
to
Exit 59 - (I-90 - NYS Thruway) - Dunkirk - Fredonia - NY Route 60

Additional E-ZPass discount plans are available for commuters, motorcycles, motorhomes And other vehicles. The table below represents your anticipated tolls.

TOLLS FOR A CLASS 2L VEHICLE

TOLL LOCATIONS	NY E-ZPASS TOLLS *	NON-NY E-ZPASS & TOLLS BY MAIL *
Lackawanna Highway Gantry --> Exit 59 (I-90 - NYS Thruway)	$1.79	$3.14
Total	**$1.79**	**$3.14**
NY E-ZPASS CUSTOMERS WILL SAVE $1.35. DISCOUNT APPLIES TO E-ZPASSNY ACCOUNTS ONLY		

*** Tolls that post to E-ZPass accounts by license plate will be charged the Tolls by Mail rate.**

Approximate Distance: 15.5 miles

Calculate return tolls for Dunkirk - Fredonia - NY Route 60 to Grand Island Boulevard (NY Route 324 West) (No Southbound Exit)

ALONG YOUR TRIP, YOU WILL PASS THE FOLLOWING SERVICE AREAS

SERVICE AREA	MILEPOST
Angola Service Area	Milepost 447

Calculate Another Trip Back

Attachment: cruz basic lab-07022024102215 (RES-2024-608 : Travel Request)

Thruway Authority

Toll and Distance Calculator

Tolls Rates Effective Jan. 1, 2024

Tolls from
Exit 59 - (I-90 - NYS Thruway) - Dunkirk - Fredonia - NY Route 60
to
Exit 18A - (I-190 - Niagara Thruway) - Grand Island Boulevard (NY Route 324 West) (No Southbound Exit)

Additional E-ZPass discount plans are available for commuters, motorcycles, motorhomes And other vehicles. The table below represents your anticipated tolls.

TOLLS FOR A CLASS 2L VEHICLE

TOLL LOCATIONS	NY E-ZPASS TOLLS *	NON-NY E-ZPASS & TOLLS BY MAIL *
Exit 59 (I-90 - NYS Thruway) --> Lackawanna Highway Gantry	$1.79	$3.14
South Grand Island Bridge - Tonawanda Highway Gantry (Northbound Toll Only)	$1.00	$1.75
Total	**$2.79**	**$4.89**
NY E-ZPASS CUSTOMERS WILL SAVE $2.10. DISCOUNT APPLIES TO E-ZPASSNY ACCOUNTS ONLY		

*** Tolls that post to E-ZPass accounts by license plate will be charged the Tolls by Mail rate.**

Approximate Distance: 15.5 miles

Calculate return tolls for Grand Island Boulevard (NY Route 324 West) (No Southbound Exit) to Dunkirk - Fredonia - NY Route 60

ALONG YOUR TRIP, YOU WILL PASS THE FOLLOWING SERVICE AREAS

SERVICE AREA	MILEPOST
Angola Service Area	Milepost 447

Calculate Another Trip Back

Attachment: cruz basic lab-07022024102215 (RES-2024-608 : Travel Request)

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ Travel in New York State and under $750 - Department Head Approval

☒ Travel in New York State $750 and over - Department Head Approval and Town Board Approval

☐ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
[redacted]	[redacted]	Eng.-Plant 16	716-691-9771

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
[redacted]	[redacted]	Environmental Training Center, SUNY Morrisville, Morrisville, NY	Activated Sludge [redacted]

Expenses	Estimated		Budget A/C #	Actual
Transportation:				
Mileage 356 @ $0.67	$238.52		G9916-4040	
Tolls	$26.08		G9916-4040	
Parking				
Local Transportation (bus/taxi)				
Plane/Rail/Bus				
Lodging:				
# nights @ $ 96.00/171.00	$624.59		G9916-4040	
Meals:				
IRS Per Diem Per Day: $59.00				
1st & Last Day of Travel @ 75% $44.25	$88.50		G9916-4040	
# Breakfasts 4 @ $ 13.00	$52.00		G9916-4040	
# Lunches 4 @ $ 15.00	$60.00		G9916-4040	
# Dinners 4 @ $ 26.00	$104.00		G9916-4040	
# Incidentals 4 @ $ 5.00	$20.00		G9916-4040	
Registration/Conference Fee	$525.00		G9916-4850	
Textbook - already received	$0.00		G9916-4850	
Other				
Subtotal	$1,738.69	-		N/A
Contingency - 10% of subtotal or $200	$173.869	-		N/A
TOTAL	$1,912.56	-		

Request Approved By:

Department Head Signature

Date

Town Board :

Town Board Resolution & Date

I hereby certify that I have expended the above itemized amounts for business purposes for the Town of Amherst. Required receipts are attached.

Employee Signature Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature Date

Complete Shaded Area
For Expense Reimbursement

Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

ENVIRONMENTAL TRAINING CENTER at SUNY MORRISVILLE

Activated Sludge Wastewater Treatment Process

Tuesday, October 15, 2024 - Friday, October 18, 2024

Register

Registration open through 10/15/2024 11:59 PM Eastern Time (US & Canada)

Register Now

Details

$525.00 - This 24 hour course is required by the NYS Department of Environmental Conservation for persons pursuing an 'A' certification at any level. The textbook for this course is ~~Activated Sludge Evaluation & Control.~~ You can order in advance by calling the campus store at 315-684-6073. Operation of Wastewater Treatment Plants, Volume I

ETC students can now purchase their manuals on the Campus Store's website at https://bookstore.morrisville.edu/category/10004437. Shipping is $14 for the first manual, +$2 for each additional manual.

Prerequisites

Basic Operations

Price

Registration is $525.00

Location

Galbreath Hall 141

About Us

ENVIRONMENTAL TRAINING CENTER at SUNY MORRISVILLE

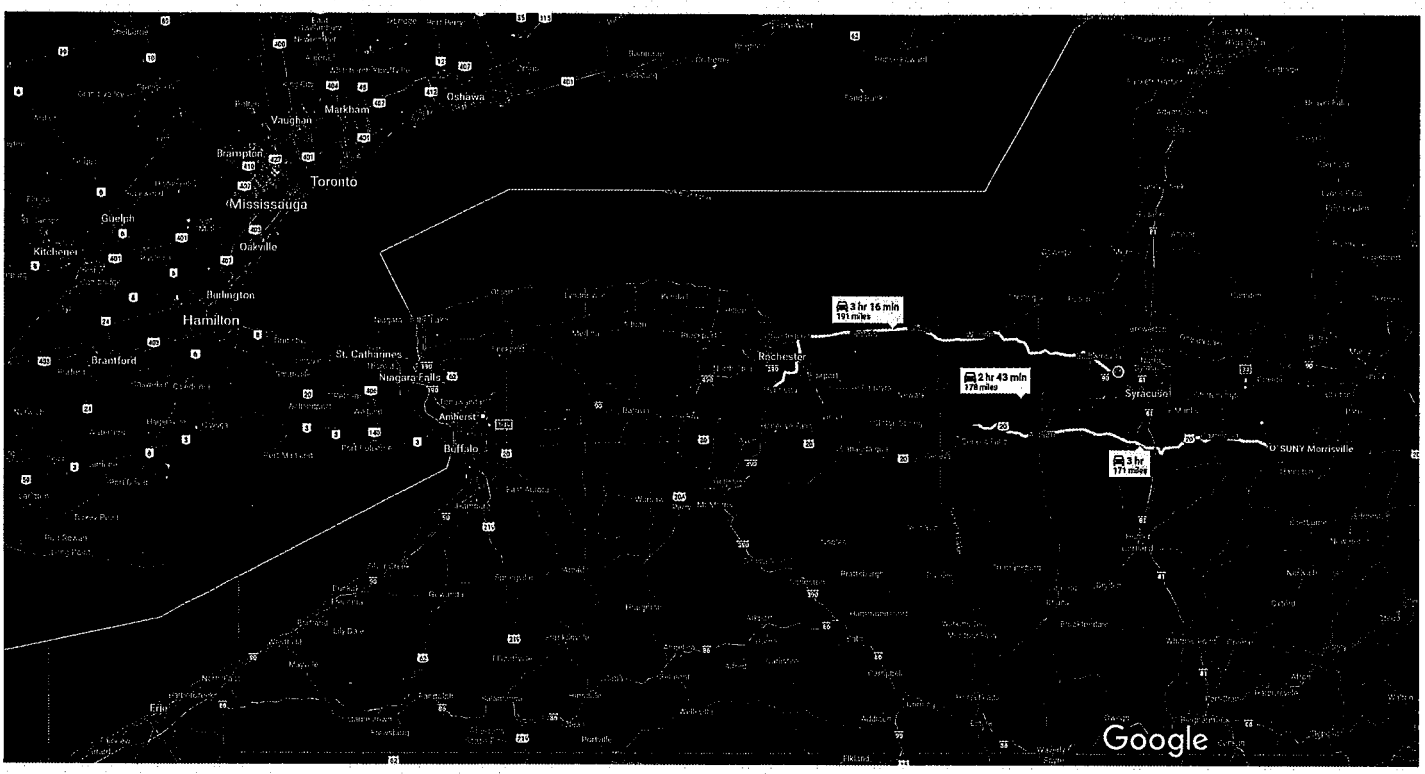
Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

TO 13.S.3.c

Google Maps

Amherst, New York to SUNY Morrisville, 80 Eaton St, Morrisville, NY 13408

Drive 178 miles, 2 hr 43 min



Imagery ©2024 TerraMetrics, Map data ©2024 Google 10 mi

Amherst
New York

⚠ This route has tolls.

Get on I-290 E

2 min (0.8 mi)

1. Head south on NY-324 E/Sheridan Dr toward Sheridan Dr

0.4 mi

2. Turn right onto NY-240 S/Harlem Rd

0.1 mi

3. Turn left to merge onto I-290 E

0.2 mi

Follow I-90 E to NY-13 S/N Peterboro St in Canastota. Take exit 34 from I-90 E

2 hr 20 min (161 mi)

4. Merge onto I-290 E

1.8 mi

5. Use the left 2 lanes to take exit 1-49 to merge onto I-90 E toward Albany
⚠ Toll road

159 mi

6. Take exit 34 for NY-13 toward Canastota/Oneida
⚠ Toll road

0.5 mi

Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

Take Oxbow Rd and Swamp Rd to Chenango St/Suny School District in Morrisville

24 min (16.0 mi)

7. Turn left onto NY-13 S/N Peterboro St

1.3 mi

8. Continue straight onto Oxbow Rd

8.4 mi

9. Turn left onto Peterboro Rd

0.2 mi

10. Turn right onto Swamp Rd

4.9 mi

11. Continue onto Cedar St

0.5 mi

12. Turn left onto Main St

128 ft

13. Turn right onto Eaton St

0.5 mi

14. Turn left onto Madison Rd

0.2 mi

15. Continue onto Chenango St/Suny School District

Destination will be on the right

443 ft

SUNY Morrisville

Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

Thruway Authority

Toll and Distance Calculator

Tolls Rates Effective Jan. 1, 2024

Tolls from
Exit 50 - (I-90 - NYS Thruway) - Niagara Falls - I-290
to
Exit 34 - (I-90 - NYS Thruway) - Canastota - Oneida - Chittenango - NY Route 13

Additional E-ZPass discount plans are available for commuters, motorcycles, motorhomes And other vehicles.
The table below represents your anticipated tolls.

TOLLS FOR A CLASS 2L VEHICLE

TOLL LOCATIONS	NY E-ZPASS TOLLS *	NON-NY E-ZPASS & TOLLS BY MAIL *
Williamsville Highway Gantry --> Exit 47 (I-90 - NYS Thruway)	$1.96	$3.43
Exit 47 (I-90 - NYS Thruway) --> Exit 46 (I-90 - NYS Thruway)	$0.76	$1.32
Exit 46 (I-90 - NYS Thruway) --> Exit 45 (I-90 - NYS Thruway)	$0.54	$0.94
Exit 45 (I-90 - NYS Thruway) --> Exit 44 (I-90 - NYS Thruway)	$0.18	$0.32
Exit 44 (I-90 - NYS Thruway) --> Exit 39 (I-90 - NYS Thruway)	$2.70	$4.73
Exit 39 (I-90 - NYS Thruway) --> Exit 36 (I-90 - NYS Thruway)	$0.31	$0.54
Exit 36 (I-90 - NYS Thruway) --> Exit 35 (I-90 - NYS Thruway)	$0.19	$0.33
Exit 35 (I-90 - NYS Thruway) --> Exit 34A (I-90 - NYS Thruway)	$0.11	$0.19
Exit 34A (I-90 - NYS Thruway) --> Exit 34 (I-90 - NYS Thruway)	$0.71	$1.24
Total	**$7.46**	**$13.04**
NY E-ZPASS CUSTOMERS WILL SAVE $5.58. DISCOUNT APPLIES TO E-ZPASSNY ACCOUNTS ONLY		

* **Tolls that post to E-ZPass accounts by license plate will be charged the Tolls by Mail rate.**

Approximate Distance: 158.8 miles

Calculate return tolls for Canastota - Oneida - Chittenango - NY Route 13 to Niagara Falls - I-290

ALONG YOUR TRIP, YOU WILL PASS THE FOLLOWING SERVICE AREAS

SERVICE AREA	MILEPOST
Pembroke Service Area	Milepost 397
Scottsville Service Area	Milepost 366
Clifton Springs Service Area	Milepost 337
Port Byron Service Area	Milepost 310
DeWitt Service Area	Milepost 280

Calculate Another Trip Back

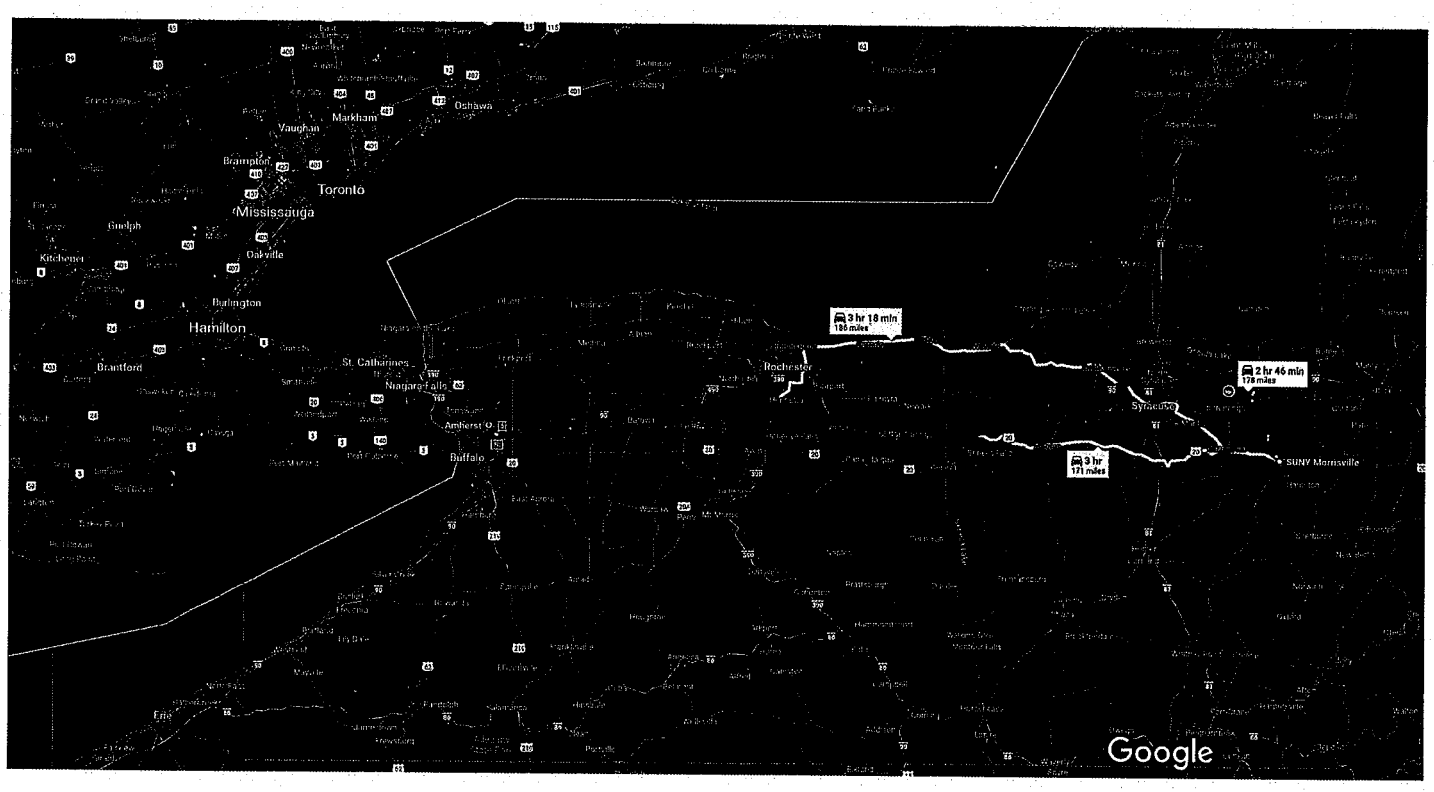
Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

*From 13.S.3.c

Google Maps

SUNY Morrisville, 80 Eaton St, Morrisville, NY 13408 to Amherst, New York

Drive 178 miles, 2 hr 46 min



Imagery ©2024 TerraMetrics, Map data ©2024 Google 10 mi

SUNY Morrisville
80 Eaton St, Morrisville, NY 13408

⚠ This route has tolls.

Get on I-90 W in Canastota from Old County Rd and Oxbow Rd

25 min (16.6 mi)

1. Head south on Chenango St/Suny School District toward Madison Rd

367 ft

2. Continue straight onto Madison Rd

0.2 mi

3. Turn right onto Eaton St

0.5 mi

4. Turn left onto Main St

128 ft

5. Turn right onto Cedar St

0.5 mi

6. Continue onto Swamp Rd

0.3 mi

7. Turn left onto Old County Rd

3.9 mi

8. Turn right onto Pleasant Valley Rd

0.7 mi

9. Continue onto Oxbow Rd/Peterboro Rd
   ⓘ Continue to follow Oxbow Rd

8.4 mi

Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

10. Continue onto S Peterboro St

1.3 mi

11. Turn right to merge onto I-90 W
⚠ Toll road

0.8 mi

Follow I-90 W to NY-324 W/Sheridan Dr in Amherst. Take exit 6 from I-290 W

2 hr 19 min (160 mi)

12. Merge onto I-90 W
⚠ Toll road

158 mi

13. Use the right 2 lanes to take exit 50 toward I-290/Niagara Fls
⚠ Toll road

0.4 mi

14. Continue onto I-290 W

1.8 mi

15. Take exit 6 for NY-324/Sheridan Dr toward NY-240/Harlem Rd

0.2 mi

16. Use the left 2 lanes to turn left onto NY-324 W/Sheridan Dr

2 min (0.5 mi)

Amherst
New York

Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

Thruway Authority

Toll and Distance Calculator

Tolls Rates Effective Jan. 1, 2024

Tolls from
Exit 34 - (I-90 - NYS Thruway) - Canastota - Oneida - Chittenango - NY Route 13
to
Exit 50 - (I-90 - NYS Thruway) - Niagara Falls - I-290

Additional E-ZPass discount plans are available for commuters, motorcycles, motorhomes And other vehicles.
The table below represents your anticipated tolls.

TOLLS FOR A CLASS 2L VEHICLE

TOLL LOCATIONS	NY E-ZPASS TOLLS *	NON-NY E-ZPASS & TOLLS BY MAIL *
Exit 34 (I-90 - NYS Thruway) --> Exit 34A (I-90 - NYS Thruway)	$0.71	$1.24
Exit 34A (I-90 - NYS Thruway) --> Exit 35 (I-90 - NYS Thruway)	$0.11	$0.19
Exit 35 (I-90 - NYS Thruway) --> Exit 36 (I-90 - NYS Thruway)	$0.19	$0.33
Exit 36 (I-90 - NYS Thruway) --> Exit 39 (I-90 - NYS Thruway)	$0.31	$0.54
Exit 39 (I-90 - NYS Thruway) --> Exit 44 (I-90 - NYS Thruway)	$2.70	$4.73
Exit 44 (I-90 - NYS Thruway) --> Exit 45 (I-90 - NYS Thruway)	$0.18	$0.32
Exit 45 (I-90 - NYS Thruway) --> Exit 46 (I-90 - NYS Thruway)	$0.54	$0.94
Exit 46 (I-90 - NYS Thruway) --> Exit 47 (I-90 - NYS Thruway)	$0.76	$1.32
Exit 47 (I-90 - NYS Thruway) --> Williamsville Highway Gantry	$1.96	$3.43
Total	**$7.46**	**$13.04**
NY E-ZPASS CUSTOMERS WILL SAVE $5.58. DISCOUNT APPLIES TO E-ZPASSNY ACCOUNTS ONLY		

* **Tolls that post to E-ZPass accounts by license plate will be charged the Tolls by Mail rate.**

Approximate Distance: 158.8 miles

Calculate return tolls for Niagara Falls - I-290 to Canastota - Oneida - Chittenango - NY Route 13

ALONG YOUR TRIP, YOU WILL PASS THE FOLLOWING SERVICE AREAS

SERVICE AREA	MILEPOST
Chittenango Service Area	Milepost 266
Warners Service Area	Milepost 292
Junius Ponds Service Area	Milepost 324
Seneca Service Area	Milepost 350
Ontario Service Area	Milepost 376
Clarence Service Area	Milepost 412

Calculate Another Trip Back

Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

13.S.3.c

U.S. General Services Administration

FY 2024 Per Diem Rates for ZIP Code 13408

Meals & Incidentals (M&IE) rates and breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Standard Rate	Applies for all locations without specified rates	$59	$13	$15	$26	$5	$44.25

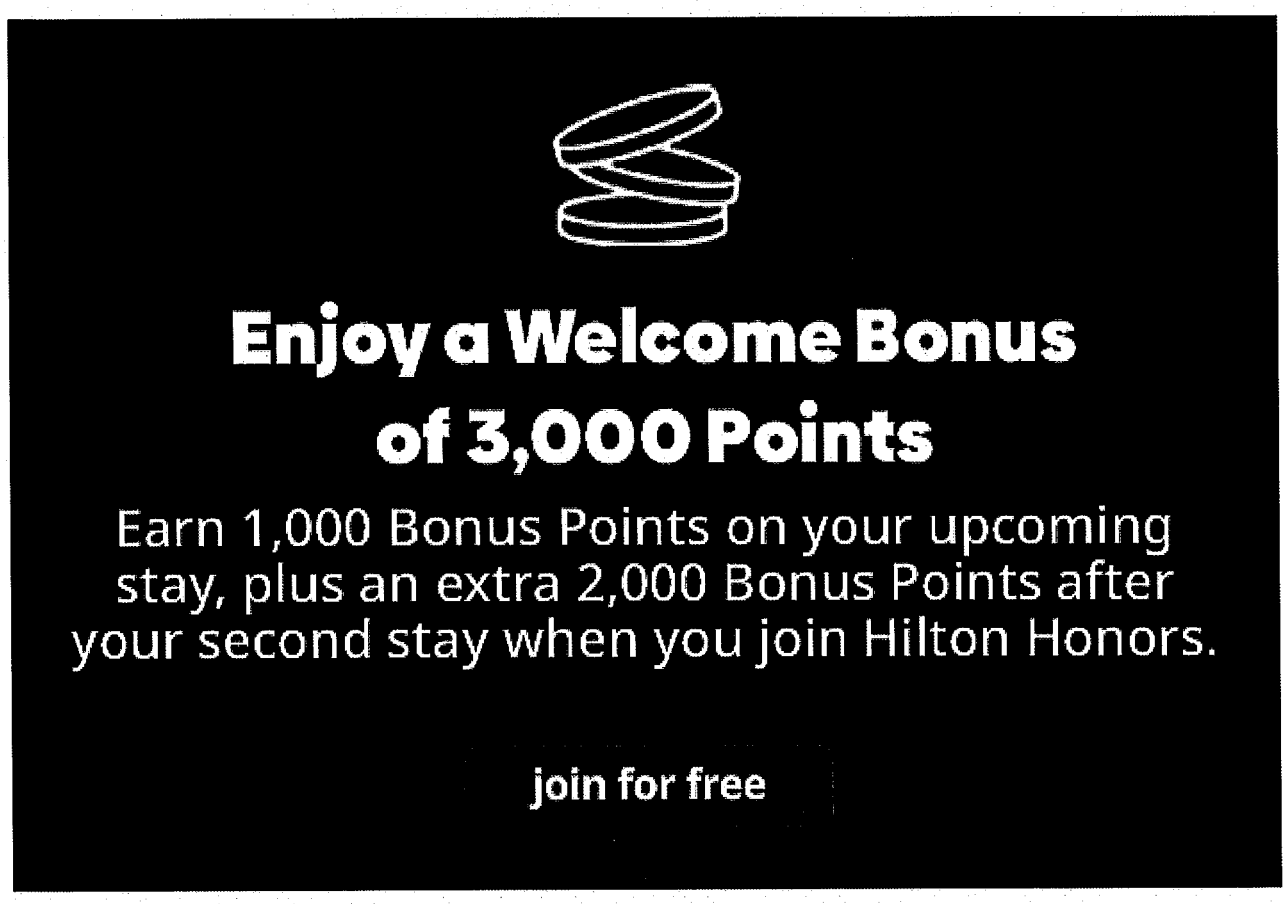
Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

Hilton Inn & Suites Cazenovia

Your Room Information

Guest Name:	[redacted]
Guests:	1 Adult
Rooms:	1
Room Plan:	1 KING W/FRIDGE NS
Your Rate Information	LNR LRA 96
Rate per night	
14-Oct-2024 - 18-Oct-2024	96.00 USD
Total for Stay per Room Rate	**384.00 USD**
Taxes	46.08 USD
Total price for Stay	**430.08 USD**

Modify Your Reservation >>



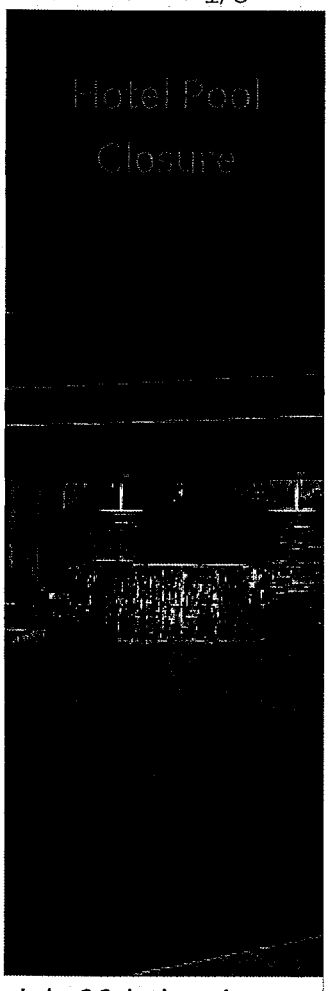
Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

13.S.3.c

Turning Stone RESORT | CASINO

English (US)

1	2	3	4
ADULTS & CHILDREN	DATES OF STAY	ACCOMMODATIONS	TOTAL
1/0	Oct 18-19		$ 0.00



July 29th thru August 2nd

BOOK NOW

Hotel Pool Closure BOOK NOW

CURRENCY (USD)

Add More Rooms

ROOMS

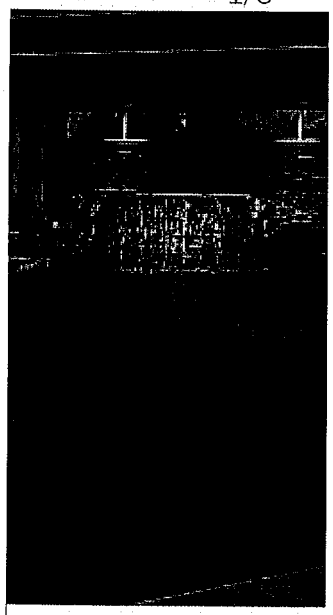
The Inn

Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

Turning Stone RESORT | CASINO

English (US)

1	2	3	4
ADULTS & CHILDREN	DATES OF STAY	ACCOMMODATIONS	TOTAL
1/0	Oct 18-19		$ 0.00



July 29th thru August 2nd

BOOK NOW

Hotel Pool Closure BOOK NOW

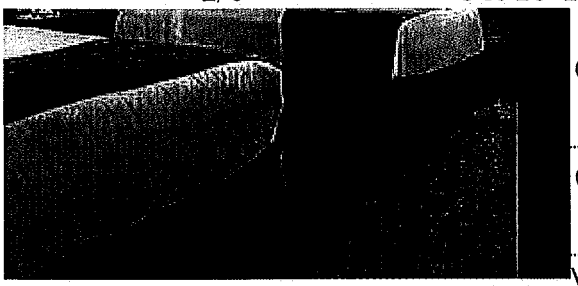
The Inn

Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

Turning Stone RESORT | CASINO

English (US)

1	2	3	4
ADULTS & CHILDREN	DATES OF STAY	ACCOMMODATIONS	TOTAL
1/0	Oct 18-19		$ 0.00



View Room Details And Enhancements

◉ Best Available Rate Avg/Night (USD)	$ 171.00
○ AAA/AARP Discount Avg/Night (USD)	$ 171.00

VIEW DETAILS

$ 171.00 BOOK

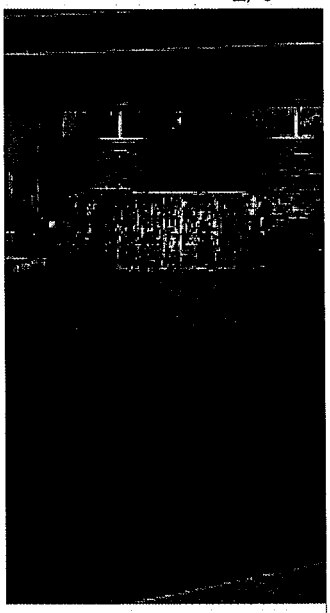
Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

13.S.3.c

Turning Stone® RESORT | CASINO

English (US)

1	2	3	4
ADULTS & CHILDREN	DATES OF STAY	ACCOMMODATIONS	TOTAL
1/0	Oct 18-19		$ 0.00



July 29th thru August 2nd

BOOK NOW

Hotel Pool Closure BOOK NOW

The Hotel at Turning Stone, US - Property Details Modify/Cancel START OVER

Attachment: kohut activated sludge-07022024104043 (RES-2024-608 : Travel Request)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 29198 **RESOLUTION 2024-609** **ADOPTED**

WPCF De-Ionized Water System Service Contract Evoqua Water Technologies CRS #4896

The WPCF is requesting that the Town Board authorize the Supervisor to sign a service agreement with Evoqua Water Technologies. Evoqua is the sole source, factory authorized service provider for the WPCF's De-Ionized Water Production System, which is critical to the lab at the WPCF. The term of this contract will be from date of execution by the Town of Amherst through February 28, 2025.

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

Funds will be available in G9916-4860.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

G9916-4860

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

AGREEMENT

Let this document stand as an Agreement between Evoqua Water Technologies and the Town of Amherst permitting the Town of Amherst to enter into a one year service contract according to the attached renewal request. The term of this contract will be from date of Town Board approval by the Town of Amherst through February 28, 2025.

Agreed to and Accepted by:

Evoqua Water Technologies

By: _____
Signature

Sharon Kula
Printed name

Operations Manager
Title

Date: 3/04/2024

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa
Supervisor

Date: _____

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

EVOQUA WATER TECHNOLOGIES

Remittance Address:
28563 Network Place
Chicago, IL 60603

Global Headquarters:
210 Sixth Ave., Suite 3300
Pittsburgh, PA 15222 USA

24hr Customer Service: (800) 466-7873
Tax ID Number: 80-0909020

Sign and return this *with your account number* via fax to (724)-572-0210 or email to porenewal@xylem.com

Date: December 20, 2023
To: CRYSTAL RUSSELL
CITY OF AMHERST
WASTEWATER TREATMENT 16
455 TONAWANDA CREEK RD
AMHERST, NY 14228-1230

Net Terms: N30 days
Phone: (716) 691-9771 X-8010
Fax: (716) 691-4496
Email: **CRUSSELL@AMHERST.NY.US**

Branch: 030 Upstate NY 40516793

Reference: **Acct:** 0302096448 **Current PO: 2310147** **Current Pricing Expires: 2/29/2024**

>>> PLEASE NOTE: Completed Renewal letter or hard copy PO receipt required prior to expiration date referenced above <<<

Dear valued customer,

Thank you for being an Evoqua customer, as well as for allowing us to fulfill your water treatment needs. As your current purchase order will run out of funds soon, we look forward to extending our current engagement. The prices listed below will apply for the **12 Month** period immediately following the date above. If you do not currently issue blanket PO's to Evoqua for the services we provide, prices are subject to change without notice. Upon completion of this document, Evoqua Water Technologies LLC's Terms & Conditions will apply. The link is located at https://www.evoqua.com/en/about-us/terms-conditions-sale-products-services. For additional services or labor not included here, please call for rates. The schedule below is based on the systems current **minimum annual** service frequency. **We appreciate your continued use of Evoqua's water services.**

See Page 2

AUTO RENEWAL: This agreement will automatically renew using the payment method selected below or (if blank) as previously provided unless buyer expressly wishes to opt-out of this agreement. Evoqua Water Technologies, LLC will notify you of any price changes to allow an opportunity to authorize additional funds if required.

(X) I DO NOT WISH TO AUTORENEW

Please choose one of the following payment options:

( ) **PLEASE AUTO-RENEW MY ACCOUNT WITH THE SAME PO REFERENCED ABOVE**

( ) **VISA / MASTER CARD / AMEX:** CIRCLE ONE PLEASE. If paying by credit card, an additional usage fee may apply per invoice.
EXP DATE:_____ **CARD#**_____ **NAME ON CARD:**_____
****Please provide email where credit card invoice receipts need to be sent:** _____

( ) **PURCHASE ORDER:** Service will be performed at the estimated frequency above or sooner and an invoice referencing the purchase order will be sent.
PO (# or authorized name if no purchasing system) **EXPIRATION DATE:**
_____ _____

To speak with your representative, contact Shirley Pyndinski via PH 484-991-0282 or shirley.pyndinski@xylem.com

_____ _____
PRINT NAME / DATE **PHONE NUMBER**

_____ _____
CUST SIGNATURE / TITLE **EMAIL ADDRESS**

IF TAX-EXEMPT, please provide a certificate issued to: Evoqua Water Technologies, LLC

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

Reference: **Acct:** 0302096448 **Current PO: 2310147** **Current Pricing Expires: 2/29/2024**

THIS IS NOT AN INVOICE

Schedule of Services

Part Number	Description	Qty	Frequency	Unit Price	Minimum Yearly Total
W3TSP3006	FUEL/ENERGY SURCHARGE - SERVICE @ $35 p/visit	1	12 Months	$105.00	$105.00
W3TSP3011	PM CONTRACT RECURRING - PARTS & LABOR	1	12 Months	$10,228.44	$10,228.44
W2T149194	FILTER CTRDG,20" 0.2UM CDE F POLYSUL N	1	6 Months	$0.00	$0.00
W2T149194	FILTER CTRDG,20" 0.2UM CDE F POLYSUL N	1	Over Annual qty	$164.31	varies
W2T149272	MEMBRANE USF BW30-4040 DRY w/COUPLER	1	12 Months	$0.00	$0.00
W2T149272	MEMBRANE USF BW30-4040 DRY w/COUPLER	1	Over Annual qty	$360.23	varies
W2T159653	CART 20" X 4.5 BB 5UM CODE F PP STR	1	3 Months	$0.00	$0.00
W2T177748	O-RING, SI F/GL BS118;	2	12 Months	$0.00	$0.00
W2T182120	CLEANER, MINNCARE QUART (SERVICE ONLY)	4	12 Months	$0.00	$0.00
W2T182120	CLEANER, MINNCARE QUART (SERVICE ONLY)	1	Over Annual qty	$76.77	varies
W2T182518	UV,LAMP BRK DWN PHOTO-OXI ORG-CONT;	1	12 Months	$0.00	$0.00
W2T182518	UV,LAMP BRK DWN PHOTO-OXI ORG-CONT;	1	Over Annual qty	$407.96	varies
W2T183545	TUBE, QUARTZ CENTRA/MEDICA	1	12 Months	$0.00	$0.00
W2T187407	VENT,FLTR HIGH FLOW CENTRA LC173	1	6 Months	$0.00	$0.00
W2T187407	VENT,FLTR HIGH FLOW CENTRA LC173	1	Over Annual qty	$754.02	varies
W2T911441	MEMBRANE EVOQUA BW30 PRO-4040 w/CPLR DRY	1	12 Months	$0.00	$0.00
W2T911441	MEMBRANE EVOQUA BW30 PRO-4040 w/CPLR DRY	1	Over Annual qty	$347.13	varies
W3TSP4449	INSP & RECORD LAB POU PERFORMANCE DATA	1	3 Months	$0.00	$0.00
W3TSP4607	PERFORM & REPLCE VENT FLTR MAINT PER PMI	1	6 Months	$0.00	$0.00
W3TSP4678	PERFORM & REPLACE UV LAMP MAINT PER PMI	1	12 Months	$0.00	$0.00
W3TSP4693	PERFORM & SANITIZE STORAGE TANK PER PMI	1	12 Months	$0.00	$0.00
W3TSP4814	REPLACE INTERNAL PRE-TREATMENT FILTER	1	3 Months	$0.00	$0.00
W3TSP5225	PREVENTATIVE MAINTENANCE	1	3 Months	$0.00	$0.00
W3TSP5755	TAKE TOC WATER SAMPLE FINAL PROD WATER	1	12 Months	$0.00	$0.00
W3TSP5756	COND PROD WATER SAMPLE & TEST (OFFSITE)	1	12 Months	$0.00	$0.00
W5TDIMB10120FSP	SDI MIXBED1 1.2CF FBGLS STD POT	1	12 Months	$0.00	$0.00
W5TDIMB10120FSP	SDI MIXBED1 1.2CF FBGLS STD POT	1	Over Annual qty	$313.50	varies
W5TDIMB10360FSP	SDI MIXBED1 3.6CF FBGLS STD POT	1	6 Months	$0.00	$0.00
W5TDIMB10360FSP	SDI MIXBED1 3.6CF FBGLS STD POT	1	Over Annual qty	$313.50	varies
W5TDIRAC0360FSP	SDI REACT CARBON 3.6CF FBGLS STD PO	1	6 Months	$0.00	$0.00
W5TDIRAC0360FSP	SDI REACT CARBON 3.6CF FBGLS STD PO	1	Over Annual qty	$313.50	varies

*****A fuel/energy surcharge of $35.00 per service visit is in effect. A chemical surcharge based on tank size will be applied to each tank exchanged for SDI and WWIX service visits. Surcharge pricing may change throughout the engagement period (subject to market conditions). Failure to provide a purchase order for this renewal notice, will result in a $100 administration fee for the processing of an alternate form of payment**.*

**For SDI customers; Tanks that are included in the exchange items listed above are leased and remain the property of Evoqua. Tanks will be exchanged every six months or sooner (unless digitally monitored), per terms of the tank lease*.*

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

EVOQUA WATER TECHNOLOGIES LLC

Standard Terms of Sale

1. **Applicable Terms.** These terms govern the purchase and sale of equipment, products, related services, leased products, and media goods if any (collectively herein "Work"), referred to in Seller's proposal ("Seller's Documentation"). Whether these terms are included in an offer or an acceptance by Seller, such offer or acceptance is expressly conditioned on Buyer's assent to these terms. Seller rejects all additional or different terms in any of Buyer's forms or documents.

2. **Payment.** Buyer shall pay Seller the full purchase price as set forth in Seller's Documentation. Unless Seller's Documentation specifically provides otherwise, freight, storage, insurance and all taxes, levies, duties, tariffs, permits or license fees or other governmental charges relating to the Work or any incremental increases thereto shall be paid by Buyer. If Seller is required to pay any such charges, Buyer shall immediately reimburse Seller. If Buyer claims a tax or other exemption or direct payment permit, it shall provide Seller with a valid exemption certificate or permit and indemnify, defend and hold Seller harmless from any taxes, costs and penalties arising out of same. All payments are due within 30 days after receipt of invoice. Buyer shall be charged the lower of 1 ½% interest per month or the maximum legal rate on all amounts not received by the due date and shall pay all of Seller's reasonable costs (including attorneys' fees) of collecting amounts due but unpaid. All orders are subject to credit approval by Seller. Back charges without Seller's prior written approval shall not be accepted.

3. **Delivery.** Delivery of the Work shall be in material compliance with the schedule in Seller's Documentation. Unless Seller's Documentation provides otherwise, delivery terms are ExWorks Seller's factory (Incoterms 2010). Title to all Work shall pass upon receipt of payment for the Work under the respective invoice. Unless otherwise agreed to in writing by Seller, shipping dates are approximate only and Seller shall not be liable for any loss or expense (consequential or otherwise) incurred by Buyer or Buyer's customer if Seller fails to meet the specified delivery schedule.

4. **Ownership of Materials and Licenses.** All devices, designs (including drawings, plans and specifications), estimates, prices, notes, electronic data, software and other documents or information prepared or disclosed by Seller, and all related intellectual property rights, shall remain Seller's property. Seller grants Buyer a non-exclusive, non-transferable license to use any such material solely for Buyer's use of the Work. Buyer shall not disclose any such material to third parties without Seller's prior written consent. Buyer grants Seller a non-exclusive, non-transferable license to use Buyer's name and logo for marketing purposes, including but not limited to, press releases, marketing and promotional materials, and web site content.

5. **Changes.** Neither party shall implement any changes in the scope of Work described in Seller's Documentation without a mutually agreed upon change order. Any change to the scope of the Work, delivery schedule for the Work, any Force Majeure Event, any law, rule, regulation, order, code, standard or requirement which requires any change hereunder shall entitle Seller to an equitable adjustment in the price and time of performance.

6. **Force Majeure Event.** Neither Buyer nor Seller shall have any liability for any breach or delay (except for breach of payment obligations) caused by a Force Majeure Event. If a Force Majeure Event exceeds six (6) months in duration, the Seller shall have the right to terminate the Agreement without liability, upon fifteen (15) days written notice to Buyer, and shall be entitled to payment for work performed prior to the date of termination. "Force Majeure Event" shall mean events or circumstances that are beyond the affected party's control and could not reasonably have been easily avoided or overcome by the affected party and are not substantially attributable to the other party. Force Majeure Event may include, but is not limited to, the following circumstances or events: war, act of foreign enemies, terrorism, riot, strike, or lockout by persons other than by Seller or its sub-suppliers, natural catastrophes or (with respect to on-site work), unusual weather conditions.

7. **Warranty.** Subject to the following sentence, Seller warrants to Buyer that the (i) Work shall materially conform to the description in Seller's Documentation and shall be free from defects in material and workmanship and (ii) the Services shall be performed in a timely and workmanlike manner. Determination of suitability of treated water for any use by Buyer shall be the sole and exclusive responsibility of Buyer. The foregoing warranty shall not apply to any Work that is specified or otherwise demanded by Buyer and is not manufactured or selected by Seller, as to which (i) Seller hereby assigns to Buyer, to the extent assignable, any warranties made to Seller and (ii) Seller shall have no other liability to Buyer under warranty, tort or any other legal theory. The Seller warrants the Work, or any components thereof, through the earlier of (i) eighteen (18) months from delivery of the Work or (ii) twelve (12) months from initial operation of the Work or ninety (90) days from the performance of services (the "Warranty Period"). If Buyer gives Seller prompt written notice of breach of this warranty within the Warranty Period, Seller shall, at its sole option and as Buyer's sole and exclusive remedy, repair or replace the subject parts, re-perform the Service or refund the purchase price. Unless otherwise agreed to in writing by Seller, (i) Buyer shall be responsible for any labor required to gain access to the Work so that Seller can assess the available remedies and (ii) Buyer shall be responsible for all costs of installation of repaired or replaced Work. If Seller determines that any claimed breach is not, in fact, covered by this warranty, Buyer shall pay Seller its then customary charges for any repair or replacement made by Seller. Seller's warranty is conditioned on Buyer's (a) operating and maintaining the Work in accordance with Seller's instructions, (b) not making any unauthorized repairs or alterations, and (c) not being in default of any payment obligation to Seller. Seller's warranty does not cover (i) damage caused by chemical action or abrasive material, misuse or improper installation (unless installed by Seller) and (ii) media goods (such as, but not limited to, resin, membranes, or granular activated carbon media) once media goods are installed. THE WARRANTIES SET FORTH IN THIS SECTION 7 ARE THE SELLER'S SOLE AND EXCLUSIVE WARRANTIES AND ARE SUBJECT TO THE LIMITATION OF LIABILITY PROVISION BELOW. SELLER MAKES NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR PURPOSE.

8. **Indemnity.** Seller shall indemnify, defend and hold Buyer harmless from any claim, cause of action or liability incurred by Buyer as a result of third party claims for personal injury, death or damage to tangible property, to the extent caused by Seller's negligence. Seller shall have the sole authority to direct the defense of and settle any indemnified claim. Seller's indemnification is conditioned on Buyer (a) promptly, within the Warranty Period, notifying Seller of any claim, and (b) providing reasonable cooperation in the defense of any claim.

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

9. **Assignment.** Neither party may assign this Agreement, in whole or in part, nor any rights or obligations hereunder without the prior written consent of the other party; provided, however, the Seller may assign its rights and obligations under these terms to its affiliates or in connection with the sale or transfer of the Seller's business and Seller may grant a security interest in the Agreement and/or assign proceeds of the agreement without Buyer's consent.

10. **Termination.** Either party may terminate this agreement, upon issuance of a written notice of breach and a thirty (30) day cure period, for a material breach (including but not limited to, filing of bankruptcy, or failure to fulfill the material obligations of this agreement). If Buyer suspends an order without a change order for ninety (90) or more days, Seller may thereafter terminate this Agreement without liability, upon fifteen (15) days written notice to Buyer, and shall be entitled to payment for work performed, whether delivered or undelivered, prior to the date of termination.

11. **Dispute Resolution.** Seller and Buyer shall negotiate in good faith to resolve any dispute relating hereto. If, despite good faith efforts, the parties are unable to resolve a dispute or claim arising out of or relating to this Agreement or its breach, termination, enforcement, interpretation or validity, the parties will first seek to agree on a forum for mediation to be held in a mutually agreeable site. If the parties are unable to resolve the dispute through mediation, then any dispute, claim or controversy arising out of or relating to this Agreement or the breach, termination, enforcement, interpretation or validity thereof, including the determination of the scope or applicability of this agreement to arbitrate, shall be determined by arbitration in Pittsburgh, Pennsylvania before three arbitrators who are lawyers experienced in the discipline that is the subject of the dispute and shall be jointly selected by Seller and Buyer. The arbitration shall be administered by JAMS pursuant to its Comprehensive Arbitration Rules and Procedures. The Arbitrators shall issue a reasoned decision of a majority of the arbitrators, which shall be the decision of the panel. Judgment may be entered upon the arbitrators' decision in any court of competent jurisdiction. The substantially prevailing party as determined by the arbitrators shall be reimbursed by the other party for all costs, expenses and charges, including without limitation reasonable attorneys' fees, incurred by the prevailing party in connection with the arbitration. For any order shipped outside of the United States, any dispute shall be referred to and finally determined by the International Center for Dispute Resolution in accordance with the provisions of its International Arbitration Rules, enforceable under the New York Convention (Convention on the Recognition and Enforcement of Foreign Arbitral Awards) and the governing language shall be English.

12. **Export Compliance.** Buyer acknowledges that Seller is required to comply with applicable export laws and regulations relating to the sale, exportation, transfer, assignment, disposal and usage of the Work provided under this Agreement, including any export license requirements. Buyer agrees that such Work shall not at any time directly or indirectly be used, exported, sold, transferred, assigned or otherwise disposed of in a manner which will result in non-compliance with such applicable export laws and regulations. It shall be a condition of the continuing performance by Seller of its obligations hereunder that compliance with such export laws and regulations be maintained at all times. BUYER AGREES TO INDEMNIFY AND HOLD SELLER HARMLESS FROM ANY AND ALL COSTS, LIABILITIES, PENALTIES, SANCTIONS AND FINES RELATED TO NON-COMPLIANCE WITH APPLICABLE EXPORT LAWS AND REGULATIONS.

13. **LIMITATION OF LIABILITY.** NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY, SELLER SHALL NOT BE LIABLE FOR ANY CONSEQUENTIAL, INCIDENTAL, SPECIAL, PUNITIVE OR OTHER INDIRECT DAMAGES, AND SELLER'S TOTAL LIABILITY ARISING AT ANY TIME FROM THE SALE OR USE OF THE WORK, INCLUDING WITHOUT LIMITATION ANY LIABILITY FOR ALL WARRANTY CLAIMS OR FOR ANY BREACH OR FAILURE TO PERFORM ANY OBLIGATION UNDER THE CONTRACT, SHALL NOT EXCEED THE PURCHASE PRICE PAID FOR THE WORK. THESE LIMITATIONS APPLY WHETHER THE LIABILITY IS BASED ON CONTRACT, TORT, STRICT LIABILITY OR ANY OTHER THEORY.

14. **Rental Equipment / Services.** Any leased or rented equipment ("Leased Equipment") provided by Seller shall at all times be the property of Seller with the exception of certain miscellaneous installation materials purchased by the Buyer, and no right or property interest is transferred to the Buyer, except the right to use any such Leased Equipment as provided herein. Buyer agrees that it shall not pledge, lend, or create a security interest in, part with possession of, or relocate the Leased Equipment. Buyer shall be responsible to maintain the Leased Equipment in good and efficient working order. At the end of the initial term specified in the order, the terms shall automatically renew for the identical period unless canceled in writing by Buyer or Seller not sooner than three (3) months nor later than one (1) month from termination of the initial order or any renewal terms. Upon any renewal, Seller shall have the right to issue notice of increased pricing which shall be effective for any renewed terms unless Buyer objects in writing within fifteen (15) days of issuance of said notice. If Buyer timely cancels service in writing prior to the end of the initial or any renewal term this shall not relieve Buyer of its obligations under the order for the monthly rental service charge which shall continue to be due and owing. Upon the expiration or termination of this Agreement, Buyer shall promptly make any Leased Equipment available to Seller for removal. Buyer hereby agrees that it shall grant Seller access to the Leased Equipment location and shall permit Seller to take possession of and remove the Leased Equipment without resort to legal process and hereby releases Seller from any claim or right of action for trespass or damages caused by reason of such entry and removal.

15. **Miscellaneous.** These terms, together with any Contract Documents issued or signed by the Seller, comprise the complete and exclusive statement of the agreement between the parties (the "Agreement") and supersede any terms contained in Buyer's documents, unless separately signed by Seller. No part of the Agreement may be changed or cancelled except by a written document signed by Seller and Buyer. No course of dealing or performance, usage of trade or failure to enforce any term shall be used to modify the Agreement. To the extent the Agreement is considered a subcontract under Buyer's prime contract with an agency of the United States government, in case of Federal Acquisition Regulations (FARs) flow down terms, Seller will be in compliance with Section 44.403 of the FAR relating to commercial items and those additional clauses as specifically listed in 52.244-6, Subcontracts for Commercial Items (OCT 2014). If any of these terms is unenforceable, such term shall be limited only to the extent necessary to make it enforceable, and all other terms shall remain in full force and effect. The Agreement shall be governed by the laws of the Commonwealth of Pennsylvania without regard to its conflict of laws provisions. Both Buyer and Seller reject the applicability of the United Nations Convention on Contracts for the international sales of goods to the relationship between the parties and to all transactions arising from said relationship.

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

EVOQUA
WATER TECHNOLOGIES

DATE: May 25, 2024

City Of Amherst NY
Attn: Thomas Dean
455 Tonawanda Creek Rd.
Amherst, NY 14228

RE: Sole Source Letter

Dear Thomas:

The Deionized water systems in your facilities consist of Regenerable Ion Exchange Tanks which remain the property of Evoqua Water Technologies, LLC. These tanks contain a cation and anion mixed bed resin which exhaust based on water influent quality as the io exchange process takes place. Once exhausted, the tanks need to be regenerated with a chemical solution. Evoqua has a proprietary process conditioning the resin during chemical regeneration. As the resins and tanks remain the property of Evoqua Water Technologies LLC, we are the only company authorized to perform any service on these tanks.

The price charged to the City of Amherst NY is no less favorable than the price charged to other city, state, or federal agencies for a comparable system, in the same or substantially the same quantities, governed by the same or substantially the same terms and conditions.

With kind regards,

Sharon Kula
Operations Manager, Evoqua

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

12000 Indian Creek Court, Ste D
Beltsville, MD 20705

Tel: +1 (301) 837-1427
Fax: +1 (301) 210-7746

evoqua.com

Addendum to Contract Major Exposure

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 Contractors 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, Contractor 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 Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.

4. Contractor 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: Contractor 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: Contractor 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. Umbrella coverage shall be in an amount of at least $5,000,000.00.

(c) Contractor shall furnish the above insurances, including subcontractors' 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) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

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 Contractor 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. 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 Contractor 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.

8. The Contractor, in accordance with its status as an independent Contractor, 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.

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

9. 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.

10. 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:

Evoqua Water Technologies LLC

Print Name of Company

By: _____

Signature

Sharon Kula

Printed name

Date: 3/04/2024

Agreed to and Accepted by:

Town of Amherst

By: _____

Brian J. Kulpa, Supervisor

Date: _____

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

EXHIBIT "I"

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.

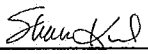
By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

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: Evoqua Water Technologies LLC

Signature: 

Print Name: Sharon Kula

Title: Operations Manager

Date: 3/04/2024

Revised 8.2023

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 02/12/2024

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 rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MARSH USA, LLC. 1166 Avenue of the Americas New York, NY 10036 CN108453421-Evoqu-GAWU-23-24	**CONTACT NAME:** **PHONE (A/C, No, Ext):** **FAX (A/C, No):** **E-MAIL ADDRESS:**
INSURED EWT Holdings III Corp Evoqua Water Technologies, LLC 210 Sixth Avenue Suite 3300 Pittsburgh, PA 15222	**INSURER(S) AFFORDING COVERAGE** — **NAIC #** **INSURER A :** National Union Fire Insurance Co. of Pittsburgh, PA — 19445 **INSURER B :** AIU Insurance Co. — 19399 **INSURER C :** Allianz Global Risk US Insurance Company — 35300 **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** NYC-011890171-01 **REVISION NUMBER:** 1

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** CLAIMS-MADE [ ] OCCUR [X] GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:			GL 9941282	10/31/2023	10/31/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG SIR: $1,000,000	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 10,000,000 $ 6,000,000 $
A B	**AUTOMOBILE LIABILITY** X ANY AUTO OWNED AUTOS ONLY [ ] SCHEDULED AUTOS HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY			7620278 (AOS) 7620279 (MA)	10/31/2023 10/31/2023	10/31/2024 10/31/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 3,000,000 $ $ $
C	X **UMBRELLA LIAB** X OCCUR **EXCESS LIAB** [ ] CLAIMS-MADE DED X RETENTION $ 10,000			USL00109923	10/31/2023	10/31/2024	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 5,000,000 $
B B B	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y/N ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		049154515 (AOS) 049154514 (WI) 049154513 (CA)	10/31/2023 10/31/2023 10/31/2023	10/31/2024 10/31/2024 10/31/2024	X PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 2,000,000 $ 2,000,000 $ 2,000,000

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

RE: Bill To# 1036776

Certificate Holder is included as additional insured (except Workers Compensation) as required by written contract. This insurance is primary and non-contributory over any existing insurance and limited to liability arising out of the operations of the named insured and where required by written contract.

CERTIFICATE HOLDER

CITY OF AMHERST
455 TONAWANDA CREEK RD
AMHERST, NY 14228-1230

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

Marsh USA LLC

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Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

AGENCY CUSTOMER ID: CN108453421
LOC #: New York

ADDITIONAL REMARKS SCHEDULE

AGENCY MARSH USA, LLC.	NAMED INSURED EWT Holdings III Corp Evoqua Water Technologies, LLC 210 Sixth Avenue Suite 3300 Pittsburgh, PA 15222
POLICY NUMBER	
CARRIER / NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Evoqua will be included as an insured under Xylem Inc. effective 12/31/2023.

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

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NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only)	1b. Business Telephone Number of Insured
EWT Holdings III Corp. Evoqua Water Technologies LLC 210 Sixth Avenue, Suite 3300 Pittsburgh, PA 15222 Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)*	914-323-5783 1c. NYS Unemployment Insurance Employer Registration Number of Insured 45-12205 1d. Federal Employer Identification Number of Insured or Social Security Number 80- 0909020
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) TOWN OF AMHERST 455 TONAWANDA CREEK RD. AMHERST, NY 14228	3a. Name of Insurance Carrier AIU Insurance Company 3b. Policy Number of Entity Listed in Box "1a" WC 049154515 3c. Policy effective period 10/31/2023 to 10/31/2024 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".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled 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 the coverage indicated on this Certificate. (These notices may 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 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: Don Bailey
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: Don Bailey (Signature) May 22, 2024 (Date)

Title: CEO North America

Telephone Number of authorized representative or licensed agent of insurance carrier: 212-770-7000

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 (9-17) www.wcb.ny.gov

Attachment: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

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: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

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) Evoqua Water Technologies LLC 6713 Collamer Road Syracuse, NY 13057 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 1c. Federal Employer Identification Number of Insured or Social Security Number 80-0909020
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 455 Tonawanda Creek Road Amherst, NY 14228	3a. Name of Insurance Carrier First Reliance Standard Life Insurance Company 3b. Policy Number of Entity Listed in Box "1a" DBL1330000054 3c. Policy effective period 1/1/2024 to 6/20/2025

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 6/20/2024 By Richard A. Vogenitz Digitally signed by Rick Vogenitz Dn: cn=Rick Vogenitz, o=Reliance Standard Life Insurance Company, ou, e=mail=richard.vogenitz@rsli.com, c=US Date: 2018.03.26 09:55:58 -04'00'

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

Telephone Number 267-256-4228 Name and Title Richard A. Vogenitz Sr. Compliance Analyst

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: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

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: evoqua-07022024102024 (RES-2024-609 : WPCF De-Ionized Water System Service Contract CRS #4896)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 29199 **RESOLUTION 2024-610** **ADOPTED**

Certificate of Municipal Use or State Use NOCO Energy Corp. CRS No. 4895

The Engineering Department Water Pollution Control Facility is currently seeking Town Board approval for the Supervisor to sign the attached "Certificate of Municipal Use or State Use" with NOCO Energy Corp. This certificate is to verify that the fuel purchased during the period of January 1, 2024 through December 31, 2024 is only being utilized for municipal use. The NYSOGS contract to purchase gasoline and flex fuel - E-85 under Group 05602, Award 232306, PC # 69484, was previously approved under CRS-CMS # 2866-2756 and RES-2021-791 on 9/13/21.

There is no additional cost for this request.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

N/A

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

NOCO

RECEIVED MAY 21 2024

noco.com

Date: May 10, 2024

To Our Valued Government Customer:

The 2024 FET Certificate of Municipal Use or State Use is enclosed. Federal tax laws require us to keep a completed Certificate of Use on file for each year you buy gas or diesel fuel exempt from federal taxes from NOCO.

Your Buyer (Company) name, address, and account number are filled in; please complete the rest of the Certificate in its entirety.

We also need a copy of your New York State Exemption letter. The letter confirms your eligibility for exemption from state taxes.

Return the completed Certificate and letter using one of the following methods:

- Scan and email to taxdept@noco.com
- Mail using the return envelope
- Fax to 716-833-3241 ATTN: Tax Dept

Please contact Kate Mooney at 716-614-1262 or kmooney@noco.com if you have any questions. Thank you for your attention to this matter.

Sincerely,
NOCO Tax Services

Attachment: noco-07022024101849 (RES-2024-610 : Certificate of Municipal Use or State Use CRS No. 4895)

2440 Sheridan Drive • Tonawanda, New York 14150 • Phone (716) 833-6626 • (800) 662-6776 • Fax (716) 874-7032

CERTIFICATE OF MUNICIPAL USE OR STATE USE

Issued to:

NOCO

NOCO Energy Corp - 2440 Sheridan Drive - Tonawanda, NY 14150 - #16-0727383

(Name, address, and employer identification number of vendor)

The undersigned buyer ("Buyer") hereby certifies the following under penalties of perjury:

Buyer will use the gasoline and diesel fuel to which this certificate relates for the exclusive use of a state or local government, or the District of Columbia.

This certificate applies to the following - check one and complete as applicable:

☐ This is a single purchase certificate

1. Invoice or Delivery Ticket #: _____
2. Number of gallons: _____

☑ This certificate covers all purchases under a specified account or order number:

1. Effective date: **January 1, 2024**
2. Expiration date: **December 31, 2024**
   (Period not to exceed 1 year after the effective date)
3. Buyer account or purchase order #: 17493

Buyer will provide a new certificate to the vendor if any information in this certificate changes.

If Buyer uses the gasoline or diesel fuel to which this certificate relates for a purpose other than stated in the certificate Buyer will be liable for tax.

Buyer understands that the fraudulent use of this certificate may subject Buyer and all parties making such fraudulent use of this certificate to a fine or imprisonment, or both, together with the costs of prosecution.

Buyer (Customer) account #: 17493

Name of Buyer : TOWN OF AMHERST WASTE WATER

Address of Buyer : 455 TONAWANDA CREEK RD, BUFFALO, NY 14228

Buyer's 9 digit EIN: 16-6002157

Name of person signing (please print): Brian Kulpa

Title of person signing (please print): Town Supervisor

Signature: _____ ***Date:*** _____

Federal Excise Tax Exempt Certificate of Use TY2024-M

Attachment: noco-07022024101849 (RES-2024-610 : Certificate of Municipal Use or State Use CRS No. 4895)

New York State Department of
TAXATION and FINANCE
OTPA Sales Tax Exempt Organizations Unit
Building 9 Room 154
W.A. Harriman Campus
Albany, NY 12227

SAMPLE

Fed ID#

August 13, 2019

Dear Sir or Madam:

The Tax Law exempts New York State governmental entities such as your organization, xxxxxxxxxxxxxxxxx , from the payment of New York State sales and use taxes on their purchases. In order to make tax exempt purchases, a New York State governmental entity must present vendors with the entity's official purchase order or other documentation (e.g., payment voucher, contract of sale, Form AC 946, *Tax Exemption Certificate*, Form ST-129, *Exemption Certificate - Tax on occupancy of hotel rooms*, etc.) which indicates that the purchaser is a New York State governmental entity.

Tax exemption numbers and Form ST-119.1, *Exempt Organization Exempt Purchase Certificate*, are not issued to New York State governmental entities. If a vendor requests a tax exemption number or Form ST-119.1, *Exempt Organization Exempt Purchase Certificate* from you, the xxxxxxxxxxxxxxxxxxxxxx may give the vendor a copy of this letter. This will assure the vendor that a governmental purchase order, or other evidence that xxxxxxxxxxxxxxxxxxxxxx is the purchaser, is the only documentation the vendor needs in order to not collect sales tax.

New York State Department of Taxation and Finance
OTPA-Technical Services Bureau
Sales Tax - Exempt Organizations Unit
Building 9, Room 154
W.A. Harriman Campus
Albany, NY 12227
(518) 457-2782

Attachment: noco-07022024101849 (RES-2024-610 : Certificate of Municipal Use or State Use CRS No. 4895)

New York State Department of
TAXATION and FINANCE

OTPA Sales Tax Exempt Organizations Unit
Building 8 Room 425
W.A. Harriman Campus
Albany, NY 12227

February 23, 2005

Town of Amherst
5583 Main St
Williamsville, NY 14221

Dear Sir or Madam:

The Tax Law exempts New York State governmental entities such as your organization, Town of Amherst, from the payment of New York State sales and use taxes on their purchases. In order to make tax exempt purchases, a New York State governmental entity must present vendors with the entity's official purchase order or other documentation (e.g., payment voucher, contract of sale, Form AC 946, *Tax Exemption Certificate*, Form ST-129, *Exemption Certificate - Tax on occupancy of hotel rooms*, etc.) which indicates that the purchaser is a New York State governmental entity.

Tax exemption numbers and Form ST-119.1, *Exempt Organization Exempt Purchase Certificate*, are not issued to New York State governmental entities. If a vendor requests a tax exemption number or Form ST-119.1, *Exempt Organization Exempt Purchase Certificate,* from you, the Town of Amherst may give the vendor a copy of this letter. This will assure the vendor that a governmental purchase order, or other evidence that the Town of Amherst is the purchaser, is the only documentation the vendor needs in order to not collect sales tax.

New York State Department of Taxation and Finance
OTPA-Technical Services Bureau
Sales Tax - Exempt Organizations Unit
Building 8, Room 425
W.A. Harriman Campus
Albany, NY 12227
(518) 457-2782

Attachment: noco-07022024101849 (RES-2024-610 : Certificate of Municipal Use or State Use CRS No. 4895)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Sewer/Plant 16
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 29200 **RESOLUTION 2024-611** **ADOPTED**

Emergency Purchase Payment Authorization Ranch Cryogenics, Inc.

The Engineering Department, WPCF division's Cryogenic Oxygen System, a critical part of wastewater treatment process, has formed multiple leaks in the liquid oxygen generation transfer piping and in the lubricant delivery system for the turbine. To resolve these issues Ranch Cryogenics, Inc. was contracted with visit the plant and develop a scope of work that encompasses the repairs needed, so that the facility can operate as necessary during the replacement project. Please note that due to the leaks the system is not producing liquid oxygen and hence, the facility is trucking in liquid oxygen at an annual projected cost of $219,000.00 for which there is not adequate budget.

At this time, we ask the Town Board to authorize the Comptroller's office to pay Ranch Cryogenics' invoice #1858 in the amount totaling $4,481.34, which came in under the NTE estimate.

There will be a follow up request by the WPCF division to contract with Ranch Cryogenics to make the scoped repairs. Their work has not been fully priced yet, but is anticipated to be in the $60-80k range.

Funds for this request are available in G9916-4960.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

G9916-4960

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

Town of Amherst
Emergency Purchase Documentation Form

This form is to be completed for all emergency purchases made that contravene the Town's Purchasing Policy. You must contact the Supervisor (or Deputy Supervisor in the Supervisors absence) to obtain his/her approval prior to making the purchase. This form must be completed and submitted to the Town Board at the first work session following the Emergency purchase. A copy should also be submitted to the Town Attorney and Contract Compliance & Administration Department.

An exception to the competitive bidding requirements exists for emergency situations (GML §103[4]). There are three basic statutory criteria to be met in order to fall within this exception. These are that (1) the situation arises out of an accident or other unforeseen occurrence or condition; (2) the circumstances affect public buildings, public property, or life, health, safety or property of the political subdivision's residents; and (3) the situation requires immediate action which cannot await competitive bidding.

Generally, there must be a present, immediate and existing condition which is creating an imminent threat or danger and which requires such immediate action that a further delay to comply with competitive bidding requirements is so detrimental to the public interest that it overcomes the strong public policy in favor of bidding. Further, because the emergency must arrive out of an accident or unforeseen occurrence, it is doubtful a local government may invoke the emergency exception in a situation which the result of inaction or dilatory behavior on the part of local officials and which, therefore, could have been foreseen in time to advertise for bids.

Even when a governing board passes a resolution that a public emergency exists, the public interest dictates that purchases are made at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practical under the circumstances.

1. Date of Emergency Purchase: AS SOON AS APPROVED
2. Date you received approval from the Supervisor: 5/23/24 Supervisor's Initials: BK
3. Date of Town Board meeting where Board is notified: 6/24/24
4. Amount of Emergency Purchase. Please provide a detailed listing of items purchased and the cost of each (attach additional detail if necessary): ESTIMATED @ $ 7,900.00
5. Is there adequate funding in your current operating budget to cover this purchase? YES
   Identify budget Org/Object: G9916 - 4466
6. Please describe the circumstances that resulted in the need to make an emergency purchase without following the Town's Purchasing Policy: PLEASE SEE ATTACHED.
7. Please describe what steps were taken to ensure the lowest cost for the Emergency Purchase. If none, please explain why your department was prevented from doing so: WE WOULD ASK APPROVAL TO MOVE FORWARD WITH RANCH CRYOGENICS AS THEY HAVE THE EXPERTISE AND CAN START IMMEDIATELY
8. Department Head Signature: _____ Date: 5/23/24

CC: Town Board, Town Attorney, Contract Compliance & Administration

For Contract Compliance & Administration Use Only
Date of Town Board Resolution: Emergency Purchase Tracking/Res #:

Attachment: Procurement Policy - 2024 Reorg - Final (RES-2024-40 : Adopt Procurement Policy & Contract Administration Policy)
Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

AGREEMENT

Let this document stand as an Agreement between Ranch Cryogenics, Inc. and the Town of Amherst permitting the Town of Amherst to procure the services of Ranch Cryogenics, Inc. These services would include a full assessment of the repairs needed to our cryogenic plant along with measurements to help formulate a projected cost and scope of work. The cost for this work is estimated at $7,900.00.

NEW YORK STATE PREVAILING WAGE *On contracts which are subject to New York Department of Labor Prevailing Wage laws and regulations, the contractor is required to submit certified payroll record every thirty (30) days after the issuance of your first payroll under this contract. Required forms are available at the New York Department of Labor's website https://labor.ny.gov/workerprotection/publicwork/PWFormsOnWeb.shtm

This project's PRC# 2024005766 - O2 Plant Project Review

The schedule can be found at the following link

https://apps.labor.ny.gov/wpp/publicViewProject.do?method=showIt&id=1568756

The term of this contract will be from date of Town Board approval by the Town of Amherst through August 31, 2025

Agreed to and Accepted by:

Ranch Cryogenics, Inc.

By: _____
Signature

MICHAEL F. DUFFY, III
Printed name

PRESIDENT
Title

Date: 5/21/24

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa
Supervisor

Date: 5/23/24

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

Explanation for Emergency Purchase - WPCF Oxygen Plant Repair Project

An integral portion of our generating plant is currently out of service due to piping and valve failures. As this plant is critical to the function of the wastewater treatment process, we require the expertise of a firm that can come on site and work with our team to fully inspect the situation and develop a scope of work including budgetary numbers. At the time the scope is received, we would determine how best to move forward.

After internal searches for experienced contractors were unsuccessful, our contracted advisor, Dave Martin of Mohawk Cryogenics, recommended Ranch Cryogenics, Inc.. After meeting with Ranch Cryogenics, we were confident that this company has the experience needed to provide the scope of work detailed above at an estimated cost of $7,900.00.

Please note that with our current situation we need to truck in liquid oxygen at the projected cost of $219,000.00 annually, in which we do not have an adequate budget line to charge.

Respectfully Submitted,

Tom Dean
General Crew Chief - Procurement
Town of Amherst WPCF
455 Tonawanda Creek Road
Amherst, NY 14228
716.691.9771 ext. 8041
tdean@amherst.ny.us

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

RANCH CRYOGENICS, INC.
32580 N 1500 East Road
Blackstone IL 61313
815-584-9161

Invoice

Invoice#: 1858

Date: 06/18/2024

Billed To: Town of Amherst WPCF
455 Tonawanda Creek Road
Amherst NY 14228

Project: Amherst Cryo Piping
455 Tonawanda Creek Road
Amherst NY 14228

Due Date: 07/18/2024 **Terms:** **Order#**

Description	Amount
Remote site vist to Amherst Waste Water Facility to inspect piping for bid	4,481.34

Notes:

Travel to Amherst Waste Water Facility for site visit to inspect piping and take measurements for bid. 1 day onsite, 2 days travel to and from site.

Thank you for your prompt payment!

"Contractor represents that with repsect to the production of articles and/or performance of the services by this invoice. Contractor fully complied with the requirements of Section 6, 7 and 12 of the Fair Labor Standards Act as amended and of the regulation and orders of the U.S. Dept. of Labor issued under Section 14 thereof."

Non-Taxable Amount:	4,481.34
Taxable Amount:	0.00
Sales Tax:	0.00
Amount Due	**4,481.34**

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

Department of Labor
Bureau of Public Work

WEEKLY PAYROLL

For Contractor's Optional Use. The use of this form meets payroll notification requirements; as stated on the Payroll Records Notification.

NAME OF CONTRACTOR ☒	SUBCONTRACTOR ☐	ADDRESS
Ranch Cryogenics, Inc.		32580 N 1500 E RD Blackstone, IL 61313

FEIN	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACTOR NO.
23-2474081	5/31/2024	Piping Inspection at Town of Amerherst WPCF	2024005766

(1) NAME, ADDRESS, AND LAST 4 DIGITS OF SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) NO. OF WITH-HOLDINGS	(3) WORK CLASSIFICATION	ST or OT	4) DAY AND DATE / HOURS WORKED EACH DAY	(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS: FICA	WITH-HOLDING Tax	NY		OTHER	TOTAL DEDUCTIONS	(9) NET WAGES PAID FOR WEEK
Phillip Bowers 2563 Seaside Circle Tulare, CA, 93724 8313		Plumber / Steamfitter	S	7	7	$68.78	$481.46	$36.83	$50.58	$7.03			$94.44	$387.02
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									

PW -12 (12-09)

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

THIS CERTIFICATION MUST BE COMPLETED ON EACH WEEKLY PAYROLL FORM USED BY THE CONTRACTOR OR SUBCONTRACTOR

Date 6/20/20

I Christopher Duffy (Name of signatory party) Vice President (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by Ranch Cryogenics, Inc

(Contractor or Subcontractor)

_____, that during the payroll period commencing on the _____

day of May 27th, 2024, and ending the 6th day of June 2024 all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Ranch Cryogenics, Inc from the full

(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the wage rates for laborers, workers, or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer, worker or mechanic conform with the work he/she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ - In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c).

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ - Each laborer, worker, or mechanic listed in the above-referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9.

RANCH CRYOGENICS, INC.
32580 N 1500 East Road
Blackstone IL 61313
815-584-9161

Invoice

Invoice#: 1858

Date: 06/18/2024

Billed To: Town of Amherst WPCF
455 Tonawanda Creek Road
Amherst NY 14228

Project: Amherst Cryo Piping
455 Tonawanda Creek Road
Amherst NY 14228

Due Date: 07/18/2024 **Terms:** **Order#**

Description	Amount
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Notes:

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Thank you for your prompt payment!

"Contractor represents that with repsect to the production of articles and/or performance of the services by this invoice. Contractor fully complied with the requirements of Section 6, 7 and 12 of the Fair Labor Standards Act as amended and of the regulation and orders of the U.S. Dept. of Labor issued under Section 14 thereof."

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Taxable Amount:	0.00
Sales Tax:	0.00
Amount Due	**4,481.34**

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

Department of Labor
Bureau of Public Work

WEEKLY PAYROLL

For Contractor's Optional Use. The use of this form meets payroll notification requirements; as stated on the Payroll Records Notification.

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Ranch Cryogenics, Inc.		32580 N 1500 E RD Blackstone, IL 61313

FEIN	FOR WEEK ENDING	PROJECT AND LOCATION	PROJECT OR CONTRACTOR NO.
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Phillip Bowers 2563 Seaside Circle Tulare, CA, 93724 8313		Plumber / Steamfitter	S	7	7	$68.78	$481.46	$36.83	$50.58	$7.03			$94.44	$387.02
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			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									
			S		0		$0.00						$0.00	$0.00
			O		0									

PW -12 (12-09)

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

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Date 6/20/20

I Christopher Duffy (Name of signatory party) Vice President (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by Ranch Cryogenics, Inc

(Contractor or Subcontractor)

, that during the payroll period commencing on the

day of May 27th, 2024, and ending the 6th day of June 2024 all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

Ranch Cryogenics, Inc from the full

(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Articles 8 and 9 and described below:

(2) That any payrolls submitted for the above period are correct and complete; that the wage rates for laborers, workers, or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer, worker or mechanic conform with the work he/she performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

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(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ - In addition to the basic hourly wage rates paid to each laborer, worker or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c).

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☒ - Each laborer, worker, or mechanic listed in the above-referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE ARTICLES 8 AND 9.

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

Addendum to Contract Major Exposure

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 Contractors 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, Contractor 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 Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.

4. Contractor 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: Contractor 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: Contractor 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. Umbrella coverage shall be in an amount of at least $5,000,000.00.

(c) Contractor shall furnish the above insurances, including subcontractors' 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) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis. A failure by Contractor to assure that any

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

(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.

8. The Contractor, in accordance with its status as an independent Contractor, 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.

9. 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.

10. 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:

X

Agreed to and Accepted by:

Revised 10-31-22

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

EXHIBIT "I"

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: RANCH CRYOGENICS, INC

Signature: [signature]

Print Name: MICHAEL F. DUFFY, III

Title: PRESIDENT

Date: 5/21/24

Revised 8.2023

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 5/21/2024

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 rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
The Horton Group
10320 Orland Parkway
Orland Park IL 60467

CONTACT NAME:
PHONE (A/C, No, Ext): 708-845-3000 FAX (A/C, No):
E-MAIL ADDRESS: certificates@thehortongroup.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : The Cincinnati Specialty Underwriters Insurance Co	13037
INSURER B : Cincinnati Insurance Company	10677
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED RANCCRY-01
Ranch Cryogenics, Inc.
32580 N 1500 East Road
Blackstone IL 61313

COVERAGES **CERTIFICATE NUMBER:** 1793586157 **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 CLAIMS-MADE X OCCUR X 5,000 GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	Y	Y	CSU0100331	6/6/2023	6/6/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Employee Benefits	$ 1,000,000 $ 100,000 $ 1,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $ 1,000,000
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY / SCHEDULED AUTOS X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY	Y	Y	EBA0442283	6/6/2023	6/6/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $ $
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000	Y	Y	CSU0100333	6/6/2023	6/6/2024	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 5,000,000 $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N: N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	Y	EWC 0442284	6/6/2023	6/6/2024	X PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
B B B	Commercial Property Leased/Rented Equipment Excess Auto Only			EPP 0442283 EPP 0442283 EPP 0442283	6/6/2023 6/6/2023 6/6/2023	6/6/2024 6/6/2024 6/6/2024	Blanket Building/BPP Limit Limit	559,586 300,000 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional Insured on a primary and noncontributory basis with respect to general liability and auto liability only when required by written contract. Waivers of subrogation apply to general liability, auto liability and workers compensation in favor of the stated additional insureds only when required by written contract. Umbrella follows form.
Additional Insured: Town of Amherst

CERTIFICATE HOLDER

Town of Amherst
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

© 1988-2015 ACORD CORPORATION. All rights reserved.

Attachment: Ranch Cryogenics (RES-2024-611 : Emergency Purchase Payment Authorization)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Clerk
DOC ID: 29201

COMMUNICATION 2024-56 **APPROVED**

Request for Public Hearing - 3880 & 3910 East Robinson Road Rezoning

Request from Sean Hopkins, Esq. for a public hearing with respect to the rezoning of 3880 & 3910 East Robinson Road from GB to MFR-7.

This hearing has been scheduled for August 19th.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

July 2, 2024

Timothy J. Koller, Deputy Town Clerk
Town of Amherst Town Clerk's Office
5583 Main Street
Williamsville, NY 14221

Re: Rezoning of 3880 & 3910 East Robinson Road from GB to MFR-7 [Z-2024-02]
Applicant/Project Sponsor: MJ Peterson Corp. c/o Rainbow Racquet Club
File No. 10005.8

Dear Tim:

This letter is being submitted on behalf of MJ Peterson Corp. ("Project Sponsor") to request that the Town Board adopt a resolution during its next meeting on Monday, July 8th for the purpose of scheduling a public hearing in connection with the pending request to amend the zoning classification of 3880 & 3910 East Robinson Road from GB to MFR-7.

The Planning Board held a public hearing on the pending requested amendment of the Comprehensive Plan during its meeting on Thursday, May 19th and adopted a resolution by a unanimous vote recommending that the Town Board issue a negative declaration pursuant to SEQRA and approve the rezoning of the Project Site. A copy of the resolution adopted by the Planning Board is attached as Exhibit "1".

Please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com with any questions regarding this letter.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.
cc: Daniel C. Howard, AICP, Planning Director
Victor L. Peterson III, President/CEO, M.J. Peterson Corp.
Christopher Wood, P.E., Carmina Wood Design

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
5500 Main Street, Suite 343 • Williamsville, New York 14221
Direct: 716-510-4338 • E-mail: shopkins@hsr-legal.com • www.hsr-legal.com

Attachment: Koller-Ltr-Request to Schedule Public Hearing-07-02-24 (COM-2024-56 : Request for Public Hearing - 3880 & 3910 East Robinson

Exhibit 1

Attachment: Koller-Ltr-Request to Schedule Public Hearing-07-02-24 (COM-2024-56 : Request for Public Hearing - 3880 & 3910 East Robinson

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2024-02

PETITIONER

Rainbow Racquet Club
c/o Sean Hopkins
5500 Main Street, Suite 343
Williamsville, NY 14221

PROPERTY LOCATION

3880 & 3910 East Robinson Road

JUN 28 2024 PM12

WHEREAS the Town of Amherst Planning Board on Tuesday, June 25, 2024 held a public hearing on the proposed rezoning of land from GB to MFR-7, and

WHEREAS the Planning Board has reviewed plans and other materials regarding the rezoning proposal, and

WHEREAS the materials and plans have been referred to the Town's various review agencies, and

WHEREAS in accordance with Section 8-3-5 of the Zoning Ordinance the Planning Board finds that:

A. The proposed zoning and development plan is generally consistent with the policies of the Comprehensive Plan and the Zoning Ordinance.

B. There are adequate services and utilities available or proposed to be made available in the construction of the development.

C. The proposal is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

D. The subject property is suitable for uses permitted by the current versus the proposed district.

E. The proposed change does tend to improve the balance of uses, or meets a specific demand in the Town.

F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act may be waived because the parcel is developed.

WHEREAS pursuant to Local Law #3-82, as amended, the Planning Board recommends that the Town Board determine that the requirements of SEQR are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.

Attachment: Koller-Ltr-Request to Schedule Public Hearing-07-02-24 (COM-2024-56 : Request for Public Hearing - 3880 & 3910 East Robinson

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2024-02

PETITIONER

Rainbow Racquet Club

PROPERTY LOCATION

3880 & 3910 East Robinson Road

JUN 28 2024 PM12

NOW THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Board in accordance with Section 8-3-4 of the Zoning Ordinance, that the rezoning request be approved.

The foregoing resolution was adopted by the Town of Amherst Planning Board, June 25, 2024; moved by Giuliani; seconded by Davis; ayes 4; noes 0; absent 3 (Chmiel, Penberthy, Raffaele).

for Michael J. Chmiel, Planning Board Chair

June 28, 2024
Date

JQ/ac
X:\Current_Planning\Files\Rezonings\2024\Z-2024-02_(3880_&_3910_East_Robinson_Rd)_2024\Z-2024-02_resolution_062524.doc.docx
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Rainbow Racquet Club, c/o Sean Hopkins, 5500 Main Street, Suite 343, Williamsville, NY 14221

Attachment: Koller-Ltr-Request to Schedule Public Hearing-07-02-24 (COM-2024-56 : Request for Public Hearing - 3880 & 3910 East Robinson

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Clerk
DOC ID: 29167

COMMUNICATION 2024-57

APPROVED

Congregation Brith Hadoshah for Fee Waiver

Request from Congregation Brith Hadoshah seeking a waiver of the Fire Prevention Permit fee for their picnic on Sunday, August 11th.

Response from the Building Commissioner is attached.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

CONGREGATION BRITH HADOSHAH

50 Alberta Dr.

Amherst, NY 14226

Brian Kulpa, Supervisor Town of Amherst

Francina Spoth, Town clerk

June 19, 2024

To the Amherst Town Board;

We are planning to have a picnic on our grounds on Sunday, August 11 (with a rain date for August 18) beginning at 2 p.m. We plan to put up a small (20 x 30) tent (without sides) for shade with some tables and chairs. We are asking for a waiver of the fire safety inspection fee as this is a local religious organization and the event is for our congregants and some neighbors. There is no fee to attend and neither will there be any fundraising activity at this event. Thank you.

Sincerely,

Rabbi Frank Lowinger

Attachment: picnic waiver (COM-2024-57 : Congregation Brith Hadoshah for Fee Waiver)

TOWN OF AMHERST

BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

5583 MAIN STREET

WILLIAMSVILLE, NEW YORK 14221

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

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

Agenda Item

DATE: June 24, 2024

TO: Town Board

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

RE: Request for Waiver of Fire Prevention Permit Fee for Congregation Brith Hadoshah Picnic

In response to the letter received June 19, 2024, from Rabbi Frank Lowinger regarding a Picnic to be held on August 11, 2024 at 50 Alberta Dr., this memo serves to recommend approval of this request to waive the fee associated with a fire prevention permit. Please be advised the permit is still required.

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

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

CC: Bryan Parnell, Sr. Fire Inspector
Francina J. Spoth, Town Clerk

Attachment: picnic waiver (COM-2024-57 : Congregation Brith Hadoshah for Fee Waiver)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Town Clerk
DOC ID: 29204

COMMUNICATION 2024-58

APPROVED

Historic Preservation Commission - Permission for Sign Placement & Fee Waiver

Request from the Historic Preservation Commission to have fees waived and to place six signs to promote "Preservation Day" on Saturday, August 3rd at the Buffalo Niagara Heritage Village.

Please see the response from the Building Commissioner.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

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

Koller, Timothy

From: Berke, Mark S.
Sent: Wednesday, July 3, 2024 10:58 AM
To: Koller, Timothy
Cc: Gesel, Doug
Subject: RE: Preservation Day Banner Request

Tim,

The Building Department takes no exception to these signs.

Temporary Sign permits will be required and are approved by the Town board as they are going on town properties. The Town Board must also waive the required fees.

Mark S. Berke, P.E., CFM, C.E.M., GBE
Commissioner of Building
Town of Amherst Building Department
(716) 631-7080
(716) 631-7192 Fax
mberke@amherst.ny.us

From: Koller, Timothy <tkoller@amherst.ny.us>
Sent: Wednesday, July 3, 2024 9:50 AM
To: Berke, Mark S. <mberke@amherst.ny.us>
Subject: FW: Preservation Day Banner Request

Mark,

Please send me your response to the attached letter.

Thank you.

Tim

From: Spoth, Francina <fspoth@amherst.ny.us>
Sent: Wednesday, July 3, 2024 9:49 AM
To: Koller, Timothy <tkoller@amherst.ny.us>
Subject: FW: Preservation Day Banner Request

From: Kate Waterman-Kulpa
Sent: Tuesday, July 2, 2024 8:46 AM
To: Spoth, Francina <fspoth@amherst.ny.us>
Cc: Floss, Steven <sfloss@amherst.ny.us>; Pouli, Mary-Diana <MPouli@amherst.ny.us>; Carrie Stiver

Attachment: HPC request (COM-2024-58 : Historic Preservation Commission - Permission for Sign Placement & Fee Waiver)

<cstiver@bnhv.org>; Brian Swartz <btswartz@buffalo.edu>
Subject: Preservation Day Banner Request

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Fran,
Please see the attached request.
I have briefly spoken to Mary Di and she takes no exception to the continued temporary install of these banners to advertise this town event at proposed locations.

Steve,
Historically, the Highway Department has installed and taken down these reusable banners around Amherst. The six proposed locations on Town property are listed in the attached letter. Can Highway please install/take down and return the banners/stakes to Buffalo Niagara Heritage Village again this year?

Thank you both for considering this request and please let me know you if you have any questions.
Kate Waterman-Kulpa, Vice-Chair
Amherst Historic Preservation Commission

Attachment: HPC request (COM-2024-58 : Historic Preservation Commission - Permission for Sign Placement & Fee Waiver)

Francina J. Spoth
Town Clerk
Amherst Municipal Building
5583 Main Street
Williamsville, New York 14221

July 2, 2024

Re: Preservation Day Banner Signs

Dear Fran,

The Amherst Historic Preservation Commission (AHPC) respectfully requests to place temporary vinyl horizontal banner signs at the locations listed below to advertise "Preservation Day" on Saturday, August 3, 2024 at the Buffalo Niagara Heritage Village. The banners are an important part of the marketing for this event. We would like to continue to market this Town of Amherst event at municipal buildings/ property around Amherst.

The dates of installation would be July 26th through August 3rd, to be removed on/after August 3rd.

Proposed locations (same locations used last year, minus two) are:

1. 5583 Main Street, between the Amherst Municipal Building and the parking lot; location similar to the Jolly Boys' "Old Homes Days" sign; to be placed after Old Homes Day has ended
2. 5005 Sheridan Drive, Amherst Youth Foundation Building
3. 370 John James Audubon Parkway, Amherst Senior Center (actually on Gordon R. Yaeger Drive before first Library parking lot entrance on right)
4. 359 Klein Road, Bassett Park (at corner of Klein and Young)
5. 4415 Millersport Hwy, North Amherst Recreation Center (near main entrance at building)
6. 435 Maple Road, Amherst Park Maintenance Building (at street by permanent sign)

The banner signs are 2' high x 10' long. The reusable banners have grommets to allow zip tie to stake installation. We are again asking if the Town Highway Department can take ownership of the installation and take down of these signs.

The signs/stakes are currently at Buffalo Niagara Heritage Village, 3755 Tonawanda Creek Road. The BNHV facilities director Luke can be reached at 716-420-4625 to coordinate the pickup and drop off of the banners.

I look forward to your response and thank you for your consideration of this request.

Kate Waterman-Kulpa
Amherst Historic Preservation Commission, Vice Chair

cc: Mary-Diana Pouli, Executive Director Town of Amherst Youth & Recreation Department (mpouli@amherst.ny.us)
Steve Floss, Superintendent Town of Amherst Highways (SFloss@amherst.ny.us)
Carrie Stiver, Executive Director BNHV

Attachment: HPC request (COM-2024-58 : Historic Preservation Commission - Permission for Sign Placement & Fee Waiver)

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

Francina J. Spoth
Town Clerk

Meeting: 07/08/24 03:00 PM
Department: Engineering Services
Initiated by: **Brian J. Armstrong**
Co-Sponsored by:

DOC ID: 29191 **RESOLUTION 2024-612** **ADOPTED**

Public Improvement Permit No. 3118 Street Lights – Miller's Crossing Subdivision Phase 1 & 2 2018.043/SUB-2018-02

Attached please find an application for a Street Lighting Public Improvement Permit properly filled out. Please note this permit will include the installation of nine (9) public and seven (7) private street lights. Permit fee and inspection cost amounts to $8,650.00.

We are sending two (2) checks to the Comptroller's Office, one for $150.00 to be retained as a Permit Fee and one in the amount of $8,500.00 which will be held in escrow to cover the inspection costs.

At this time, we are asking for your approval of the application for PIP No. 3118.

Thank you for considering this request.

7/8/2024
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Lavin and unanimously approved 4-0.

FINANCIAL IMPACT:

Permit fee and inspection cost amounts to $8,650.00.

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

APPLICATION FOR PERMIT TO CONSTRUCT A PUBLIC/PRIVATE IMPROVEMENT

TO THE HONORABLE TOWN BOARD:
Town of Amherst, Erie County, N.Y.

Date: February 21, 20 24

Application is Hereby Made for Permission to Construct:

	Public	Private
Pavement & Curbing	☐	☐
Waterline	☐	☐
Sanitary Sewer	☐	☐
Storm System	☐	☐
Street Lighting	☒	☒

Estimated Cost of Construction $ 85,000.00

Address and/or Subdivision Name: Miller's Crossing Subdivision **Town of Amherst Job:** 2018.043/SUB-2018

Description and location of improvements including quantities: Installation of sixteen (16) total Town Standard street lights along River Oak Ln (7 ea - private), Streamsong Ct (8 ea - public), and Autumn Meadows Ln (1 ea - public) Traditional Post Top Signify LED TownView TVPR-S3-S-16-G1-7-3W-730-A-N-R7-N-SP1-N-N-N-BKS, poles and all associated equipment.

	Name	Address	Phone
Owner:	Natale Development	9159 Main Street	716-580-3318
Engineer/Designer:	Greenman-Pedersen, Inc.	4950 Genesee Street, Suite 100, Buffalo, NY 14225	716-633-4844
Contractor:	Cimato Brothers Construction	9220 Transit Road, East Amherst, NY 140514	716-688-3536

This application must be submitted in quadruplicate along with four (4) full size copies of construction drawings showing the extent of the improvements which will be incorporated into and made part of this application. In the event the drawings submitted contains other facilities not covered by this permit, then those covered by this permit must be designated by coloring so that a clear-cut picture of the work under this permit is easily determined. **A PDF copy of the colored construction plans must also be provided.** The lighting PIP re uires submission of design plans prepared by a **licensed electrical engineer** and in accordance with Town and National Grid re uirements for **review and approval.**

Work under this permit shall be started within **60 days** from the date of approval thereof. Work under this permit shall be completed within **1 year** of the approval thereof. Any request for extension shall be addressed in writing to the Town Board of the Town of Amherst.

Fees from this permit shall be covered by **separate** checks made payable to the Town of Amherst in the amounts shown below and as set forth by the Town Board. The inspection fee is non-refundable and shall cover all work under this permit at no additional cost to the Town of Amherst. The inspection fee may be increased by a commercially reasonable amount during or after implementation of the improvements at the discretion of the Town Engineer due to unforeseen field conditions or complexity of design. All construction work is to be done during normal and usual working hours. Any deviation from this must be compensated by the payment of additional fees. Digital and full size hard copies of the as-built drawings shall be provided upon completion of the work. The lighting as-builts must contain field verified survey data in AutoCAD or GIS format for all electrical components including conduits, poles with numbering, power sources, and handhole locations.

In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees that if such a permit is granted, they will comply with the terms thereof, the Laws of the state of New York, the Ordinances of the Town of Amherst and Regulations of the various departments to the Town and State of New York, and that they shall notify the Engineering Department forty-eight (48) business hours in advance of commencing any work under this permit.

The undersigned hereby certifies that all of the information contained in this petition is correct and true.

ITEM		FEE
PERMIT		$150.00
INSPECTION	10% of Estimate of Cost of Construction	$8,500.00
VIDEO INSPECTION - SANITARY		
$ 1.50 Per Linear Foot		
TOTAL FEE		$8,650.00

Owner sign Here

Natale Development
Please Print Name

9159 Main Street
Address

Clarence	NY	14031	716-580-3318
City	State	zip	Phone

Subscribed and sworn to before me this 13 Day of MARCH 20 24

LAURIE SISTI
NOTARY PUBLIC STATE OF NEW YORK
No. 01SI5021060
Qualified in Erie County
My Commission Expires 12-06-2025

Notary Public, Erie County, New York

I do certify that I have examined the foregoing petition and sketch and certify that they conform to Ordinances of the Town of Amherst.
Town Engineer: Director of Engineering Services

Receipt is hereby acknowledged of the sum of $ _____, being the required fees established by the Town Board of the Town of Amherst, NY

Public/Private Improvement Permit No. 3118

Town Clerk

Rev. 9/13/2023

Attachment: PIP 3118_2024-07-08_Millers Crossing- Lights (RES-2024-612 : Public Improvement Permit Miller's Crossing Subdivision Phase 1