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, March 14, 2022 | **7:00 PM** | **Amherst Municipal Building**

I. IN MEMORY

Lauren Taggart

II. INVOCATION

Supervisor Kulpa

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on March 14, 2022 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Jacqualine Berger	Town of Amherst	Deputy Supervisor	Present	
Deborah Bruch Bucki	Town of Amherst	Councilmember	Present	
Shawn Lavin	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Absent	
Francina J. Spoth	Town of Amherst	Town Clerk	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Stanley J. Sliwa	Town of Amherst	Town Attorney	Present	
Daryl Bramer	Town of Amherst	Comptroller	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Robert McCarthy	Town of Amherst	Director of Human Resources	Present	
Lynda Juul	Town of Amherst	Director of Finance	Present	

V. MINUTES APPROVAL

1. Monday, February 28, 2022

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

VI. PROCLAMATIONS AND ANNOUNCEMENTS

Youth Art Month and Music in Our Schools Month was presented to Michael Russo, Instructional Specialist from Williamsville Central School District.

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. Resolution 2022-262

100 Maple Road Rezoning

Request to rezone 100 Maple Road from GB to SC-3.

3/14/2022
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was opened at 7:09 PM.

Attorney Sean Hopkins, presented.

There were no speakers, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the March 28th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:14 PM.

RESULT:	**HEARING CLOSED**	**Next: 3/28/2022 7:00 PM**

2. Resolution 2022-263

Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000)

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 9, 2022**

RE: **Sewer Maintenance Building Roof Restoration**
2022-2027 C.I.P. - Project No. E-22
TOA Job No. 2019.010A
Bond Resolution - $175,000

The above-referenced matter is scheduled for a Public Hearing on March 14, 2022 at 7:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

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

Thank you.
SJS:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - March 14th, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Brian J. Armstrong, EIT, Assistant Municipal Engineer (*w/attachment*)

3/14/2022
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was opened at 7:14 PM.

Vaishali Reberholt, Principal Engineer Assistant, presented.

A motion to adopt the SEQR was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. A motion to close the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:18 PM.

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call Vote 4-0.

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

3. Resolution 2022-264

Local Law Repealing Chapter 15 - Employee Position Vacancy Control Plan

Public Hearing with respect to a Local Law repealing Chapter 15 - Employee Position Vacancy Control Plan.

3/14/2022
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was opened at 7:18 PM.

Stan Sliwa, Town Attorney, presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the March 28th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:23 PM.

3/28/2022
Consent

RESULT:	**DECISION DATE [UNANIMOUS]**	**Next: 3/28/2022 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqualine Berger, Deputy Supervisor	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

4. Resolution 2022-265

Local Law Amending Chapter 184 - Vehicles Abandoned

Public Hearing with respect to a Local Law Amending Chapter 184 - Vehicles Abandoned.

3/14/2022
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Bucki and unaimously approved 4-0.

3/28/2022
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Bucki and unaimously approved 5-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 3/28/2022 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

5. Resolution 2022-266

Local Law Amending Chapter 151 - Property Maintenance

Public Hearing with respect to a Local Law amending Chapter 151 - Property Maintenance.

3/14/2022
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Bucki and unaimously approved 4-0.

3/28/2022
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Bucki and unaimously approved 5-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 3/28/2022 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

VIII. DEVELOPMENT REVIEW ACTIONS

1. Resolution 2022-267

Adoption of Local Law to Amend the Audubon Development Plan and the Zoning Map (2160 & 2170 North Forest Road , Z-2020-06)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed and the Town Board issues the attached Negative Declaration, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of January 21, 2021 that the proposed New Community District - Neighborhood District (NCD-ND) classification at 2160 & 2170 North Forest Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that to the extent the proposed classification is not consistent with the adopted Comprehensive Plan, the plan is hereby amended to be consistent with the proposed classification at this location, and be it further

RESOLVED, that in accordance with Section 203-8-3 of the Town Code (Zoning), the Town Board adopts Local Law (#) to amend the Town Zoning map subject to the following conditions as agreed to by the applicant:

1. The Project shall not consist of a student housing project or a dormitory as defined in the Town's Zoning Code.

2. The Project shall not be a short-term rental project (e.g. Air B&B).

3. The Project shall be constructed in a single phase.

4. The maximum permitted illumination level at the property boundary of 2180 North Forest Road shall be 0.2 footcandles. A Photometric Plan shall be submitted with the Site Plan Application. Any light standards to be installed on the Project Site shall have a maximum height of fifteen feet (15') and shall be properly shielded and oriented so the lighting fixture is not facing towards the contiguous property at 2180 North Forest Road.

5. Upon obtaining Site Plan Approval for the Project from the Planning Board, the owner of 2160 and 2170 North Forest shall convey to the owners of 2180 North Forest Road, via Quit Claim Deed and free and clear of liens and encumbrances, a parcel of land, contiguous to 2180 North Forest Road, which parcel shall front on North Forest Road and shall be 15' wide by approximately 225' in depth. The owners of 2180 North Forest Road shall be responsible for payment of the following closing costs, if any, associated with the transfer of such parcel: title search continuation and search closing charge, survey charge, transfer tax, and recording and filing fees.

6. The Applicant (owner of 2160 and 2170 North Forest Road) shall erect a six foot (6') vinyl privacy fence, which fence shall be located along the property line to be conveyed to the owners of 2180 North Forest, and shall then continue along the existing shared property line to the boundary of the regulated floodway. The fence shall begin at a location which is parallel with the front corner of the home at 2180 North Forest Road.

7. The six foot (6') vinyl privacy fence is to be installed upon the beginning of site preparation work at 2160-2170 North Forest Road.

8. Landscaping shall be installed along the frontage of the shared property line with 2180 North Forest Road. The landscaping shall be depicted on the Landscape Plan to

be submitted with the Site Plan Application for the Project.

3/14/2022
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and approved via Roll Call vote 3-1 (nay, Bucki). A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and approved via Roll Call vote 3-1 (nay, Bucki). .

RESULT:	**ROLL CALL VOTE (ADOPTED) [3 TO 1]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Deputy Supervisor
AYES:	Kulpa, Berger, Lavin
NAYS:	Bucki
ABSENT:	Szukala

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 (5)**

3. **Amherst Community Diversity Commission (5)**

4. **Amherst Conservation Advisory Council (5)**

5. **Amherst Industrial Development Agency**

   Membership is full.

6. **Amherst Veterans Committee (3)**

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

8. **Board of Assessment Review**

   Membership is full.

9. **Board of Electrician Examiners**

   Membership is full.

10. Board of Ethics

Membership is full.

11. Board of Plumbing and Drainage Examiners

Membership is full.

12. Citizens Financial Advisory Committee (2)

13. Design Advisory Board

14. Employee Suggestion Program Merit Award Board

Membership is full.

15. Employee Suggestion Review Committee

Membership is full.

16. Energy Conservation Citizens Advisory Committee (3)

17. Freedom of Information Law (FOIL) Board

18. Glen Park Joint Board (1)

Village vacancy

19. Government Study Committee (3)

20. Historic Preservation Commission

Membership is full.

21. Information Technology Advisory Committee (1)

22. Library Board of Trustees

Membership is full.

23. Minority / Woman Owned Business (4)

24. Open Government Advisory Board (4)

25. Planning Board

Membership is full.

26. Recreation Commission (1)

27. Recycling and Waste Committee (4)

28. Senior Services Advisory Board (2)

29. Traffic Safety Board

Membership is full.

30. Youth Board (4)

Adult vacancies (4), Youth vacancies (0)

31. 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 Berger and unanimously approved 4-0. Public Expression was opened at 7:28 PM.

The following speaker addressed the Town Board:
Jane Cox, Harlem Rd. - speakers talking into the microphone, resolution 2022-265 & 266

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Deputy Supervisor Berger and unanimously approved 4-0. Public Expression was closed at 7:35 PM.

XI. CONSENT AGENDA

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

XII. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

B. DEPUTY SUPERVISOR BERGER:

1. Resolution 2022-268

Zoning Board of Appeals Appointment

WHEREAS, pursuant to the provisions of Section 267 of the New York State Town Law, the Town of Amherst maintains a Zoning Board of Appeals (ZBA) consisting of five (5) members appointed by the Amherst Town Board (Town Board), each for a term of five (5) years, with terms concluding on a staggered basis; and

WHEREAS, the ZBA is authorized to grant relief from any provision of the Town of Amherst Zoning Ordinance or any decision of an administrative official charged with the enforcement of that ordinance; and

WHEREAS, the ZBA is empowered to grant special use permits in certain instances as spelled out in the Zoning Ordinance and Amherst Town Law specifies the grounds and criteria that the ZBA must use to grant a variance; and

WHEREAS, the ZBA consists of five (5) members appointed by the Town Board, each for a term of five (5) years.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoints Ann Nichols, currently serving on the Zoning Board of Appeals, as the Chairman of the Zoning Board of Appeals.

3/14/2022
Consent

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

C. COUNCILMEMBER BUCKI:

D. COUNCILMEMBER LAVIN:

E. COUNCILMEMBER SZUKALA:

1. Resolution 2022-269

Set a Public Hearing Date - Plymouth Place Parking Adjustments

Please schedule a public hearing on April 11, 2022 to adjust the parking restrictions at the west end of Plymouth Place.

"Parking is hereby restricted at the dead end of Plymouth Place for a total distance of 55 feet along the entire west end of Plymouth Place connecting to the existing parking restriction at the turnaround on the north side."

and,

"The parking restriction is hereby removed on the south side of Plymouth Place for a total distance of 47 feet east of the dead-end pavement edge."

3/14/2022
Consent

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

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2022-270

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

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Audubon Golf Course Improvements**
2022-2027 C.I.P. - Project No. YR-19A
Bond Resolution - $500,000

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

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

(2) Adopt the attached bond resolution authorizing the issuance of $500,000 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.

SJS:nmb
Attachments
c: Tim Koller, Deputy Town Clerk *(w/attachment*, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*

Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Mary-Diana Pouli, Director, Youth and Recreation *(w/attachment)*
Eric Guzdek, Recreation Specialist *(w/attachment)*

3/14/2022
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call vote 4-0.

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

2. Resolution 2022-271

Amherst Gateway Park (Bond Resolution - $100,000)

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Amherst Gateway Park**
2022 - 2027 Capital Improvement Project YR-1B
Bond Resolution - $100,000

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

(1) Adopt the issuance of the attached Negative Declaration as determined by the Town of Amherst Planning Department and authorize the Supervisor to execute the same; and

(2) Adopt the attached bond resolution authorizing the issuance of $100,000 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.

SJS:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeff Szatkowski, Landscape Architect *(w/attachment)*

3/14/2022
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call vote 4-0.

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

3. Resolution 2022-272

Morningside Subdivision Roadway Reconstruction - Phase 1 - (Bond Resolution - $224,700)

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Morningside Subdivision Roadway Reconstruction**
Phase 1 - Morningside Lane
2022-2027 C.I.P. - Project No. H-11
Town of Amherst Project No. 2022.011
Bond Resolution - $224,700

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

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

(2) Adopt the attached bond resolution authorizing the issuance of $224,700 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.

SJS:nmb
Attachments
c: Tim Koller, Deputy Town Clerk *(w/attachment*, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Patrick G. Lucey, Highway Superintendent *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Brian J. Armstrong, EIT, Assistant Municipal Engineer (*w/attachment*)

3/14/2022
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call vote 4-0.

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

4. Resolution 2022-273

Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000)

AGENDA ITEM : MARCH 14th, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Evergreen Landing Subdivision Streetlighting**
2022-2027 C.I.P. - Project No. H-16
TOA Job No. 2016.054A

Request For Public Hearing - Bond Resolution - $1,350,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on April 11th, 2022 at 7:00 p.m.

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

Thank you.

SJS:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Christopher P. Schregel, Project Manager (*w/attachment*)

3/14/2022
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call vote 4-0.

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

5. Resolution 2022-274

Gesel Woods Subdivision - Dedication of Gesel Lane (CRS #3206)

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Road Dedication - Gesel Lane**
Warranty Lien Deed Covenant (CRS #3206)

Kindly adopt a resolution authorizing the Supervisor to accept the dedication of Gesel Lane and to execute any and all documents that are required to effectuate the dedication: (1) pending successful completion of the Contract Routing System; and (2) pending final review and approval by the Town Attorney's Office.

Thank you.

SJS:nmb
Attachment
c: Tim Koller, Deputy Town Clerk (**Agenda Item - March 14th, 2022**)
Sean W. Hopkins, Esq.

3/14/2022
Consent

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

6. Resolution 2022-275

Settlement of Article 7 Matter - Target #1011

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

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

DATE: **March 8, 2022**

RE: **Settlement of Article 7 Matter**
Target #1011

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : March 14, 2022**)
Emily Murphy, Town Assessor

3/14/2022
Consent

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

B. TOWN CLERK:

1. Resolution 2022-276

New Firefighter for Getzville Fire Company

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

Cole Yorko
73 Sandelwood Drive
Getzville, NY 14068

3/14/2022
Consent

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

2. Resolution 2022-277

New Firefighter for Main-Transit Fire Department

New firefighter for the Main-Transit Fire Department lives in the Town of Amherst and his place of employment is in the Main-Transit Fire District.

Russell Michalowski
156 N Harvest St
Williamsville, NY 14221

3/14/2022
Consent

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

3. Resolution 2022-278

New Firefighter for East Amherst Fire Department

New firefighter for the East Amherst Fire Department lives in the Town of Clarence and resides within the East Amherst Fire District.

Benjamin Maxian
5341 Coyote Court
Williamsville, NY 14221

3/14/2022
Consent

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

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2022-279

Budget Transfer and Amendments

For March 14, 2022 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 3/9/2022
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 - 2022

FROM:	***TO:***
N2061.4000 CDBG Wmsv. Farmers Market $25,660.00	N2060.4000 CDBG Emerg. Rental $95,820.00
N2062.4000 CDBG PPE Wmsv. Fire Dept. $20,160.00	
N2063.4000 CDBG Mortgage Assistance LMI $50,000.00	

To record budget transfers based on amendment proposed by Planning.

A8020.4090 Planning - Professional Services $664.56	A8020.9005 Intrafund Transfers $664.56

To transfer funds from Planning to Willowridge - NFB Action Plan to cover costs of CRS #1374, task order #10 & #11.

BUDGET AMENDMENTS - 2022

INCREASE:	***INCREASE:***
F3013.05001 East Amherst Fire Co. $25,930.79	F3013.4090 Pension $25,930.79
F3012.05001 Swormville Fire Co. $29,589.17	F3012.4090 Pension $29,589.17

To recognize Town of Clarence's share of the LOSAP contributions for East Amherst and Swormville Fire Companies.

N2123.02785 CDBG & VG PI $3,104.00	N2123.4000 Admin $3,104.00
N2125.02785 CDBG & VG Admin $776.00	N2125.1000 Personal Services $720.85
	N2125.8030 FICA $55.15

To recognize Community Development program income from 373 Niagara Falls Blvd, Amherst.

N2123.02785 CDBG & VG PI $500.00	N2123.4000 Admin $500.00

To recognize Community Development program income from 64 Kingsgate Rd, Amherst.

N2151.02785 Tonawanda Closing $5,284.71	N2151.4000 Contractual $5,284.71

To recognize Community Development program income from 114 Waverly, Tonawanda.

A8022.05009 Willowridge - NFB Action Plan $664.56	A8022.4110 Contractual $664.56

To setup budget to cover costs of CRS #1374, task order #10 & #11.

Consent

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

G. CONTRACT COMPLIANCE:

1. Resolution 2022-280

Award Bid #2022003 - Harlem Road Community Center Overhead Door Replacement - CRS #3180

WHEREAS, the Contract Compliance and Administration Department received bids on February 10, 2022 for Bid #2022003 Harlem Road Community Center Overhead Garage Door Replacement; and

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

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award the bid to National Overhead Door, Inc.; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with National Overhead Door, Inc.

3/14/2022
Consent

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

H. COURT:

I. ECONOMIC DEVELOPMENT:

1. Resolution 2022-281

Lease Agreement Between the Town of Amherst and Northpointe Commerce Park, LLC CRS# 3209

WHEREAS, The Town of Amherst and the Sweet Home Central School District entered into an Intergovernmental Agreement on October 25, 2021, Town Board RES-2021-967 to develop the Northwest Amherst Community Center; and,

WHEREAS, The Town of Amherst, the Amherst Industrial Development Agency, and the Sweet Home Central School District established a PILOT increment financing ("PIF") program to establish a private-public source of funding that can be utilized to provide financial assistance for the Northwest Amherst Community Center, among other projects as outlined in the agreement approved on December 20, 2021, Town Board RES-2021-1103; and,

WHEREAS, The Town of Amherst has identified approximately 29,000 square feet of space located in Northpointe Commerce Park, LLC at 220 Northpointe Parkway as an ideal location for the Northwest Amherst Community Center; and,

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to execute a Lease Agreement between the Town of Amherst and Northpointe Commerce Park, LLC after obtaining approval of the final Lease Agreement from the Town Attorney, and after successful completion of the CRS routing process.

3/14/2022
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0.

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

J. EMERGENCY SERVICES:

K. ENGINEERING:

1. Resolution 2022-282

2022 - 2027 Capital Improvement Program Amendment CIP Project No. E-52/Design of Blvd Mall Core Road

The Engineering Department is recommending amendment of the 2022-2027 CIP for the above project in the amount shown in the table below. This amendment will allocate adequate funding to the design of the Boulevard Mall Core Road and its associated facilities.

CIP No.	Project Description	2022 Bond Allocations	Amend To
E-52	Design of east/west core road and associated facilities from NFB to Alberta Drive in the Boulevard Mall parcel	$ 0	$ 950,000 LA
	Total	**$ 0**	**$ 950,000 LA**

LA: General Fund Bond

Please approve this amendment to the 2022-2027 CIP and assign the funding as identified above. Please note that these costs are not included in the 2022 CIP total and that this project is not budget neutral.

3/14/2022
Consent

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

2. Resolution 2022-283

Emergency Purchase Authorization - National Water Main Cleaning CRS# 3188

The Engineering Department is requesting that the Town Board approve an emergency purchase made with National Water Main Cleaning. This purchase was necessary for cleaning and televising the sanitary sewer line at the Campbell Boulevard sewer collapse site. A quote, including rates for their services is attached.

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

A total cost and funding source for this request is to-be-determined.

Thank you for considering this request.

3/14/2022
Consent

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

3. Resolution 2022-284

Emergency Purchase Authorization - Monroe Tractor Pay Loader Repair CRS# 3196

The Engineering Department, WPCF division is requesting that the Town Board approve an emergency purchase made with Monroe Tractor & Implement Co., Inc. for mechanical repair service associated with our Case 721C pay loader that became inoperable and could not be fixed by Town resources. This piece of equipment is used daily and could not be out-of-service. The emergency purchase documentation form was filled out and submitted prior to this purchase totaling $3,627.28

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

Funds for this request are available in G9916-4830.

Thank you for considering this request.

3/14/2022
Consent

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

4. Resolution 2022-285

Emergency Purchase Authorization - Polymer Purchase Marubeni Specialty Chemicals, Inc. CRS# 3195

The Engineering Department, WPCF division is requesting that the Town Board approve an emergency purchase made with Marubeni Specialty Chemicals, Inc. in the amount of $19,712.70. This purchase was necessary because our polymer usage was higher than anticipated, combined with the extension of the new bid opening date. The WPCF only

purchased enough polymer to get us through to the execution of the new contract, at the lowest cost the vendor would allow.

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

Funds for this request are available in G9916-4810.

Thank you for considering this request.

3/14/2022
Consent

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

5. Resolution 2022-286

WPCF Odor Control Payment Authorization Chemasters, Inc.

The Engineering Department-Water Pollution Control Facility Division is currently seeking Town Board approval to authorize the Supervisor to approve payment of invoice 5061 for $2,460.00 to Chemasters Inc. This purchase was made to quickly address numerous odor complaints from surrounding neighbors. Now that we have identified a system that appears to be working, we will send out a bid request to cover future orders.

Funding for this request is available in account G9916-4926.

Thank you for considering this request.

3/14/2022
Consent

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

6. Resolution 2022-287

Customer Project Commitment (CPC) for the Street Light Purchase and Upgrade Supervisor to Sign the NYPA CPC CRS# 3199

By Resolution 2022-153, the Town of Amherst provided authorization to the New York Power Authority (NYPA) to provide a turn-key solution in the purchase and upgrade of the Town's street lighting system. As part of this project tract, would you please authorize the Supervisor to sign the attached Customer Project Commitment (CPC)? This commitment specifies project scope and financing between the Town and NYPA.

The project is financed through a combination of General Fund and the Streetlight District bonds, as previously authorized by Resolutions 2022-089 and 2022-121 respectively. The accounts to be charged are KP 2201 and KP 2202. This request is pending successful completion of the contract review process. Thank you for considering this request.

3/14/2022
Consent

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

7. Resolution 2022-288

Tabware Software Maintenance & Support Renewal AssetPoint, LLC CRS# 3189

The WPCF utilizes TabWare Software provided by AssetPoint LLC ("Aptean") to control and monitor all assets and equipment for the WPCF. To maintain on-line maintenance, technical support, and software updates, a licensing agreement with the software provider is required. This vendor is a sole source provider of this service for this software product. The WPCF is requesting Town Board approval for the attached one-year maintenance & support renewal with AssetPoint LLC ("APTEAN") for the AssetPoint TabWare Software in the amount of $8,181.42.

This contract shall be valid from May 06, 2022 through May 05, 2023. In addition, the WPCF requests a waiver of the insurance requirements because the vendor will provide this service remotely and will not enter Town property.

This request has successfully completed the contract review process.

Funds for this request are available in G9916-4110.

Thank you for considering this request.

3/14/2022
Consent

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

8. Resolution 2022-289

JDV Sludge Conveyor Replacement Parts JDV Equipment Corporation CRS# 3187

The Engineering Department, WPCF division is requesting that the Town Board authorize the Supervisor to sign an agreement to procure the required JDV Conveyor replacement parts listed on JDV's attached proposals 2022-8035 U-500 spare parts, 2022-8022 5.0 hp. gear and motor, and 2022-8022 7.5 hp. gear and motor. The total cost for this procurement is $34,049.00. The required parts are "Sole Source" and purchased directly from the Original Equipment Manufacturer JDV Equipment Corporation.

The WPCF requests also the Town Board to approve a waiver from insurance requirements, as JDV Equipment would utilize a third party delivery service.

This request is pending successful completion of the Contract Management System.

Funds will be available in KP2136-2150

Thank you for considering this request.

3/14/2022
Consent

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

9. Resolution 2022-290

Award of Bid – Power & Construction Group, Inc. School Zone Safety Flashing Beacons with Radar Speed Sign Installation on Mill Street and Heim Road

On February 24, bids were received for the above referenced project. After review of the five (5) bids received (tabulation attached), and information pertaining to the qualifications and experience of the bidders, we recommend the contract be awarded to Power & Construction Group, Inc., PO Box 30, 96 W. River Road, Scottsville, New York, 14546 at their low base bid amount of $84.675.00.

Funding is available from the project bond account KP2040-4972.

May I please have your approval to award this low contract?

Thank you for considering this request.

3/14/2022
Consent

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

10. Resolution 2022-291

Award of Bid – Gateway Park 2022 – 2027 CIP Project YR-1B

On February 17, 2022, bids were received for the above referenced project. After review of the eight (8) bids received (bid tabulation attached), we recommend award of this contract to Nova Site Co., 6 Lena Court, West Seneca, NY 14224, in the amount of $327,200.00 to include the Base Bid and Alternate Bid Item No. 4. Alternate 4 includes additional trees along the eastern property line.

Funding for this contract shall be from project account KP2104.4972.

Thank you for considering this request.

3/14/2022
Consent

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

L. FINANCE:

M. HIGHWAY:

1. Resolution 2022-292

Overhead Door Repair and Service Extension - CRS#2564/3182

NOW THEREFORE BE IT RESOLVED, that the Town of Amherst has approved the contract extension with the County of Erie contract and National Overhead Door Inc. for the overhead door repair and maintenance.

The Erie County and National Overhead Door, Inc. is BID Reference # 221020-002 from March 1, 2022 through February 28, 2023.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this contract. This contract is subject to the Contract Routing System (CRS #2564/3182) and the approval of the Town Attorney.

3/14/2022
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously 4-0.

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

2. Resolution 2022-293

Tree Planting - Funds from Agency Account

Please approve authorization to spend up to $25,000.00 from the Agency Account AG 2022: 0699 for the spring and fall 2022 tree planting season. Thank you for your time and consideration.

3/14/2022
Consent

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

3. Resolution 2022-294

Gerber Edge Fx Thermal Printer CRS# 3200

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of one (1) GERBER EDGE FX THERMAL PRINTER.

The purchase is from HYATT's, 1941 Elmwood Avenue, Buffalo, NY 14207 for $11,995.00 for low bidder of three vendors.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS #3200) and the approval of the Town Attorney.

3/14/2022
Consent

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

N. HUMAN RESOURCES:

1. Resolution 2022-295

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective March 15, 2022, Temporary, $13.70 ph, Step 1 for Eric Guzdek, Jr.

Due to reduced availability of current part-time staff.

3/14/2022
Consent

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

2. Resolution 2022-296

Principal Planner/Planning Department

Please appoint a Principal Planner to the Planning Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective March 15, 2022 at an annual salary of $79,203, Grade 21, Step D for Laurie Stillwell.

This is a promotion for an employee currently serving as Associate Planner.

3/14/2022
Consent

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

3. Resolution 2022-297

Maintenance Worker/Building Maintenance/Facilities

Please appoint a Maintenance Worker to the Building Maintenance/Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective March 15, 2022 at an hourly rate of $21.62, Step E for Zachary Norton.

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

3/14/2022
Consent

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

4. Resolution 2022-298

Senior Maintenance Worker/Building Maintenance/Facilities

Please appoint a Senior Maintenance Worker to the Building Maintenance/Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective March 15, 2022 at an hourly rate of $25.57, Step I for Robert Klumpp.

This is a promotion for an employee currently serving as a Maintenance Worker.

3/14/2022
Consent

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

O. INFORMATION TECHNOLOGY:

P. PLANNING:

1. Resolution 2022-299

Adoption of Local Law to Amend the Zoning Text Part 5 A, Mixed-Use Regulations (ZTA-2021-02)

March 14, 2022

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed and the Town Board issues the attached Negative Declaration, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of January 13, 2022 that the proposed amendments to Part 5A - Mixed-Use regulations of the Town Zoning Ordinance are consistent with the policies of the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that the Town Board does find that the proposed text amendments are necessary to further implement the objectives of the new mixed-use regulations by recognizing the limitations of existing developed conditions, and be it further

RESOLVED, pursuant to Chapter 203, Section 8-5-5 of the Town Code the Town Board finds that:

- The proposed text amendments are consistent with remainder of the Zoning Ordinance, and
- The amendments represent a revision necessitated by changing circumstances over time, and
- One of the amendments with respect to pole signage corrects an error in the ordinance, and
- The amendments are not the result of having to comply with state or federal statutes or case law, and be it further

RESOLVED, that in accordance with Chapter 203, Section 8-5 of the Town Code (Zoning), the Town Board adopts Local Law (#) to amend the Town Zoning text.

3/14/2022
Consent

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

2. Resolution 2022-300

To Authorize a Minor Amendment to the FY 2020 Annual Action Plan for Community Development's Emergency Rental Assistance Program

WHEREAS, the Town has adopted the FY 2020 Annual Action Plan on behalf of the Towns of Amherst, Cheektowaga and Tonawanda (ACT) HOME Consortium which programs the expenditure of funds for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Funding; and

WHEREAS, the Town is seeking to amend the FY 2020 Action Plan to reallocate $95,820 in Supplemental COVID funds awarded by the CARES Act according to the following program/budget lines; and

Decrease/Remove:	
Village of Williamsville Farmers Market Staff	$ 25,660
Williamsville Fire Department PPE	$ 20,160
Mortgage Assistance for LMI Households	$ 50,000
Increase:	
Emergency Rental Assistance	$ 95,820

WHEREAS, this amendment provides additional funds for the Emergency Rental Assistance Program, which meets the use criteria of the Supplemental CDBG-COVID funds awarded by the CARES Act to "prevent, prepare for, and respond to COVID" by reducing evictions and homelessness due to COVID financial hardships; now therefore

BE IT RESOLVED, the Town of Amherst Town Board hereby authorizes the above minor amendment to the FY 2020 Annual Action Plan.

3/14/2022
Consent

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

3. Resolution 2022-301

To Authorize a Substantial Amendment to the FY 2020 Annual Action Plan for Community Development to Establish the Northwest Amherst Community Center

WHEREAS, the Town has adopted the FY 2020 Annual Action Plan on behalf of the Towns of Amherst, Cheektowaga and Tonawanda (ACT) HOME Consortium which programs the expenditure of funds for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Funding; and

WHEREAS, the Town is seeking to amend the FY 2020 Action Plan to reallocate $380,000 in Supplemental CDBG-COVID funds awarded by the CARES Act according to the following program/budget lines; and

Decrease/Remove:		
Senior Foundation Community Center	$	300,000
Medical Director Position	$	24,000
Small Business Assistance - Amherst Chamber	$	20,000
CDBG Community Vaccine Logistics	$	30,000
YWCA of WNY, Inc.	$	6,000
Create/Increase:		
Northwest Amherst Community Center	$	380,000

WHEREAS, this amendment provides funds for the establishment of the Northwest Amherst Community Center, which meets the use criteria of the Supplemental CDBG-COVID funds awarded by the CARES Act to "prevent, prepare for, and respond to COVID" by providing critical community space to serve the Creekwoods Neighborhood with social and other supportive programming; now therefore

BE IT RESOLVED, the Town of Amherst Town Board hereby authorizes the above Substantial Amendment to the FY 2020 Annual Action Plan.

3/14/2022
A motion to adjourn to the April 11th Town Board meeting was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 4-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 4/11/2022 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

4. Resolution 2022-302

To Authorize the Supervisor to Execute All Documents Necessary for the Acquisition of 44 Sunset Ct., Amherst NY 14228 from the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) for New Home Construction Under the Town's HOME Acquisition-New Construction-Resale Program

WHEREAS, Amherst's HOME Acquisition-Rehab/New Construction-Resale Program seeks to generate new single-family in-fill housing to resell to qualifying first-time homebuyers; and

WHEREAS, the Amherst Town Board, passed Resolution 2017-1333 requesting BENLIC to purchase 44 Sunset Court at Tax Auction on behalf of the Town for the intended

use by the Town's Acquisition-Rehab/New Construction-Resale Program; and

WHEREAS, the Town's Community Development Director is authorized to enter into purchase offers for the acquisition of property for use in Amherst's HOME Acquisition-Rehab/New Construction-Resale Program utilizing CDBG funds; and

WHEREAS, a purchase offer made to BENILIC in the amount of $5,000, was accepted by BENLIC's Board for the acquisition of 44 Sunset Court, Amherst, NY 14228 (the subject property); now therefore

BE IT RESOLVED, the *Town Board* hereby officially authorizes the Supervisor to execute all purchase and sale agreement documents necessary for the acquisition of 44 Sunset Court, Amherst NY 14228 (SBL- 26.15-3-30) from the Buffalo Erie Niagara Land Improvement Corporation; for the purchase price of $5,000, as well as ancillary closing costs; subject to contract routing, and in a form to be approved by the Town Attorney, the Town's outside counsel Harris Beach and BENLIC's counsel; with funding for the purchase to be provided by the Town's Community Development Block Grant.

3/14/2022
Consent

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

Q. POLICE:

1. Resolution 2022-303

Travel & Training Request NYSP Crimes Against Children Seminar

TOWN BOARD AGENDA ITEM : MARCH 14, 2022

TO: **Town Board**

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

RE: **Travel & Training Request**
NYSP Crimes Against Children Seminar

Kindly adopt a Resolution authorizing two (2) Detectives to attend a leadership forum with regard to the above matter. This seminar is being held in Albany, New York from March 28, 2022 through April 1, 2022. The Detectives will utilize a police car to travel to the seminar. The cost for this course is approximately $1,240.90.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: March 14, 2022)**

3/14/2022
Consent

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

2. Resolution 2022-304

Memorandum of Understanding Use of Amherst Police Department Community Policing and Training Facility Town of Tonawanda Police Department (CRS#3192)

TOWN BOARD AGENDA ITEM: MARCH 14, 2022

TO: **Town Board**

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

RE: **Memorandum of Understanding**
Use of Amherst Police Department Community Policing and Training Facility
Town of Tonawanda Police Department (CRS#3192)

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached Memorandum of Understanding between the Town of Amherst (Police) and the Town of Tonawanda Police Department with regard to the above-entitled matter. This MOU has successfully completion the Contract Routing System.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: March 14, 2022)**

3/14/2022
Consent

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

R. SENIOR SERVICES:

S. YOUTH AND RECREATION:

1. Resolution 2022-305

Bike Path Closure - 5/7/22

Authorize the closure of the Amherst Bike Path between St. Rita's Lane and Frontier Road on UB's north campus from 7:00am until 5:00pm on Saturday, May 7, 2022 for the Oozefest Mud Volleyball Tournament.

3/14/2022
Consent

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

2. Resolution 2022-306

Amendment to the 2022-2027 CIP

Authorize the amendment of CIP Project YR-1 2022-2027: Youth & Recreation Vehicles and Equipment to allocate adequate funding to purchase equipment related to new athletic fields and to update existing outdated equipment by moving $100,000.00 originally allocated to 2024 to 2022, leaving the balance in 2024 at $0.00 and increasing the amount in 2022 to $380,000.00.

3/14/2022
Consent

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

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

1. Communication 2022-21

Request for Public Hearing - 6621 Main Street & 20 Oakwood Drive

Request from Jeffery Palumbo, Esq. for a public hearing with respect to the rezoning of 6621 Main Street & 20 Oakwood Drive. 6621 Main Street from GB to OB and 20 Oakwood Drive from R-3 to OB.

This hearing has been scheduled for April 11.

3/14/2022
Consent

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

2. Communication 2022-22

Request for Public Hearing - 7740 Transit Road

Request from Michael Lasell, MBL Engineering, PLLC for a public hearing with respect to the rezoning of 7740 Transit Road from GB to DC-5.

This hearing has been scheduled for April 11th.

3/14/2022
Consent

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

3. Communication 2022-23

2022 Calendar from the Amherst Community Diversity Commission

The attached calendar is from the Amherst Community Diversity Commission.

Two edits will be made to the calendar:
March 16th - Purim - starts evening on the 16th through evening on the 17th.
October 4th - October 5th - Yom Kippur - starts evening on the 4th through evening of the 5th.

3/14/2022
Referred to IT, Senior Services and Youth & Recreation.

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

4. Communication 2022-24

Traffic Study - Park Club Lane

Correspondence from First Assistant Chief, Timothy S. Oliver, Snyder Fire District, regarding the traffic study currently being reviewed of potential changes to Park Club Lane.

3/14/2022
Referred to Town Attorney, Planning, Engineering, Highway & Traffic Safety.

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

5. Communication 2022-25

North Bailey Fire Company Letter

Letter from North Bailey Fire Company regarding fee waiver questions.

3/14/2022
Consent

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

6. Communication 2022-26

Verified Notice of Claim: James C. Olivieri Vs. Town of Amherst

3/14/2022
Referred to Town Attorney & Human Resources.

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

7. Communication 2022-27

Summons and Complaint: Chrishawn T. Loder Vs. Town of Amherst Et Al.

3/14/2022
Referred to Town Attorney.

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

XVI. PUBLIC IMPROVEMENT PERMITS

1. Resolution 2022-307

PIP Extension - Sanitary Sewer and Waterline PIP No. 3051 and 3052 Northtown Plaza Redevelopment

The petitioner has requested that the referenced private improvement permits be extended for one (1) year beginning March 14, 2022 and expiring March 13, 2023.

At this time we are requesting approval of the one (1) year extension to private improvement permits #3051 and #3052.

3/14/2022
Consent

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

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 Councilmember Bucki and unanimously approved 4-0. Public Expression was opened at 7:43 PM.

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

Expression, seconded by Deputy Supervisor Berger and unanimously approved 4-0. Public Expression was closed at 7:43 PM.

XVIII. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Councilmember Bucki and unanimously approved 4-0. The Town Board meeting of March 14, 2022 was adjourned at 7:43 PM.

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25506 **RESOLUTION 2022-262** **HEARING CLOSED**

100 Maple Road Rezoning

Request to rezone 100 Maple Road from GB to SC-3.

3/14/2022
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was opened at 7:09 PM.

Attorney Sean Hopkins, presented.

There were no speakers, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the March 28th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:14 PM.

RESULT:	**HEARING CLOSED**	**Next: 3/28/2022 7:00 PM**

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

Town Board Agenda of March 14, 2022

March 2, 2022

The Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: Request to rezone 3.9± acres of land from GB to SC-3, Z-2021-10; property located at 100 Maple Road, Aria Buf Maple, LLC, Petitioner.

Honorable Members:

The subject property is a 3.9± acre rectangular shaped parcel located on the north side of Maple Road, approximately 170± feet east of the intersection of Maple Road and Amherst Manor Drive. The site has 554± ft. of frontage on Maple Road and a maximum depth of 312± ft.

The property presently contains an existing 112-unit motel consisting of 15 two-story buildings with associated parking.

Maple Road is an Erie County Highway designated as a collector roadway in the Town of Amherst Bicentennial Comprehensive Plan.

For information on the surrounding zoning and land use, please refer to the attached sketch.

The purpose of this request is to amend the zoning for this property to allow conversion of the existing extended-stay motel to 112 multi-family apartments. This rezoning request is made in order to meet a condition of the Zoning Board of Appeals Use Variance granted on July 21, 2020 as the new mixed-use zoning districts were not yet adopted at that time, which would allow the subject use. No additional building construction is proposed as part of this rezoning petition.

The property was zoned General Business (GB) with adoption of the Town-wide zoning maps and ordinance on January 19, 1976.

SITE PLANS (60 AND 100 MAPLE ROAD, UNIFIED DEVELOPMENT):

SP-1984-10 Original site plan for 120-room Hampton Inn and Charlie Bubbles tavern/restaurant was approved as a unified development by Planning Board on 4/19/84.

SP-1984-10A Modified plan to replace Hampton Inn with Residence Inn (14 eight-unit buildings) was approved on 2/21/85.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

SP-1984-10B Minor modification for outdoor patio for the restaurant was approved 7/2/92.
SP-1984-10C Amendment to construct a 5237± sq. ft. medical office addition to Gastroenterology Associates building (former restaurant) was approved 3/16/00.
SP-1984-10D Minor modification for dumpster and parking (Gastroenterology Assoc.) was approved 8/8/00.
SP-1984-10E Landscape changes for Gastroenterology Assoc. were approved 8/3/01.
SP-1984-10F Entrance canopy and generator for Gastroenterology Assoc. were approved 1/2/04.
SP-1984-10G Entrance canopy for Gastroenterology Assoc. was approved 7/20/04.
SP-1984-10H Pergola, walls and fire pit were approved for Residence Inn on 11/5/09.
SP-1984-10I Minor site plan for RPZ for Residence Inn was approved 8/3/11.
SP-1984-10J Minor Site Plan for medical office building patio & stairway
SP-1984-10K Minor Site Plan for medical office building patio enlargement.

The Planning Board offers the following findings consistent with Section 8-3 of the Zoning Ordinance.

INTENT AND OBJECTIVES OF THE COMPREHENSIVE PLAN

The Town of Amherst Bicentennial Comprehensive Plan's Figure 6 - Conceptual Land Use Plan calls for Commercial-Office uses in the subject area. However, Figure 6-A - Commercial and Mixed-Use Designations, subsequently adopted in December 2020, indicates that future development should follow the Mixed-Use Suburban Corridor standards, making the proposed Shallow Corridor-3 (SC-3) zoning request consistent with the Comprehensive Plan.

INTENT AND OBJECTIVES OF THE ZONING ORDINANCE

The proposed rezoning is consistent with Section 1-2-2K of the Zoning Ordinance which seeks to guide future development of the Town to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan.

CONSISTENCY/COMPATIBILITY WITH SURROUNDING DEVELOPMENT/ZONING

The proposed rezoning of the subject parcel from General Business (GB) to Shallow-Corridor-3 (SC-3) is consistent and compatible with the surrounding zoning classifications as there are multi-family developments to the north (MFR-5) and to the east (MFR-6). The existing 15 motel buildings are also adjacent to an existing medical office buildings to the west and south, and a vacant parcel to the east zoned Neighborhood Business (NB). As such, the rezoning is compatible with surrounding development. The rezoning will not result in new development, the motel structures are currently in place, only the tenancy would change.

ADEQUATE SERVICES AND UTILITIES

All services and utilities necessary for the proposed rezoning are available and adequate at the existing facilities. This is a SEQR Unlisted Action, and an environmental assessment consistent with SEQR has been prepared for the subject proposal. The Town Board has been established as Lead Agency. Pursuant to Local Law #3-82, as amended, the requirements of SEQR must still be

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

completed if the Town Board desires to approve the proposed rezoning request. A draft SEQR determination will be prepared by the Planning Department if directed.

RECOMMENDATION

The Planning Board at their meeting of January 13, 2022 recommended that the Town Board find that the requirements of SEQR are complete and that the subject request will not have a significant adverse effect on the environment. The Planning Board also recommended that the subject rezoning request be approved.

The Planning Department requests that if the Town Board desires to act on the rezoning request, that a decision date be established after the public hearing so that the Planning Department can prepare a determination of environmental significance pursuant to SEQR, and prepare a resolution for the Town Board's consideration.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/GP/ac
Att.
X:\Current_Planning\Files\Rezonings\2021\Z-2021-10_(100_Maple_Rd)_2021\Z-2021-10 100_Maple TB_letter_03142022.docx
cc: Stanley Sliwa, Town Attorney

Planning Board Approval January 13, 2021
Ayes 4, Noes 0, Absebt 3 (Chmiel, Gelber, Raffaele)

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2021-10

PETITIONER

ARIA BUF MAPLE, LLC
180 N. University Ave., Suite 200
Provo, UT 84601

PROPERTY LOCATION

100 Maple Road

WHEREAS the Town of Amherst Planning Board on Thursday, January 13, 2022 held a virtual public hearing on the proposed rezoning of land from General Business District (GB) to Shallow-Corridor-3 District (SC-3), 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. The proposal is consistent with the Conceptual Land Use Plan (Figure 6 of the Bicentennial Comprehensive Plan) which shows commercial office on this parcel surrounded by mixed residential uses. The proposal is also consistent with the Figure 6A of the Plan which recommends the "Maple/Amherst Manor" neighborhood be redeveloped in mixed-use manner.

C. The proposal is consistent with Section 5A-3-3, "Shallow Corridor 3 (SC-3)" because it reuses an existing motel site for a permitted use (multi-family residences) and utilizes a private access drive behind the existing 2½-story buildings.

D. There are adequate services and utilities available or proposed to be made available in the redevelopment of the parcel.

E. The proposal is compatible with the proposed zoning and conforming uses of nearby property and the character of the neighborhood.

F. The subject property is suitable for uses permitted by the current versus the proposed district.

G. The proposed change does tend to improve the balance of uses, or meets a specific demand in the Town.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

JAN21 '22 PM 1:18 RCVD

TOWN OF AMHERST
PLANNING BOARD
ZONING RESOLUTION
Z-2021-10

PETITIONER

ARIA BUF MAPLE, LLC

PROPERTY LOCATION

100 Maple Road

H. 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.

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 subject to the following conditions:

1. The project shall require Minor Site Plan review and approval for the revision to the site indicated on the plan submitted with the application dated September 2020.

The foregoing resolution was adopted by the Town of Amherst Planning Board, Thursday, January 13, 2022; moved by – Mr. Giuliani; seconded by – Mr. Gill; ayes 4, noes 0; absent 3 (Chmiel, Gelber, Raffaele).

Robert J. Gilmour, Chair

1-20-2022
Date

GP/ac
X:\Current_Planning\Files\Rezonings\2021\Z-2021-10_(100_Maple_Rd)_2021\Z-2021-10_resolution_011322.doc
cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Traffic/Safety Coordinator
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221
Chris Wood, Carmina Wood Morris, 487 Main Street, Suite 500, Buffalo, NY 14203
ARIA BUFF MAPLE, LLC, 180 N. University Ave., Suite 200, Provo, UT 84601

JAN21'22 PM 1:13 RCVD

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Rezoning Application & Supporting Documentation
Rezoning of 100 Maple Road from GB to SC-3
Applicant: ARIA BUF MAPLE, LLC
Date: October 21, 2021

Prepared By: Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, NY 14221
Tel: 716.510-4338
E-mail: shopkins@hsmlegal.com

TOWN OF AMHERST PLANNING DEPARTMENT

Application for Rezoning Review and, if required Comprehensive Plan Amendment

For Official Use

File #: Z-2021-10 **Acreage** 3.93 **Fee $** 1765.00

Address Verified by Assessor's Office _____ VERIFIED BY DATE

Materials Accepted by Town Clerk & Fee Paid _____ ACCEPTED BY DATE

Materials Checked by Building Dept. _____ RECEIVED BY DATE

Materials Received by Planning Dept. 10/21/2021 RECEIVED BY DATE

		Fill In Applicable Fees
2 ACRES OR LESS	**$1,250**	$1,250.00
2 – 20 ACRES **$1,250 + $250/acres or fraction thereof over 2 acres**		$500.00
20 – 30 ACRES **$5,700 + $150/acre or fraction thereof over 20 acres**		_____
OVER 30 ACRES **$6,900 +$75/acre or fraction thereof over 30 acres**		_____
Request for Relief of/Change to Conditions of Zoning Approval	**$ 1,200**	_____
AFFIDAVIT FEE FOR PUBLIC HEARING	**$ 15.00**	$15.00
TOTAL FEE:	$ 1,765.00	

RECEIVED OCT 28 2021 TOWN OF AMHERST PLANNING DEPT.

[Note: A completed Short Environmental Assessment Form dated October 21, 2021 is attached as Exhibit "1".]

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

TO BE COMPLETED BY APPLICANT

1. **Petitioner:** Name: ARIA BUF MAPLE, LLC c/o Sean Hopkins, Esq.

Address: Hopkins Sorgi & McCarthy PLLC
5500 Main Street, Suite 343
Williamsville, New York 14221
City State Zip Code

Phone: 510-4338 Fax:

E Mail shopkins@hsmlegal.com

2. **The undersigned hereby petitions the Honorable Town Board to rezone the following described property**

From: GB District

To: SC-3 District

3. **Street address of land to be rezoned:** (must be verified by Town Assessor's Office)

100 Maple Road

SBL #: 55.03-1-3.12

4. **Area of land to be rezoned** (in acres): 3.93 acres

5. **Owner of Land**:

Name: ARIA BUF MAPLE, LLC

Address: 180 N. University Avenue, Suite 200, Provo Utah 84601

Telephone: 716.510-4338 [Sean Hopkins, Esq.]

6. **Representative** (Architect, Engineer, Landscape Architect, Surveyor or Attorney):

Name: Sean W. Hopkins, Esq.

Address: 5500 Main Street, Suite 343
Williamsville, New York 14221
Tel: 716.510-4338 - E-mail: shopkins@hsmlegal.com
City State Zip Code

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

7. Petitioner's interest in property

_____Option to purchase

__X__Owner

_____Other (explain) _____

8. The following are all others having an interest in this application and join herein with the petitioner named above: (describe extent of interest; attach sheets as needed)

Not Applicable.

9. Attach Survey and Legal description of land to be rezoned. The Survey must be prepared by a New York State Licensed Land Surveyor. Legal description of property to be rezoned from GB to SC-3 is attached as Exhibit "2" and copy of the Survey of the property at 100 Maple Road is attached as Exhibit "3".

10. Said property has the following deed restrictions or Covenants: (attach copy) Not Applicable.

Liber _____ Page _____

11. Information on proposed project:

A. Description of the character of the proposed development:

See Exhibit 4.

B. Rationale for rezoning request:

1. Why was this site chosen?

See Exhibit 4.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

2. Why cannot land be used with the existing zoning?

See Exhibit 4.

3. How will this rezoning impact surrounding properties?

See Exhibit 4.

4. How will this rezoning impact the school system?

See Exhibit 4.

12. Quantitative Data:

A. Total # of dwelling units 112

B. Distribution of dwelling units by type Apartments for lease

C. Gross Residential Density per acre 28.50 units per acre

D. Total amount of Open Space Not Applicable

E. Proposed Non-Residential Floor Area Not Applicable

[Note: An 11" x17 size copy of the Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC is provided at Exhibit "8".]

13. Development Schedule:

Start Renovations are being conducted

Finish February 2022

Stages (# of) 1

14. If any portion of the proposed development is planned to be sold or leased, please describe:

The apartments are to be leased to residential tenants.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

15. **Open Space ownership and maintenance provisions (if applicable):**

Greenspace and landscaping will be privately owned and maintained.

16. **Basis for Findings (Sec. 8-3-5 of the Town Zoning Code) (Attach sheets and supplemental materials as necessary.)**

A. **The proposed zoning and development plan must be generally consistent with the policies of the Comprehensive Plan and the Town Zoning Ordinance.**

1. State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps, and/or figures in the plan that support the proposed zoning at this location (The Comprehensive Plan document is available at the Planning Department, Town Clerk's Office, Amherst libraries, or at www.amherst.ny.us). Add sheets as needed.

See Exhibit 5.

2. Pursuant to NYS Town Law Section 272a(11), "all Town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this Section." The Town Board adopted the Comprehensive Plan pursuant to NYS Town Law 272 on January 2, 2007. If the rezoning is approved, the Town Board may require the Plan to be amended, as applicable.

Cite all text, map, and / or figures that must be amended to support the proposed zoning at this location (attach pages as necessary) and provide detailed suggested amendments.

See Exhibit 5.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

3. State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

See Exhibit 5.

B. Adequate Services and Utilities are available or are proposed to be made available with the construction of the development:

1. Sanitary Sewer
   Yes.
2. Storm Sewer/Drainage
   Yes.
3. Water
   Yes.
4. Other Yes.

C. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:

See Exhibit 5.

D. Suitability of the subject property for uses permitted by the current versus the proposed district:

See Exhibit 5.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

E. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:

See Exhibit 5.

17. The petitioner encloses herewith the sum of $ 1,765.00 to pay the fee, and consents to the placement of a sign(s) at the described location identifying this request for a period of time to be determined by the Town Clerk.

18. The undersigned certifies that all information required to be disclosed pursuant to Section 809 of the General Municipal Law (see below) is as follows:

The undersigned swears or affirms that all statements made herein are true, that all drawings submitted correctly show the situation involved in this petition.

Counsel for Petitioner
Signature of Petitioner

Subscribed and sworn to before me this 21st day of October, 20 21

Notary Public, Erie County, New York

PATRICIA C. MAYNARD
Notary Public, State of New York
Registration No. 01MA6384435
Qualified in Erie County
Commission Expires Dec. 10, 20 2

N.Y.S. General Municipal Law - Section 809 Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state office or any office or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

   (a) is the applicant, or
   (b) is an officer, director, partner or employee of the applicant, or
   (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
   (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such applicant, petition or request.

3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four or section two of the election law.

4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

P/CurrPlan/Applications2007/Rezoning & Comp Plan Amend App.
10/08

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Exhibit 1 – Short Environmental Assessment Form Prepared Pursuant to the State Environmental Quality Review Act ("SEQRA") with Attachment "A"

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Prepared By:
Sean Hopkins, Esq.
Hopkins Sorgi & McCarthy PLL
5500 Main Street, Suite 343
Wiliamsville, NY 14221
Tel: 716.510-4338
E-mail: shopkins@hsmlegal.com

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:
Residence Inn Residential Redevelopment Project

Project Location (describe, and attach a location map):
100 Maple Road - Town of Amherst - Erie County

Brief Description of Proposed Action:
The Project Sponsor is converting the Residence Inn by Marriott located at 100 Maple Road ("Project Site") consisting of 14 two-story buildings (8 units per building) into a multifamily housing project consisting of a total of 112 studios and 1-bedroom units. An aerial photograph of the Project Site is provided at Exhibit "6" of the Rezoning Application. The proposed rezoning of the Project Site from GB to SC-3 will not result in any potentially significant adverse environmental impacts and as the issuance of a negative declaration by the Town Board pursuant to the State Environmental Quality Review Act ("SEQRA") is appropriate and justified. The Zoning Board of Appeals previously conducted an environmental review of the redevelopment project that resulted in its issuance of a negative declaration on July 20, 2020. A copy of the negative declaration issued by the Zoning Board of Appeals is provided at Attachment "A" of this Short Environmental Assessment Form.

Name of Applicant or Sponsor:	Telephone: 716.510-4338
ARIA BUF MAPLE, LLC, LLC c/o Sean Hopkins, Esq.	E-Mail: shopkins@hsmlegal.com

Address:
5500 Main Street, Suite 343

City/PO:	State:	Zip Code:
Williamsville	NY	14221

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Amherst Town Board - Rezoning of Project Site from GB to SC-3	☐	☑

3. a. Total acreage of the site of the proposed action? 3.93 acres
   b. Total acreage to be physically disturbed? <.1 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.93 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

		NO	YES	N/A
5. Is the proposed action,	[The Project Site is zoned General Business ("GB") District. The Zoning Board of Appeals granted a use variance for 1st floor apartment units during its meeting on July 20, 2020 subject to a condition that the Applicant seek a rezoning of the Project Site.]			
a. A permitted use under the zoning regulations?		☐	☑	☐
b. Consistent with the adopted comprehensive plan?		☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☑

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ _____	☐	☑

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? [Note: There are not any wetlands located on the Project Site.]	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☑
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☑
If Yes, briefly describe: _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☑	☐
If Yes, explain the purpose and size of the impoundment: _____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☑	☐
If Yes, describe: _____		
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☐	☑
If Yes, describe: _____		
The Project Site has not been the subject of remediation for hazardous waste and the Project Sponsor is not aware of any nearby sites that have been or that are subject to remediation for regulated hazardous waste.		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: AMRIA BUF MAPLE, LLC Date: October 21, 2021

Signature: _____ Title: Counsel for Project Sponsor

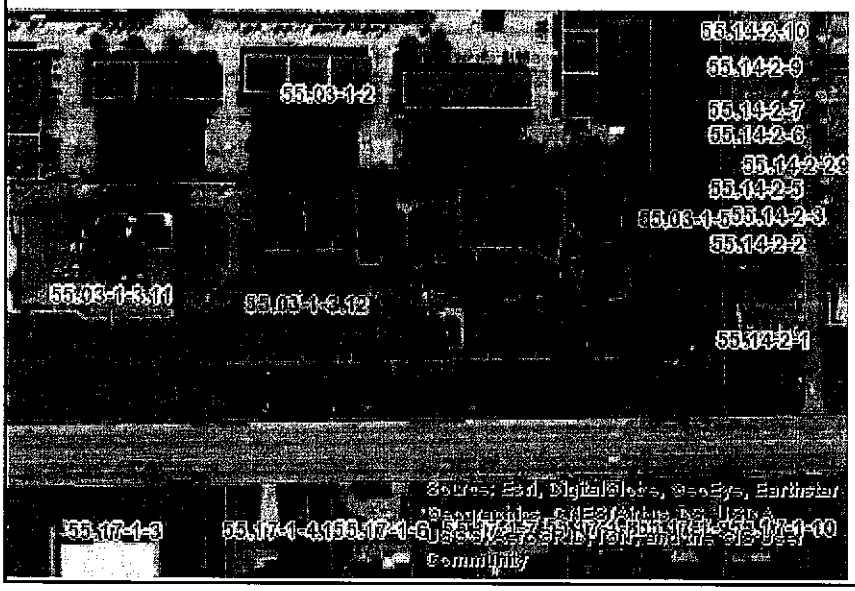
Sean W. Hopkins, Esq.

PRINT FORM

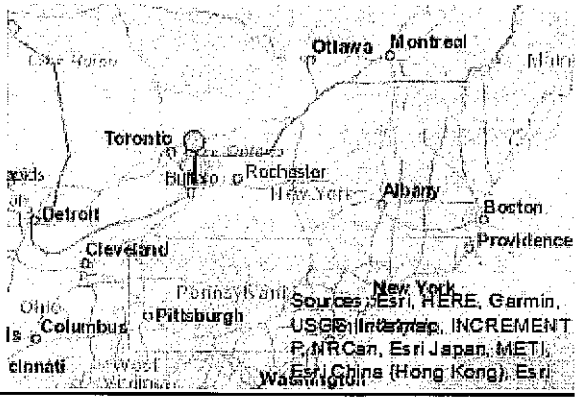
Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

EAF Mapper Summary Report

Saturday, May 16, 2020 5:12 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Attachment "A" of Short Environmental Assessment Form – Negative Declaration Issued by the Zoning Board of Appeals Pursuant to SEQRA on July 21, 2020

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AIC
Planning Director

Ellen M. Kost, AICP
Assistant Planning Direct

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Zoning Board of Appeals	**Action:**	Use & Area Variances
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date:**	July 21, 2020

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action:	Use and Area Variances
SEQR Status:	Unlisted action
Description of Action:	Granting a use variance to permit ground floor apartments as a principal use within the GB- General Business zoning district and an area variance to permit a reduction in required off street parking spaces.
Location:	100 Maple Road, Town of Amherst, Erie County, New York
Petitioner:	PEG Properties, LLC

Reasons Supporting This Determination

Based on information submitted by the applicant, including a complete ZBA application, Short Environmental Assessment Form and supporting documentation, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed request will not have a significant impact on the environment, as follows:

1. The action is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems.

2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. The site is currently developed as a 112 unit motel.

3. Granting a use variance to permit ground floor apartments at the subject property and an area variance for a parking reduction is not expected to create any material conflict with the Town Comprehensive Plan. The Town's Comprehensive Plan has identified the subject property for a future rezoning to the Town's newly adopted mixed use zoning designation, which permits multifamily dwellings on the ground floor as of right. Additionally, the new mixed use regulations permit a 50 percent reduction in required off street parking. After the Town rezones the subject site to its desired mixed use zoning district the subject variances will no longer be needed.

4. The site is not within an area identified by the State as potentially containing significant cultural or archeological resources. The site is currently developed as a 112 unit motel and there will not be any impacts to cultural or archeological resources.

5. The action will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character.

6. The action will not cause a change in the use or the quantity of energy.

7. The action will not create a hazard to human health.

8. The action is not anticipated to change the intensity of the land use on this site from its current use.

9. The action is not anticipated to significantly increase the number of people using the site over its current level of use.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

10. Significant negative traffic impacts are not expected to result from the proposed action.

11. Coordinated reviews of the action by the Building and Planning Departments have not identified any significant environmental issues and indicate that the action will not have a significant damaging impact on the environment.

12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.

Daniel J. Ulatowski, AICP
Principal Planner/ZEO

7/21/2020
date

John Radens, Chair

7/27/2020
date

DU/du
X:\Special_Projects\ZBA\SEQR NEG Dec attachements\100 Maple Road.docx
cc: Amherst Town Clerk
Amherst Building Department
Erie County DEP
Sean Hopkins, Esquire for PEG Properties, LLC

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Exhibit 2 – Legal Description of Property to be Rezoned from Suburban Agriculture District ("S-A") to Residential District Three ("R-3")

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

EXHIBIT 2 OF REZONING APPLICATION

LEGAL DESCRIPTION OF PROPERTY AT 100 MAPLE ROAD TO BE REZONED FROM GENERAL BUSINESS DISTRICT ("GB") TO SHALLOW RESIDENTIAL DISTRICT THREE ("SC-3")

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE AND STATE OF NEW YORK, BE PART OF TOWN LOT NO. 73, TOWNSHIP 12, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY AND ALSO KNOWN AS PARCEL "B" OF A SUBDIVISION MAP OF THE LANDS OF AMHERST MANOR ASSOCIATES PREPARED BY CHARLES E. REED, PROFESSIONAL LAND SURVEYOR, DATED MAY 3, 1985, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT MARKED BY AN IRON PIN AT THE INTERSECTION OF THE DIVISION UNE OF TOWN LOT NO. 73 AND TOWN LOT NO. 67 WITH THE NORTH STREET LINE OF MAPLE ROAD, ALSO KNOWN AS COUNTY ROAD 192;

THENCE (1) NORTH 0° 47' 30" EAST ALONG THE DIVISION LINE BETWEEN TOWN LOT NO. 73 AND TOWN LOT NO. 67, A DISTANCE OF 314.30 FEET TO A POINT;

THENCE (2) SOUTH 89° 16' 28" WEST ALONG THE SOUTH LINE OF LANDS NOW OR FORMERLY OWNED BY AMHERST MANOR APARTMENTS, A DISTANCE OF 517.13 FEET TO A POINT;

THENCE (3) SOUTH 0° 43' 32" EAST, A DISTANCE OF 126.50 FEET TO A POINT;

THENCE (4) SOUTH 56° 29' 19" WEST, A DISTANCE OF 80.68 FEET TO A POINT;

THENCE (5) SOUTH 0° 43' 32" EAST, A DISTANCE OF 57.00 FEET TO A POINT;

THENCE (6) SOUTH 27° 17' 27" EAST, A DISTANCE OF 38.01 FEET TO A POINT;

THENCE (7) SOUTH 0° 43' 32" EAST, A DISTANCE OF 53.00 FEET TO A POINT ON THE NORTHERLY STREET LINE OF MAPLE ROAD;

THENCE (8) NORTH 89° 16' 28" EAST ALONG THE NORTHERLY STREET LINE OF MAPLE ROAD, A DISTANCE OF 559.64 FEET TO THE POINT AND PLACE OF BEGINNING.

TOGETHER WITH THE BENEFITS OF AN AGREEMENT MADE BETWEEN AMHERST MANOR ASSOCIATES AND ROCKGATE INNS, A LIMITED PARTNERSHIP DATED SEPTEMBER 19, 1986 AND RECORDED DECEMBER 8, 1986 IN UBER 9652 OF DEEDS AT PAGE 315.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

BEING MORE CURRENTLY DESCRIBED AS:

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 3.931 ACRES, MORE OR LESS, SITUATE IN THE TOWN OF AMHERST, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT NO. 73, TOWNSHIP 12, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY AND ALSO KNOWN AS PARCEL "B" OF A SUBDIVISION MAP OF THE LANDS OF AMHERST MANOR ASSOCIATES PREPARED BY CHARLES E. REED, PROFESSIONAL LAND SURVEYOR, DATED MAY 3, 1985, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE DIVISION LINE OF TOWN LOTS 73 AND 67 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF MAPLE ROAD (COUNTRY ROAD 197) (85 FOOT RIGHT-OF-WAY); THENCE

1. SOUTH 89° 11' 22" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF MAPLE ROAD, A DISTANCE OF 559.64 FEET TO A POINT ON THE EASTERLY BOUNDARY UNE OF LANDS NOW OR FORMERLY OF 60 MAPLE ROAD LLC (T.A. NO. 0SS.003-0001-003.011), BEING PARCEL A OF THE AMHERST MANOR ASSOCIATES SUBDIVISION; THENCE

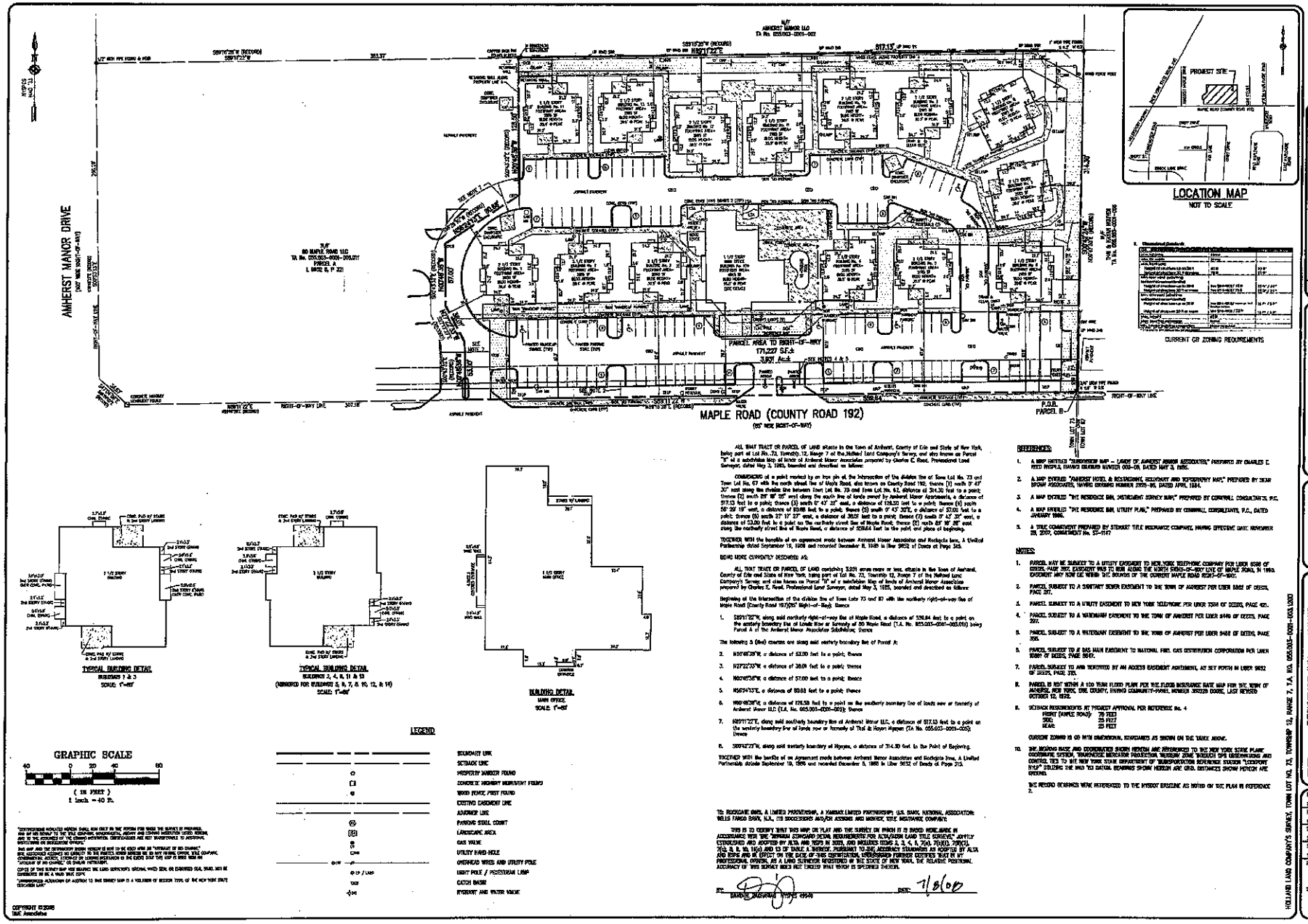
THE FOLLOWING 5 COURSES ARE ALONG SAID EASTERLY BOUNDARY LINE OF PARCEL A:

2. NORTH 00° 48' 38" WEST, A DISTANCE OF 53.00 FEET TO A POINT; THENCE
3. NORTH 27° 22' 33" WEST, A DISTANCE OF 38.01 FEET TO A POINT; THENCE
4. NORTH 00° 48' 38" WEST, A DISTANCE OF57.00 FEET TO A POINT; THENCE
5. NORTH 56° 24' 13" EAST, A DISTANCE OF 80.68 FEET TO A POINT; THENCE
6. NORTH 00° 48' 3811 WEST, A DISTANCE OF 126.50 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF LANDS NOW OR FORMERLY OF AMHERST MANOR LLC (T.A. NO. 005.003-0001- 002); THENCE
7. NORTH 89° 11' 22" EAST, ALONG SAID SOUTHERLY BOUNDARY LINE OF AMHERST MANOR LLC, A DISTANCE OF 517.13 FEET TO A POINTON THE WESTERLY BOUNDARY LINE OF LANDS NOW OR FORMERLY OF THAI AND HAYAN NGUYEN (T.A. NO. 055.003-0001-005); THENCE
8. SOUTH 00° 42' 22" WEST, ALONG SAID WESTERLY BOUNDARY OF NGUYEN, A DISTANCE OF 314.30 FEET TO THE POINT OF BEGINNING.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Exhibit 3 – Reduced Size Copy of Survey of Project Site [Note: Full Size Copy of the Survey also attached]

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)



Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Exhibit 4 – Responses to Questions 11A & 11B of the Rezoning Application

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

EXHIBIT 4

REZONING OF 100 MAPLE ROAD FROM GB TO SC-3

Question 11(A): Description of the character of the proposed development:

Response to Question 11(A): The Applicant is seeking to amend the zoning classification of 100 Maple Road ("Project Site") from GB to SC so that the zoning classification will be consistent with the continued use of the Project Site as a multifamily project of 112 attached residential units for lease consisting of studio and one-bedroom units. An 11" x 17" size copy of the Site Plan [Drawing C-100] depicting the layout of the project is attached as **Exhibit "8"**. A color aerial photograph of the Project Site is attached as **Exhibit "6"**.

Question 11(B)(1): Rationale for rezoning request: 1. What was this site chosen?

Response to Question 11(B)(1): The Project Site is an appropriate location for the requested rezoning from GB to SC-3 given that Figure 6-A of the adopted Comprehensive designates the Project Site as appropriate as Suburban Corridor. A copy of Figure 6-A of the Comprehensive Plan is attached as **Exhibit "7"**.

Question 11(B)(2): Why cannot land be used with the existing zoning?

Response to Question 11(B)(2): The Project Site is currently zoned General Business District ("GB"), a zoning classification which does not permit first floor residential units. As such, the rezoning of the Project Site is necessary in connection with the continued long-term use of the Project Site as a project that includes first floor residential units for lease.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Question 11(B)(3): How will this rezoning impact surrounding properties?

Response to Question 11(B)(3): The requested rezoning of the Project Site from GB to DC-5 to accommodate the continued use of the Project Site as a residential project consisting of attached residential units for lease will not have any impacts on surrounding properties.

Question 11(B)(4): How will this rezoning impact the school system?

Response to Question 11(B)(4): The proposed project will have positive impacts on the school district since the property taxes that will be generated on an annual basis will be greater than the cost of providing educational services to the minimal number of school age children that will reside in the project. The demand for educational services for the project will be low given that the project is comprised exclusively of studios and one-bedroom units.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Exhibit 5 – Responses to Questions 16A, 16B, 16D & 16E of the Rezoning Application

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

EXHIBIT 5

REZONING OF 100 MAPLE ROAD FROM GB TO SC-3

Question 16(A)(1): **State in detail why the proposed zoning is consistent with the adopted Town of Amherst Bicentennial Comprehensive Plan. Cite specific sections, maps and/or figures in the plan that support the proposed zoning at this location.**

Response to Question 16(A)(1): The Town of Amherst adopted the Bicentennial Comprehensive Plan in January of 2007 after completing a lengthy planning process that included numerous public meetings and public hearings involving the Comprehensive Plan Advisory Committee, the Planning Board and the Town Board.[1] On December 14, 2020, the Town Board most recently adopted amendments to the Bicentennial Comprehensive Plan.

Figure 6-A of the adopted Bicentennial Comprehensive Plan is the titled Commercial and Mixed-Use Designations and it depicts the Project Site as appropriate for Suburban Corridor designation. A color copy of Figure 6 of the Comprehensive Plan is provided at **Exhibit "7"**.

Question 16(A)(2): **Cite all text, map, and/or figures that must be amended to support the proposed zoning at this location and provide detailed suggested amendments.**

Response to Question 16(A)(2): The rezoning of the Project Site from GB to SC-3 to accommodate the continued use of the Project Site as a multifamily project does not require an amendment of the Comprehensive Plan.

---

[1] A copy of the resolution adopted by the Town Board on January 2, 2007 for the purpose of adopting the Bicentennial Comprehensive Plan pursuant to Town Law Section 272-a is included at the beginning of the Comprehensive Plan. This resolution recites the lengthy planning history that incorporated numerous opportunities for public input as well as a coordinated environmental review pursuant to SEQRA that involved the preparation a Generic EIS and the issuance of a Findings Statement.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Question 16(A)(3): State why the proposed zoning is consistent with intent and objectives (Sec. 1-2-2) of the Zoning Ordinance:

Response to Question 16(A)(3): Section 1-2-1 of the Zoning Code is titled "Purpose" and it states as follows:

> *"The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote the environment of the town and its public health, safety, convenience, comfort, prosperity and the general welfare by regulating the use of buildings, other structures and land for residences, open space, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, building coverage and location of structures; by regulating and limiting population density; and for the aforesaid purposes, to divide the land within the limits of the town into districts of such number and dimensions generally consistent with the policies of the Comprehensive Plan and to provide procedures for the administration and amendment of said Zoning Ordinance."*

The proposed rezoning of the Project Site from GB to SC-3 to accommodate the continued use of the Project Site as a multifamily project is consistent with the "Purpose" of the Zoning Code. Section 1-2-2 of the Zoning Code sets forth the objectives of the Zoning Code. This section of the Zoning Code lists thirteen objectives that are discussed below as follows:

A. To protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses and to insure their orderly and beneficial development;

Response: The proposed rezoning of the Project Site from GB to SC-3 to accommodate the continued use of the Project Site for residential purposes will be consistent with the objective of protecting the character and value of existing land uses.

B. To provide adequate open spaces for light, air and outdoor uses to include public, common and private open space areas;

Response: The proposed rezoning of the Project Site from GB to SC-3 will not be inconsistent with this objective.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

C. To prevent overcrowding of land;

Response: The project is consistent with the type of development designated as appropriate for the Project Site.

D. To prevent excessive concentration of population and to prevent spare and uncoordinated development;

Response: The proposed rezoning of the Project Site from GB to SC-3 will not result in excessive concentration of population.

E. To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property generally consistent with the policies of the Comprehensive Plan.

Response: The responses to the Questions in Section 16 of the Rezoning Application as set forth above states the reasons the proposed rezoning is consistent with the policies of the Comprehensive Plan.

F. To protect persons and property from damage and injury due to fire or flood;

Response: The requested rezoning of the Project Site from GB to SC-3 will not result in any concerns regarding the protection of persons and property from damage and injury due to fire or flooding.

G. To preserve and protect significant natural features and vegetation, thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only.

Response: The proposed rezoning of the Project Site from GB to SC-3 is not inconsistent with this objective. There are not significant natural features located on the Project Site.

H. To assure that structure and land use arrangements are aesthetically harmonious with nearby areas and structures.

Response: The propose rezoning of the Project Site from GB to SC-3 is not inconsistent with this objective.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

I. To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with and be damaged least by traffic movements and hence result in lessened street congestion and improved public safety.

Response: The proposed rezoning will not result in any changes to the existing access onto Maple Road. No new driveway connections to the roadway network are being proposed.

J. To establish zoning patterns that insure economical extensions for sewers, water supply waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

Response: The Project Site has access to sanitary sewer and water lines as well as necessary public utilities to continue to service the multifamily project.

K. To guide the future development of the town so as to being the gradual conformity of land, structures and uses generally consistent with the policies of the Comprehensive Plan.

Response: The proposed rezoning of the Project Site from GB to SC-3 is consistent with this objective since the existing multifamily project is consistent with the policies contained in the Comprehensive Plan.

L. To accomplish the specific intents and goals set forth in the introduction to the respective sections.

Response: The proposed rezoning of the Project Site from GB to SC-3 is consistent with this objective.

M. To protect the community from visual pollution resulting from the unregulated use of signs and other advertising devices.

Response: The proposed rezoning of the Project Site from GB to SC-3 is not inconsistent with this objective.

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Question 16(C): **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:**

Response to Question 16(C): The proposed rezoning of the Project Site from GB to SC-3 is compatible with the present zoning and conforming uses of nearby properties and the character of the neighborhood. The Project Site is currently zoned GB which would allow more intensive land uses.

Question 16(D): **Suitability of the subject property for uses permitted by the current versus the proposed district:**

Response to Question 16(D): The Project Site is suitable for uses permitted by both the existing GB zoning classification and the proposed SC-3 zoning classification.

Question 16(E): **Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town:**

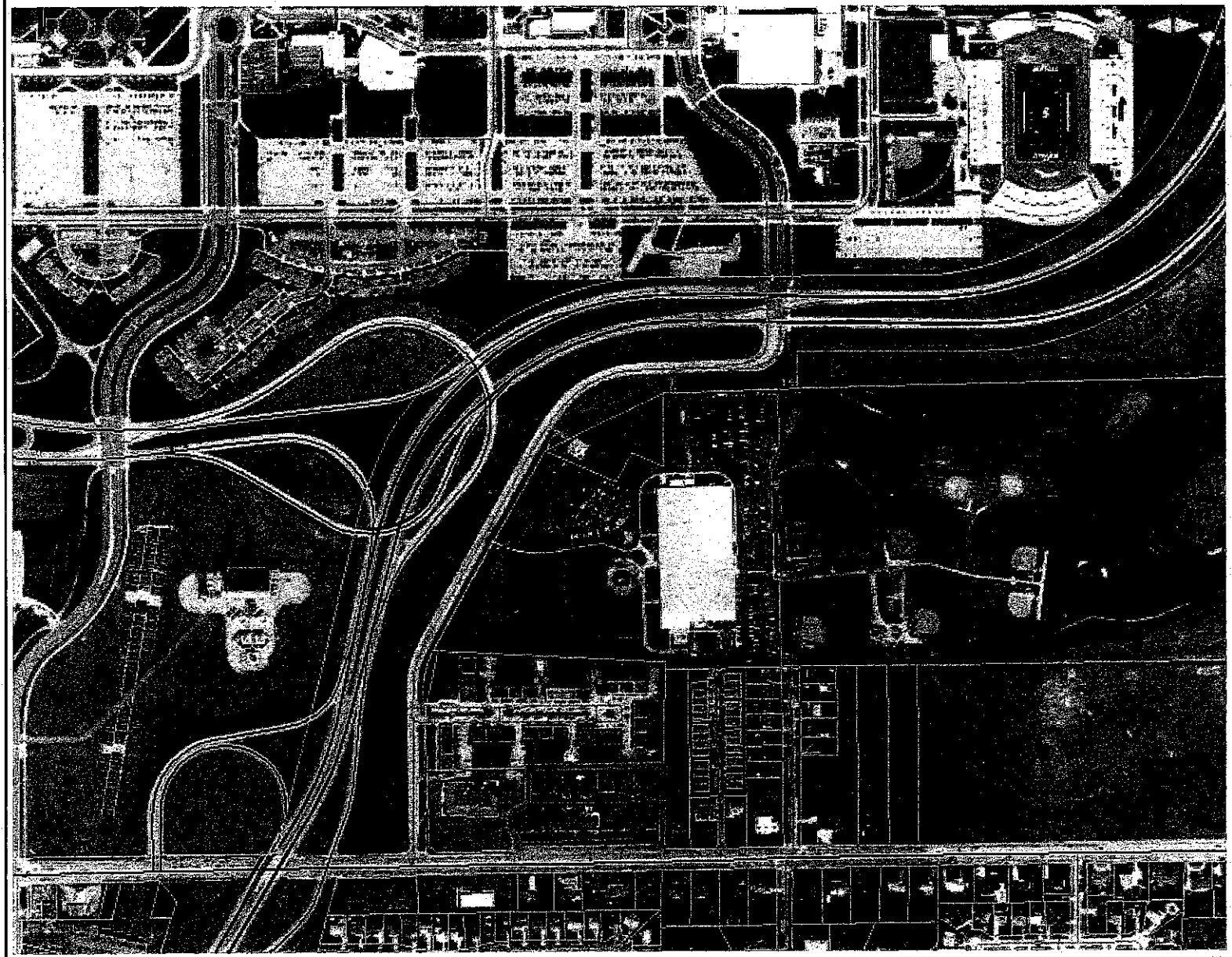
Response to Question 16(D): The proposed change in the zoning classification of the Project Site from GB to SC-3 to accommodate the continued use of the Project Site as a multifamily project will have positive impacts on the balance of uses in the Town by providing smaller apartments that are affordable. The proposed zoning classification is consistent with the recommended land use per the adopted Comprehensive Plan.

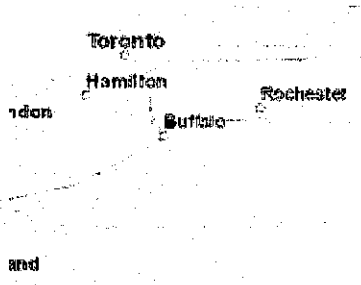
Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Exhibit 6 – Color Aerial Photograph of the Property at 100 Maple Road from the Erie County GIS

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Erie County On-Line Mapping Application





Legend

- Parcels
- Streets and Highways
  - Interstate
  - Primary State Road
  - Secondary State Road
  - County Road
  - Local Road

0 0.14 0.3 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

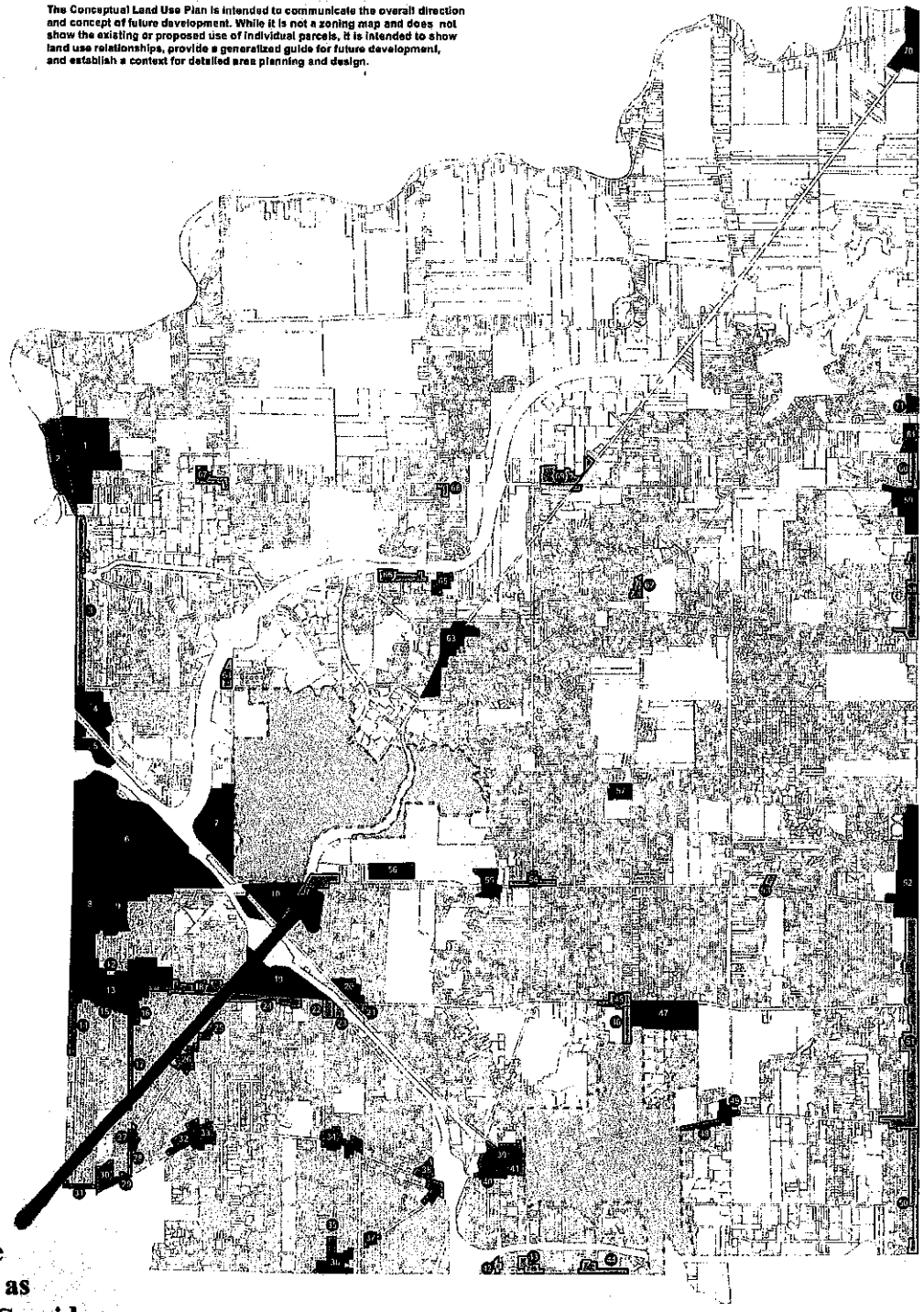
1: 9,028

Exhibit 7 – Figure 6-A of the Town of Amherst Comprehensive Plan

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Town of Amherst
Bicentennial
Comprehensive Plan

The Conceptual Land Use Plan is intended to communicate the overall direction and concept of future development. While it is not a zoning map and does not show the existing or proposed use of individual parcels, it is intended to show land use relationships, provide a generalized guide for future development, and establish a context for detailed area planning and design.



1. Wegmans (NFB)
2. Walgreens (NFB)
3. NFB / Elliott Creek Strip
4. Home Depot (NFB)
5. Innkeepers Lane
6. Consumer Square / Ridge Lea
7. University Place
8. Boulevard Mall
9. Wegmans (Alberta)
10. Golden Triangle
11. Maple / Amherst Manor
12. Walmart (Sheridan)
13. Northtown Plaza
14. NFB Strip
15. Eggert Strip
16. Eggert / Bailey
17. Bailey Strip
18. Sheridan / Millersport Strip
19. Northtown Auto (Sheridan)
20. Sheridan / Sunrise - North Side
21. Sheridan / Sunrise - South Side
22. Sheridan / Harlem - West Side
23. Sheridan / Harlem - East Side
24. Sheridan / Getzville Strip
25. Millersport / Arcade
26. Six Corners
27. Bailey / Grover Cleveland
28. Bailey Live-Work
29. Main / Bailey
30. University Plaza
31. Kenmore Avenue
32. Eggertsville (Main / Eggert - West Side)
33. Eggertsville (Main / Eggert - East Side)
34. Snyder (Main / Harlem)
35. Harlem Strip
36. Harlem / Kensington
37. Kensington / Saratoga
38. Main / Kensington
39. West of Village - North of Main
40. West of Village - South of Main (West Side)
41. West of Village - South of Main (East Side)
42. Wehrle / South Forest
43. Wehrle / South Union
44. Wehrle / Cayuga
45. Sheridan / Hopkins
46. Evans Strip
47. Williamsville Place
48. Main Strip
49. Main / Youngs
50. Transit / Wehrle
51. Transit from Main to Maple
52. Transit / Maple
53. Maple / Ayer
54. Maple Strip
55. Maple / North Forest
56. Gun Club
57. Clearfield Plaza
58. Transit / Casey
59. Transit / North French
60. Transit / Dodge
61. Swormville
62. Hopkins / Dodge
63. Getzville Plaza
64. Sweet Home / Skinnersville
65. Campbell / Dodge
66. Dodge Strip
67. Sweet Home / North French
68. Campbell / North French
69. Crosspointe
70. Transit / Millersport
71. Transit Strip

Project Site Designated as Suburban Corridor

FIGURE 6-A

Suburban Center
Suburban Corridor
Traditional Areas
Village of Williamsville
University at Buffalo

SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: December 2020

N

0 0.2 0.4 0.6 0.8 1
Miles

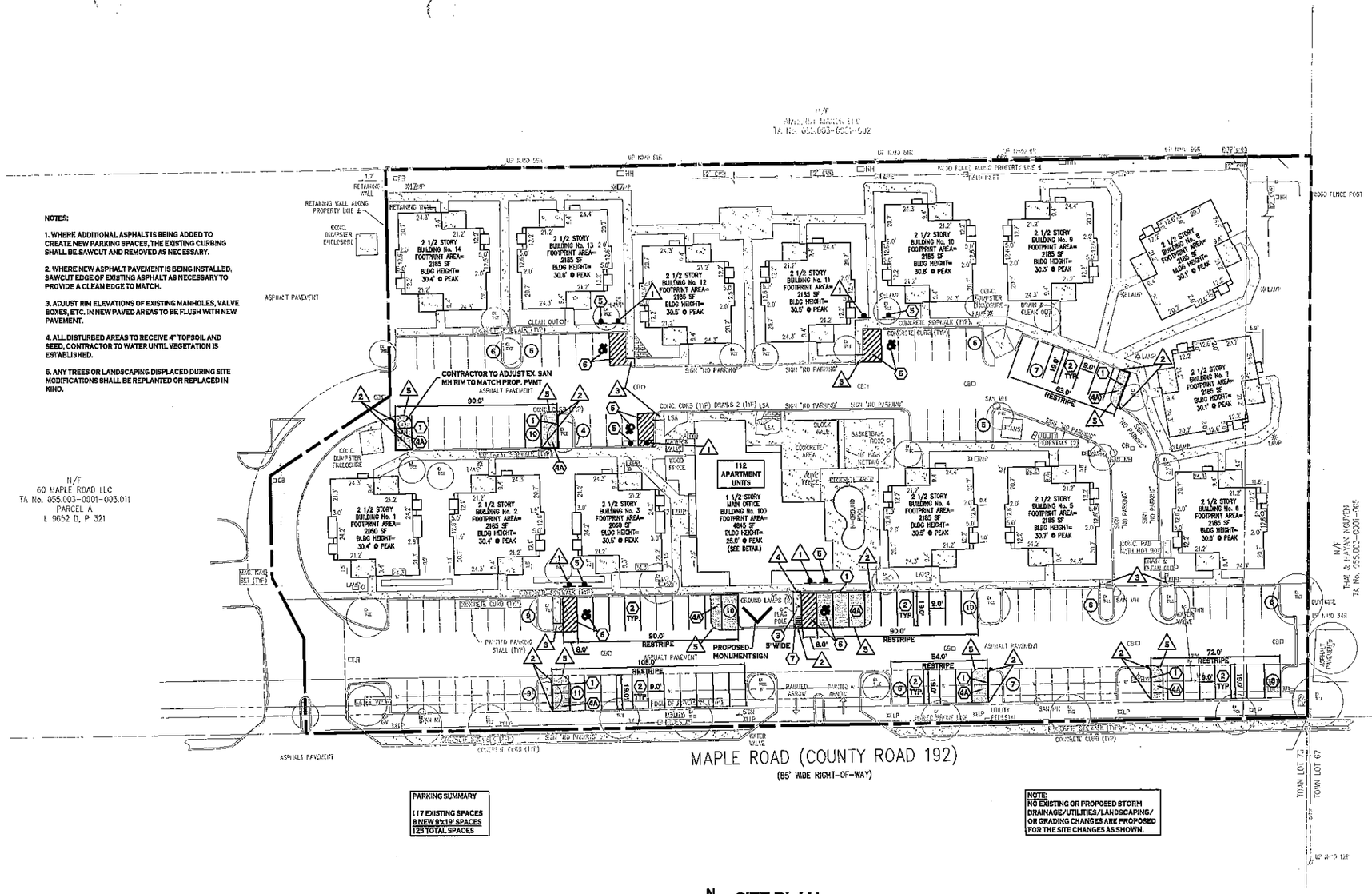
Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Exhibit 8 – 11" x 17" Size Copy of the Site Plan [Drawing C-100 as Prepared by Carmina Wood Morris DPC

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

© Carmina Wood Morris PC

All rights reserved. Reuse of these documents without the expressed written permission of Carmina Wood Morris, PC is prohibited. WARNING: It is violation of article 145 section 7209 subdivision 2 of the New York State education law for any person, unless acting under the direction of a registered architect, licensed engineer or land surveyor to alter this drawing. If altered such R.A., P.E. or L.L.S. shall affix his or her seal, signature, the date, the notation "altered by" and a specific description of the alteration.



NOTES:

1. WHERE ADDITIONAL ASPHALT IS BEING ADDED TO CREATE NEW PARKING SPACES, THE EXISTING CURBING SHALL BE SAWCUT AND REMOVED AS NECESSARY.
2. WHERE NEW ASPHALT PAVEMENT IS BEING INSTALLED, SAWCUT EDGE OF EXISTING ASPHALT AS NECESSARY TO PROVIDE A CLEAN EDGE TO MATCH.
3. ADJUST RIM ELEVATIONS OF EXISTING MANHOLES, VALVE BOXES, ETC. IN NEW PAVED AREAS TO BE FLUSH WITH NEW PAVEMENT.
4. ALL DISTURBED AREAS TO RECEIVE 4" TOPSOIL AND SEED, CONTRACTOR TO WATER UNTIL VEGETATION IS ESTABLISHED.
5. ANY TREES OR LANDSCAPING DISPLACED DURING SITE MODIFICATIONS SHALL BE REPLANTED OR REPLACED IN KIND.

PARKING SUMMARY

117 EXISTING SPACES
8 NEW 9'x19' SPACES
125 TOTAL SPACES

NOTE:
NO EXISTING OR PROPOSED STORM DRAINAGE/UTILITIES/LANDSCAPING/ OR GRADING CHANGES ARE PROPOSED FOR THE SITE CHANGES AS SHOWN.

SITE PLAN

SCALE: 1"=30'

DETAIL LEGEND

1. CONCRETE CURB
2. 90° PARKING STALL
3. CONCRETE SIDEWALK
4A. STANDARD DUTY ASPHALT
5. HANDICAPPED PARKING SIGN
6. HANDICAPPED PAVEMENT MARKINGS
7. HANDICAPPED CURB RAMP

NOTE LEGEND

1. INSTALL "NO PARKING" SIGN, M.U.T.C.D. SIGN NO. P1-1 C
2. MATCH EXISTING CURB OR RUNOUT IN 2'
3. EXISTING SIDEWALK CURB RAMP
4. MATCH INTO EXISTING SIDEWALK
5. PROPOSED PAVEMENT SAWCUT LINE, MATCH INTO EX. PAVEMENT

SITE LEGEND

- PROPERTY LINE
- PROPOSED CURB
- PROPOSED SIDEWALK / CONCRETE PAD
- PROPOSED ASPHALT PVMT
- NUMBER OF PARKING SPACES (27)
- PROPOSED SIGN

NOTE: BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY OTHERS, CARMINA WOOD MORRIS, D.P.C. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.

30' 30 0 30 60FT.

Carmina Wood Morris PC
487 Main Street Suite 600
Buffalo, New York 14203
P 716.842.3165
F 716.842.0265

REVISIONS:

No.	Description	Date

PROJECT NAME:
New Construction
Apartment Conversion
100 Maple Road
Amherst, New York

Date: 09/2020
Drawn by: C. Wood
Scale: As Noted

DRAWING NAME:
Site Plan

DRAWING NO.
C-100

Proje

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)



Z-2021-10

Request to Rezone 3.93± acres of Land from GB to SC-3
Property Located at 100 Maple Road

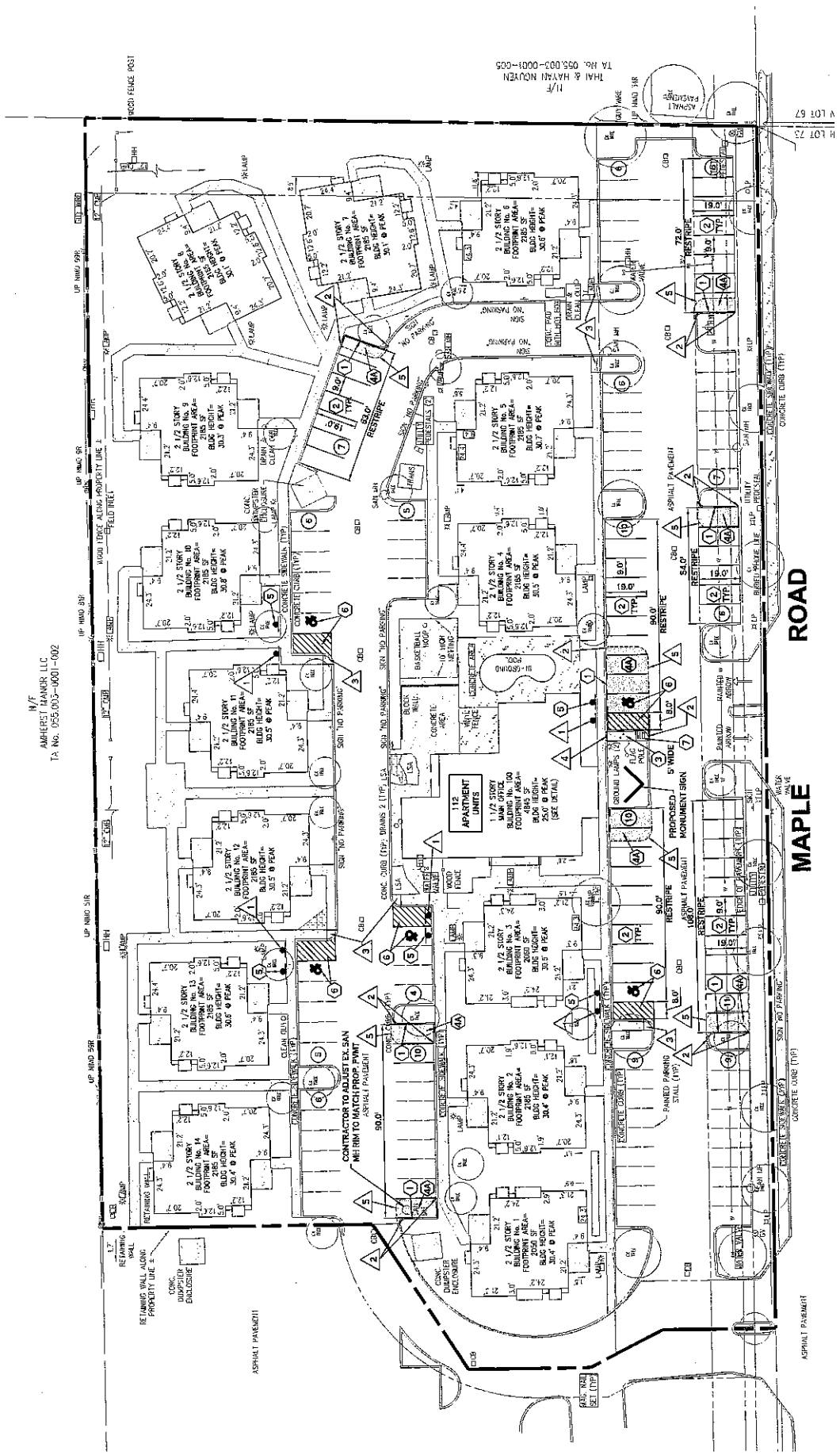
Aria Buf Maple LLC, Petitioner

January 13, 2022

100 Maple Road

Prepared by the Town of Amherst Planning Departme

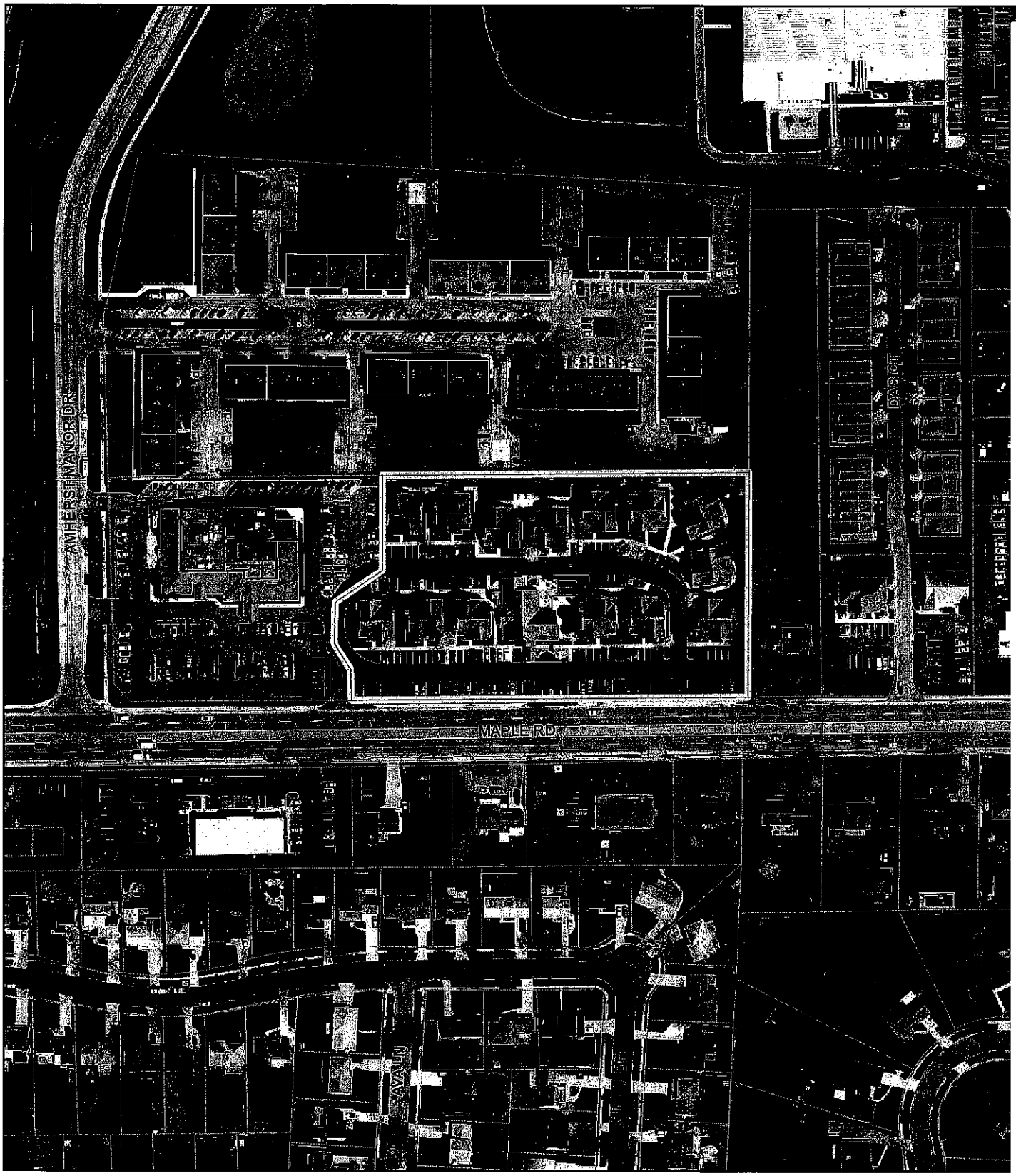
Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)



CONCEPT PLAN

Z-2021-10
100 Maple Road

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)



Z-2021-10

Request to Rezone 3.93± acres of Land from GB to SC-3
Property Located at 100 Maple Road

Aria Buf Maple LLC, Petitioner

January 13, 2022

100 Maple Road

Prepared by the Town of Amherst Planning Departme

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: ZR-21-660

Received: 11/01/2021

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

RECEIVED
DEC 23 2021
TOWN OF AMHERST
PLANNING DEPT.

Description of Proposed Action

1. Name of Municipality: Town of Amherst

2. Hearing Schedule: **Date** January 13 2022 **Time** 6:30pm **Location** 5583 Main Street, Williamsville

3. Action is before: ☐ Legislative Body ☐ Board of Appeals ☒ Planning Board

4. Action consists of: ☐ New Ordinance ☒ Rezone/Map Change ☐ Ordinance Amendment

☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other

5. Location of Property: ☐ Entire Municipality ☒ Specific as follows 100 Maple Road.

6. Referral required as Site is within 500' of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District

☐ Expressway ☒ County Road ☒ State Highway ☐ Proposed State or County Road, Property, Building/ Institution, Drainageway

7. Proposed change or use: (be specific) Rezone 3.93± acres of land from General Business District to Shallow Corridor

8. Other remarks: (ID#, SBL#, etc.) Z-2021-10

9. Submitted by: Scott A. Maslak, Principal Planner October 29 2021

Town of Amherst, 5583 Main St., Williamsville, NY 14221

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 11/5/21. **The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.**

1. ☐ **The proposed action is not subject to review under the law.**
2. ☐ **Form ZR-3, Comment on Proposed Action is attached hereto.**
3. ☐ **The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.**
4. ☒ **No recommendation; proposed action has been reviewed and determined to be of local concern**

By the Division of Planning: [signature] **Date:** 12/21/21

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

December 6, 2021

ARIA BUFF MAPLE, LLC
180 N. University Ave., Suite 200
Provo, UT 84601

SUBJECT:	Rezoning Application Review	**Z-2021-10**
	Proposed:	Rezone from GB to SC-3 for student apartments
	Property located at:	**100 Maple Road**
	Application received:	October 28, 2021
	Representative:	Sean W. Hopkins, Esq. Carmina Wood Morris DPC

Dear Mr. Sir/Madam:

Please consider the following comments:

1. Please note that any other SEQR-related issues raised during the review process for this rezoning must be addressed prior to action by the Planning Board.
2. During site visitation by Planning Department staff it was observed that site work (parking revisions, etc.) has commenced without the required site plan review and approval process. Additionally trees and other previously approved and required vegetation has been removed and refuse containers are not screened in accordance with §203-7-2-4D of Town code.

This is a review only and does not constitute approval of the Rezoning Request. Should you have questions regarding this correspondence, please contact Scott A. Marshall, Principal Planner at smarshall@amherst.ny.us or Roberta Rappoccio, Associate Planner at rrappoccio@amherst.ny.us

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/RR/ac
X:\Current_Planning\Files\Rezonings\2021\Z-2021-10_(100_Maple_Rd)_2021\Z-2021-10_Plan_Rev_Ltr_120321.doc
cc: Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221
Chris Wood, Carmina Wood Morris, 487 Main Street, Suite 500, Buffalo, NY 14203
Mark Berke, Building Commissioner

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Fadel, Bryan

From: Ulatowski, Daniel
Sent: Tuesday, November 30, 2021 9:28 AM
To: Marshall, Scott; Rappoccio, Roberta; Palumbo, Gary; Voigt, Thomas J.
Cc: Carrato, Amy; Fadel, Bryan
Subject: NYSDOT Review_: 2021-SP267 T. Amherst 100 Maple Road
Attachments: 2021-SP267 T. Amherst 100 Maple Rd cover ltr.pdf; 2021-SP267 T. Amherst 100 Maple Rd SEAF part 1.pdf; 2021-SP267 T. Amherst 100 Maple Rd site plan.pdf

RECEIVED
NOV 30 2021
TOWN OF AMHERST
PLANNING DEPT.

FYI, See attached.

From: Hayes, Ron (DOT) <Ron.Hayes@dot.ny.gov>
Sent: Monday, November 29, 2021 4:10 PM
To: Ulatowski, Daniel <dulatowski@amherst.ny.us>
Cc: Buffamonte, Joseph (DOT) <Joseph.Buffamonte@dot.ny.gov>; Brummer, Henry J (DOT) <Henry.Brummer@dot.ny.gov>
Subject: 2021-SP267 T. Amherst 100 Maple Road

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.

Dan

New York State Department of Transportation (NYSDOT) reviewed the information submitted for the subject project and has the following comments:

- The proposed project will not have a significant impact to traffic on the State Highway System.
- Based upon the Site Plan submitted, it does not appear that any proposed work is located within the State Highway Right-of-Way (ROW).

Please do not hesitate to contact me if you have any questions or concerns.

Thank you,

Ron Hayes

Ronald J. Hayes
Planning and Program Management
SEQR/Site Plan Coordinator

New York Department of Transportation
100 Seneca Street, Buffalo, NY 14203

(716) 847-3381 I (518) 810-9951 cell
Ron.Hayes@dot.ny.gov www.dot.ny.gov

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICI
Assistant Planning Directo

MEMORANDUM

October 29, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Sweet Home School District

RECEIVED
NOV 05 2021
TOWN OF AMHERST
PLANNING DEPT.

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

SUBJECT: REQUEST TO REZONE 3.93± ACRES OF LAND FROM GB TO SC-3, **Z-2021-10**; PROPERTY LOCATED AT **100 MAPLE ROAD**. ARIA BUF MAPLE, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? YES

If you do not, briefly state why: _____

General comments relative to your agency interests: NONE @ THIS TIME

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: C. Schregel **Date:** 11/3/21

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2021\Z-2021-10_(100_Maple_Rd)_2021\Z-2021-10_Transmittal_102921.doc
cc: Scott Marshall, Principal Planner
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221
Chris Wood, Carmina Wood Morris, 487 Main Street, Suite 500, Buffalo, NY 14203

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AIC
Planning Director
Daniel J. Ulatowski, AI
Assistant Planning Direc

MEMORANDUM

October 29, 2021

RECEIVED
NOV 04 2021
TOWN OF AMHERST
PLANNING DEPT.

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Hwys/Mark Gortzig Gen. Crew Chief
Chris Schregel, Traffic/Safety Coordinator (c/o Eng)
Brian Barnes, Senior GIS Analyst (Eng.) (letter only)
Bryan Parnell, Fire Chiefs' Association (c/o Bldg)
Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Sweet Home School District

RECEIVED
NOV 01 2021
TOWN OF AMHERST
BUILDING DEPT

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

SUBJECT: REQUEST TO REZONE 3.93± ACRES OF LAND FROM GB TO SC-3, **Z-2021-10**; PROPERTY LOCATED AT **100 MAPLE ROAD**; ARIA BUF MAPLE, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: _____

General comments relative to your agency interests: None at this time.

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: Doug Gesel **Date:** 11-3-21

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2021\Z-2021-10_(100_Maple_Rd)_2021\Z-2021-10_Transmittal_102921.doc

cc: Scott Marshall, Principal Planner
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221
Chris Wood, Carmina Wood Morris, 487 Main Street, Suite 500, Buffalo, NY 14203

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Directo

TOWN OF AMHERST
ENGINEERING
DEPARTMENT
2021 NOV -1 P 1:32

MEMORANDUM October 29, 2021

RECEIVED
NOV 03 2021
TOWN OF AMHERST
PLANNING DEPT.

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Emily Murphy, Town Assessor
Douglas Gesel, Supervising Code Enforcement Officer, Building Department
Jeffrey Burroughs, Town Engineer
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Stan Sliwa, Town Attorney (Local Law Only)
Ann Demopoulos, Deputy Town Attorney, Right-of-Way Agent
Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Sweet Home School District

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

SUBJECT: REQUEST TO REZONE 3.93± ACRES OF LAND FROM GB TO SC-3, **Z-2021-10**; PROPERTY LOCATED AT **100 MAPLE ROAD**; ARIA BUF MAPLE, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? YES.

If you do not, briefly state why: _____

General comments relative to your agency interests: NONE

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 11/2/21

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2021\Z-2021-10_(100_Maple_Rd)_2021\Z-2021-10_Transmittal_102921.doc

cc: Scott Marshall, Principal Planner
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221
Chris Wood, Carmina Wood Morris, 487 Main Street, Suite 500, Buffalo, NY 14203

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
NOV 02 2021
TOWN ATTORNEY

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

MEMORANDUM October 29, 2021

TO: Kathy Cooper, Deputy Town Clerk
Daniel Ulatowski, Principal Planner
Emily Murphy, Town Assessor
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Integrated Review Coordinator, ECDEP
Edward Rutkowski, SEQR Review Coordinator, NYSDOT
Sweet Home School District

RECEIVED
NOV 02 2021
TOWN OF AMHERST
PLANNING DEPT.

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

SUBJECT: REQUEST TO REZONE 3.93± ACRES OF LAND FROM GB TO SC-3, **Z-2021-10**; PROPERTY LOCATED AT **100 MAPLE ROAD**; ARIA BUF MAPLE, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes.

If you do not, briefly state why: N/A

General comments relative to your agency interests: None

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.)

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 11/2/21

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2021\Z-2021-10_(100_Maple_Rd)_2021\Z-2021-10_Transmittal_102921.doc

cc: Scott Marshall, Principal Planner
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221
Chris Wood, Carmina Wood Morris, 487 Main Street, Suite 500, Buffalo, NY 14203

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

Amherst

Town of Amherst Planning Department *Erie County, New York*

RECEIVED
NOV 01 2021
TOWN OF AMHERST
PLANNING DEPT.

Brian J. Kulpa
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

MEMORANDUM October 29, 2021

TO: Kathy Cooper, Deputy Town Clerk
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RECEIVED
NOV 01 2021
TOWN ATTORNEY

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

SUBJECT: REQUEST TO REZONE 3.93± ACRES OF LAND FROM GB TO SC-3, **Z-2021-10**; PROPERTY LOCATED AT **100 MAPLE ROAD**. ARIA BUF MAPLE, LLC, PETITIONER.

REVIEW:

Do you agree with all statements made? Yes, agree with all statements made.

If you do not, briefly state why: N/A

General comments relative to your agency interests: N/A

If improvements are required involving your agency, please state schedule for completion (sewer construction, road widening, etc.) N/A

Please call the Planning Department if additional information is required (631-7051).

Signature: _____ **Date:** 11/1/21

DU/SM/bf
X:\Current_Planning\Files\Rezonings\2021\Z-2021-10_(100_Maple_Rd)_2021\Z-2021-10_Transmittal_102921.doc
cc: Scott Marshall, Principal Planner
Sean Hopkins, Hopkins Sorgi & McCarthy, 5500 Main Street, Suite 343, Williamsville, NY 14221
Chris Wood, Carmina Wood Morris, 487 Main Street, Suite 500, Buffalo, NY 14203

Attachment: Z-2021-10_TB letter packet_031422 (RES-2022-262 : 100 Maple Road Rezoning)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25550 **RESOLUTION 2022-263** **ROLL CALL VOTE (ADOPTED)**

Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000)

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 9, 2022**

RE: **Sewer Maintenance Building Roof Restoration**
2022-2027 C.I.P. - Project No. E-22
TOA Job No. 2019.010A
Bond Resolution - $175,000

The above-referenced matter is scheduled for a Public Hearing on March 14, 2022 at 7:00 p.m. In this regard, kindly adopt a resolution (1) Adopting the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department **prior to the Public Hearing being deemed closed**; and (2) Adopting the attached bond documents **once the Public Hearing has been deemed closed**.

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

Thank you.
SJS:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - March 14th, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Brian J. Armstrong, EIT, Assistant Municipal Engineer (*w/attachment*)

3/14/2022
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was opened at 7:14 PM.

Vaishali Reberholt, Principal Engineer Assistant, presented.

A motion to adopt the SEQR was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. A motion to close the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:18 PM.

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call Vote 4-0.

FINANCIAL IMPACT:

Bond Resolution - $175,000

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

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

Transmitted electronically

MEMORANDUM January 11, 2022

TO: Brian J. Armstrong, EIT, Assistant Municipal Engineer
Engineering Department

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

RE: SEQR Determination
Sewer Maintenance Building Roof Restoration
2022-2027 C.I.P. Project E-22 – TOA Job No. 2019.010A

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

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\Sewer Maint Building Roof Restoration_2022_2027_CIP_E_22.docx

cc:
Stanley J. Sliwa, Esq., Town Attorney
Daryl Bramer, Comptroller
Daniel Howard, Planning Director

Attachment: SEQR.SewerMtceRoof-01272022120558 (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond

EXTRACT OF MINUTES

Meeting of the Town Board of the

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

March 14, 2022

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 March 14, 2022.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board Members:	Jacqualine Berger, Councilwoman, Deborah Bruch Bucki Councilwoman, Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 5583 Main Street, Williamsville, New York, at 7 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of Consolidated Sanitary Sewer District, at the estimated total cost of $175,000, consisting of facilities of the District, consisting of roof restoration for the Sewer Maintenance Division building at the Engineering Department, at the estimated maximum cost of $175,000 (CIP Project No. E-22), as described in the map, plan and report dated January, 2022 prepared by the Town Engineering Department; and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits

Attachment: CertExMins (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000))

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

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

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

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

Attachment: CertExMins (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed Extract of Minutes of a meeting of the Town Board of said Town of Amherst duly called and held on March 14, 2022, has been compared by me with the original minutes as officially recorded in my office as Town Clerk, and is a true, complete and correct copy thereof and of the whole of said original minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 14th day of March, 2022.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertExMins (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED MARCH 14, 2022, APPROPRIATING $175,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF CONSOLIDATED SANITARY SEWER DISTRICT, AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF $175,000 TO FINANCE SAID APPROPRIATION

Offered by: _____

Seconded By: _____

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of Consolidated Sanitary Sewer District (herein referred to as the "District"), in the Town of Amherst (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held on March 14, 2022, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

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

Section 1. The Town hereby appropriates the amount of $175,000 for the increase and improvement of facilities of the District, consisting of roof restoration for the Sewer

Attachment: CertBondReso (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000))

Maintenance Division building at the Engineering Department, at the estimated maximum cost of $175,000 (CIP Project No. E-22) in connection therewith, as described in the map, plan and report dated January, 2022 prepared by the Town Engineering Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $175,000. The plan of financing includes the issuance of $175,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of $175,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

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

Attachment: CertBondReso (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000))

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

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

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

Attachment: CertBondReso (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000))

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

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

Attachment: CertBondReso (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000))

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

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

The Resolution was declared adopted.

Attachment: CertBondReso (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed resolution of the Town Board of said Town adopted at a meeting duly called and held on March 14, 2022, has been compared by me with the original resolution as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 14th day of March, 2022.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertBondReso (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution - $175,000))

At a meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 14th day of March, 2022.

PRESENT:

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

In the Matter

of the

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

---

Offered by: _____

Seconded By: _____

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

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

Attachment: CertResoOrderAfterPH (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution -

January, 2022, for the increase and improvement of facilities of the District, consisting of roof restoration for the Sewer Maintenance Division building at the Engineering Department, at the estimated maximum cost of $175,000 (CIP Project No. E-22) required in connection therewith as described in said report; and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be $175,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on March 14, 2022 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York; and

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

WHEREAS, such public hearing was duly held by the Town Board on the 14th day of March, 2022 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

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

Attachment: CertResoOrderAfterPH (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution -

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

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of $175,000; and it is hereby

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

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of $175,000 bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

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

DATED: March 14, 2022

(SEAL)

TOWN BOARD OF THE TOWN OF AMHERST

Attachment: CertResoOrderAfterPH (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution -

Attachment: CertResoOrderAfterPH (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution -

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

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

The Resolution and Order were declared adopted.

Attachment: CertResoOrderAfterPH (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution -

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed resolution and order of the Town Board of said Town adopted at a meeting duly called and held on March 14, 2022, has been compared by me with the original resolution and order as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said resolution and order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 14th day of March, 2022.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: CertResoOrderAfterPH (RES-2022-263 : Sewer Maintenance Building Roof Restoration - Public Hearing (Bond Resolution -

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM January 11, 2022

TO: Brian J. Armstrong, EIT, Assistant Municipal Engineer
Engineering Department

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

RE: SEQR Determination
Sewer Maintenance Building Roof Restoration
2022-2027 C.I.P. Project E-22 – TOA Job No. 2019.010A

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

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\Sewer Maint Building Roof Restoration_2022_2027_CIP_E_22.docx

cc:
Stanley J. Sliwa, Esq., Town Attorney
Daryl Bramer, Comptroller
Daniel Howard, Planning Director

Attachment: Sewer Maint Building Roof Restoration_2022_2027_CIP_E_22 (RES-2022-263 : Sewer Maintenance Building Roof Restoration -

Town of Amherst
Engineering Department

Sewer Maintenance Building Roof Restoration

2022 – 2027 Capital Improvement Program Project E-22

Town of Amherst Job # 2019.010A

Map, Plan & Report

January 2022

CONTENTS:

- Approved 2022 - 2027 CIP Project E-22
- Introductions / Existing Conditions
- Proposed Scope of Improvements
- Financial / Taxation Summary
- SEQR Determination – Type II Action

Prepared by
Town of Amherst Engineering Department
1100 North Forest Rd.
Williamsville, NY 14221
(716) 631-7154

Attachment: Sewer Maint Building Roof Restoration_2022_2027_CIP_E_22 (RES-2022-263 : Sewer Maintenance Building Roof Restoration -

TOWN OF AMHERST ENGINEERING DEPARTMENT
Sewer Maintenance Building Roof Restoration

Summary of Approved 2022 – 2027 Capital Improvement Program (10-25-21)

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

Project ID	Project Title/Description	2022	2023	2024	2025	2026	2027	Total Cost
E-15	**WPCF Structural Repair/Rebuild of Various Concrete Tanks:** Repair/rehab the various concrete tanks and auxiliary equipment (Overflow Retention Basin, Chlorine Contact Tank, O2 Decks, etc.). *(2020)*	500 LW	500 LW	500 LW				**$1,500,000**
E-16	**WPCF Polymer System Upgrades:** Upgrade the existing dry-feed polymer system to a liquefied-emulsion feed system. *(2020)*	150 LW						**$150,000**
E-17	**WPCF Building No. 4 Offload Scale Replacement:** Replacing the main offload scale and rehabbing the existing scale. *(2022)*	100 LW						**$100,000**
E-18	**WPCF Cryogenic O2 Plant Replacement:** Replace the existing oxygen generation system with a new compact cryogenic O2 Plant. *(2022)*		1,000 LW	4,000 LW	5,000 LW			**$10,000,000**
E-19	**WPCF Building No. 1 Screen and Gate Rehab – Phase 2:** Additional funds for the screening systems and associated gate equipment. *(2022)*		1,100 LW					**$1,100,000**
E-20	**WPCF Electrical Upgrades – Phase 5:** Replacement of electrical distribution and control equipment such as failing motor control centers, switch gears, feeders, and associated equipment. *(2016)*		750 LW					**$750,000**
E-21	**WPCF Incinerator Rehabilitation:** Upgrade and bring the existing incinerator system back online to dry sludge to. *(2022)*			2,000 LW				**$2,000,000**
E-22	**Sewer Maintenance Roof Rehabilitation at Engineering:** Rehabilitation of the 12,800 sq. ft. metal roof of the Sewer Maintenance Division at the Engineering Department on North Forest Rd. *(2021)*	175 LA						**$175,000**

Key:

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

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

Attachment: Sewer Maint Building Roof Restoration_2022_2027_CIP_E_22 (RES-2022-263 : Sewer Maintenance Building Roof Restoration -

TOWN OF AMHERST ENGINEERING DEPARTMENT
Sewer Maintenance Building Roof Restoration



Engineering Department Sewer Maintenance Building with highlighted upper metal roof area

INTRODUCTION / EXISTING CONDITIONS:

The Town of Amherst owns and operates the Engineering Department building located at 1100 North Forest Road, Williamsville, NY 14221. The building was originally constructed in 1976 and subsequently expanded in 1986. The building in comprised of two (2) distinct portions; a large garage/warehouse portion utilized for vehicle maintenance and storage operations associated with the Sewer Maintenance Division of the Engineering Department and the smaller single-story office portion of the building that is occupied by office and administrative staff of the Engineering Department. At present, the total floor area of the office portion of the building is approximately 7,100 square feet. The building is typically occupied between 7:00am and 5:00pm daily.

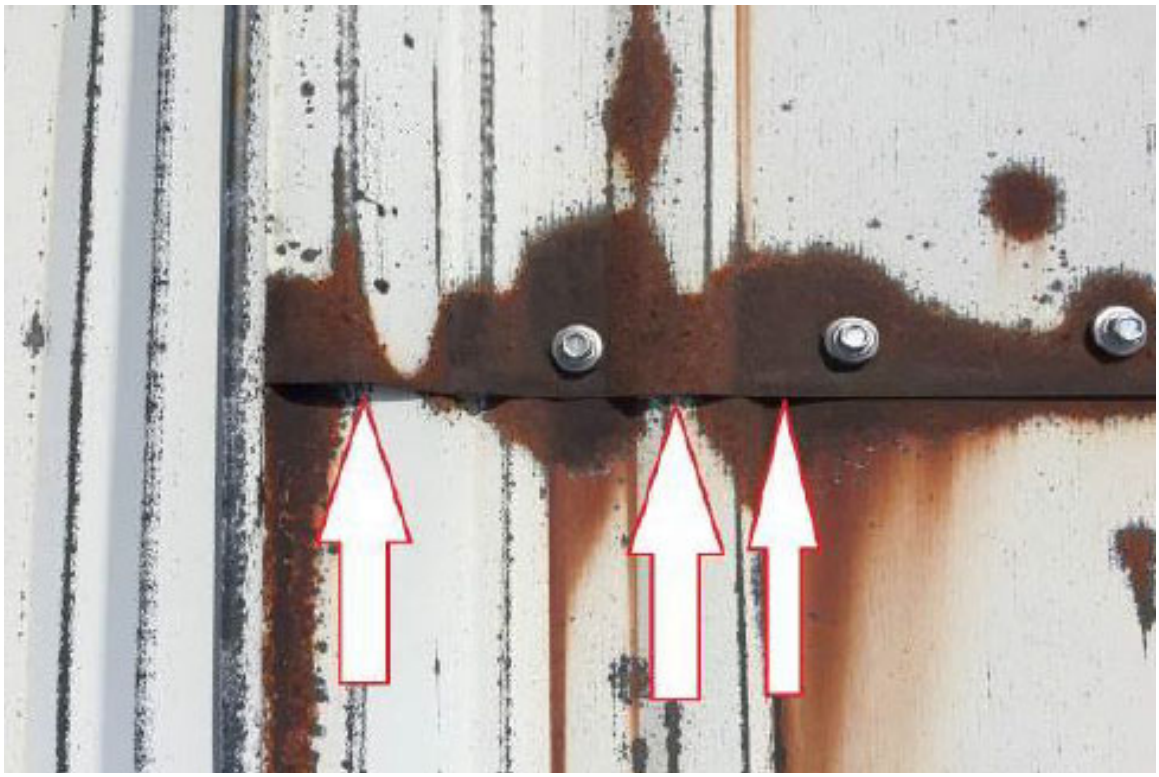
The roof associated with the Sewer Maintenance garage area is the subject of this report as it will be improved within the scope of this project. The current roof system consisting of; steel purlins, blanket fiberglass insulation and standing seam metal roof, encompasses 12,800 square feet of open garage/maintenance/storage and enclosed office space. This roof system is original to the building, having been installed in 1976. While this system has outlasted its useful life, a professional roof evaluation completed in 2020, found that the standing seam metal roof system is still structurally sound but exhibits surface rusting of the steel panel surfaces. Also noted within the evaluation report were misaligned panel end-lap conditions that represent possible points of water-ingress. The photos contained within this report represent the current conditions of this roof system and it components.

Attachment: Sewer Maint Building Roof Restoration_2022_2027_CIP_E_22 (RES-2022-263 : Sewer Maintenance Building Roof Restoration -

TOWN OF AMHERST ENGINEERING DEPARTMENT
Sewer Maintenance Building Roof Restoration



Severe rusting along the west exposure of this roof.



Severely rusted and misaligned end-lap panel conditions.

Attachment: Sewer Maint Building Roof Restoration_2022_2027_CIP_E_22 (RES-2022-263 : Sewer Maintenance Building Roof Restoration -

TOWN OF AMHERST ENGINEERING DEPARTMENT
Sewer Maintenance Building Roof Restoration



Numerous fastener are missing or require replacement.

PROPOSED SCOPE OF IMPROVEMENTS:

In order to completely address the repetitive leaking of the existing roof system for the large upper standing seam metal roof portion of the facility, the existing roof system has been evaluated and found to be structurally sound but exhibits a number of leaks due to rusting and degradation. In an effort to restore this roof system, the entire roof will be power washed before all of the deteriorated/loose/missing fasteners are replaced. Once replaced, all fasteners will then be sealed at the same time that all flashing end laps are also sealed. Sealing will also be completed at the outside closure of the ridge as well as the panel rib inside closures. Further, all panel end laps will be sealed with three-course urethane sealant. Brush-grade urethane will be applied to all panel ribs before the entire roof system receives a single-coat application of self-priming fibrated aluminum roof coating. Lastly, all of the existing gutters, gutter straps and downspouts will be replaced as required.

The roof system restoration project described above will be designed, bid and constructed during 2022. The above project will be bonded against the Town of Amherst General Fund at a *total project cost* of $175,000.00, financed entirely with serial bonds. The above project is characterized as a replacement-in-kind project associated with a "Class B" building, where the underlying structure will remain unchanged while only the roof system materials will be modified from existing conditions. The roof system restoration provided within the scope of this project will have a minimum life cycle that will exceed 15 years.

Attachment: Sewer Maint Building Roof Restoration_2022_2027_CIP_E_22 (RES-2022-263 : Sewer Maintenance Building Roof Restoration -

FINANCIAL SUMMARY:

Estimated Construction Costs	169,000
Professional Services	5,000
Legal / Administrative	1,000
Total Amount to be Bonded	**$ 175,000**

TAXATION SUMMARY:

Total Bond Amount:	$ 175,000.00
Bond Term:	15 Years
Annual Tax Impacts:	$0.0015 per $1,000 AV (General Fund)
Typical Property Taxation Impact:	$0.29 per $200,000 property

Attachment: Sewer Maint Building Roof Restoration_2022_2027_CIP_E_22 (RES-2022-263 : Sewer Maintenance Building Roof Restoration -

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25546 **RESOLUTION 2022-264** **DECISION DATE**

Local Law Repealing Chapter 15 - Employee Position Vacancy Control Plan

Public Hearing with respect to a Local Law repealing Chapter 15 - Employee Position Vacancy Control Plan.

3/14/2022
A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Lavin and unanimously approved 4-0. The public hearing was opened at 7:18 PM.

Stan Sliwa, Town Attorney, presented.

There were no speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the March 28th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:23 PM.

3/28/2022
Consent

RESULT:	**DECISION DATE [UNANIMOUS]**	**Next: 3/28/2022 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqualine Berger, Deputy Supervisor	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

LOCAL LAW NO.___ -2022

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Repealing Chapter 15 of the Code of the Town of Amherst, Employee Position Vacancy Control Plan

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

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Repealing Chapter 15 of The Code Of The Town of Amherst, Employee Position Vacancy Control Plan."

Section 2. Purpose

The purpose of this Local Law shall be to repeal Chapter 15 of The Code Of The Town of Amherst, Employee Position Vacancy Control Plan.

Section 3.

Chapter 15 of the Code of the Town of Amherst, Employee Position Vacancy Control Plan, adopted by the Town Board of the Town of Amherst 8-4-2003 by L.L. No. 9-2003 and amended 12-11-2017 by L.L. No. 25-2017, is hereby repealed in its entirety.

Section 4.

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

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

Attachment: LL - repeal ch. 15 (RES-2022-264 : Local Law Repealing Chapter 15 - Employee Position Vacancy Control Plan)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25547 **RESOLUTION 2022-265** **ADJOURNED**

Local Law Amending Chapter 184 - Vehicles Abandoned

Public Hearing with respect to a Local Law Amending Chapter 184 - Vehicles Abandoned.

3/14/2022
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Bucki and unaimously approved 4-0.

3/28/2022
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Bucki and unaimously approved 5-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 3/28/2022 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

LOCAL LAW NO.___ -2022

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Amending Chapter 184 of the Code of the Town of Amherst, Vehicles Abandoned

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

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 184 of The Code of The Town of Amherst, Vehicles Abandoned."

Section 2. Purpose

The purpose of this Local Law shall be to amend Section 184-5 of Chapter 184 of the Code of the Town of Amherst.

Section 3.

Section 184-5 of the Code of the Town of Amherst is amended as follows:

§ 184-5 **Removal of abandoned vehicles authorized.**

~~Any vehicle abandoned in violation of this chapter may be removed and stored by the Police Department or other agency authorized by the Town Board.~~ Any vehicle abandoned in violation of this chapter may be removed and stored by the police department, or all other agencies authorized by the Town of Amherst Code upon first having obtained a search warrant pursuant to Article 690 of the Criminal Procedure Law, which shall permit the seizure of any vehicle abandoned in violation of this chapter as authorized by CPL § 169.10. Application for search warrants should be made by the Building Commissioner, and/or his/her designee/employee and/or a member of the Amherst Police Department.

Section 4. Effective Date

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

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

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

Attachment: LL - ch. 184 (RES-2022-265 : Local Law Amending Chapter 184 - Vehicles Abandoned)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25548 **RESOLUTION 2022-266** **ADJOURNED**

Local Law Amending Chapter 151 - Property Maintenance

Public Hearing with respect to a Local Law amending Chapter 151 - Property Maintenance.

3/14/2022
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Bucki and unaimously approved 4-0.

3/28/2022
A motion to adjourn was made by Supervisor Kulpa, seconded by Councilmember Bucki and unaimously approved 5-0.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 3/28/2022 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

LOCAL LAW NO.___ -2022

TOWN OF AMHERST

COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Amending Chapter 151 of the Code of the Town of Amherst, Property Maintenance

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

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 151 of The Code of The Town of Amherst, Property Maintenance."

Section 2. Purpose

The purpose of this Local Law shall be to amend various sections of Chapter 151 of the Code of the Town of Amherst.

Section 3.

Chapter 151-15 of the Code of the Town of Amherst is amended as follows:

§ 151-15 **Failure to comply.**

~~In the event that the order is not complied with within 10 days following personal service or 14 days following mailing of the order, the Building Commissioner shall cause the work therein required to be done or completed.~~ In the event that the order is not complied with within ten (10) days following personal service or fourteen (14) days following mailing of the order, the Building Commissioner shall request that a search warrant be sought pursuant to Article 690 of the Criminal Procedure Law upon application of an Amherst Police Officer which shall permit the Building Commissioner, or his/her designated delegate, to cause any work required to be done and completed and to enter upon the premises for purposes of doing so.

Section 4.

Chapter 151-50 of the Code of the Town of Amherst is amended by adding a new subparagraph, I, as follows:

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

Attachment: LL - ch. 151 (RES-2022-266 : Local Law Amending Chapter 151 - Property Maintenance)

§ 151-50 **Code official; powers and duties.**

I. The code enforcement officer shall have the ability to request, upon approval of the Building Commissioner and/or the Police Department to make an application for a search warrant under Article 690 of the Criminal Procedure Law and to authorize the seizure of materials or other property which constitutes evidence or tends to demonstrate that an offense or violation of the Code was committed, or there is a particular person participating in the commission of an offense.

Section 5.

Chapter 151-53 of the Code of the Town of Amherst is amended by adding a new subparagraph, F, as follows:

§ 151-53 **Notices and orders.**

F. Whenever a code enforcement officer determines that there has been a violation of this Article, or grounds to believe a violation has occurred, he/she shall have the ability to request the Police Department to make an application to Town Court for a search warrant pursuant to Article 690 of the Criminal Procedure Law, including requesting permission to seize materials in compliance with CPL § 690.10.

Section 6.

Chapter 151 of the Code of the Town of Amherst is amended by adding a new section, §151-57, as follows:

§ 151-57 ~~(Reserved)~~ The Building Commissioner and/or his/her designated representative shall have the ability to apply for a search warrant under Article 690 of the Criminal Procedure Law seeking to search the premises to determine if the violation of the code is in existence and to seize any property as permitted under CPL § 690.10.

Section 7.

Chapter 151-61(C) of the Code of the Town of Amherst is amended by adding a new subparagraph, C, as follows:

§ 151-61 **Exterior structure.**

C. ~~(Reserved)~~ The Building Commissioner and/or his/her designated representative shall the ability of applying for a search warrant under Article 690 of the Criminal Procedure Law seeking to search the premises to determine if the violation of the code is in existence and to seize any property as permitted under CPL § 690.10.

Section 8.

Chapter 151-62 of the Code of the Town of Amherst is amended by adding a new subparagraph, H, as follows:

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

Attachment: LL - ch. 151 (RES-2022-266 : Local Law Amending Chapter 151 - Property Maintenance)

§ 151-62 **Interior structure.**

H. The Building Commissioner and/or his/her designated representative shall the ability of applying for a search warrant under Article 690 of the Criminal Procedure Law seeking to search the premises to determine if the violation of the code is in existence and to seize any property as permitted under CPL § 690.10.

Section 9.

Chapter 151-84 of the Code of the Town of Amherst is amended by adding a new subparagraph, K, as follows:

§ 151-84 **Means of egress.**

K. ~~(Reserved)~~ The Building Commissioner and/or his/her designated representative shall the ability of applying for a search warrant under Article 690 of the Criminal Procedure Law seeking to search the premises to determine if the violation of the code is in existence and to seize any property as permitted under CPL § 690.10.

Section 10.

Chapter 151-85 of the Code of the Town of Amherst is amended by adding a new subparagraph, C, as follows:

§ 151-85 **Accumulations and storage**.

C. The Building Commissioner and/or his/her designated representative shall the ability of applying for a search warrant under Article 690 of the Criminal Procedure Law seeking to search the premises to determine if the violation of the code is in existence and to seize any property as permitted under CPL § 690.10.

Section 11.

Chapter 151 of the Code of the Town of Amherst is amended by adding a new section, §151-88, as follows

§ 151-88 **Reasonable Cause/Application For Search Warrant**.

Whenever the Building Commissioner and/or his/her designee has reasonable cause to believe a violation of the Building Code, the State Uniform Building and Fire Code or any other provision of Town Law is violated, he/she shall have the ability to make an application for a search warrant in compliance with the provisions of Article 690 of the Criminal Procedure Law.

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

Attachment: LL - ch. 151 (RES-2022-266 : Local Law Amending Chapter 151 - Property Maintenance)

Section 12. Effective Date

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

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

Attachment: LL - ch. 151 (RES-2022-266 : Local Law Amending Chapter 151 - Property Maintenance)

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 25549 **RESOLUTION 2022-267** **ROLL CALL VOTE (ADOPTED)**

Adoption of Local Law to Amend the Audubon Development Plan and the Zoning Map (2160 & 2170 North Forest Road , Z-2020-06)

March 14, 2022

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed and the Town Board issues the attached Negative Declaration, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of January 21, 2021 that the proposed New Community District - Neighborhood District (NCD-ND) classification at 2160 & 2170 North Forest Road is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that to the extent the proposed classification is not consistent with the adopted Comprehensive Plan, the plan is hereby amended to be consistent with the proposed classification at this location, and be it further

RESOLVED, that in accordance with Section 203-8-3 of the Town Code (Zoning), the Town Board adopts Local Law (#) to amend the Town Zoning map subject to the following conditions as agreed to by the applicant:

1. The Project shall not consist of a student housing project or a dormitory as defined in the Town's Zoning Code.

2. The Project shall not be a short-term rental project (e.g. Air B&B).

3. The Project shall be constructed in a single phase.

4. The maximum permitted illumination level at the property boundary of 2180 North Forest Road shall be 0.2 footcandles. A Photometric Plan shall be submitted with the Site Plan Application. Any light standards to be installed on the Project Site shall have a maximum height of fifteen feet (15') and shall be properly shielded and oriented so the lighting fixture is not facing towards the contiguous property at 2180 North Forest Road.

5. Upon obtaining Site Plan Approval for the Project from the Planning Board, the owner of 2160 and 2170 North Forest shall convey to the owners of 2180 North Forest Road, via Quit Claim Deed and free and clear of liens and encumbrances, a parcel of land, contiguous to 2180 North Forest Road, which parcel shall front on North Forest Road and shall be 15' wide by approximately 225' in depth. The owners of 2180

North Forest Road shall be responsible for payment of the following closing costs, if any, associated with the transfer of such parcel: title search continuation and search closing charge, survey charge, transfer tax, and recording and filing fees.

6. The Applicant (owner of 2160 and 2170 North Forest Road) shall erect a six foot (6') vinyl privacy fence, which fence shall be located along the property line to be conveyed to the owners of 2180 North Forest, and shall then continue along the existing shared property line to the boundary of the regulated floodway. The fence shall begin at a location which is parallel with the front corner of the home at 2180 North Forest Road.

7. The six foot (6') vinyl privacy fence is to be installed upon the beginning of site preparation work at 2160-2170 North Forest Road.

8. Landscaping shall be installed along the frontage of the shared property line with 2180 North Forest Road. The landscaping shall be depicted on the Landscape Plan to be submitted with the Site Plan Application for the Project.

3/14/2022

A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and approved via Roll Call vote 3-1 (nay, Bucki). A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and approved via Roll Call vote 3-1 (nay, Bucki). .

RESULT:	**ROLL CALL VOTE (ADOPTED) [3 TO 1]**
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Deputy Supervisor
AYES:	Kulpa, Berger, Lavin
NAYS:	Bucki
ABSENT:	Szukala

D R A F T (03/14/22)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Town Board

Project: Z-2020-06

Address: 5583 Main Street
Williamsville, NY 14221
(716) 631-7051

Date:

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Zoning Reclassification Request.

SEQR Status: Type I

Description of Action: Zoning reclassification of 2.35± acres of land from NCD-SA to NCD-ND to allow a proposed 2-story, 8-unit apartment building.

Location: 2160 & 2170 North Forest Road (NCD), Town of Amherst, Erie County, New York

Petitioner: Coromandel Estates Amherst, LLC

Attachment: Z-2020-06_draft SEQR NEG DEC (RES-2022-267 : Local Law to Amend the Zoning Map - 2160 & 2170 North Forest Road)

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, and concept plan, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed zoning reclassification of 2.35± acres of land from NCD-SA to NCD-ND for a proposed 2-story, 8-unit apartment building will not have a significant impact on the environment, as follows:

1. The action is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on December 24, 2020 reviewed the application and EAF submitted on December 18, 2020, and had no objection or comments on the proposed rezoning. The Building Department requires that a floodplain development permit be obtained prior to final site plan approval.

2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A Landscape/Tree preservation Plan shall be required of the applicant upon submittal of a site plan application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met.

3. The action is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on January 13, 2021 reviewed the application and EAF submitted on December 18, 2020, and has no objection or comments on the proposed rezoning.

4. The property is within an area identified by the State as potentially containing significant cultural or archeological resources. A Phase I Archaeological Reconnaissance Survey was conducted in October 2020 by the University at Buffalo's Department of Anthropology. The report concluded that no prehistoric or historic sites were identified and recommended no further work. The NYS Office of Parks, Recreation and Historic Preservation's letter of October 30, 2020 concurred that the action will not impair the character or quality of important historical resources.

5. The action will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for reclassification from NCD-SA to NCD-ND. This property is in an area of Town with a variety of residential uses. The majority of this area is occupied by single-family homes, however, directly across North Forest Road from this site is the Beechwood Senior Residence/Asbury Pointe development. Within the past few years, apartment developments have been constructed further west along North Forest Road, most notably

Attachment: Z-2020-06_draft SEQR NEG DEC (RES-2022-267 : Local Law to Amend the Zoning Map - 2160 & 2170 North Forest Road)

the "Muir Lake" apartments between Millersport Highway and John James Audubon Parkway. Therefore, the project is considered consistent with surrounding land use.

6. The proposed reclassification to NCD-ND for the proposed 2-story, 8-unit apartment building will not cause a major change in the use of either the quantity or type of energy.

7. The reclassification to NCD-ND for the proposed 2-story, 8-unit apartment building will not create any hazard to human health.

8. The reclassification to NCD-ND will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed 2-story, 8-unit apartment building will be consistent with the scale of surrounding land uses.

9. The reclassification to NCD-ND for the proposed 2-story, 8-unit apartment building will not significantly increase the number of people using the site over its previous level of use.

10. Review by the Town Traffic/Safety Board on December 30, 2020 and the NYS Department of Transportation on November 28, 2020 indicate that significant negative traffic impacts are not expected to result from the proposed project.

11. Coordinated reviews of the project have been undertaken by Town Departments including Building on January 13, 2021, Engineering on December 24, 2020, Attorney on January 4, 2021, Traffic/Safety Board on December 30, 2020, Assessor on December 23, 2020, and Right-of-Way Agent on December 29, 2020, along with outside agencies including the NYS Department of Environmental Conservation on January 22, 2021 and the Williamsville School District on December 28, 2020. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.

12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.

Attachment: Z-2020-06_draft SEQR NEG DEC (RES-2022-267 : Local Law to Amend the Zoning Map - 2160 & 2170 North Forest Road)

_____ _____

Signature & title of preparer date

_____ _____

Brian J. Kulpa, Supervisor date

EK/ac

X:\Current_Planning\Files\Rezonings\2020\Z-2020-06_(2160 &_2170_North_Forest_Rd_NCD)_2020\Z-2020-06_draft TB Neg Dec_2.22.21.docx

cc: Amherst Town Clerk
Amherst Building Department
ECDEP
NYSDEC

Attachment: Z-2020-06_draft SEQR NEG DEC (RES-2022-267 : Local Law to Amend the Zoning Map - 2160 & 2170 North Forest Road)

Attachment: Draft Local Law-Reclassification of 2160 2170 North Forest Road-08-24-20 (RES-2022-267 : Local Law to Amend the Zoning Map -

LOCAL LAW NO. _____-2022

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A LOCAL LAW AMENDING CHAPTER 203 OF THE TOWN OF AMHERST CODE, KNOWN AS THE ZONING ORDINANCE, TO REZONE/RECLASSIFY 2160 AND 2170 NORTH FOREST ROAD FROM NCD-SA TO NCD-ND AND TO AMEND THE AUDUBON DEVELOPMENT PLAN AND TO AMEND THE ZONING MAP ACCORDINGLY.

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

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of Town of Amherst Code, Known As The Zoning Ordinance, to Rezone/Reclassify 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and to Amend The Audubon Development Plan and to Amend The Zoning Map Accordingly".

Section 2. Legislative Findings and Intent.

The Town Board of the Town of Amherst finds that an application to rezone/reclassify 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and Amend the Audubon Development Plan and to Amend the Zoning Map Accordingly has been filed and is in proper order. The Town Board further finds that the request including the rezoning/reclassification and the amendment of the Audubon Development Plan is consistent with the Comprehensive Plan.

Section 3. Amherst Zoning Map.

The Town Board hereby: 1.) amends its Zoning Map which is incorporated by reference in the Town Zoning Code by amending/reclassifying from NCD-SA to NCD-ND the parcels at 2160 and 2170 North Forest Road; and 2.) amending the Audubon Development Plan, both being **subject to any conditions imposed by the authorizing resolution**; legally described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 68, Township 12, Range 7 of the Holland Land Survey so-called and further bounded and described as follows.

BEGINNING at the intersection of the centerline of Stahl Road (66.0 feet wide) with the centerline of North Forest Road (66.0 feet wide):

THENCE: Southerly, along the centerline of Stahl Road extended southerly, a

distance of 108 feet more or less to the north bank of Ellicott Creek;

THENCE: Westerly along said north bank of Ellicott Creek, a distance of 583 feet more or less to the west line of lands conveyed to Peter D. Durham by deed recorded in the Erie County Clerk's Office in Liber 9264 of Deeds at page 188;

THENCE: Northerly along said west line of Peter D. Durham lands, a distance of 10 feet more or less to the north bank of Ellicott Creek;

THENCE: Westerly and southerly along said north bank of Ellicott Creek, a distance of 227 feet more or less to a point distant 100 feet westerly from the said west line of Peter D. Durham lands as measured at right angles;

THENCE: Northerly along a line parallel with the west line of said Peter D. Durham lands distant 100.00 feet westerly therefrom measured at right angles, a distance of 491 feet more or less to the centerline of North Forest Road;

THENCE: Easterly, along said centerline of North Forest Road, a distance of 564.74 feet to the POINT OR PLACE OF BEGINNING.

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §265 of the Town Law of the State of New York.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 5. Effective Date.

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

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

Attachment: Draft Local Law-Reclassification of 2160 2170 North Forest Road-08-24-20 (RES-2022-267 : Local Law to Amend the Zoning Map -

March 9, 2022

Brian J. Kulpa, Supervisor
Town of Amherst Town Board
5583 Main Street
Williamsville, NY 14221

Re: Application to Reclassify 2160 and 2170 North Forest Road from NCD-SA to NCD-ND and to Amend the Audubon Development Plan [Z-2020-06]
Applicant/Project Sponsor: Coromandel Estates Amherst LLC
File 10181.1

Dear Supervisor Kulpa and Councilmembers:

This letter has been prepared for the purpose of submitting a list of the proposed conditions being submitted on behalf of both the Applicant and Joe Hausbeck of 2180 North Forest Road for the consideration of the Town Board during its upcoming meeting on **Monday, March 14th at 7:00 p.m.**

Based on my discussions with Mr. Hausbeck subsequent to the public hearing held by the Town Board on February 28, 2022, the eight (8) proposed conditions both the Applicant and Joe Hausbeck are requesting be imposed by the Town Board in connection with the issuance of a decision approving the reclassification of the property at 2160-2170 North Forest Road (the "Project Site") are as follows:

1. The Project shall not consist of a student housing project or a dormitory as defined in the Town's Zoning Code.

2. The Project shall not be a short-term rental project (e.g. Air B&B).

3. The Project shall be constructed in a single phase.

4. The maximum permitted illumination level at the property boundary of 2180 North Forest Road shall be 0.2 footcandles. A Photometric Plan shall be submitted with the Site Plan Application. Any light standards to be installed on the Project Site shall have a maximum height of fifteen feet (15') and shall be properly shielded and oriented so the lighting fixture is not facing towards the contiguous property at 2180 North Forest Road.

5. Upon obtaining Site Plan Approval for the Project from the Planning Board, the owner of 2160 and 2170 North Forest shall convey to the owners of 2180 North Forest Road, via Quit Claim Deed and free and clear of liens and encumbrances, a parcel of land, contiguous to 2180 North Forest Road, which parcel shall front on North Forest Road and shall be 15' wide by approximately 225' in depth. The owners of 2180 North Forest Road shall be responsible for payment of the following closing costs, if any, associated with the transfer of such parcel: title search continuation and search closing charge, survey charge, transfer tax, and recording and filing fees.

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: Kulpa-Ltr-03-09-22 (RES-2022-267 : Local Law to Amend the Zoning Map - 2160 & 2170 North Forest Road)

6. The Applicant (owner of 2160 and 2170 North Forest Road) shall erect a six foot (6') vinyl privacy fence, which fence shall be located along the property line to be conveyed to the owners of 2180 North Forest, and shall then continue along the existing shared property line to the boundary of the regulated floodway. The fence shall begin at a location which is parallel with the front corner of the home at 2180 North Forest Road.

7. The six foot (6') vinyl privacy fence is to be installed upon the beginning of site preparation work at 2160-2170 North Forest Road.

8. Landscaping shall be installed along the frontage of the shared property line with 2180 North Forest Road. The landscaping shall be depicted on the Landscape Plan to be submitted with the Site Plan Application for the Project.

Attached as Exhibit "1" is copy of the PowerPoint slide included in the presentation given on behalf of the Applicant during the public hearing held by the Town Board on February 28, 2022 illustrating Conditions No. 5, 7 and 8.

The Applicant is requesting that the Town Board adopt a resolution during its upcoming meeting for the purpose of issuing a negative declaration pursuant to the State Environmental Quality Review Act ("SEQRA") and approving the requested reclassification of the Project Site from NCD-SA to NCD-ND subject to the eight (8) proposed conditions as set forth above.

If you have any questions regarding this letter or the attached documentation, please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Sean W. Hopkins, Esq.

Enc.

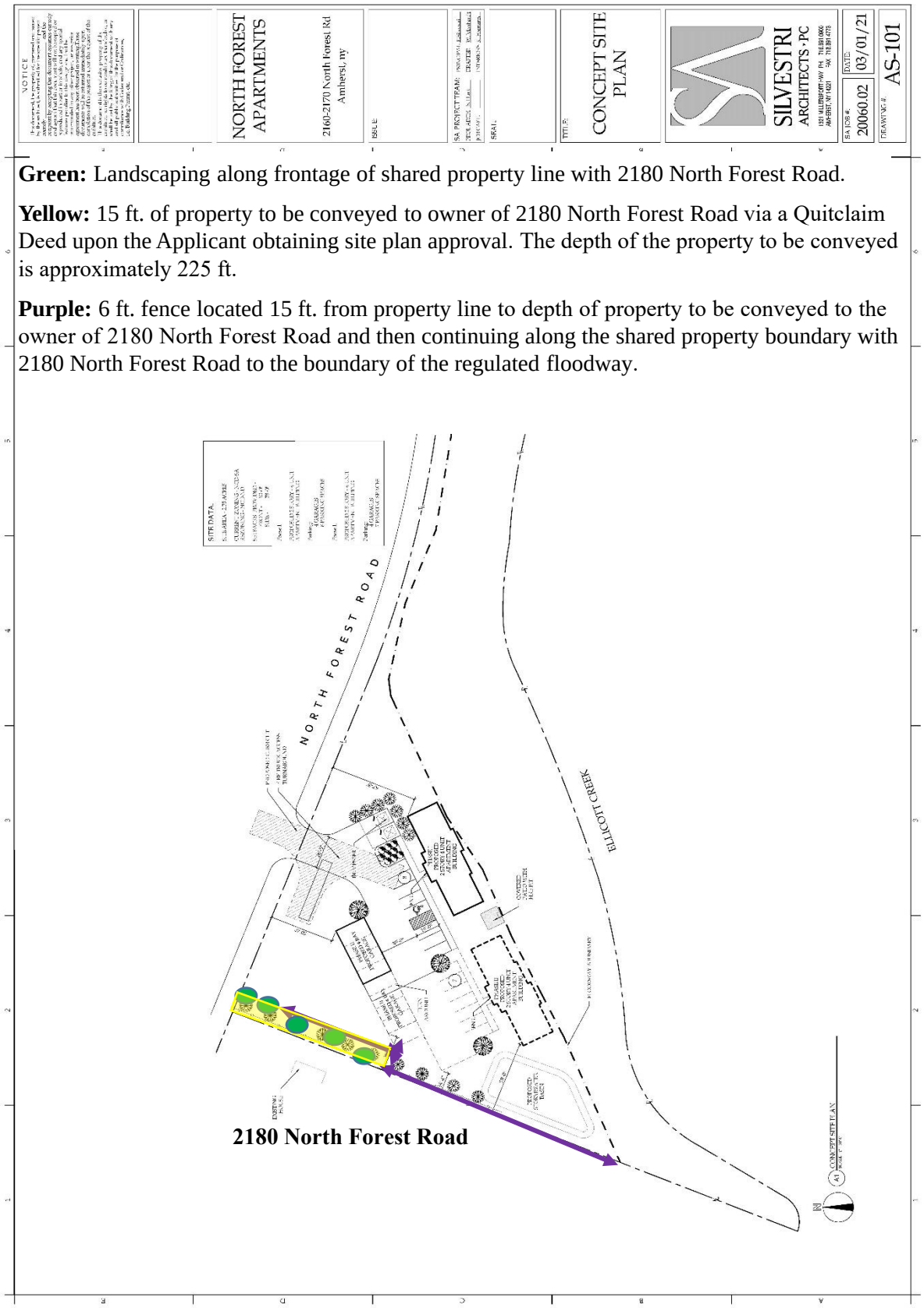
cc: Jacqualine Berger, Deputy Supervisor
Deborah Bruch Bucki RN PhD, Councilmember
Shawn Lavin, Councilmember
Michael Szukala, Councilmember
Francina J. Spoth, Town Clerk
Timothy J. Koller, Deputy Town Clerk
Stanley J. Sliwa, Esq., Town Attorney
Daniel Howard, Planning Director
Daniel Ulatowski, Zoning Enforcement Officer
Joe Hausbeck
Thiru Vikram, Coromandel Estates Amherst LLC
Christopher Wood, P.E., Carmina Wood Morris DPC

Attachment: Kulpa-Ltr-03-09-22 (RES-2022-267 : Local Law to Amend the Zoning Map - 2160 & 2170 North Forest Road)

Green: Landscaping along frontage of shared property line with 2180 North Forest Road.

Yellow: 15 ft. of property to be conveyed to owner of 2180 North Forest Road via a Quitclaim Deed upon the Applicant obtaining site plan approval. The depth of the property to be conveyed is approximately 225 ft.

Purple: 6 ft. fence located 15 ft. from property line to depth of property to be conveyed to the owner of 2180 North Forest Road and then continuing along the shared property boundary with 2180 North Forest Road to the boundary of the regulated floodway.



Attachment: Kulpa-Ltr-03-09-22 (RES-2022-267 : Local Law to Amend the Zoning Map - 2160 & 2170 North Forest Road)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Councilmembers
Initiated by: **Jacqualine Berger**
Co-Sponsored by:

DOC ID: 25527 **RESOLUTION 2022-268** **ADOPTED**

Zoning Board of Appeals Appointment

WHEREAS, pursuant to the provisions of Section 267 of the New York State Town Law, the Town of Amherst maintains a Zoning Board of Appeals (ZBA) consisting of five (5) members appointed by the Amherst Town Board (Town Board), each for a term of five (5) years, with terms concluding on a staggered basis; and

WHEREAS, the ZBA is authorized to grant relief from any provision of the Town of Amherst Zoning Ordinance or any decision of an administrative official charged with the enforcement of that ordinance; and

WHEREAS, the ZBA is empowered to grant special use permits in certain instances as spelled out in the Zoning Ordinance and Amherst Town Law specifies the grounds and criteria that the ZBA must use to grant a variance; and

WHEREAS, the ZBA consists of five (5) members appointed by the Town Board, each for a term of five (5) years.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoints Ann Nichols, currently serving on the Zoning Board of Appeals, as the Chairman of the Zoning Board of Appeals.

3/14/2022
Consent

FINANCIAL IMPACT:

None.

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Councilmembers
Initiated by: **Michael Szukala**
Co-Sponsored by:

DOC ID: 25526 **RESOLUTION 2022-269** **ADOPTED**

Set a Public Hearing Date - Plymouth Place Parking Adjustments

Please schedule a public hearing on April 11, 2022 to adjust the parking restrictions at the west end of Plymouth Place.

"Parking is hereby restricted at the dead end of Plymouth Place for a total distance of 55 feet along the entire west end of Plymouth Place connecting to the existing parking restriction at the turnaround on the north side."

and,

"The parking restriction is hereby removed on the south side of Plymouth Place for a total distance of 47 feet east of the dead-end pavement edge."

3/14/2022
Consent

FINANCIAL IMPACT:

None.

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25517 **RESOLUTION 2022-270** **ROLL CALL VOTE (ADOPTED)**

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

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Audubon Golf Course Improvements**
2022-2027 C.I.P. - Project No. YR-19A
Bond Resolution - $500,000

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

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

(2) Adopt the attached bond resolution authorizing the issuance of $500,000 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.

SJS:nmb
Attachments
c: Tim Koller, Deputy Town Clerk *(w/attachment*, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Mary-Diana Pouli, Director, Youth and Recreation *(w/attachment)*
Eric Guzdek, Recreation Specialist *(w/attachment)*

3/14/2022
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. A motion to approve the Bond

resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call vote 4-0.

FINANCIAL IMPACT:

Bond Resolution - $500,000

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

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM March 7, 2022

TO: Lynda L. Juul, Director of Finance

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

RE: SEQR Determination
Audubon Golf Course Improvements
2022-2027 C.I.P. Project YR-19A

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

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\March 2022_Audubon Golf Course -CIP_YR-19A.docx

cc:
Brian Kulpa, Town Supervisor
Stanley J. Sliwa, Esq., Town Attorney
Daryl Bramer, Comptroller
Daniel Howard, Planning Director

Attachment: MPR YR-19A Audubon Golf Course Improvements - SEQR (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

March 14, 2022

* * *

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 March 14, 2022.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Deborah Bruch Bucki Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED MARCH 14, 2022, AUTHORIZING THE RECONSTRUCTION OF GOLF COURSE IMPROVEMENTS FOR THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $500,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $500,000 TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake the reconstruction of golf course improvements for the Town, as described in the map, plan and report dated March, 2022 and prepared by the Town Finance Department (2022-2027 Capital Improvement Program Project YR-19A). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of $500,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of $500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Attachment: CertBondReso (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

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

(a) The period of probable usefulness applicable to the class of objects or purposes for which said bonds are authorized to be issued, within the limitations of Section Sections 11.00 a. 89 of the Law, is five (5) years.

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

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

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

Attachment: CertBondReso (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

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

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

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the

Attachment: CertBondReso (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

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

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

AYES:

NOES:

The resolution was declared adopted.

****

Attachment: CertBondReso (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on March 14, 2022, 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 March, 2022.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution - $500,000))

Town of Amherst
Youth & Recreation Dept.

Audubon Golf Course Improvements
2022 - 2027 C.I.P. Project YR-19A

Map, Plan & Report
March 2022

CONTENTS:

- Approved 2022 - 2027 CIP Project YR-19A
- Introductions / Existing Conditions
- Proposed Scope of Improvements
- Financial / Taxation Summary
- SEQR Determination – Type II Action

Prepared by
Town of Amherst Finance Department
5583 Main Street
Williamsville, NY 14221
(716) 631-7007

Attachment: MPR YR-19A Audubon Golf Course Improvements (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution -

TOWN OF AMHERST YOUTH & RECREATION DEPARTMENT
Audubon Golf Course Improvements

Approved 2022-2027 CIP

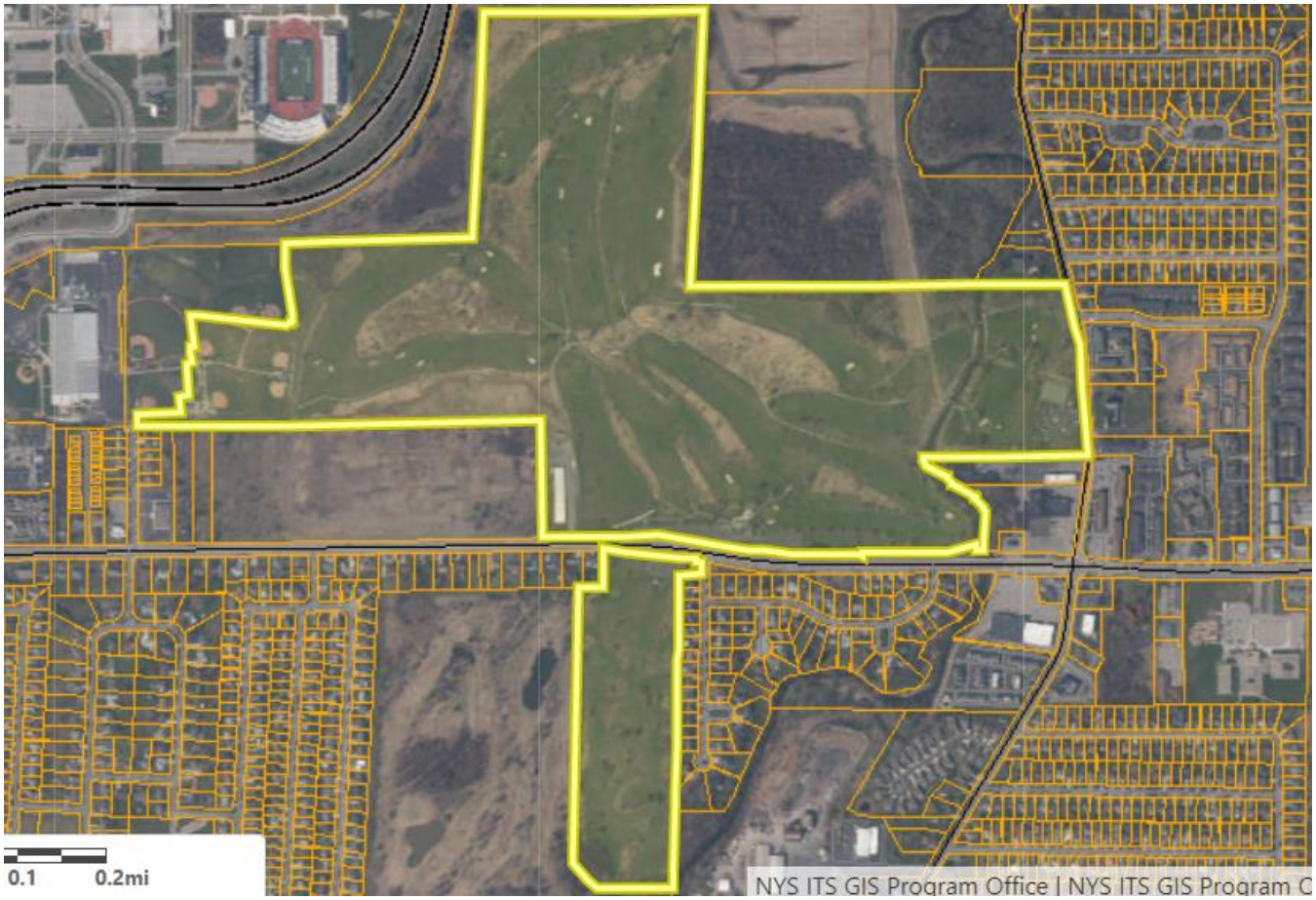
Summary of Approved 2022 – 2027 Capital Improvement Program (10-25-21)

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

Project ID	*Project Title/Description*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*Total Cost*
YR-16A	**Northwest Amherst Community Center:** Outdoor improvements and indoor fixtures for a new community center in the Northwest quadrant of Town, in cooperation with the Sweet Home Central School District. *(2017)*	300 LA	100 LA					**$400,000**
YR-17A	**Mathewson/McCarthy Ballfield Lighting:** New ballfield lighting at Mathewson/McCarthy including demolition & replacement of existing poles & lights on Field 4 and new lights on Field 1. *(2022)*	525 LA						**$525,000**
YR-18A	**Recreation Facilities Improvements – Phase 2:** Provide additional funds for improvements at the North Amherst Recreation Center and Mathewson/ McCarthy fieldhouses. *(2018)*	460 LA						**$460,000**
YR-19A	**Audubon Golf Course:** Irrigation and site improvements at the Audubon Golf Course. *(2022)*	500 LA	500 LA					**$1,000,000**

Attachment: MPR YR-19A Audubon Golf Course Improvements (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution -

TOWN OF AMHERST YOUTH & RECREATION DEPARTMENT
Audubon Golf Course Improvements



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

INTRODUCTION / EXISTING CONDITIONS:

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

Attachment: MPR YR-19A Audubon Golf Course Improvements (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution -

TOWN OF AMHERST YOUTH & RECREATION DEPARTMENT
Audubon Golf Course Improvements

PROPOSED SCOPE OF IMPROVEMENTS:

The general proposed scope of priority improvements are as follows:

Audubon 18-Hole Course:
- Hydrologist/Engineer
- Course Renovation Design (Golf Course Architect)
- Hole Marking and Directional Signs
- Tree Removal
- Irrigation System Repairs and Improvements

Par 3 Course:
- Irrigation System Repairs and Improvements

Maintenance:
- Build Out Mechanic Space with Lift and Grinders

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

FINANCIAL SUMMARY:

Estimated Construction Costs	$497,500
Legal / Administrative	$2,500
Total Amount to be Bonded	**$500,000**

TAXATION SUMMARY:

Total Bond Amount:	$500,000.00
Bond Term:	5 Years
Annual Tax Impacts:	$0.0105 per $1,000 AV (General Fund)
Typical Property Taxation Impact:	$2.0987 per $200,000 property

Attachment: MPR YR-19A Audubon Golf Course Improvements (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution -

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM March 7, 2022

TO: Lynda L. Juul, Director of Finance

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

RE: SEQR Determination
Audubon Golf Course Improvements
2022-2027 C.I.P. Project YR-19A

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

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\March 2022_Audubon Golf Course -CIP_YR-19A.docx

cc:
Brian Kulpa, Town Supervisor
Stanley J. Sliwa, Esq., Town Attorney
Daryl Bramer, Comptroller
Daniel Howard, Planning Director

Attachment: MPR YR-19A Audubon Golf Course Improvements (RES-2022-270 : Audubon Golf Course Improvements (Bond Resolution -

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25518 **RESOLUTION 2022-271** **ROLL CALL VOTE (ADOPTED)**

Amherst Gateway Park (Bond Resolution - $100,000)

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Amherst Gateway Park**
2022 - 2027 Capital Improvement Project YR-1B
Bond Resolution - $100,000

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

(1) Adopt the issuance of the attached Negative Declaration as determined by the Town of Amherst Planning Department and authorize the Supervisor to execute the same; and

(2) Adopt the attached bond resolution authorizing the issuance of $100,000 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.

SJS:nmb
Attachments
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeff Szatkowski, Landscape Architect *(w/attachment)*

3/14/2022
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. A motion to approve the Bond resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger 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:	Jacqualine Berger, Deputy Supervisor
AYES:	Kulpa, Berger, Bucki, Lavin
ABSENT:	Szukala

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Ellen M. Kost, AICP
Assistant Planning Dir

Attachment: SEQR SP-2020-11 signed neg dec 111920 (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

SEQR
Negative Declaration

NOV24'20 PM 2:58 RCVD

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Planning Board	**Project:**	SP-2020-11
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date:**	November 19, 2020

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Site Plan Review

SEQR Status: Unlisted Action

Description of Action: Proposed installation of a small park consisting of planters, seating areas, an 8-stall onsite parking lot along the north property line and grass pavers in the east portion of the site for potential mobile library and food trucks. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

Location: 143 Kenmore Ave. and 159 Niagara Falls Blvd., Amherst, Erie County

Petitioner: Town of Amherst

NOV24'20 PM 2:58 RCVD

Reasons Supporting This Determination

Based on information submitted by the applicant including a Short Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Engineering Department on September 3, 2020 reviewed the Grading, Drainage and Utility Plans, and the Erosion Control Plan.

2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. The Planning Department reviewed a Landscape Plan submitted on October 5, 2020 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.

3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The Building Department in their review of October 20, 2020 and the Planning Department in their review of October 22, 2020 determined that the subject project has or will have met all International Building Code (2015) and Zoning Ordinance regulations.

4. The project is not within an area identified by the State as potentially containing significant cultural or archeological resources, nor will it impair the character or quality of important historical resources.

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the Live Work -1 (LW-1) zoning district; neighboring uses are single family dwellings and zoned Single Family Residential (R-3 and R-4); therefore, the project is compatible with surrounding land use.

6. The proposed subject development will include the installation of a small, passive park with parking which will not cause a major change in the use of either the quantity or type of energy.

7. The project will not create any hazard to human health. The Fire Chief's Association on September 14, 2020 has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.

Attachment: SEQR SP-2020-11 signed neg dec 111920 (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

NOV24'20 PM 2:58 RCVD

8. The project will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The installation of a small, passive park with on-site parking will be consistent with the scale of surrounding land uses.

9. The function of the proposed small, passive park and parking lot will not significantly increase the number of people using the site over its previous level of use.

10. Review by the Town Traffic/Safety Board dated November 19. 2020, Erie County Dept. of Public Works –Highways Division dated October 5, 2020, and NYSDOT dated November 19, 2020 indicate that significant negative traffic impacts are not expected to result from the proposed project.

11. A coordinated review of the project has been undertaken by Town Departments including, in addition to those mentioned above, Highway on September 11, 2020, Assessor on September 9, 2020, Plumbing Division on September 14, 2020, and Right-of-Way Agent on September 9, 2020. These reviews did not identify any potential significant adverse environmental issues and indicated that the proposal will not have a significant damaging impact on the environment.

12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

Planning Board Approval
Moved by: Giuliani; Seconded by: Chmiel; Ayes: 6 Noes: 0 Absent: 1 (Gelber).

Ellen M Kost, Ass't. Planning Director — 11/24/20
signature & title of preparer — Date

Robert J. Gilmour, Planning Board Chair — 11-24-20
Date

RR/ac
X:\Current_Planning\Files\Site Plans\2020\SP-2020-11_(143_Kenmore_Ave_159_Niagara_Falls_Blvd)_2020\SP-2020-11_Neg Dec_111920.doc
cc: Amherst Town Clerk
Building Department
Engineering
Fire Chiefs'
Highway
Traffic/Safety
ECDEP
NYSDOT
Engineering Department, 1100 North Forest Rd., Williamsville, NY 14221

Attachment: SEQR SP-2020-11 signed neg dec 111920 (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

March 14, 2022

* * *

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 March 14, 2022.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Deborah Bruch Bucki Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED MARCH 14, 2022, AUTHORIZING THE RECONSTRUCTION OF IMPROVEMENTS TO GATEWAY PARK, STATING THE ESTIMATED TOTAL 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 the reconstruction of improvements to Gateway Park, as described in the map, plan and report dated March 2022, prepared by the Town Engineering Department (2022-2027 Capital Improvement Program Project YR-2C). The estimated total 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 aggregate 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 objects or purposes as set forth in section 1 hereof.

Attachment: CertBondReso (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

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

(a) The period of probable usefulness applicable to the specific object or purpose for which said $100,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

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

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

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

Attachment: CertBondReso (RES-2022-271 : Amherst Gateway Park (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-2022-271 : Amherst Gateway Park (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-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on March 14, 2022, 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 MARCH 14, 2022, AUTHORIZING THE RECONSTRUCTION OF IMPROVEMENTS TO GATEWAY PARK, STATING THE ESTIMATED TOTAL 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 is authorized to undertake the reconstruction of improvements to Gateway Park, as described in the map, plan and report dated March 2022, prepared by the Town Engineering Department (2022-2027 Capital Improvement Program Project YR-2C); STATING the estimated total 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;

Attachment: CertBondReso (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

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

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

DATED: March 14, 2022

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-2022-271 : Amherst Gateway Park (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-2022-271 : Amherst Gateway Park (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 March 14, 2022, 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 March, 2022.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

AFFIDAVIT OF POSTING

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

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

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

That on _____, 2022, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on March 14, 2022, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

_____
Town Clerk

Subscribed and sworn to before me

this _____ day of March, 2022.

_____
Notary Public, State of New York

Attachment: CertBondReso (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

Town of Amherst

Youth and Recreation Department

Amherst Gateway Park

2022 – 2027 Capital Improvement Project YR-1B

TOA Project # 2020.031

MAP, PLAN & REPORT

March 2022

Contents:

• Background
• Location
• Project Description
• Project Improvements
• Project Justification
• Anticipated Project Schedule
• Financial Summary
• Project Cost Estimate
• Taxation Summary
• Town of Amherst SEQR Determination – Unlisted Action

Prepared by:
Town of Amherst Engineering Department
1100 North Forest Rd., Williamsville, NY 14221
(716) 631 – 7154 / (716) 631 – 7222

Attachment: MPR YR-1B Gateway Park (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

Town of Amherst, Amherst Gateway Park
2022-2027 Capital Improvement Project YR-2C
TOA Project # 2020.031
Map, Plan & Report

Background

The Town is proposing to convert 0.58 acres of land on two different parcels located at the northeast intersection of Kenmore Avenue and Niagara Falls Boulevard into a community park. The first parcel is located at 143 Kenmore Avenue and is the site of a former gas station and commercial property. The Town demolished the building in 2019. The second parcel, which the Town received the title for in 2020, is located at 159 Niagara Falls Boulevard. Both parcels have been merged into one parcel as part of this project with an address of 159 Niagara Falls Boulevard.

The Town of Amherst obtained grant funding from the State and Municipal Facilities Program ("SAM") from the Dormitory Authority State of New York in the amount of $365,000. Additionally, the Town bonded $100,000 in 2021 for design and construction of the park. An additional $100,000 is being bonded in March 2022 to provide for the additional funds needed for the shade structure canopy (bid alternate #1) at the proposed park. This funding will also be used to cover the cost of any ancillary items required during construction.

Location

The project is located at the northeast intersection of Niagara Falls Boulevard and Kenmore Avenue. The first parcel is 143 Kenmore Avenue SBL: 79.31-3-22.1 and the second parcel is 159 Niagara Falls Boulevard SBL: 79.31-3-23. These parcels have been merged into SBL 79.31-3-22.11.



Figure 1 Project Location

Attachment: MPR YR-1B Gateway Park (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

Town of Amherst, Amherst Gateway Park
2022-2027 Capital Improvement Project YR-2C
TOA Project # 2020.031
Map, Plan & Report

Project Description

The Town will create a focal point at a strategic location within the intersection of municipal boundaries. This focal point will be a gateway into the Town of Amherst from the surrounding neighborhoods of Buffalo, Tonawanda and nearby Kenmore. A community park space will be created at this existing intersection with improved transit stops. This site encourages people from the local surrounding neighborhoods Niagara Falls Boulevard, Princeton Avenue and Windermere Boulevard to use the park space.

A gathering space with parking, seating and other park amenities will be created. The existing curb cuts will remain to allow vehicles to enter the site for planned community events. These events include and are not limited to farmers markets, mobile children activities and other Town sponsored operations. There will be ample room for both the mobile vehicles and stations for temporary pop up tents. Park and street trees will be introduced to this site, which has largely been void of vegetation for years.

Project Improvements

The proposed park space consists of multiple components.

- The existing parking lot will be enhanced and concrete walk ways and plaza will be added.
- The addition of seating, shade structure(s), trash receptacles, lighting, plantings, fence, signs, bike racks and other park amenities.
- Streetscape and curb improvements along the right-of-way.
- Improved greenspace area with stormwater components.
- Pedestrian safety improvements as needed.

Project Justification

The project site is a vacant space with a high frequency of users at the bus stop(s). The intention of the Town is to transform the unused portion of the site into a vibrant park space. The southwest corner of the Town is limited with public and community spaces. Additional greenspace is recommended in these neighborhoods.

Attachment: MPR YR-1B Gateway Park (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

Town of Amherst, Amherst Gateway Park
2022-2027 Capital Improvement Project YR-2C
TOA Project # 2020.031
Map, Plan & Report



Attachment: MPR YR-1B Gateway Park (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

Town of Amherst, Amherst Gateway Park
2022-2027 Capital Improvement Project YR-2C
TOA Project # 2020.031
Map, Plan & Report

Anticipated Project Schedule

Bond Action: March 2022
Bidding: February 17, 2022
Award Base Bid & Select Bid Alternates (except Bid Alternate #1): March 2022
Award Bid Alternate #1: April 2022
Construction: starts in May 2022

Financial Summary

The Town of Amherst obtained grant funding from the State and Municipal Facilities Program ("SAM") from the Dormitory Authority State of New York in the amount of $365,000.

In 2021 The Town of Amherst authorized $100,000 in bond funds to cover the local share of the grant in the approved 2021-2026 Capital Improvement Program under Project YR-2C. The funds have been identified as a General Account Bond with a minimum useful life of 15 years.

The Town of Amherst appropriated funds to cover additional local shares in the approved 2022-2027 Capital Improvement Program under Project YR-1B. The funds have been identified as a General Fund Bond with a minimum useful life of 15 years.

	Course: (2022)							
	NEIGHBORHOOD / COMMUNITY PARKS							
YR-1B	**Amherst Gateway Park:** Convert 0.58 acres at the intersection of Kenmore Avenue and Niagara Falls Boulevard from a former gas station to a proposed park with parking areas. *(2021)*	100 LA	300 LA					**$400,000**
YR-2B	**Audubon Library Park:** Creating a park as part of the library expansion project to include a pavilion, pour in place playground, fitness trail, park amenities, plantings & structure for shade, seating areas and trails. *(2021)*	250 X		300 LA 400 F/S				**$950,000**
YR-3B	**Billy Wilson Park Parking Lot Expansion:** Adding additional parking to the north and east of the existing parking lot to increase the total number of spaces to approximately 94. *(2020)*	168 LA						**$168,000**

Key:

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

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

Attachment: MPR YR-1B Gateway Park (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

Project Cost Estimate

The Town of Amherst prepared a cost estimate prior to bid and the total estimate was $565,000 with all of the alternatives. As previously stated, $465,000 has already been funded through a grant and 2021 bond authorization. This MPR authorizes an additional $100,000 in bonds.

Estimated Construction Costs	$99,500.00
Legal/Admin/Bonding	$500.00
TOTAL BOND	$100,000.00

Taxation Summary:

Total Bond Amount	$100,000
Bond Term	15 Years
Annual Tax Impact per $1,000 of AV:	$0.0008 cost per $1,000 of assessed value
Annual Impact on Property with AV of $200,000	$0.1681

Attachment: MPR YR-1B Gateway Park (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Directo

Ellen M. Kost, AICP
Assistant Planning Dir

Attachment: MPR YR-1B Gateway Park (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

SEQR
Negative Declaration

NOV24'20 PM 2:58 RCVD

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Planning Board	**Project:**	SP-2020-11
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date:**	November 19, 2020

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Site Plan Review

SEQR Status: Unlisted Action

Description of Action: Proposed installation of a small park consisting of planters, seating areas, an 8-stall onsite parking lot along the north property line and grass pavers in the east portion of the site for potential mobile library and food trucks. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

Location: 143 Kenmore Ave. and 159 Niagara Falls Blvd., Amherst, Erie County

Petitioner: Town of Amherst

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Reasons Supporting This Determination

Based on information submitted by the applicant including a Short Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Engineering Department on September 3, 2020 reviewed the Grading, Drainage and Utility Plans, and the Erosion Control Plan.

2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. The Planning Department reviewed a Landscape Plan submitted on October 5, 2020 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.

3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The Building Department in their review of October 20, 2020 and the Planning Department in their review of October 22, 2020 determined that the subject project has or will have met all International Building Code (2015) and Zoning Ordinance regulations.

4. The project is not within an area identified by the State as potentially containing significant cultural or archeological resources, nor will it impair the character or quality of important historical resources.

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the Live Work -1 (LW-1) zoning district; neighboring uses are single family dwellings and zoned Single Family Residential (R-3 and R-4); therefore, the project is compatible with surrounding land use.

6. The proposed subject development will include the installation of a small, passive park with parking which will not cause a major change in the use of either the quantity or type of energy.

7. The project will not create any hazard to human health. The Fire Chief's Association on September 14, 2020 has reviewed the project and has no objection to the approval of the site plan, as all requirements of this agency has or will have been met.

Attachment: MPR YR-1B Gateway Park (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

NOV24'20 PM 2:58 RCVD

8. The project will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The installation of a small, passive park with on-site parking will be consistent with the scale of surrounding land uses.

9. The function of the proposed small, passive park and parking lot will not significantly increase the number of people using the site over its previous level of use.

10. Review by the Town Traffic/Safety Board dated November 19. 2020, Erie County Dept. of Public Works –Highways Division dated October 5, 2020, and NYSDOT dated November 19, 2020 indicate that significant negative traffic impacts are not expected to result from the proposed project.

11. A coordinated review of the project has been undertaken by Town Departments including, in addition to those mentioned above, Highway on September 11, 2020, Assessor on September 9, 2020, Plumbing Division on September 14, 2020, and Right-of-Way Agent on September 9, 2020. These reviews did not identify any potential significant adverse environmental issues and indicated that the proposal will not have a significant damaging impact on the environment.

12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

Planning Board Approval
Moved by: Giuliani; Seconded by: Chmiel; Ayes: 6 Noes: 0 Absent: 1 (Gelber).

Ellen M Kost, Ass't. Planning Director — 11/24/20
signature & title of preparer — Date

Robert J. Gilmour, Planning Board Chair — 11-24-20
Date

RR/ac
X:\Current_Planning\Files\Site Plans\2020\SP-2020-11_(143_Kenmore_Ave_159_Niagara_Falls_Blvd)_2020\SP-2020-11_Neg Dec_111920.doc
cc: Amherst Town Clerk
Building Department
Engineering
Fire Chiefs'
Highway
Traffic/Safety
ECDEP
NYSDOT
Engineering Department, 1100 North Forest Rd., Williamsville, NY 14221

Attachment: MPR YR-1B Gateway Park (RES-2022-271 : Amherst Gateway Park (Bond Resolution - $100,000))

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25519 **RESOLUTION 2022-272** **ROLL CALL VOTE (ADOPTED)**

Morningside Subdivision Roadway Reconstruction - Phase 1 - (Bond Resolution - $224,700)

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Morningside Subdivision Roadway Reconstruction**
Phase 1 - Morningside Lane
2022-2027 C.I.P. - Project No. H-11
Town of Amherst Project No. 2022.011
Bond Resolution - $224,700

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

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

(2) Adopt the attached bond resolution authorizing the issuance of $224,700 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.

SJS:nmb
Attachments
c: Tim Koller, Deputy Town Clerk *(w/attachment*, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Patrick G. Lucey, Highway Superintendent *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Brian J. Armstrong, EIT, Assistant Municipal Engineer (*w/attachment*)

3/14/2022
A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. A motion to approve the Bond

resolution was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call vote 4-0.

FINANCIAL IMPACT:

Bond Resolution - $224,700

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

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM February 24, 2022

TO: Brian J. Armstrong, EIT, Assistant Municipal Engineer
Engineering Department

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

RE: SEQR Determination
Morningside Lane Road Reconstruction
2022-2027 C.I.P. Project H-11, TOA Project Number 2022.011

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

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\February 2022_Morningside Lane Road Reconstruction -CIP_H-11.docx

cc:
Brian Kulpa, Town Supervisor
Stanley J. Sliwa, Esq., Town Attorney
Daryl Bramer, Comptroller
Daniel Howard, Planning Director

Attachment: February 2022_Morningside Lane Road Reconstruction -CIP_H-11 (RES-2022-272 : Morningside Subdivision Roadway

Town of Amherst
Highway Department

Morningside Subdivision Roadway Reconstruction

Phase I – Morningside Lane

2022-2027 C.I.P. Project H-11

Town of Amherst Project # 2022.011

Map, Plan & Report

February 2022

CONTENTS:

- Approved 2022 – 2027 CIP Project H-11
- Introductions / Existing Conditions
- Proposed Scope of Improvements
- Financial / Taxation Summary
- SEQR Determination – Type II Action

Prepared by
Town of Amherst Engineering Department
1100 North Forest Rd.
Williamsville, NY 14221
(716) 631-7154

Attachment: February 2022_Morningside Lane Road Reconstruction -CIP_H-11 (RES-2022-272 : Morningside Subdivision Roadway

TOWN OF AMHERST
HIGHWAY DEPARTMENT
Morningside Subdivision Roadway Reconstruction
Phase I – Morningside Lane

Summary of Approved 2022 – 2027 Capital Improvement Program (10-25-21)

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

Project ID	Project Title/Description	2022	2023	2024	2025	2026	2027	Total Cost
H-5	**Highway Building Improvements:** Phase 1 includes shop area repairs such as roof sections, gutters, windows, and doors. Phase 2 would include a new equipment storage/salt brining building. Phase 3 would include office area drywall and ceiling improvements. *(2017)*	450 LA	67.3 LA	737.8 LD				**$1,255,030**
H-6	**Various Signal Upgrades:** Install/upgrade signals at intersections as warranted and upgrade signal controllers to meet the latest NYSDOT specifications. *(2018)*	100 LA	115 LA	115 LA	115 LA	115 LA	115 LA	**$675,000**
H-7	**Town-wide Guide Rail Replacement:** Replace guide rails that are in disrepair. *(2017)*		50 LD	50 LD	50 LD	50 LD	50 LD	**$250,000**
H-8	**Town-wide Tree Planting & Restoration:** Planting trees and shrubs in Town parks or rights-of-ways from missed 2020 and 2021 spring plantings due to COVID-19. *(2021)*	125 LA	100 LA	100 LA	100 LA	100 LA	100 LA	**$625,000**
H-9	**Town-wide Repair of Playground Equipment:** Inventory and study of all playground equipment and other furniture such as benches, seating, picnic tables, along with restroom facilities. *(2022)*	200 LA	200 LA	200 LA	200 LA	200 LA	200 LA	**$1,200,000**
H-10	**Reconstruction of the Town Bike Path:** Reconstruction of various portions of the Town Bike Path from the Northtown Center to Ellicott Creek. *(2020)*	221.4 LA	200 LA	200 LA	200 LA	200 LA	200 LA	**$1,221,375**
H-11	**Reconstruction of Morningside Drive – Phase 1:** Reconstruction of Morningside Drive drainage, curbing and roadway from North Forest to Meadowbrook Rd. Phase 2 is reconstruction of Meadowbrook and Phase 3 is Blossom Heath.	**224,687 LD Amended 2/7/22**						**$224,687**

Key:

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

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

INTRODUCTION / EXISTING CONDITIONS:

Within its boundaries, the Town of Amherst owns approximately 376 linear miles of asphalt roadways. The Town Highway Department is responsible for the continuous maintenance of all Town-owned roads. Due to budget restraints, town roads are maintained on an as-needed basis. Road maintenance can vary from preventative measures such as patching and crack-filling to reparative measures such as milling and repavement to full-depth reconstruction.

Attachment: February 2022_Morningside Lane Road Reconstruction -CIP_H-11 (RES-2022-272 : Morningside Subdivision Roadway

TOWN OF AMHERST
HIGHWAY DEPARTMENT

Morningside Subdivision Roadway Reconstruction

Phase I – Morningside Lane

PROPOSED SCOPE OF IMPROVEMENTS:

In order to address the ongoing deterioration and to also increase the safety of the existing roadways within the Morningside Subdivision, a multi-phase project has been developed. As per the Location Plan below, Phase I of this project seeks to improve Morningside Lane from North Forest Road to Meadowbrook Road but the exact project limits will be dictated by the existing conditions of the roadway. The existing roadway has deteriorated to a point, where the asphalt roadway surface must be completely milled, removed and replaced. Upon milling of the roadway surface, the existing drainage system will also be improved as necessary by replacing any clogged or deteriorated storm drainage bubblers, underdrain, piping and catch basins. As the roads within this subdivision do not presently include any curbing, full-length concrete curbing will be constructed on both sides of the roadway within the limits of the project. In addition to concrete curbing being added, concrete sidewalk, aprons and ADA-compliant concrete ramps will also be constructed as required. All of the planned improvements of these improved roadways will have a minimum useful life of 15 years.



Location Plan

Attachment: February 2022_Morningside Lane Road Reconstruction -CIP_H-11 (RES-2022-272 : Morningside Subdivision Roadway

TOWN OF AMHERST
HIGHWAY DEPARTMENT
Morningside Subdivision Roadway Reconstruction
Phase I – Morningside Lane

The improvements outlined herein will begin during the 2022 construction season and be completed in 2023. The above project will be bonded against the Town of Amherst Highway District Fund at a *total project cost* of $224,687.00, financed entirely with serial bonds. The above improvements are characterized as a replacement-in-kind project.

FINANCIAL SUMMARY:

Estimated Construction Costs	$ 223,500
Legal / Administrative	1,187
Total Amount to be Bonded	**$ 224,687**

TAXATION SUMMARY:

Total Bond Amount:	$ 224,687.00
Bond Term:	15 Years
Annual Tax Impacts:	$0.020 per $1,000 AV (Highway District)
Typical Property Taxation Impact:	$0.40 per $200,000 property

Attachment: February 2022_Morningside Lane Road Reconstruction -CIP_H-11 (RES-2022-272 : Morningside Subdivision Roadway

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Amherst, in the

County of Erie, New York

March 14, 2022

* * *

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 March 14, 2022.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board members:	Jacqualine Berger, Councilwoman Deborah Bruch Bucki Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	
Also present:	Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its adoption:

Attachment: CertBondReso (RES-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED MARCH 14, 2022, AUTHORIZING THE RECONSTRUCTION OF MORNINGSIDE DRIVE - PHASE I, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $224,6700, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $224,700 TO FINANCE SAID APPROPRIATION

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

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the "Town"), is hereby authorized to undertake the reconstruction of Morningside Drive – Phase I, as described in the map, plan and report dated March 2022, prepared by the Town Highway Department (2022-2027 Capital Improvement Program Project H-11). The estimated total maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $224,700 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the aggregate principal amount of $224,700 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 $224,700 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said objects or purposes as set forth in section 1 hereof.

Attachment: CertBondReso (RES-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

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

(a) The period of probable usefulness applicable to the specific object or purpose for which said $224,700 bonds are authorized to be issued, within the limitations of Section 11.00 a. 20(c) of the Law, is fifteen (15) years.

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

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

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

Attachment: CertBondReso (RES-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

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-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

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-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on March 14, 2022, 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 MARCH 14, 2022, AUTHORIZING THE RECONSTRUCTION OF MORNINGSIDE DRIVE – PHASE I, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS $224,700, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF $224,700 TO FINANCE SAID APPROPRIATION,"

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

FIRST: AUTHORIZING said Town is authorized to undertake the reconstruction of Morningside Drive – Phase I, as described in the map, plan and report dated March 2022, prepared by the Town Highway Department (2022-2027 Capital Improvement Program Project H-11); STATING the estimated total maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is $224,700; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of $224,700 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 $224,700 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;

Attachment: CertBondReso (RES-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

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

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

DATED: March 14, 2022

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-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

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-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

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 March 28, 2022, 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 March, 2022.

(SEAL)

_____
Town Clerk

Attachment: CertBondReso (RES-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

AFFIDAVIT OF POSTING

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

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

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

That on _____, 2022, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on March 28, 2022, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

_____
Town Clerk

Subscribed and sworn to before me
this _____ day of March, 2022.

_____

Attachment: CertBondReso (RES-2022-272 : Morningside Subdivision Roadway Reconstruction - Phase 1 (Bond Resolution - $224,700))

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25520 **RESOLUTION 2022-273** **ROLL CALL VOTE (ADOPTED)**

Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000)

AGENDA ITEM : MARCH 14th, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Evergreen Landing Subdivision Streetlighting**
2022-2027 C.I.P. - Project No. H-16
TOA Job No. 2016.054A
Request For Public Hearing - Bond Resolution - $1,350,000

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on April 11th, 2022 at 7:00 p.m.

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

Thank you.

SJS:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller *(w/attachment)*
Lynda Juul, Director of Finance *(w/attachment)*
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachment)*
Dan Howard, Director of Planning *(w/attachment)*
Jeffrey S. Burroughs, PE, Town Engineer (*w/attachment*)
Christopher P. Schregel, Project Manager (*w/attachment*)

3/14/2022
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call vote 4-0.

FINANCIAL IMPACT:

Bond Resolution - $1,350,000

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

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

Town of Amherst
Engineering Department

EVERGREEN LANDING SUBDIVISION STREET LIGHTING

2022 – 2027 Capital Improvement Project H-16
TOA Project # 2016.054A

MAP, PLAN & REPORT
FEBRUARY 2022

Contents:

- Background
- Location
- Project Description
- Project Purpose
- Anticipated Project Schedule
- Financial Summary
- Project Cost Estimate
- Taxation Summary
- SEQR Negative Declaration
- Certificate as to Useful Life of Project
    - Appendix A: Evergreen Subdivision Plat Map
    - Appendix B: Preliminary Design Plan

Prepared by:
Town of Amherst Engineering Department
1100 North Forest Rd., Williamsville, NY 14221
(716) 631 – 7154 / (716) 631 – 7222

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

Town of Amherst
Engineering Department
Evergreen Landing Subdivision Street Lighting

BACKGROUND:

Evergreen Landing Subdivision is a residential neighborhood consisting of 195 lots and six (6) local roadways. Residents are requesting that street lighting be installed throughout the subdivision.

LOCATION:

This project is located in Evergreen Landing Subdivision located in Amherst, New York. Evergreen Landing is located between Tonawanda Creek Road and Tonawanda Creek, just east of Niagara Falls Boulevard. The Subdivision Plat Map is found in Appendix A.

PROJECT DESCRIPTION:

In 2019, the Town of Amherst entered into a contract with an energy consultant to conduct a Comprehensive Energy Audit of the Town's existing street lighting systems. This Energy Audit identified that the Town would benefit from the procurement of the utility-owned/maintained street light system and an LED conversion project. During this time, new subdivision street lighting installations by the utility company were put on hold until the energy audit was complete. These utility-owned street lights would have had to be purchased at a higher cost if installed by the utility company in new subdivisions. After acquisition, a new non-LED luminaire would have been replaced with an LED luminaire. As such, there are subdivisions constructed in the Town of Amherst during the period of the energy audit that are in need of street lighting.

The residents of Evergreen Landing Subdivision have emphatically requested that the street lights be installed throughout its neighborhood. Evergreen Landing Subdivision was made a priority by the Amherst Town Board and the Town is moving forward with a design-bid-build project. The project includes the installation of 73+/- light poles and LED luminaires on both sides of roadways, staggered, at an approximate spacing of 100 – 150 feet. The light system will consist of aluminum poles, post-top luminaire heads, hand holes, electrical wiring, and electrical connections to existing pad-mount transformers. Additionally, each luminaire will be fitted with an Asset Management Control node. Restoration of the disturbed areas are also included within the project. Preliminary design plans are attached as Appendix 'B'.

PROJECT PURPOSE:

The purpose of residential street lighting has a number of benefits. Street lights have been found to deter crime while increasing quality of life. Street lighting has also been shown to improve safety for drivers, bicyclists, and pedestrians.

Town of Amherst
Engineering Department
Evergreen Landing Subdivision Street Lighting

STREET LIGHT DISTRICT EXTENSION:

The consolidated street light district must be extended to include the Evergreen Landing Subdivision as filed in the Erie County Clerk's Office under map cover number 3533, dated 11/30/12 in its entirety. A subdivision plat map is located in Appendix 'A' which is representative of the boundary for the lighting district extension.

OTHER LIGHTING:

Any remaining funds may be used to design and/or install other new lighting in the existing Lighting District, or within areas where the Town of Amherst extends the lighting district.

ANTICIPATED PROJECT SCHEDULE:

- Call for Public Hearing: March 14, 2022
- Public Hearing April 11, 2022
- Bond Action: April 11, 2022
- Design Completion: June 2022
- Construction: August – December 2022

FINANCIAL SUMMARY:

At the February 7, 2022 Town Board meeting, the 2022-2027 Capital Improvement Program was amended by Resolution 2022-156 allocating additional funding towards H-16, "Adding LED streetlights in various neighborhoods in Town and along Sweet Home Road" to account for the Evergreen Landing street lighting project.

The funding is identified as a Lighting District Bond. This project has a minimum useful life of 30 years.

PROJECT COST ESTIMATE:

○ Design & Construction Administration	$ 43,000
○ Construction	$ 1,215,000
○ Contingency	$ 85,000
○ Legal / Administrative / Interest	$ 7,000
Total Amount to be bonded	**$ 1,350,000**

TAXATION SUMMARY:

○ Current Bond Request:	$ 1,350,000
○ Bond Term:	20 years (Lighting District Bond)
○ Annual Tax Impacts:	
▪ Lighting District:	$0.0183 per year, per $1,000 AV
○ Typical Property Taxation Impacts:	
▪ Lighting District:	$3.65 per year, per $200,000 property

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

Transmitted electronically

MEMORANDUM February 3, 2022

TO: Christopher Schregel, Project Manager
Engineering Department

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

RE: SEQR Determination – Evergreen Landing Subdivision – Street Lighting
2022-2027 C.I.P Project H-16, TOA Project # 2016.054A

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be an Unlisted action under the provisions of SEQR according to Part 617.6(a). A Negative Declaration is required to be issued by the Town Board prior to taking an affirmative vote on the bond for this project. Attached is a draft Negative Declaration for the Town Board's review and consideration.

Please contact our office if you have any questions.

DU/du
X:\Special_Projects\SEQR_Engineering & Other TOA\Type_I_Unlisted__Other_Actions (PJ-2015-001A)\Neg Dec_ Evergreen Landing Street Lighting_CIP_2022_2027_H16.docx
cc: Jeffrey Burroughs, PE, Town Engineer
Stanley J. Sliwa, Esq., Town Attorney
Daryl Bramer, Comptroller
Daniel Howard, Planning Director

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Town Board

Project: Evergreen Landing
Subdivision
Street Lighting
2022 - 2027 C.I.P.
Project H-16

Address: 5583 Main Street
Williamsville, NY 14221
(716) 631-7051

Date:

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Evergreen Landing Subdivision Street Lighting

SEQR Status: Unlisted action

Description of Action:

The project includes the installation of 173 light poles and LED luminaires on both sides of six (6) existing residential roadways, staggered, at an approximate spacing of 100 – 150 feet. The light system will consist of aluminum poles, post top luminaire heads, hand holes, electrical wiring, and electrical connections to existing pad-mount transformers. Additionally, each luminaire will be fitted with an Asset Management Control node.Restoration of the disturbed areas are also included within the project.

Location: Evergreen Landing Subdivision, Town of Amherst, Erie County, New York

Petitioner: Amherst Engineering Department

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Map, Plan and Report, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed project will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The project area does contain floodplain and contains protected wetland areas.

2. The project will not result in the removal or destruction of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. All disturbances will occur within the developed street right of ways.

3. The project is not expected to create any material conflict with the Town Comprehensive Plan or the regulations of the Town Zoning Ordinance. The project is consistent with Section 9.0 Community Facilities and Services in the Comprehensive Plan which promotes an ongoing system to identify and prioritize community facility and service needs throughout the Town.

4. The project is within an area identified by the State as potentially containing significant cultural or archeological resources, however the project will occur within previously disturbed areas currently improved with roadways. The action will not impair the character or quality of important cultural resources.

5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The improvements will provide street lighting for an existing developed residential subdivision.

6. The proposed project will cause a change in the use of electrical energy, since the current subdivision is not served with street lighting, however, the proposed lighting will be new LED energy efficient technology.

7. The proposed project will not create any hazard to human health.

8. The proposed project will not cause a change in land use.

9. The project will not increase the number of people using this site over its current level of use as a residential subdivision.

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

10. The project will not create a material demand for other actions resulting in a negative impact or consequence.

_____ _____
Signature & title of preparer date

_____ _____
Brian J. Kulpa, Supervisor date

cc: Amherst Engineering Department
Amherst Building Department
ECDEP

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

CERTIFICATE AS TO USEFUL LIFE OF PROJECT

I, the undersigned, HEREBY CERTIFY as follows:

That I am the Town Engineer [Engineer] and I am familiar with the Town of Amherst Street Light Acquisition & Upgrades project, as described in the map, plan and report dated January 2022, prepared by the Town Engineering Department (2022-2027 CIP Project H-15)(Project #2016.054).

That said project is classified as a capital asset under generally accepted accounting principles for municipalities and that the useful life thereof is at least thirty (30) years.

That this certification is being delivered pursuant to the Local Finance Law Section 11.00 a. 35, constituting Chapter 33-a of the Consolidated Laws of the State of New York, in connection with the issuance of bonds or notes of the Town to finance such project, for the purpose of determining the maximum maturity of such bonds or notes.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of January, 2022.

(Name)

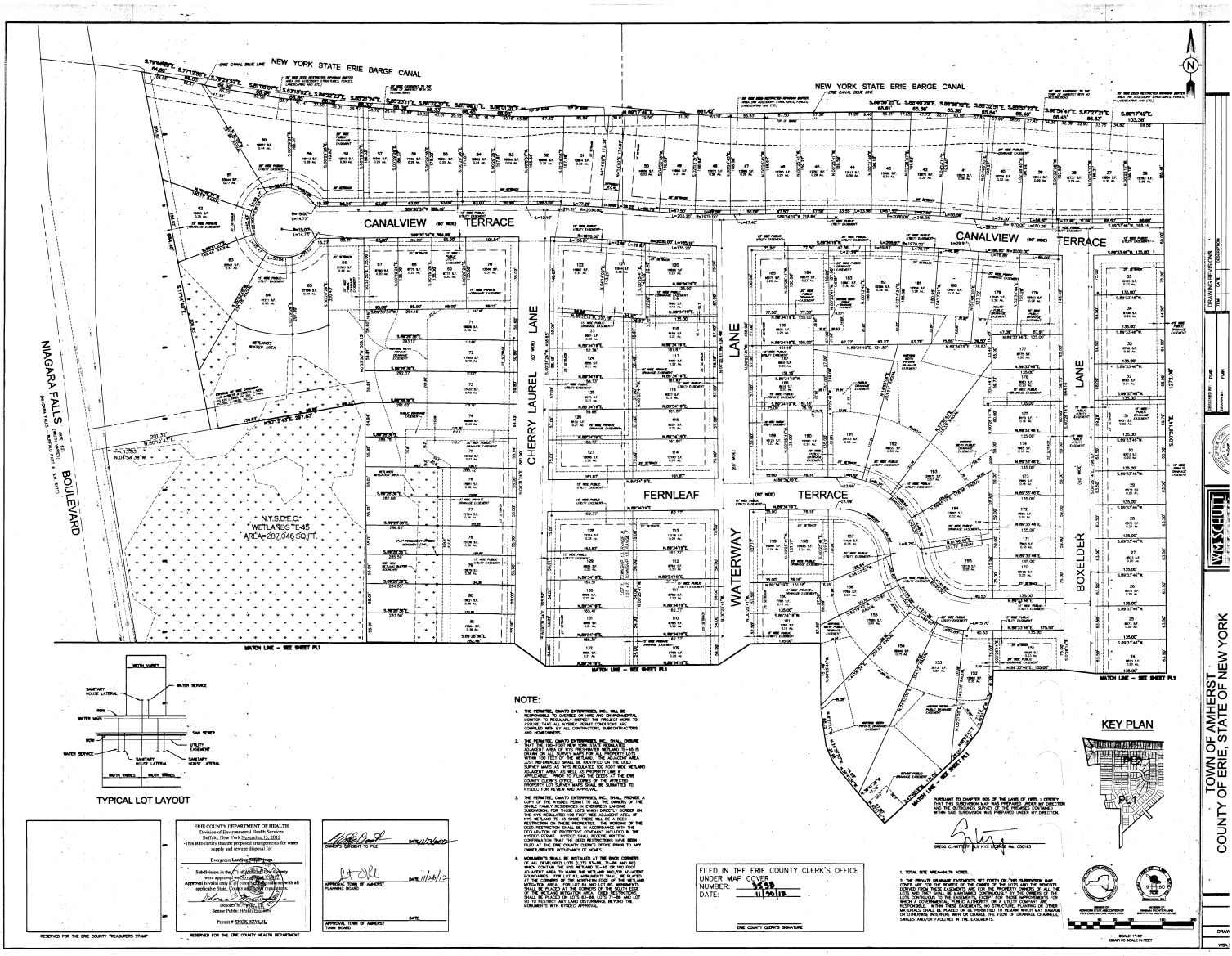
Town Engineer
(Title/Position)

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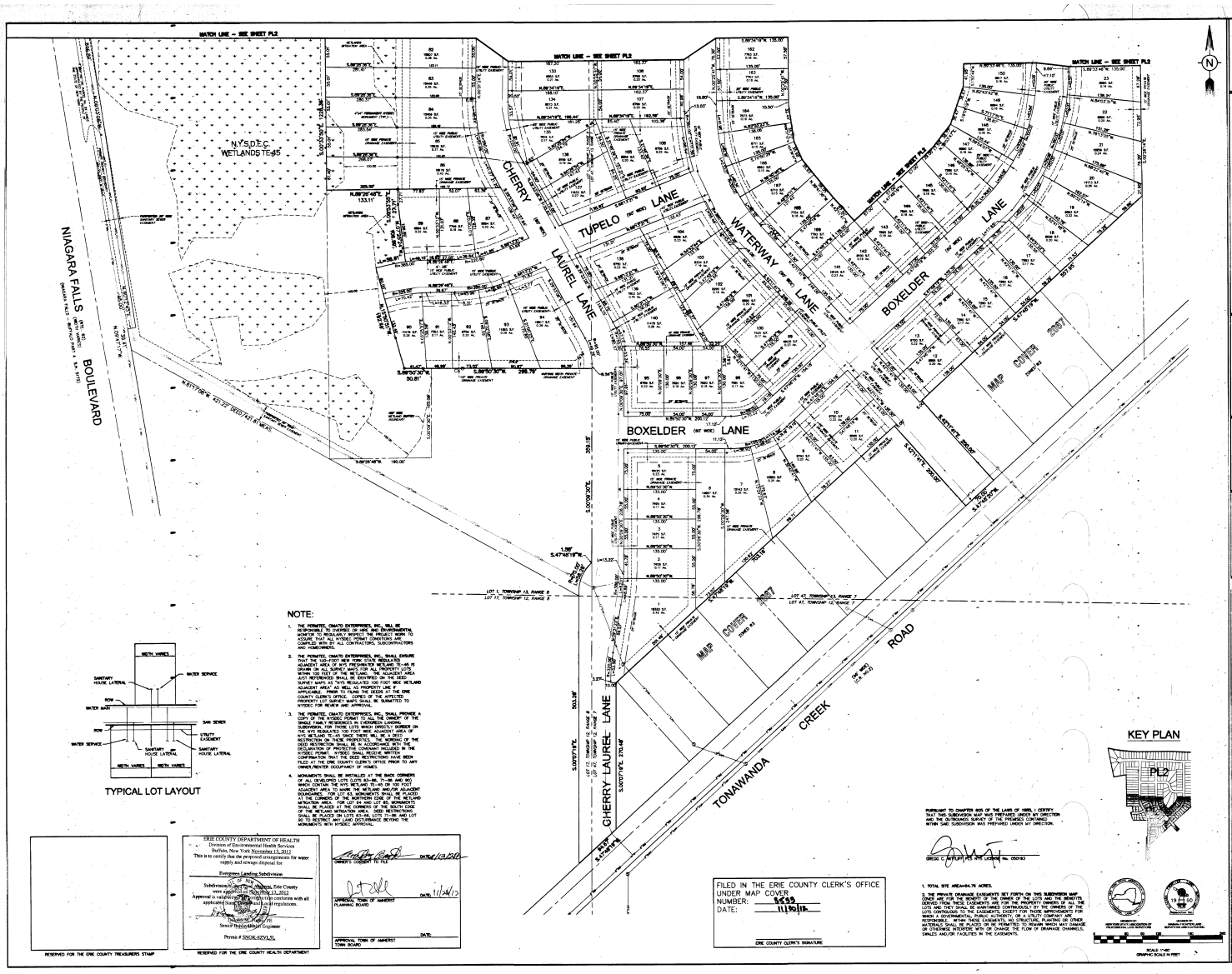
Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

Appendix A

Evergreen Landing Subdivision Plat Map



Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

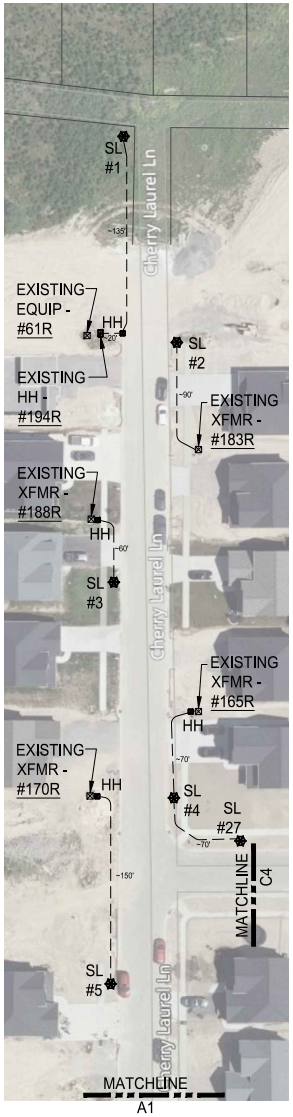


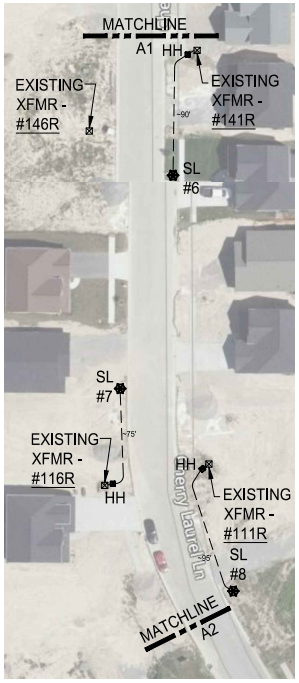
Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

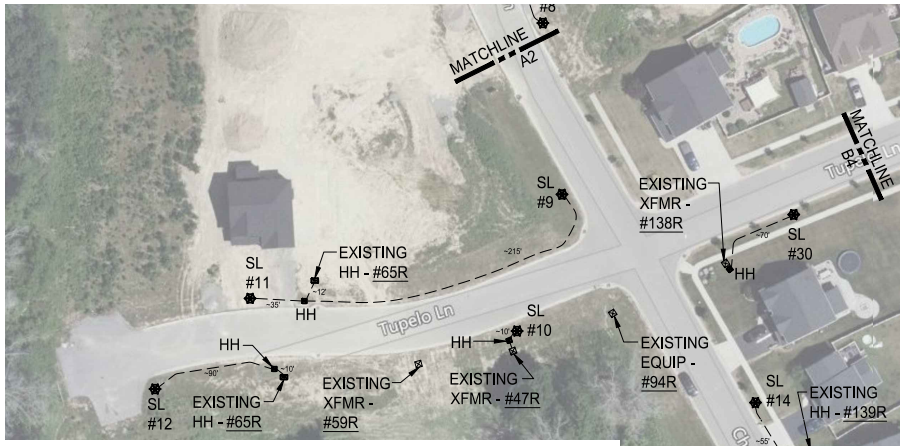
Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

Appendix B

Preliminary Design Plan

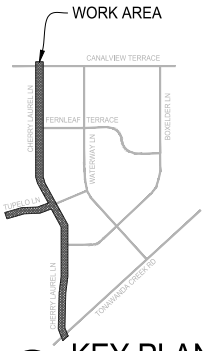




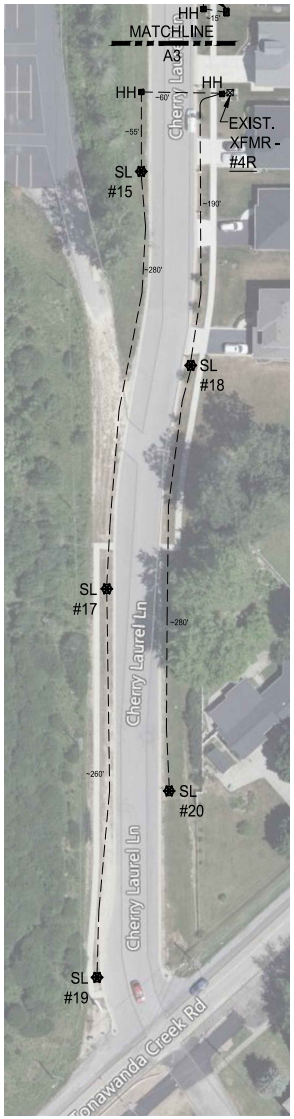


LEGEND:

- ⊠ EXISTING PAD MOUNTED TRANSFORMER (TO REMAIN)
- ✱ DECORATIVE POST TOP LUMINAIRE
  - SIGNIFY TOWNVIEW (TVPR-S3-S-16-G1-7-3W-740-A-N-R7-N-SP1-N-N-N-BKS)
  - POLE: 16FT, HAPCO (RTA16B5) DIRECT BURIED
- HH ■ HANDHOLE (POLYMER, OPEN BOTTOM, PE20HDH) PER NATIONAL GRID REQUIREMENTS
- – – – WIRING (2)#8 & #8GND IN 1" SCH.40 RACEWAY (UNDERGROUND)



KEY PLAN
SCALE: NO SCALE

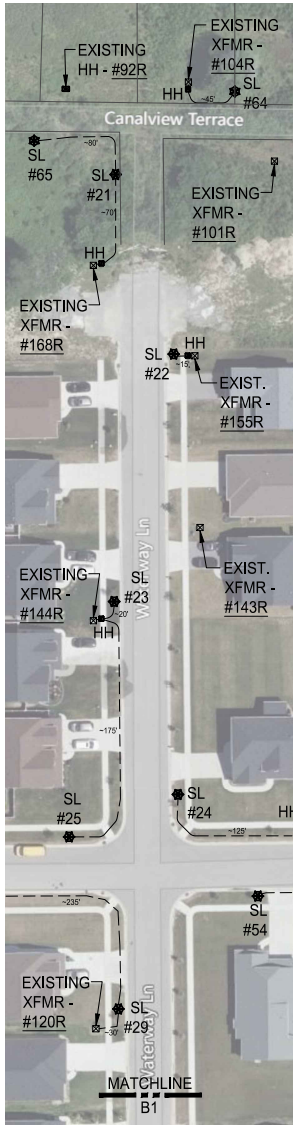


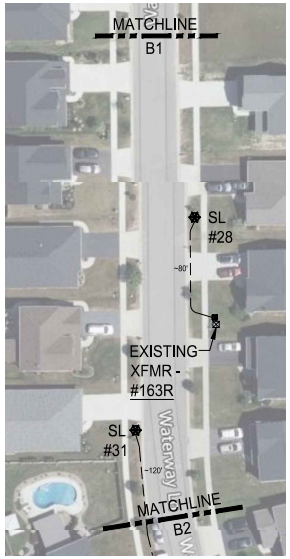
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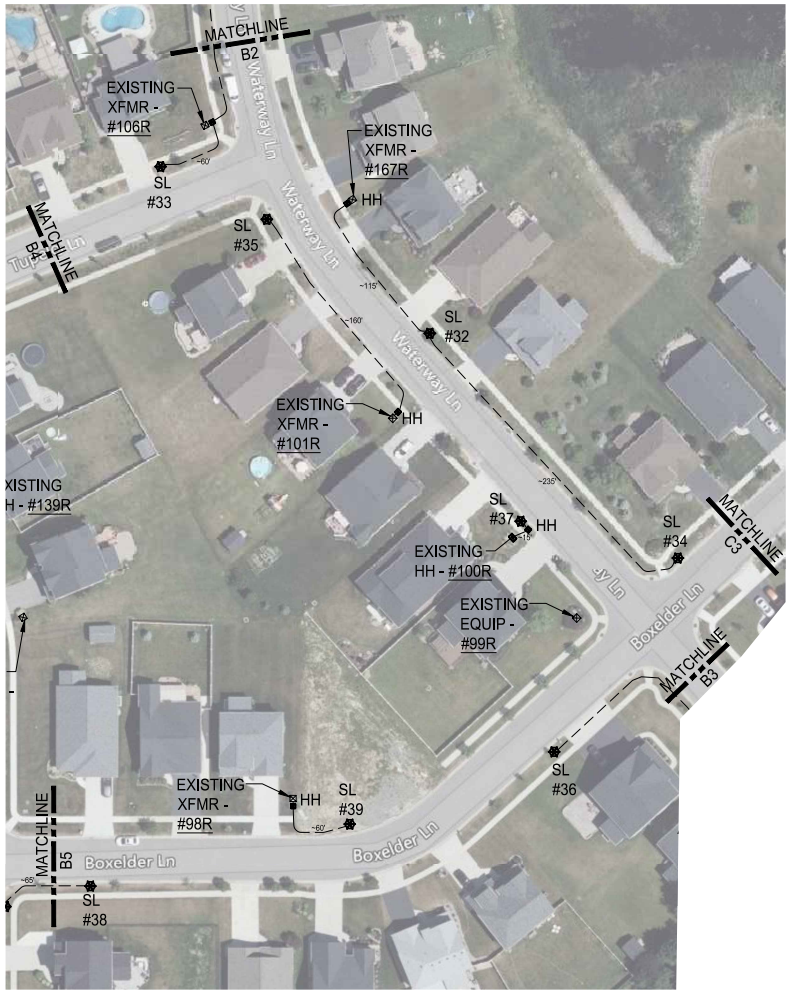
TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

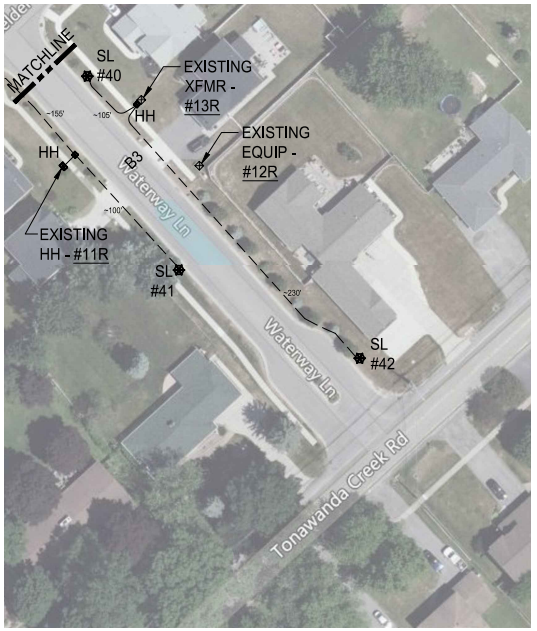
Proj. No. 261343
Date 06/18/21
Dwg. E-1

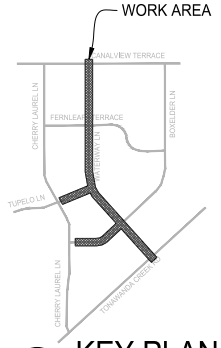
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KEY PLAN
SCALE: NO SCALE

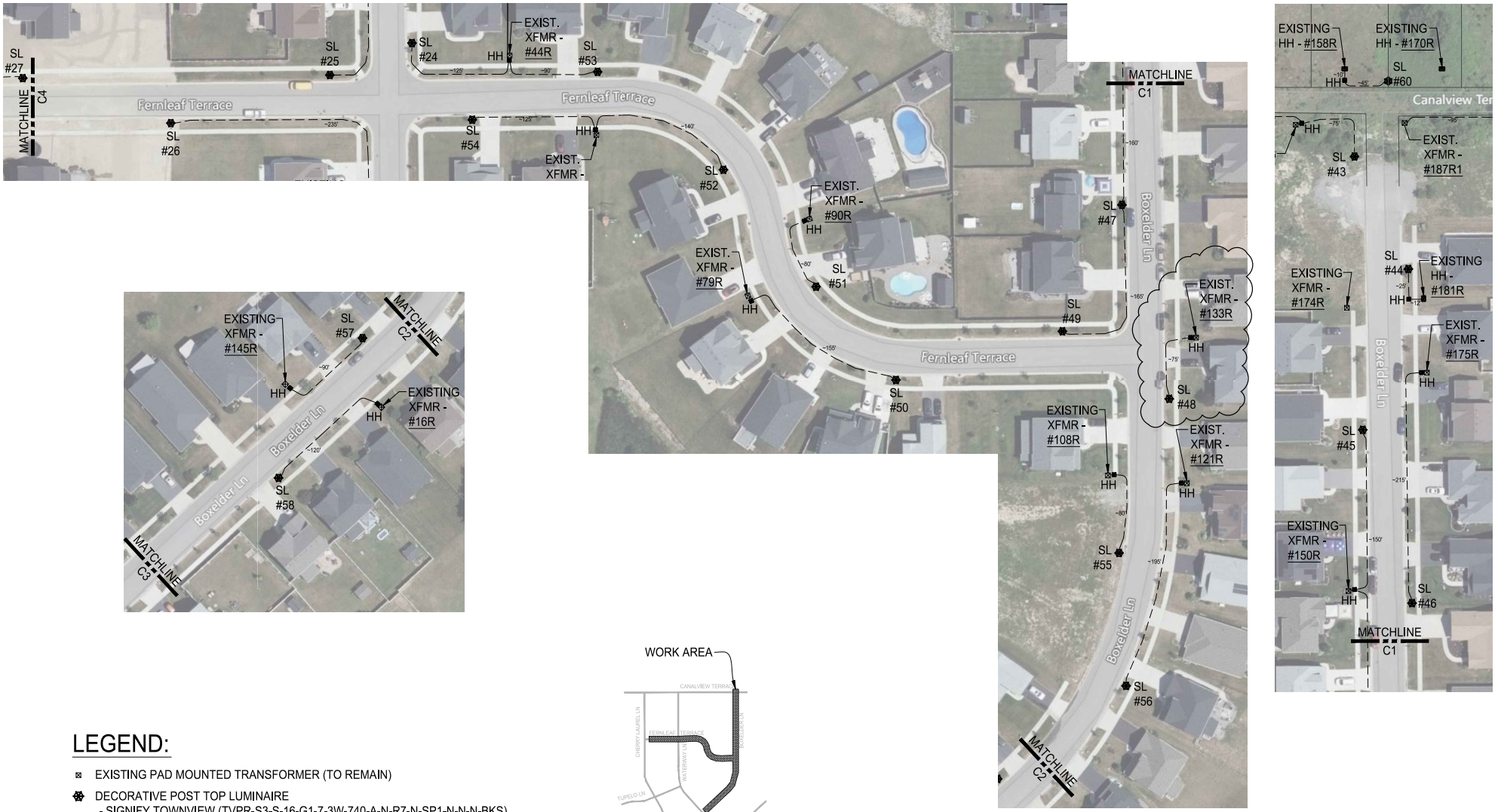
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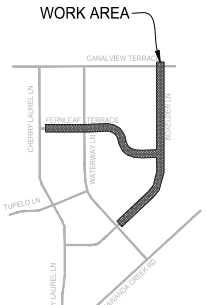
TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

Proj. No.	261343
Date	06/18/21
Dwg.	E-2



LEGEND:

- ⊠ EXISTING PAD MOUNTED TRANSFORMER (TO REMAIN)
- DECORATIVE POST TOP LUMINAIRE
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- – – – WIRING (2)#8 & #8GND IN 1" SCH.40 RACEWAY (UNDERGROUND)



KEY PLAN
SCALE: NO SCALE

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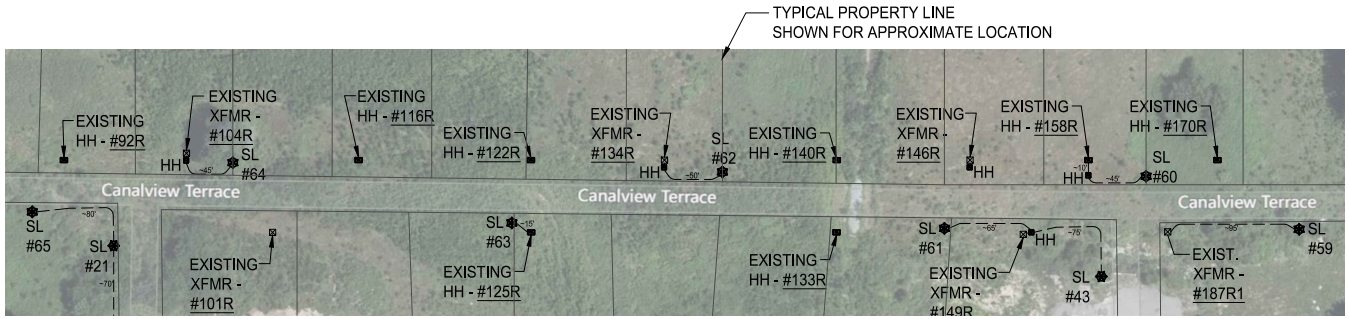
TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

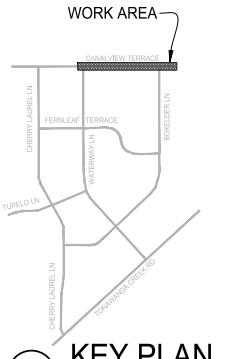
Proj. No.	261343
Date	06/18/21
Dwg.	E-3

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

GENERAL NOTES:

ALL POST TOP LUMINAIRES AND SERVICE POINTS ON THIS PLAN ARE CURRENTLY IN AN AREA THAT IS UNDER CONSTRUCTION. FINAL POST TOP LUMINAIRES LOCATION AND SERVICE POINTS SHALL BE VERIFIED IN THE FIELD PRIOR TO INSTALLATION.





KEY PLAN
SCALE: NO SCALE

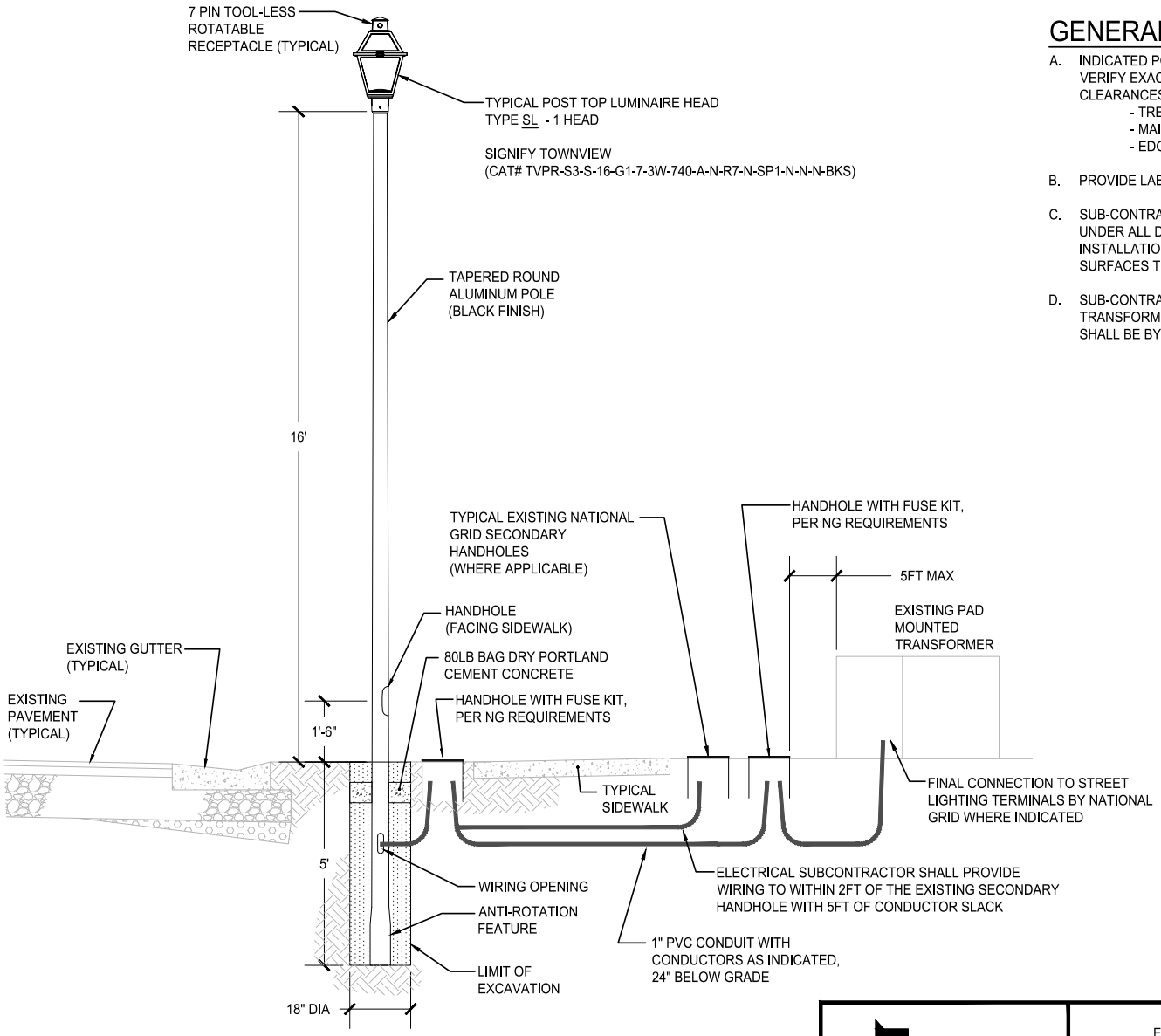
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TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

Proj. No.	261343
Date	06/18/21
Dwg.	E-4



GENERAL NOTES:

A. INDICATED POLE LOCATIONS ARE APPROXIMATE, ELECTRICAL SUB-CONTRACTOR SHALL VERIFY EXACT LOCATION IN THE FIELD. MAINTAIN THE FOLLOWING MINIMUM CLEARANCES WHEN LOCATING POLES:
   - TREES - 5FT
   - MAIL BOXES - 5FT
   - EDGE OF DRIVEWAYS - 3FT

B. PROVIDE LABELS PER NATIONAL GRID REQUIREMENTS & DETAILS ON E-7.

C. SUB-CONTRACTOR SHALL UTILIZE DIRECTIONAL BORING FOR INSTALLATION OF WIRING UNDER ALL DRIVEWAYS AND SIDEWALKS. PROVIDE ALL TRENCHING AS REQUIRED FOR INSTALLATION OF NEW STREET LIGHTING WIRING. RESTORE ALL LAWN & CONCRETE SURFACES TO MATCH EXISTING SURROUNDINGS.

D. SUB-CONTRACTOR SHALL PROVIDE SLACK OF WIRING FROM THE HANDHOLE NEAR TRANSFORMER, FINAL INSTALLATION & WIRING TERMINATION IN THE TRANSFORMER SHALL BE BY NATIONAL GRID.

1 TYPICAL POST TOP LUMINAIRE POLE INSTALLATION DETAIL

SCALE: NO SCALE

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TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

Proj. No.	261343
Date	06/18/21
Dwg.	E-5

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

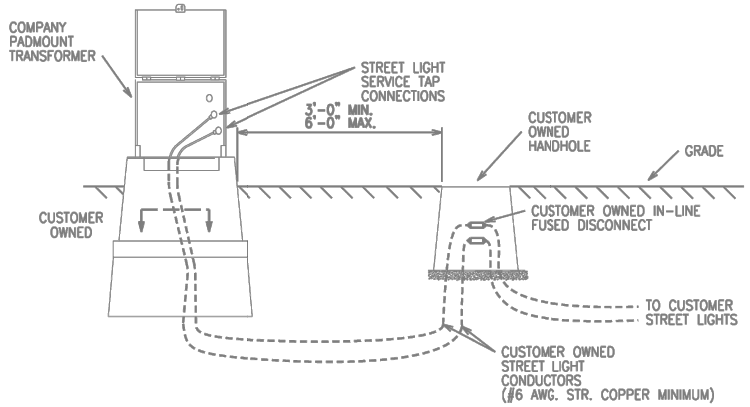


Figure 67 – Connection of Underground Supplied Street Light to National Grid Padmount Transformer

1. Install customer owned handhole as shown in Figure 67. Customer owned handhole shall house the in-line fused disconnect. See page 46-817 for details on the in-line fused disconnect.
2. Underground supply conductors shall be #6 AWG 7-strand copper (minimum) with RHH/RHW/USE-2 insulation. Conductors shall be color coded BLACK = Hot lead, WHITE = Neutral.
3. In cases where a new customer conduit is to be installed into a National Grid padmount transformer, National Grid shall determine the conduit entrance location at the padmount transformer foundation. The customer shall install the conduit to just outside this location. National Grid shall then create the opening in the padmount foundation and extend the customer conduit into the padmount foundation.
4. All electrical connections or disconnections to the secondary supply shall be performed by National Grid personnel and/or their designee.
5. In all cases where customer access to National Grid equipment is necessary, National Grid personnel shall be present to provide safety supervision and to unlock and relock the padmount transformer.

1 UNDERGROUND STREET LIGHITNG WIRING CONNECTION

SCALE: NO SCALE

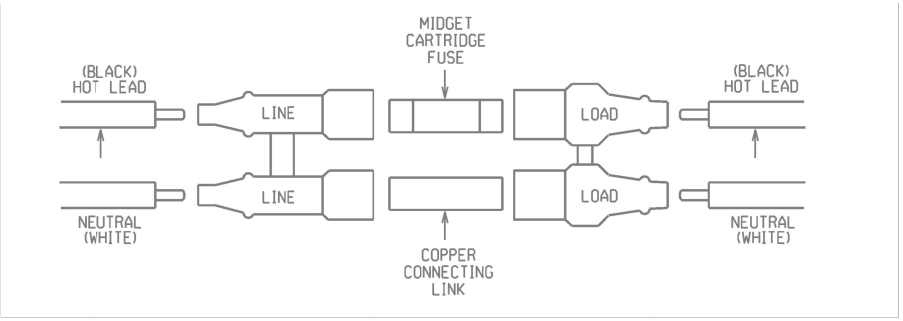


Figure 12 – In-Line Fused Disconnect Details

1. All customer owned outdoor lighting equipment shall be fused using a dual pole, watertight, in-line fuse holder and cartridge style fuse. This fuse, in addition to providing electrical protection, shall serve as a disconnection point for the customer owned outdoor lighting equipment.
2. Fuse Holder
   The fuse holder shall be a watertight device suitable for use in an outdoor environment.

   The fuse holder shall be totally insulated, thus having no exposed energized parts.

   The fuse holder shall accept #14 AWG - #6 AWG stranded copper conductors on both ends.

   The fuse holder shall be a dual pole device allowing simultaneous disconnection of both the 120 VAC hot lead (black wire) and the neutral conductor (white wire).

   The fuse holder shall be designed such that, when separated, the midget cartridge fuse and copper connecting link shall be held captive in the load end of the fuse holder.

   The fuse holder shall be polarized to prevent accidental reversal of the live leg and neutral connections.
3. Cartridge Fuse
   The fuse shall be a non-glass type, midget style cartridge fuse. Fuse dimensions shall be 13/32" diameter x 1½" length.
4. Neutral Connection
   The neutral conductor shall not be fused. Install a 13/32" diameter x 1½" length copper connecting link in place of a cartridge fuse.
5. Always provide sufficient slack in wiring to facilitate fuse replacement.

2 FUSE KIT

SCALE: NO SCALE

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TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

Proj. No. 261343
Date 06/18/21
Dwg. E-6

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

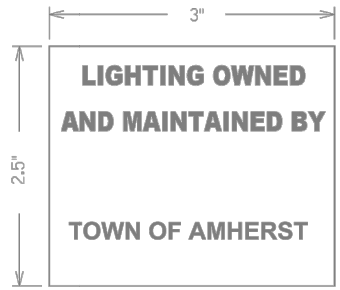


Figure 1 – Ownership Identification Label for Customer Owned Outdoor Luminaires

1. All customer owned outdoor light luminaires shall be identified with a label to clearly define ownership and maintenance responsibilities.
2. Ownership identification labels shall be reflective white with black lettering. See Figure 1.

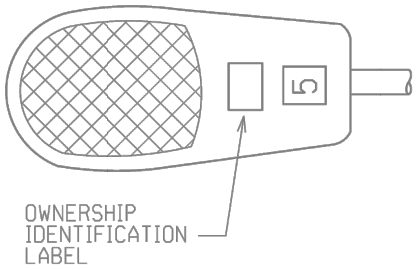


Figure 2 – Installation of Ownership Identification Label

1. Ownership identification label shall be installed on the lower door of a horizontal roadway luminaire such that it is clearly visible from the ground. See Figure 2.
2. For post top, floodlight, and other luminaires, the ownership identification label shall be installed on the luminaire housing in a location such that it is clearly visible from the ground.

1 LUMINAIRE LABELING
SCALE: NO SCALE

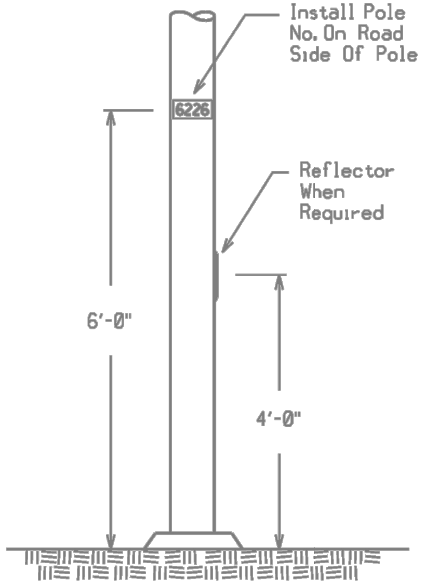


Figure 70 – Pole Numbering - Underground Supplied Customer Owned Lighting

1. Every underground supplied customer lighting pole shall be numbered in accordance with Figure 70.
2. Always use 1-3/4-inch x 3-inch, high intensity white reflective pole number decals.
3. Pole number decals shall be installed horizontal to each other as shown in Figure 70 – not vertical.

2 POLE LABELING
SCALE: NO SCALE

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TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

Proj. No. 261343
Date 06/18/21
Dwg. E-7

Attachment: MPR H-16 Evergreen Landing-Final (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

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 14th day of March, 2022.

PRESENT:

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

In the Matter

of the

Extension of the Town of Amherst Consolidated Lighting District
To Evergreen Landing Subdivision and improvements in connection therewith

---

Offered by:

Seconded by:

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
APRIL 11, 2022

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of the Consolidated Lighting District in the Town (herein referred to as the "District"), pursuant to Town Law Section 12-A, has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer") to prepare the map, plan and report dated February, 2022 (the "Map, Plan and Report") for the extension of the District to include the Evergreen Landing Subdivision (the "Extension") and to make improvements to the District in connection therewith, consisting of the acquisition and

Attachment: OCPH (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

installation of street lighting for Extension, at the estimated maximum cost of $1,350,000 (CIP Project No. H-16); and

WHEREAS, the total cost thereof has been estimated to be a maximum amount of $1,350,000; such cost to be assessed against the properties in the District at the same time and in the same manner as other Town charges; and

WHEREAS, the Town Board, as lead agency, has reviewed the Short Form Environmental Assessment Form and has determined that the project is an "unlisted action", will not have a significant effect on the environment and has issued a negative declaration in connection therewith pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617;

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 11th day of April, 2022 at 7:00 o'clock P.M. (Prevailing Time) to consider said extension and improvement to the District and to hear all persons interested in the subject thereof concerning the same

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, and post on the Town's website at www.amherst.ny.us, on the front entrance door and rear doors of Town Hall and on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: March 14, 2022

Attachment: OCPH (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

TOWN BOARD OF THE TOWN OF AMHERST

(SEAL)

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

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

The Order was declared adopted.

* * * * *

Attachment: OCPH (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

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 ___ day of March, 2022, 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 _____ day of March, 2022.

(SEAL)

_____

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: OCPH (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amherst, in the County of Erie, State of New York, will meet at the Town Hall, 5583 Main Street, Williamsville, New York, on April 11, 2022, at 7 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to extension of the Town of Amherst Consolidated Lighting District to include the Evergreen Landing Subdivision (the "Extension") and to make improvements to the District in connection therewith, consisting of the acquisition and installation of street lighting for Extension (CIP Project No. H-16); all as more particularly described in a map, plan and report dated February, 2022. The current approved estimated maximum cost of the project is $1,350,000, which is proposed to be financed through issuance of bonds by the Town of Amherst on behalf of the District, payable by levy and collections of assessments on real property in the District. Therefore, the project cost burden is expected to be borne by District property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town of Amherst and in the event the amount of assessments collected within the Consolidated Lighting District is insufficient to pay the cost of the project and/or the debt service related to the project, such costs and/or debt service shall be paid from the general Town taxes.

Further details concerning such proposed extension and improvements and the estimated costs thereof are set forth in the above-mentioned map, plan and report prepared by the Town's Engineering Department. Copies of the map, plan and report are available for review in the office of the Town Clerk, Town Hall, 5583 Main Street, Williamsville, New York

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF AMHERST

Dated: March 14, 2022
Williamsville, New York

Francina J. Spoth .
Town Clerk

Attachment: OCPH (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

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 14th day of March, 2022, 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 14th day of March, 2022.

(SEAL)

Francina J. Spoth, Town Clerk
Town of Amherst

Attachment: OCPH (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

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

AFFIDAVIT OF POSTING

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

That she is and at all the times hereinafter mentioned she was the duly elected, qualified and acting Town Clerk of the Town of Amherst, in the County of Erie, State of New York, and that on the ____ day of March, 2022, she caused to be conspicuously posted and fastened up a certified copy of the Notice of Public Hearing, a true copy of which is annexed hereto and made a part hereof, on the sign board of said Town maintained pursuant to Section 30, subdivision 6, of the Town Law.

_____
Town Clerk

Subscribed and sworn to before me
this ____ day of _____, 2022.

_____
Notary Public, State of New York

Attachment: OCPH (RES-2022-273 : Evergreen Landing Subdivision Streetlighting (Bond Resolution - $1,350,000))

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25521 **RESOLUTION 2022-274** **ADOPTED**

Gesel Woods Subdivision - Dedication of Gesel Lane (CRS #3206)

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

FROM: **Stanley J. Sliwa, Esq., Town Attorney**

DATE: **March 8, 2022**

RE: **Road Dedication - Gesel Lane**
Warranty Lien Deed Covenant (CRS #3206)

Kindly adopt a resolution authorizing the Supervisor to accept the dedication of Gesel Lane and to execute any and all documents that are required to effectuate the dedication: (1) pending successful completion of the Contract Routing System; and (2) pending final review and approval by the Town Attorney's Office.

Thank you.

SJS:nmb
Attachment
c: Tim Koller, Deputy Town Clerk (**Agenda Item - March 14th, 2022**)
Sean W. Hopkins, Esq.

3/14/2022
Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

WARRANTY DEED WITH LIEN COVENANT

Made the ___ day of March, 2022 between

GESEL WOODS LLC, a limited liability company formed pursuant to the laws of the State of New York with an address of 61 Shetland Drive, Williamsville, New York, party of the first part

and

TOWN OF AMHERST, having its principal office at 5583 Main Street, Williamsville, New York 14221, party of the second part,

WITNESSETH, That the said party of the first part, in consideration of the sum of One and No More ($1.00 and No More) Dollars, lawful money of the Untied States, paid by the said party of the second part, does hereby grant and release unto the said party of the second part, its successors and assigns forever, the premises described on **Schedule "A"** attached hereto.

THIS CONVEYANCE is made and given for the purpose of conveying said streets for use as public highways.

SUBJECT TO easements, restrictions and rights of way of record, if any.

TOGETHER with the appurtenances; and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said party of the second part, its successors and assigns forever.

AND, the party of the first part does covenant with the said party of the second part as follows:

THAT the party of the second part shall quietly enjoy the said premises.

THAT the grantor, in compliance with Section 13 of the Lien Law, will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that the grantor will apply same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

THAT the said party of the first part will forever warrant title to said premises.

THAT THIS CONVEYANCE is not all or substantially all of the property of the party of the first part and is made in the regular course of business actually conducted by the party of the first part.

Attachment: Deed-Roadway Dedication-Draft-03-08-22 (RES-2022-274 : Gesel Woods Subdivision - Dedication of Gesel Lane (CRS# 3206))

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed by its duly authorized officer this ____ day of March, 2022.

GESEL WOODS LLC

By:_____
Name: James Gesel, Managing Member

STATE OF NEW YORK)
ss:
COUNTY OF ERIE)

On this ____ day of _____ in the year 2022, before me, the undersigned, a notary public in and for said state, personally appeared James Gesel, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

Attachment: Deed-Roadway Dedication-Draft-03-08-22 (RES-2022-274 : Gesel Woods Subdivision - Dedication of Gesel Lane (CRS# 3206))

SCHEDULE A

Legal Description - Gesel Lane
Niagara Boundary Job No. 9970-22

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot 91, Township 12, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at the northeast corner of Lot 9 as shown on the Map Cover for Gesel Woods Subdivision as filed in the Erie County Clerk's Office under Cover 3793, said point also being the intersection of the west line of Ayer Road and the south line of Gesel Lane;

Thence along the south line of Gesel Land as shown on said Map Cover, N 89°44'19" W a distance of 671.40 feet to a point of curve;

Thence along an arc 15.14 feet to the left, having a radius of 15.00 feet, the chord of which is S 61°20'50" W for a distance of 14.50 feet to a point of reverse curve;

Thence along an arc 319.93 feet to the right, having a radius of 62.00 feet, the chord of which is N 0°15'41" E for a distance of 66.02 feet to a point of reverse curve;

Thence along an arc 15.14 feet to the left, having a radius of 15.00 feet, the chord of which is S 60°49'28" E for a distance of 14.50 feet to a point of tangency;

Thence S 89°44'19" E a distance of 671.82 feet to a point on the west line of Ayer Road;

Thence along the west line of Ayer Road, S 0°43'28" W a distance of 52.00 feet and the POINT OR PLACE OF BEGINNING.

The above described parcel contains ± 1.086 acres (47286 sq. ft.)

Attachment: Deed-Roadway Dedication-Draft-03-08-22 (RES-2022-274 : Gesel Woods Subdivision - Dedication of Gesel Lane (CRS# 3206))

Map of Survey

Gesel Woods Subdivision

Wetland to be Preserved
Line Table

Line Table		
Name	Length	Direction
Line1	14.53	S 89°44'19" E
Line2	35.61	S 3°02'36" W
Line3	88.47	S 41°18'22" E
Line4	56.04	N 89°07'53" W
Line5	47.52	N 0°15'41" E
Line6	25.89	N 41°18'22" W
Line7	34.32	N 3°07'09" E

Lands Now or Formerly
Paul M. Wilbur
Liber 10925, Page 45
Tax Parcel Id: 69.07-1-30

Set Pk # Cap
N 1 096 799.554
E 1 110 406.986

42.59'
S60°41'31"E

Right of Way

20.00'

Ex Pin & Cap

15' Private Storm Drainage Easement

252.00'

15' Sanitary Easement To Town Of Amherst

Existing 25' Drainage Easement To Town Of Amherst

90°30'46"

195.00'

300.0' Deed & Measure

N00°29'14"W

Youngs Road

CB

Detention Pond

Forebay

Bioretention

HYD W.V.

Set Lath FG 610.0

Set Lath FG 611.8

Arc=53.67'

Arc=319.93'

Radius = 62.00'

Arc=138.62'

Arc=34.85'

Radius=15' Arc=15.14'

Right of Way Granted to the Town of Amherst

52'

S00°15'41"W

94.80'

93.54'

Ex Pin & Cap

Set Pin & Cap

52.00'

93.50'

15' Private Storm Drainage Easement

1041.85' Deed & Measure

S89°44'19"E

Parallel with North Line Lot 91

Set Pin & Cap

86.00'

Line 1

20.9'

Line 2

Line 3

Line 4

Line 5

Line 6

Line 7

30' Rear Setback (Typ)

Wetland to be Preserved Area = 0.057 ± Acre

Lot 1
10,980 Sq. Ft.

Lot 2
10,910 Sq. Ft.

Lot 3
10,910 Sq. Ft.

Lot 4
10,910 Sq. Ft.

Lot 5
10,910 Sq. Ft.

Lot 6
10,910 Sq. Ft.

Lot 7
10,910 Sq. Ft.

Lot 8
11,287 Sq. Ft.

124.00'

N00°15'41"E

S00°15'41"W

15' Sanitary Sewer Easement

30' Front Setback (Typ)

5' Side Setback (Typ)

15' Sanitary Easement To Town Of Amherst

53.26'

Set Lath FG 611.77

Set Lath FG 612.43

Set Lath FG 613.10

671.82'

S89°44'19"E

Set Lath FG 613.76

Set Lath FG 614.42

Set Lath FG 615.08

90.54'

Set Lath FG 614.66

Set "X" Cut

Centerline

Crown of Pavement

Set PK See Detail

76.54'

N89°44'19"W

671.40'

S89°44'19"W

53.32'

90.08'

Gesel Lane (52' Wide)

Set PK

3.09'

0.49'

Lot 17
73,187 Sq. Ft.

Lot 16
10,985 Sq. Ft.

Lot 15
10,910 Sq. Ft.

Lot 14
10,910 Sq. Ft.

Lot 13
10,910 Sq. Ft.

Lot 12
10,910 Sq. Ft.

Lot 11
10,910 Sq. Ft.

Lot 10
10,910 Sq. Ft.

Lot 9
11,105 Sq. Ft.

105.00'

S02°29'14"E

254.74'

19.97'

Ex Pin & Cap

15' Private Storm Drainage Easement

1042.11' Deed & Measure

Parallel with North Line Lot 91

Set Pk # Cap
N 1 096 462.850
E 1 110 888.106

64.52'
N64°13'05"W

West Line Lot 91
Right of Way

Lands Now or Formerly
Gregory & Stacy Flemming
Liber 11362, Page 3916
Tax Parcel Id: 69.07-1-27.1

Town of Amherst Monument No. 29
N 1 096 843.71
E 1 111 450.34
Elev. 613.23

Right of Way

Centerline

S02°43'28"W

Ayer Road (49.5' Wide)

300.0' Deed & Measure

N02°43'28"E

Ex Pin

24.75'

Point of Beginning

1478.76' to South Line Lot 91

Ex Pin
(0.42' W)

Set Pk # Cap
N 1 096 677.55
E 1 111 523.56

14.43'
S89°44'19"E

Set PK

0.04'

Centerline

Lot on the North Side of the Road are Offset 0.04 West from the lots on south side of the road.

Set PK and or Mag Nail

Detail
Not to Scale

Proposed Setback Lines

Easements

FILE: Z:\Work (Nov-Oct) (Z)\Active Projects\9970 Gesel Woods Stake out\9970 Jan 10 2022.dgn

Niagara Boundary
And Mapping Services

PO Box 1120
Lewiston, NY 14092
(716) 297-9584

E-Mail:
lee@niagaraboundary.com

LOT	SECTION	TOWNSHIP	RANGE
91		12	7
Town	Amherst		
COUNTY	Erie		
STATE	New York		
DATE	January 11, 2022		
SCALE	1" = 40'		
JOB NO.	9970-22		
REVISIONS			

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PARTIES OR PURPOSE INDICATED IS EXPRESSLY FORBIDDEN WITHOUT WRITTEN RELEASE OR PERMISSION OF THE UNDERSIGNED.

USE OF THIS SURVEY IN CONJUCTION WITH AN AFFIDAVIT OF NO CHANGE IS FORBIDDEN

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

Kenneth L. Slaugenhoupt Lic. No. 50349

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Attachment: Survey-Niagara Boundary-Date-01-22-22 (RES-2022-274 : Gesel Woods Subdivision - Dedication of Gesel Lane (CR5# 3206))

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Attorney
Initiated by: **Samuel A Alba**
Co-Sponsored by:

DOC ID: 25522 **RESOLUTION 2022-275** **ADOPTED**

Settlement of Article 7 Matter - Target #1011

AGENDA ITEM : MARCH 14TH, 2022

TO: **Town Board**

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

DATE: **March 8, 2022**

RE: **Settlement of Article 7 Matter**
Target #1011

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:nmb
Attachment
c: Tim Koller, Deputy Town Clerk
(*w/attachment,* **Agenda Item : March 14, 2022**)
Emily Murphy, Town Assessor

3/14/2022
Consent

FINANCIAL IMPACT:

Assessment

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

File No. 0042-0025T

At a Special Condemnation and Tax Certiorari Term of the Supreme Court of the State of New York, held in and for the County Of Erie, Buffalo, New York, on the day of , 2022.

P R E S E N T :

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

----------X

In the Matter of

CONSENT ORDER & JUDGMENT

TARGET #1011,

Petitioner,

Index No.	Tax Year
809160/21	2021/22

-against-

THE BOARD OF ASSESSORS AND/OR THE ASSESSOR OF THE TOWN OF AMHERST AND THE BOARD OF ASSESSEMT REVIEW,

Tax Map No.: 57.13-5-3

Respondents.

And

THE WILLIAMSVILLE CENTRAL SCHOOLS and THE COUNTY OF ERIE,

Respondent-Intervenors.

---------- X

Petitioner having commenced the above-captioned proceeding pursuant to Article 7 of the Real Property Tax Law to review the assessment on certain real property located at 8290 Transit Road, Town of Amherst, and State of New York for the tax year of 2021/22, and the Petitioner having appeared by WARREN M. DUBITSKY, ESQ., of HERMAN KATZ

Attachment: 42-25 TARGET 1011 (RES-2022-275 : Settlement of Article 7 Matter - Target #1011)

CANGEMI WILKES & CLYNE, LLC, the respondents having appeared by SAMUEL A. ALBA, ESQ. Attorney for the Town of Amherst and respondent-intervenor County of Erie having appeared by JAMES C. DEMARCO III, ESQ. of BENGART & DEMARCO, LLP and the respondent-intervenor WILLIAMSVILLE CENTRAL SCHOOLS having appeared by MICHAEL BRIAN RISMAN, ESQ. of HODGSON RUSS LLP and the parties having made their settlement agreement, it is hereby

ORDERED, that the assessments on the above-referenced property, have been and shall remain for the tax year as follows:

TAX YEAR	ORIGINAL ASSESSMENT	REDUCTION	FINAL TOTAL ASSESSMENT
2021/22	$7,942,637	$ -0-	$7,942,637

and so confirmed, it is further

ORDERED ADJUDGED AND DECREED that the assessment for Tax Map No. 57.13-5-3 on the tax assessment roll for the 2022/23 year shall be set at an assessment equivalent to an $8,500,000 equalized market value. The assessment shall be determined by multiplying $8,500,000 by the uniform percentage of value appearing on the 2022/23 roll, and it is further

ORDERED, ADJUDGED AND DECREED, that the petitioner has agreed to waive all refunds for the 2021/22 tax year providing that the assessment for the 2022/23 tax year shall be set at an assessment equivalent to an $8,500,000 equalized market value. If the assessment is set for 2022/23 in accordance with this agreement, then the parties have also agreed that the revised 2022/23 assessment shall be carried forward subject to the provisions of

Attachment: 42-25 TARGET 1011 (RES-2022-275 : Settlement of Article 7 Matter - Target #1011)

§727 of the R.P.T.L. shall apply in all respects for the 2023/24 through 2024/25 tax years, and it is further,

ORDERED, ADJUDGED AND DECREED that in the event of administrative delay the 2022/23 assessment is not reduced in accordance with this Order, the respondents shall correct the assessment rolls and/or tax bills to reflect an assessment equivalent to an $8,500,000 equalized market value and refund to the petitioner, any and all taxes paid against the original assessment of $7,942,637. If corrected at the administrative grievance level, then petitioner shall not file a petition. If petitioner files a petition, because the assessment was not corrected at the administrative level, then the respondents consent to entry of an Order reducing the assessment in accordance with this Order & Judgment. If the petitioner has filed a petition for the 2022/23 tax year and the assessment is reduced, upon receipt of a copy of the corrected tax bill and/or refund to the petitioner, the 2022/23 petition will be discontinued; and it is further,

ORDERED, ADJUDGED AND DECREED that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authority of this Order, and it is further,

ORDERED, that this Order hereby constitutes and represents full settlement of the 2021/22 tax review proceedings herein, and there are no costs or allowances awarded to, by or

Attachment: 42-25 TARGET 1011 (RES-2022-275 : Settlement of Article 7 Matter - Target #1011)

against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

ENTER,

HENRY J. NOWAK, J.S.C.

SIGNING AND ENTRY OF THE WITHIN ORDER IS HEREBY CONSENTED TO:

Attorneys for Respondent
TOWN OF AMHERST

BY: SAMUEL A. ALBA, ESQ.
5583 Main Street
Amherst, NY 14221
(716) 631-7037

HERMAN KATZ CANGEMI WILKES & CLYNE, LLP
Attorneys for Petitioner

BY: WARREN M. DUBITSKY, ESQ.
538 Broadhollow Road, Suite 307
Melville, New York 11747
(631) 501-5011

BENGART & DEMARCO, LLP
Attorneys for County of Erie

BY: JAMES DEMARCO, III, ESQ.
2655 Sheridan Drive
Tonawanda, NY 14150
(716) 838-1515

HODGSON RUSS LLP
Attorneys for Williamsville CSD

BY: MICHAEL BRIAN RISMAN, ESQ.
140 Pearl Street, Suite 100
Buffalo, NY 14202
(716) 848-1291

Attachment: 42-25 TARGET 1011 (RES-2022-275 : Settlement of Article 7 Matter - Target #1011)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25494 **RESOLUTION 2022-276** **ADOPTED**

New Firefighter for Getzville Fire Company

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

Cole Yorko
73 Sandelwood Drive
Getzville, NY 14068

3/14/2022
Consent

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

TOWN OF AMHERST
VOLUNTEER FIRE DEPARTMENT MEMBERSHIP
RESIDENCY VERIFICATION FORM

Applicant Name: Cole Yorko

Applicant Home Address: 73 Sandelwood Drive

Under penalty of perjury I, Cole Yorko affirm I am an applicant to be a member of the, Getzville (fire dept.) and my address of residence is listed above.

☑ My address is in the fire distract I've applied to or territory which is afforded protection by the fire department of the fire district or fire company pursuant to contract.

☐ My address is outside the district or territory that provides protection by the fire district or company, but is in the vicinity of my occupation, in which I will be able to render active service as a volunteer. My occupation address is:

_____

Signature of Applicant: Cole Yorko

I have verified the applicant's address or employment, where applicable, by examining their driver's license or other suitable document such as a utility bill, lease or pay stub.

Signature: _____

Title: Corporate Secretary

Date: 02/24/2022

Submit this completed form to:
Amherst Town Clerk
5583 Main Street
Williamsville, NY 14221

Attachment: Cole Yorko residency (RES-2022-276 : New Firefighter for Getzville Fire Company)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25504 **RESOLUTION 2022-277** **ADOPTED**

New Firefighter for Main-Transit Fire Department

New firefighter for the Main-Transit Fire Department lives in the Town of Amherst and his place of employment is in the Main-Transit Fire District.

Russell Michalowski
156 N Harvest St
Williamsville, NY 14221

3/14/2022
Consent

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

TOWN OF AMHERST
VOLUNTEER FIRE DEPARTMENT MEMBERSHIP
RESIDENCY VERIFICATION FORM

Applicant Name: Russell Michalowski

Applicant Home Address: 156 North Harvest St.

Under penalty of perjury I, Russell Michalowski affirm I am an applicant to be a member of the, Main transit (fire dept.) and my address of residence is listed above.

- ☐ My address is in the fire distract I've applied to or territory which is afforded protection by the fire department of the fire district or fire company pursuant to contract.
- ☒ My address is outside the district or territory that provides protection by the fire district or company, but is in the vicinity of my occupation, in which I will be able to render active service as a volunteer. My occupation address is:

5411 Transit Rd, Buffalo, NY, 14221

Signature of Applicant: Russell Michalowski

I have verified the applicant's address or employment, where applicable, by examining their driver's license or other suitable document such as a utility bill, lease or pay stub.

Signature:

Title: SENIOR CAPTAIN

Date: 2/8/22

Submit this completed form to:
Amherst Town Clerk
5583 Main Street
Williamsville, NY 14221

Attachment: new ff main transit (RES-2022-277 : New Firefighter for Main-Transit Fire Department)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
Initiated by: **Timothy Koller**
Co-Sponsored by:

DOC ID: 25510 **RESOLUTION 2022-278** **ADOPTED**

New Firefighter for East Amherst Fire Department

New firefighter for the East Amherst Fire Department lives in the Town of Clarence and resides within the East Amherst Fire District.

Benjamin Maxian
5341 Coyote Court
Williamsville, NY 14221

3/14/2022
Consent

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

TOWN OF AMHERST
VOLUNTEER FIRE DEPARTMENT MEMBERSHIP
RESIDENCY VERIFICATION FORM

Applicant Name: BENJAMIN MAXIAN

Applicant Home Address: 5341 COYOTE COURT, Williamsville, NY 1422

Under penalty of perjury I, BENJAMIN MAXIAN affirm I am an applicant to be a member of the, EAST AMHERST FIRE DEPT. (fire dept.) and my address of residence is listed above.

- [x] My address is in the fire distract I've applied to or territory which is afforded protection by the fire department of the fire district or fire company pursuant to contract.
- [ ] My address is outside the district or territory that provides protection by the fire district or company, but is in the vicinity of my occupation, in which I will be able to render active service as a volunteer. My occupation address is:

_____

Signature of Applicant: _____

I have verified the applicant's address or employment, where applicable, by examining their driver's license or other suitable document such as a utility bill, lease or pay stub.

Signature: Kenneth Russ

Title: PRESIDENT

Date: 3-7-2022

Submit this completed form to:
Amherst Town Clerk
5583 Main Street
Williamsville, NY 14221

Attachment: Maxian residency verification form 3.7.22 (RES-2022-278 : New Firefighter for East Amherst Fire Department)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Comptroller
Initiated by: **Daryl Bramer**
Co-Sponsored by:

DOC ID: 25543 **RESOLUTION 2022-279** **ADOPTED**

Budget Transfer and Amendments

For March 14, 2022 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 3/9/2022
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 - 2022

FROM:	***TO:***
N2061.4000 CDBG Wmsv. Farmers Market $25,660.00 N2062.4000 CDBG PPE Wmsv. Fire Dept. $20,160.00 N2063.4000 CDBG Mortgage Assistance LMI $50,000.00	N2060.4000 CDBG Emerg. Rental $95,820.00
To record budget transfers based on amendment proposed by Planning.	
A8020.4090 Planning - Professional Services $664.56	A8020.9005 Intrafund Transfers $664.56
To transfer funds from Planning to Willowridge - NFB Action Plan to cover costs of CRS #1374, task order #10 & #11.	

BUDGET AMENDMENTS - 2022

INCREASE:	***INCREASE:***
F3013.05001 East Amherst Fire Co. $25,930.79 F3012.05001 Swormville Fire Co. $29,589.17	F3013.4090 Pension $25,930.79 F3012.4090 Pension $29,589.17
To recognize Town of Clarence's share of the LOSAP contributions for East Amherst and Swormville Fire Companies.	
N2123.02785 CDBG & VG PI $3,104.00 N2125.02785 CDBG & VG Admin $776.00	N2123.4000 Admin $3,104.00 N2125.1000 Personal Services $720.85 N2125.8030 FICA $55.15
To recognize Community Development program income from 373 Niagara Falls Blvd, Amherst.	
N2123.02785 CDBG & VG PI $500.00	N2123.4000 Admin $500.00
To recognize Community Development program income from 64 Kingsgate Rd, Amherst.	
N2151.02785 Tonawanda Closing $5,284.71	N2151.4000 Contractual $5,284.71
To recognize Community Development program income from 114 Waverly, Tonawanda.	
A8022.05009 Willowridge - NFB Action Plan $664.56	A8022.4110 Contractual $664.56
To setup budget to cover costs of CRS #1374, task order #10 & #11.	

3/14/2022
Consent

FINANCIAL IMPACT:

See Descriptions.

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Contract Compliance
Initiated by: **Lynda Juul**
Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 25487 **RESOLUTION 2022-280** **ADOPTED**

Award Bid #2022003 - Harlem Road Community Center Overhead Door Replacement - CRS #3180

WHEREAS, the Contract Compliance and Administration Department received bids on February 10, 2022 for Bid #2022003 Harlem Road Community Center Overhead Garage Door Replacement; and

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

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award the bid to National Overhead Door, Inc.; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with National Overhead Door, Inc.

3/14/2022
Consent

FINANCIAL IMPACT:

A1620–4220; $2,681.00

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

	Bid #2022003 Harlem Road Community Center Overhead Door		
		VENDOR	National Overhead Door, Inc.
Item #	U/M	Description	Unit Price
1	1	Installation of One (1) 8’ 2” x 8’ Richards Wilcox Thermatite T150 overhead door, or equivalent, as per the attached specifications.	$2,681.00
		Provide estimated date of delivery/installation	
NOTES:			
National Overhead door noted that the lead time will be 2-3 weeks.			

Attachment: Bid Tab Overhead Garage Door HRCC (RES-2022-280 : Award Bid #2022003 - Harlem Road

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Economic Development
Initiated by: **Angela Rossi**
Co-Sponsored by:

DOC ID: 25544 **RESOLUTION 2022-281** **ADOPTED**

Lease Agreement Between the Town of Amherst and Northpointe Commerce Park, LLC CRS# 3209

WHEREAS, The Town of Amherst and the Sweet Home Central School District entered into an Intergovernmental Agreement on October 25, 2021, Town Board RES-2021-967 to develop the Northwest Amherst Community Center; and,

WHEREAS, The Town of Amherst, the Amherst Industrial Development Agency, and the Sweet Home Central School District established a PILOT increment financing ("PIF") program to establish a private-public source of funding that can be utilized to provide financial assistance for the Northwest Amherst Community Center, among other projects as outlined in the agreement approved on December 20, 2021, Town Board RES-2021-1103; and,

WHEREAS, The Town of Amherst has identified approximately 29,000 square feet of space located in Northpointe Commerce Park, LLC at 220 Northpointe Parkway as an ideal location for the Northwest Amherst Community Center; and,

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to execute a Lease Agreement between the Town of Amherst and Northpointe Commerce Park, LLC after obtaining approval of the final Lease Agreement from the Town Attorney, and after successful completion of the CRS routing process.

3/14/2022
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0.

FINANCIAL IMPACT:

$377,570.16

CDBG Covid Funding

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25532 **RESOLUTION 2022-282** **ADOPTED**

2022 - 2027 Capital Improvement Program Amendment CIP Project No. E-52/Design of Blvd Mall Core Road

The Engineering Department is recommending amendment of the 2022-2027 CIP for the above project in the amount shown in the table below. This amendment will allocate adequate funding to the design of the Boulevard Mall Core Road and its associated facilities.

CIP No.	Project Description	2022 Bond Allocations	Amend To
E-52	Design of east/west core road and associated facilities from NFB to Alberta Drive in the Boulevard Mall parcel	$ 0	$ 950,000 LA
	Total	**$ 0**	**$ 950,000 LA**

LA: General Fund Bond

Please approve this amendment to the 2022-2027 CIP and assign the funding as identified above. Please note that these costs are not included in the 2022 CIP total and that this project is not budget neutral.

3/14/2022
Consent

FINANCIAL IMPACT:

CIP No. E-52; $950,000

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25533 **RESOLUTION 2022-283** **ADOPTED**

Emergency Purchase Authorization - National Water Main Cleaning CRS# 3188

The Engineering Department is requesting that the Town Board approve an emergency purchase made with National Water Main Cleaning. This purchase was necessary for cleaning and televising the sanitary sewer line at the Campbell Boulevard sewer collapse site. A quote, including rates for their services is attached.

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

A total cost and funding source for this request is to-be-determined.

Thank you for considering this request.

3/14/2022
Consent

FINANCIAL IMPACT:

TBD

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

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: 3/1/2022
2. Date you received approval from the Supervisor: 2/28/2022
3. Date of Town Board work session where Board is notified: 2/28/2022
4. Amount of Emergency Purchase. Please provide a detailed listing of items purchased and the cost of each (attach additional detail if necessary): Amount to be determined. Quote attached
5. Is there adequate funding in your current operating budget to cover this purchase? _____
   Identify budget Org/Object: _____
6. Please describe the circumstances that resulted in the need to make an emergency purchase without following the Town's Purchasing Policy: Collapse of Sewer
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: Our contracted vendor for these services was unable to handle the scope of work necessary. National Water Main is a local provider we were aware had the capability to perform the necessary wo
8. Department Head Signature: _____ Date: 3/2/22

CC: Town Board, Town Attorney, Contract Compliance & Administration

For Contract Compliance & Administration Use Only	
Date of Town Board Resolution:	Emergency Purchase Tracking/Res #:

Attachment: Emergency Purchase - National Watermain (RES-2022-283 : Emergency Purchase Authorization - National Water Main Cleaning)

NATIONAL WATER MAIN CLEANING
A Carylon Company

1000 Rear Elm St.
Rocky Hill, CT 06067
tf: (800) 422-0815
p: (860) 372-4199
f: (781) 828-2473

25 Marshall St.
Canton, MA 02021
tf: (800) 422-0815
p: (781) 828-0863
f: (781) 828-2473
NYC BIC License #468

928 Broad St.
Utica, NY 13501
tf: (866) 341-1287
p: (315) 624-9520
f: (315) 624-9523

February 25, 2022

Jeff Burroughs, PE
Town Engineer
Town of Amherst Engineering Department
1100 North Forest Road
Williamsville, NY 14221

Subject: Sanitary Sewer Cleaning and CCTV
Amherst, NY

In accordance with your request, we are pleased to submit to you prices for the following scope of work.

PRICING

Item #	Description	Quantity	Unit	Bid Price	Total
1	Provide a two man crew equipped with a jombo jet vac and CCTV Truck	TBD	HR	$ 525.00	TBD
2	Disposal(If needed)	TBD	TON	$ 175.00	TBD
				TOTAL	**$ -**

Pricing Notes:

- State Sales tax will be charged to the customer on all invoices unless a tax exempt certificate (ST-5 and ST-5C forms) is received.
- Cleaning and TV Pricing does not include bypass pumping. The pipe will be televised with the existing flow. GC to dewater pipe when needed.
- Hourly Rate is billed portal to portal (to and from out Cheektowaga office).
- Pricing assumes that the GC will provide vehicle access to the all manholes needed to perform the work.

NATIONAL WATER MAIN CLEANING COMPANY WILL FURNISH: All necessary supervision, personnel and equipment to perform our services; and transportation of men and equipment to and from the job site.

THE OWNER WILL FURNISH:

1.) Access and rights of way to all openings (no easement work);
2.) A water supply (Fire hydrants);
3.) Maintenance and Protection of Traffic, if required; Police Details and Flagmen
4.) Laydown space for equipment.

GENERAL TERMS AND CONDITIONS

I. **General Conditions:** These general conditions are incorporated by reference into the proposal and are part of the Agreement under which services are to be performed by the Contractor for the Customer.

II. **Customer Supplied Labor:** Where the Customer supplies labor for the Contractor; the Customer will indemnify the Contractor for liability, loss or expense for work related injuries to the Customer's employees.

Attachment: Emergency Purchase - National Watermain (RES-2022-283 : Emergency Purchase Authorization - National Water Main Cleaning)

NATIONAL WATER MAIN CLEANING
A Carylon Company

1000 Rear Elm St.
Rocky Hill, CT 06067
tf: (800) 422-0815
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25 Marshall St.
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p: (781) 828-0863
f: (781) 828-2473
NYC BIC License #468

928 Broad St.
Utica, NY 13501
tf: (866) 341-1287
p: (315) 624-9520
f: (315) 624-9523

The Customer agrees to waive all rights of subrogation against the Contractor arising out of the work in this Agreement.

III. **Damage Limitations:** Under no circumstances will the Contractor be responsible for indirect, incidental or consequential damages. The Contractor also is not responsible for the rendering of or failure to render architectural, engineering or surveying professional services.

IV. **Preexisting Conditions:** The Contractor will not be responsible for liability, loss or expense (including damage caused by the backup of basement sewers) where the primary cause of the claim or damage is preexisting conditions including faulty, inadequate or defective design, construction, maintenance or repair of property or contamination of the subsurface where the condition existed prior to the start of the Contractor's work. Customer is responsible for loss of service caused by the preexisting conditions at the jobsite.

V. **Environmental Conditions:** The debris is represented to Contractor to be non-hazardous, requiring no manifesting or special permitting. The Customer will be responsible for any additional costs or claims associated with the treatment, storage, disposal of the removed debris, or breach of the above representation, at any time during or after the completion of this project.

VI. **Indemnification:** The Customer and Contractor will each indemnify the other for liability, loss and expense incurred by the other party resulting from a negligent act or omission in performance of work under this Agreement. If both parties are jointly at fault, each will indemnify the other in proportion to their relative fault. The Customer will also indemnify Contractor for liability, loss and expense resulting from Contractor's services if the Contractor is acting at the direction or instruction of the Customer, or where the primary cause of any damages is due to information provided by the Customer.

VII. **Credit Policy:** Regular Terms are Net 30 Days. The company may charge interest at the rate of 1-1/2% per month on all invoices outstanding 60 days past invoice date.

VIII. **Entire Agreement:** This proposal together with any written documents, which may be incorporated by specific reference herein, constitutes the entire agreement between the parties and supersedes all previous communications between them, either oral or written. The waiver by contractor of any term, condition or provision herein stated shall not be construed to be a waiver of any other term, condition or provision hereof.

If this proposal is acceptable, please confirm with your order so that we may schedule the work.

Sincerely,
NATIONAL WATER MAIN CLEANING COMPANY
Andrew Flannagan
Andrew Flannagan
Project Engineer

Accepted By:
By signing this you agree to our terms and prices.

Attachment: Emergency Purchase - National Watermain (RES-2022-283 : Emergency Purchase Authorization - National Water Main Cleaning)

NATIONAL WATER MAIN CLEANING
A Carylon Company

1000 Rear Elm St.
Rocky Hill, CT 06067
tf: (800) 422-0815
p: (860) 372-4199
f: (781) 828-2473

25 Marshall St.
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NYC BIC License #468

928 Broad St.
Utica, NY 13501
tf: (866) 341-1287
p: (315) 624-9520
f: (315) 624-9523

Print Name _____ Title _____ Company _____

Signature _____ Date _____

Attachment: Emergency Purchase - National Watermain (RES-2022-283 : Emergency Purchase Authorization - National Water Main Cleaning)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25537 **RESOLUTION 2022-284** **ADOPTED**

Emergency Purchase Authorization - Monroe Tractor Pay Loader Repair CRS# 3196

The Engineering Department, WPCF division is requesting that the Town Board approve an emergency purchase made with Monroe Tractor & Implement Co., Inc. for mechanical repair service associated with our Case 721C pay loader that became inoperable and could not be fixed by Town resources. This piece of equipment is used daily and could not be out-of-service. The emergency purchase documentation form was filled out and submitted prior to this purchase totaling $3,627.28

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

Funds for this request are available in G9916-4830.

Thank you for considering this request.

3/14/2022
Consent

FINANCIAL IMPACT:

G9916-4830; $3,627.28

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

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: 2-14-2022
2. Date you received approval from the Supervisor: _____
3. Date of Town Board work session where Board is notified: 2-28-2022
4. Amount of Emergency Purchase. Please provide a detailed listing of items purchased and the cost of each (attach additional detail if necessary): UNKNOWN - FIELD RATES ATTACHED.
5. Is there adequate funding in your current operating budget to cover this purchase?
   Identify budget Org/Object: G9916 - 4910
6. Please describe the circumstances that resulted in the need to make an emergency purchase without following the Town's Purchasing Policy: A BREAKDOWN OF OUR PAYLOADER IN WHICH OUR HIGHWAY MECHANICS DON'T HAVE THE SPECIALTY EQUIPMENT TO MAKE THE REPAIR
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: PRICED 2 COMPANIES THAT COULD MAKE THE REPAIRS, BOTH PRICED COMPETITIVELY SINCE SCHEDULED FIRST AVAILABLE
8. Department Head Signature: _____ Date: 2-11-22

CC: Town Board, Town Attorney, Contract Compliance & Administration

For Contract Compliance & Administration Use Only
Date of Town Board Resolution: Emergency Purchase Tracking/Res #:

Attachment: Emergency Purchase - Monroe Tractor (RES-2022-284 : Emergency Purchase Authorization - Monroe Tractor)

MONROE TRACTOR
we keep you working

Adams Center, NY 315.583.5486 • **Albany, NY** 518.785.8013 • **Auburn, NY** 315.258.012
Batavia, NY 585.343.9263 • **Binghamton, NY** 607.754.6570 • **Buffalo, NY** 716.681.7100
Campbell, NY 607.739.8741 • **Canandaigua, NY** 585.394.7260 • **Derby, VT** 703.498.9836
Hartford, CT 860.920.0075 • **New Haven, VT** 802.458.0250 • **Rochester, NY/Corp.** 585.334.3867
Syracuse, NY 315.452.0000 • **Westborough, MA** 508.845.4343 • **Woburn, MA** 781.933.4217
www.monroetractor.com

SHIP TO IN STORE PICKUP

RECEIVED FEB 28 2022

SOLD TO TOWN OF AMHERST WASTE WATER
455 TONAWANDA CREEK RD
AMHERST NY 14228

Branch		
BUFFALO	*REPRINT*	
Date	Time	Page
02/18/22	22:52:42 (B)	01
Account No.	Phone No.	Invoice No.
AMHER004	7166919771	W07615
Ship Via	Purchase Order	
	TBD	
	Salesperson	
	JHE	

SERVICE INVOICE

STK#/FLEET#		HRS	PIN/EIN	WARRANTY DATE	HRS
N36941	CASE 721C WHEEL LO 721C	5177	JEE0123977		

SEGMENT# 1 C 2392 NA 02/11/22 02/14/22 02/15/22
WILL NOT GO INTO GEAR
COMPLAINT:
CUSTOMER STATES MACHINE WILL NOT GO INTO GEAR. MACHINE LOCATED AT 455 TONAWANDA CREEK RD AMHERST NY 14228.
CONTACT TOM 512-9595
CAUSE:
JS 2-15-22 PERFORMED PARK BRAKE COMPONENT TEST PROCEDURES PER. KNOWLEDGE ARTICALES, FOUND ELECTRICAL SYSTEM IS GOOD, HOOKED UP PRESSURE GAUGES, FOUND FRONT ACCUMULATOR IS FAILING, HOOKED UP NITROGIN GAUGES, FOUND PRESSURE IS 0. NEED TO REPLACE FRONT ACCUMILATOR.
CORRECTION:
JS 2-18-22 DROVE TO LOCATION, REMOVED AND REPLACED FRONT ACCUMULATOR, CHARGED WITH NITROGEN TO SPECS, BLEED BRAKES, HOOKED UP GAUGES, MONITORED BRAKE PRESSURES, GOOD.
***NOTE NITROGEN FOR ACCUMULATOR CHARGED UNDER BULK FLUID

FRT	SHIP & HNDLG	2	67.34		134.68
	SHIPPING & HANDLING				
128825	O-RING	10 N	3.15		31.50
192895A1	PROTECTOR	2 N	54.44		108.88
281-2456	SCREW, SEL	5 N	3.59		17.95
284444A1	ACCUMULATOR	1 N	1004.70		1004.70
81827427	HYD CONNECTOR	4 N	5.29		21.16
			PARTS		1318.87
			LABOR		2099.41
10400000		SEGMENT TOTAL==>			3418.28

****** WORK ORDER TOTALS *****

CONTINUED ON PAGE 02

PAYMENT: PAYMENT DUE UPON RECEIPT OF INVOICE.
1.5% per month service charge (18% annual) on past due invoices. All claims and returned parts must be accompanied by this invoice. A handling charge may be added on all returned parts. Shop repairs are guaranteed for 90 days unless otherwise stated.

PLEASE REMIT TO: Monroe Tractor & Implement Co., Inc.
P.O. B
Henrietta,

Attachment: Emergency Purchase - Monroe Tractor (RES-2022-284 : Emergency Purchase Authorization - Monroe Tractor)

MONROE TRACTOR
we keep you working

Adams Center, NY 315.583.5486 • **Albany, NY** 518.785.8013 • **Auburn, NY** 315.258.012
Batavia, NY 585.343.9263 • **Binghamton, NY** 607.754.6570 • **Buffalo, NY** 716.681.7100
Campbell, NY 607.739.8741 • **Canandaigua, NY** 585.394.7260 • **Derby, VT** 703.498.9836
Hartford, CT 860.920.0075 • **New Haven, VT** 802.458.0250 • **Rochester, NY/Corp.** 585.334.3867
Syracuse, NY 315.452.0000 • **Westborough, MA** 508.845.4343 • **Woburn, MA** 781.933.4217
www.monroetractor.com

SHIP TO

IN STORE PICKUP

SOLD TO

TOWN OF AMHERST WASTE WATER
455 TONAWANDA CREEK RD
AMHERST NY 14228

Branch		
BUFFALO		
Date	Time	Page
02/18/22	22:52:42 (B)	02
Account No.	Phone No.	Invoice No.
AMHER004	7166919771	W07615
Ship Via	Purchase Order	
	TBD	
	Salesperson	
	JHE	

SERVICE INVOICE

STK#/FLEET#		HRS	PIN/EIN	WARRANTY DATE	HRS
N36941	CASE 721C WHEEL LO 721C	5177	JEE0123977		

PARTS	1318.87
LABOR	2099.41
BULK OIL	25.00
ECOLOGY CHARGE	50.00
MILEAGE EXTERNL	84.00
SHOP SUPPLIES	50.00
CHARGE SALE	3627.28

PAYMENT: PAYMENT DUE UPON RECEIPT OF INVOICE.

1.5% per month service charge (18% annual) on past due invoices. All claims and returned parts must be accompanied by this invoice. A handling charge may be added on all returned parts. Shop repairs are guaranteed for 90 days unless otherwise stated.

PLEASE REMIT TO: Monroe Tractor & Implement Co., Inc.
P.O. B
Henrietta

Attachment: Emergency Purchase - Monroe Tractor (RES-2022-284 : Emergency Purchase Authorization - Monroe Tractor)

MONROE TRACTOR

we keep you working

December 27,2021

To: Tom Dean, General Crew Chief
Town of Amherst, WPCF #16
455 Tonawanda Creek Road
Amherst NY 14228
716.691.9771 ext.8041

2021-22 Hourly labor rates:
-In shop: $145.00/HR
-On location: $149.00/HR
-After hours: $223.50/HR. Overtime is applicable out side of the normal business hours

Travel charge for service calls is $3 per mile to get to the location and winshield time to get to location

Quotes available upon request for specific service jobs or work uncovered over and above the initial agreed upon scope of work

A service shop supplies and ecology charge will be included on all service work orders. This charge will not exceed 3% of the work order total

Stand alone parts not required to complete a service job can be purchased from the Monroe Tractor parts department. All parts are sold at list price. Please call 716. 681.7100 to place and order. You can also email an order in to JWagner@Monroetractor.com or SRichards@Monroetractor.com

Service appointments and afterhour service calls can be made to Jeff Herrmann at 716.583.9944 or JHerrmann@Monroetractor.com

Upon acceptance of the above terms Monroe Tractor of Buffalo will send over a service credit application to start a counter account for service and parts sales. If you would like to proceed please fill out the attached credit application at send it back to JHerrmann@Monroetractor.com

Thank you for the opportunity to earn your business!

Jeff Herrmann
Service Manager Monroe Tractor Buffalo
716.583.9944

Attachment: Emergency Purchase - Monroe Tractor (RES-2022-284 : Emergency Purchase Authorization - Monroe Tractor)

ACORD®

CERTIFICATE OF GARAGE INSURANCE

DATE (MM/DD/YYYY): 2/14/2022

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

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

PRODUCER
M & T Insurance Agency, Inc
3 City Center
180 South Clinton Ave., Suite 700
Rochester NY 14604

CONTACT NAME:
PHONE (A/C, No, Ext): 585-258-8216 FAX (A/C, No): 585-760-1623
E-MAIL ADDRESS: CLService@mtb.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : National Union Fire Ins of Pittsburgh PA	19445
INSURER B : Travelers Indemnity Co	25658
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Monroe Tractor & Implement Co., Inc
1001 Lehigh Station Road
Henrietta NY 14467

COVERAGES PROD / CUSTOMER ID: MONRTRA-01 CERTIFICATE #: 1069745196 REVISION #:

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	GARAGE LIABILITY X ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY NON-OWNED AUTOS USED IN GARAGE BUSINESS	Y	Y	CA4544959	6/1/2021	6/1/2022	AUTO ONLY (Ea accident)	$ 1,000,000
							OTHER THAN AUTO ONLY: EA ACCIDENT	$
							OTHER THAN AUTO ONLY: AGGREGATE	$
A	GARAGE KEEPERS LIABILITY LEGAL LIABILITY X DIRECT BASIS X PRIMARY EXCESS	Y	Y	CA4544959	6/1/2021	6/1/2022	X COMP / OTC SPECIFIED PERILS LOC 1	$ 150,000
							SPECIFIED PERILS LOC	$ ded: 500
							X COLLISION LOC 1	$ 150,000
							LOC	$ ded: 500
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	Y	Y	CA4544959	6/1/2021	6/1/2022	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
							MED EXP (Any one person)	$ 25,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
B	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000	Y	Y	CUP-0S499972-21-NF	6/1/2021	6/1/2022	EACH OCCURRENCE	$ 10,000,000
							AGGREGATE	$
								$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N If yes, describe under REMARKS below	N/A	Y	039326873	6/1/2021	6/1/2022	X PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT	$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

REMARKS (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
General Liability: Additional Insured - General Liability Coverages Lessor of Leased Equipment CA 2047 (1013)
Garage Form: Additional Insured per written contract form 94200 (3/07)
Garage: Blanket Waiver of Subrogation per written contract form 87960(0305)
See Attached...

CERTIFICATE HOLDER

proof of insurance

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
Kyle Seamon

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Attachment: Emergency Purchase - Monroe Tractor (RES-2022-284 : Emergency Purchase Authorization - Monroe Tractor)

AGENCY CUSTOMER ID: MONRTRA-01
LOC #:

ACORD®

ADDITIONAL REMARKS SCHEDULE

AGENCY	NAMED INSURED
M & T Insurance Agency, Inc	Monroe Tractor & Implement Co., Inc 1001 Lehigh Station Road Henrietta NY 14467
POLICY NUMBER	
CARRIER / NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 30 FORM TITLE: CERTIFICATE OF GARAGE INSURANCE

Auto (Equipment) Dealers: Blanket Waiver of Subrogation per written contract form 87960 (08/15)
Automobile Blanket Lessor Additional Insured & Loss Payee per written contract form CA2001(1013)
Workers Comp: Waiver of Our Right to Recover WC000311A
Excess Follow-Form per written contract form EU0001(0716)

proof of insurance

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Attachment: Emergency Purchase - Monroe Tractor (RES-2022-284 : Emergency Purchase Authorization - Monroe Tractor)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25539 **RESOLUTION 2022-285** **ADOPTED**

Emergency Purchase Authorization - Polymer Purchase Marubeni Specialty Chemicals, Inc. CRS# 3195

The Engineering Department, WPCF division is requesting that the Town Board approve an emergency purchase made with Marubeni Specialty Chemicals, Inc. in the amount of $19,712.70. This purchase was necessary because our polymer usage was higher than anticipated, combined with the extension of the new bid opening date. The WPCF only purchased enough polymer to get us through to the execution of the new contract, at the lowest cost the vendor would allow.

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

Funds for this request are available in G9916-4810.

Thank you for considering this request.

3/14/2022
Consent

FINANCIAL IMPACT:

G9916-4810; $19,712.70

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

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: 3-7-2022
2. Date you received approval from the Supervisor: 3-7-2022
3. Date of Town Board work session where Board is notified: 3-14-2022
4. Amount of Emergency Purchase. Please provide a detailed listing of items purchased and the cost of each (attach additional detail if necessary): 6 SUPERSACKS OF BESTI-LOCK RA 8534 WERC ORDERED AT THE TOTAL COST OF $19,712.70
5. Is there adequate funding in your current operating budget to cover this purchase? Identify budget Org/Object: 69916-4810
6. Please describe the circumstances that resulted in the need to make an emergency purchase without following the Town's Purchasing Policy: USAGE OF PRODUCT WAS MUCH MORE THAN ANTICIPATED. WE ORDERED ENOUGH TO GET US THROUGH THE MARCH 12, 2022 BID OPENING AND EXECUTION OF NEW BID.
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 WENT WITH THE PREVIOUSLY AWARDED VENDOR AS PRODUCT WAS PROVEN TO WORK
8. Department Head Signature: _____ Date: 3-7-2022

CC: Town Board, Town Attorney, Contract Compliance & Administration

For Contract Compliance & Administration Use Only
Date of Town Board Resolution: Emergency Purchase Tracking/Res #:

Attachment: Emergency Purchase - Marubeni Specialty Chemical (RES-2022-285 : Emergency Purchase Authorization - Polymer Purchase)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25534 A **RESOLUTION 2022-286** **ADOPTED**

WPCF Odor Control Payment Authorization Chemasters, Inc.

The Engineering Department-Water Pollution Control Facility Division is currently seeking Town Board approval to authorize the Supervisor to approve payment of invoice 5061 for $2,460.00 to Chemasters Inc. This purchase was made to quickly address numerous odor complaints from surrounding neighbors. Now that we have identified a system that appears to be working, we will send out a bid request to cover future orders.

Funding for this request is available in account G9916-4926.

Thank you for considering this request.

3/14/2022
Consent

FINANCIAL IMPACT:

G9916-4926; $2,460.00

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

AGREEMENT

Let this document stand as an Agreement between Chemasters, Inc. and the Town of Amherst permitting the Town of Amherst to pay the attached Chemaster invoice 5061 for $2,460.00. The term of this contract will be from date of Town Board Approval by the Town of Amherst through May 15, 2022.

Agreed to and Accepted by:

CHEMASTER, Inc.

By: _____
Signature

Brian Serfint
Printed name

OWNER
Title

Date: March 9 2022

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa
Supervisor

Date: _____

Attachment: TOA - Chemaster Payment Agreement (RES-2022-286 : WPCF Odor Control Payment Authorization)

TOWN OF AMHERST

VOUCHER

PO NO: 2221010

Date: 03/02/2022

This number must appear on all packages and invoices

WATER POLLUTION CONTROL FACILITY
455 TONAWANDA CREEK ROAD
AMHERST, NEW YORK 14228
(716) 691-9771 FAX: (716) 691-4496
Federal ID# 16-6002157

Fund/Dept/Dist.	Object	Amount
KP 1725	4972	$ 2,460.00
	TOTAL	$ 2,460.00

Supplier: 18015

CHEMASTERS, INC.
4408 MILESTRIP ROAD
SUIT 144
BLASDELL, NY 14219

☐ **Check box if partial payment (P.O. will remain open)**

Quantity	Description	Unit Price	Amount
1	DEODORIZER AND PUMP	$ 2,460.00	$ 2,460.00
		TOTAL	$ 2,460.00

Due Date: _____ **Invoices:** 5061 **SALES TAX EXEMPT**

☐ **Separate Check Required**

Invoices must be rendered on attached form (voucher) furnished by the Town of Amherst and must be properly signed. The town will not be responsible for merchandise delivered without a receipt signature.

Received by RR
Date Received 3/1/22

All purchase contracts involving an aggregate expenditure of more than $20,000 and all contracts for public works for more than $35,000 must be competitively bid.

PURCHASE AUTHORIZATION _____
Department Head or Director of Purchasing

DEPARTMENT APPROVAL

The above services or materials where rendered or furnished to The municipality on the dates stated and the changes are correct.

_____ _____
Date **Authorized Signature**

COMPTROLLERS OFFICE

_____ _____
Date **Authorized Official**

Audited by: _____ **Contract: CONTRACT** **Bids Received Y / N**

Date: _____ **TB Res. No:** **Town Board Approval Y / N**

TB Res. Date: 7/26/21

Attachment: TOA - Chemaster Payment Agreement (RES-2022-286 : WPCF Odor Control Payment Authorization)

Invoice

Chemasters

34 Deer Run
Orchard Park, NY 14127

RECEIVED MAR 02 2022

Date	Invoice #
3/1/2022	5061

Bill To	Ship To
TOWN OF AMHERST ATTN: DEAN 455 TONAWANDA CREEK ROAD AMHERST, NEW YORK 14228	455 TONAWANDA CREE ROAD AMHERST, NEW YORK 14228

P.O. Number	Terms	Ship	Via	F.O.B.	Project
	Net 30	3/1/2022			

Description	Quantity	Price Each	Amount
Chemasters OCC8000 Fresh 55 gallons/drum @ $12/gallon	3	660.00	1,980.00
LMI Pump Model PD051-938SI 1.1 gph, 150psi. manual control	1	480.00	480.00

CALL BRIAN SEIFERT AT (716)913-0883 WITH QUESTIONS.

Total $2,460.00

Attachment: TOA - Chemaster Payment Agreement (RES-2022-286 : WPCF Odor Control Payment Authorization)

Addendum to Contract VENDOR ON SITE Minor

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. Vendor 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: Vendor 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: Vendor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than $1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and $2,000,000.00 aggregate.

(c) Vendor shall furnish the above insurances, including sub-Vendors' 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) Vendor shall ensure all its sub-Vendors, if any, have obtained all the above insurances and shall also assure that any policy procured by any sub-Vendor or sub-sub-Vendor shall name the Town as an additional insured on a primary and non-contributory basis.

Attachment: TOA - Chemaster Payment Agreement (RES-2022-286 : WPCF Odor Control Payment Authorization)

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 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.

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 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.

8. 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.

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,

Attachment: TOA - Chemaster Payment Agreement (RES-2022-286 : WPCF Odor Control Payment Authorization)

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:

CHEMMASTERS

Print Name of Company

By: _____

Signature

Brian Seifert

Printed name

Date: March 2020

Agreed to and Accepted by:

Town of Amherst

By: _____

Brian J. Kulpa, Supervisor

Date: _____

Attachment: TOA - Chemaster Payment Agreement (RES-2022-286 : WPCF Odor Control Payment Authorization)

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: Chemaster

Signature:

Print Name: Brian Seifert

Title: Owner

Date: July 13, 2021

MARLENE I. GONZALEZ
NO. 01GO6007242
Notary Public, State of New York
Qualified in Erie County
My commission expires MAY 18th, 2022

Sworn To Before Me This
14 Day of July, 2021
Marlene I Gonzalez
Notary Public

Revised 4.2017

Attachment: TOA - Chemaster Payment Agreement (RES-2022-286 : WPCF Odor Control Payment Authorization)

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 07/19/2021

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

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

PRODUCER WaterColor Management P.O. Box 1132 Decatur AL 35602-	CONTACT NAME: Karen Seals PHONE (A/C, No, Ext): (256)260-0412 FAX (A/C, No): (888)512-1613 E-MAIL ADDRESS: karen@watercolormanagement.com
INSURED Chematrix LLC - Chemasters LLC 34 Deer Run, Ste. 9A Depew NY 14043-	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: Lloyd's of London — 15792 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL 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 Professional Liab. X Contractual Liab. GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	X	X	LGLEX000276-00	07/20/2021	07/20/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Pollution Liability	$ 1,000,000 $ 100,000 $ 10,000 $ 1,000,000 $ 3,000,000 $ 3,000,000 $ 1,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $ $
A	UMBRELLA LIAB X OCCUR X EXCESS LIAB CLAIMS-MADE DED RETENTION $	X	X	LGLEX000276-00	07/20/2021	07/20/2022	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000 $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $

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

Town of Amherst is named as Additional Insured.

CERTIFICATE HOLDER

Town of Amherst
5583 Main St
Williamsville NY 14221-

CANCELLATION AI 020696

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

Donald L. Cleveland

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Attachment: TOA - Chemaster Payment Agreement (RES-2022-286 : WPCF Odor Control Payment Authorization)

NEW YORK STATE | Workers' Compensation Board

Certificate of Attestation of Exemption
from New York State Workers' Compensation and/or Disability and Paid Family Leave Benefits Insurance Coverage

This form cannot be used to waive the workers' compensation rights or obligations of any party.

The applicant may use this Certificate of Attestation of Exemption **ONLY** to show a government entity that New York State specific workers' compensation and/or disability and paid family leave benefits insurance is not required. The applicant may **NOT** use this form to show another business or that business's insurance carrier that such insurance is not required.

Please provide this form to the government entity from which you are requesting a permit, license or contract. This Certificate will not be accepted by government officials one year after the date printed on the form.

In the Application of (Legal Entity Name and Address):	Business Applying For:
Chematrix LLC 34 Deer Run Orchard Park, NY 14127-3454 PHONE: 716-913-0883 FEIN: XXXXX2135	OTHER: Chemical Provider From: County of Erie

Workers' Compensation Exemption Statement:

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE SPECIFIC WORKERS' COMPENSATION INSURANCE COVERAGE** for the following reason:

The business is a LLC, LLP, PLLP or a RLLP; OR is a partnership under the laws of New York State and is not a corporation. Other than the partners or members, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.

Partners / Members: Brian J Seifert

Disability and Paid Family Leave Benefits Exemption Statement:

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY AND PAID FAMILY LEAVE BENEFITS INSURANCE COVERAGE** for the following reason:

The business MUST be either: 1) owned by one individual; OR 2) is a partnership (including LLC, LLP, PLLP, RLLP, or LP) under the laws of New York State and is not a corporation; OR 3) is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (in a two person owned corporation each individual must be an officer and own at least one share of stock); OR 4) is a business with no NYS location. In addition, the business does not require disability and paid family leave benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. (Independent contractors are not considered to be employees under the Disability and Paid Family Leave Benefits Law.)

I, Brian J. Seifert, am the Member with the above-named legal entity. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this Certificate of Attestation of Exemption. I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this Certificate of Attestation of Exemption under the penalties of perjury. I further affirm that I understand that any false statement, representation or concealment will subject me to felony criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. By submitting this Certificate of Attestation of Exemption to the government entity listed above I also hereby affirm that if circumstances change so that workers' compensation insurance and/or disability and paid family leave benefits coverage is required, the above-named legal entity will immediately acquire appropriate New York State specific workers' compensation insurance and/or disability and paid family leave benefits coverage and also immediately furnish proof of that coverage on forms approved by the Chair of the Workers' Compensation Board to the government entity listed above.

SIGN HERE **Signature:** [signature] **Date:** 2/4/2021

Exemption Certificate Number
2021-005975

Received
February 4, 2021
NYS Workers' Compensation Board

CE-200 01/2018

Attachment: TOA - Chemaster Payment Agreement (RES-2022-286 : WPCF Odor Control Payment Authorization)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25536 **RESOLUTION 2022-287** **ADOPTED**

Customer Project Commitment (CPC) for the Street Light Purchase and Upgrade Supervisor to Sign the NYPA CPC CRS# 3199

By Resolution 2022-153, the Town of Amherst provided authorization to the New York Power Authority (NYPA) to provide a turn-key solution in the purchase and upgrade of the Town's street lighting system. As part of this project tract, would you please authorize the Supervisor to sign the attached Customer Project Commitment (CPC)? This commitment specifies project scope and financing between the Town and NYPA.

The project is financed through a combination of General Fund and the Streetlight District bonds, as previously authorized by Resolutions 2022-089 and 2022-121 respectively. The accounts to be charged are KP 2201 and KP 2202. This request is pending successful completion of the contract review process. Thank you for considering this request.

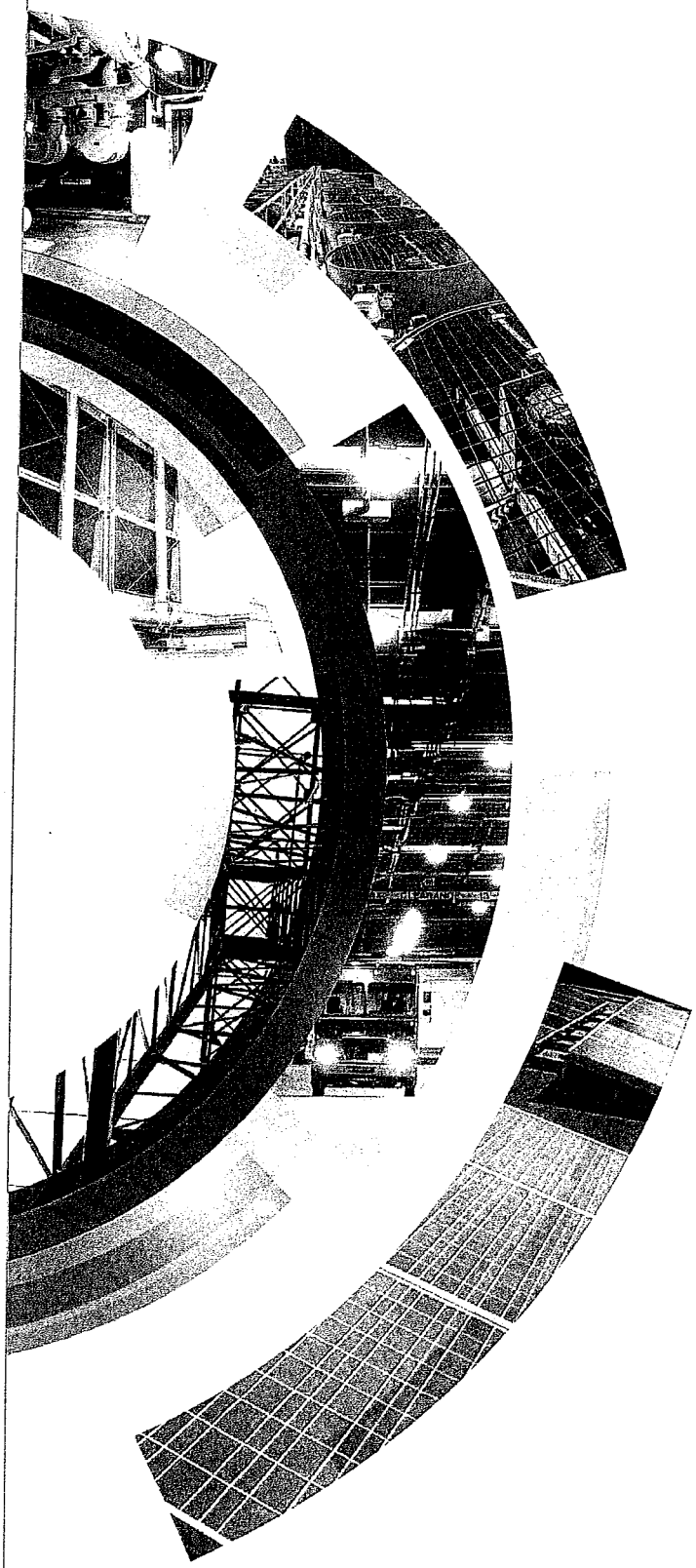
3/14/2022
Consent

FINANCIAL IMPACT:

KP2201 & KP2202

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

CUSTOMER PROJECT COMMITMENT



The New York Power Authority

In Cooperation with

Town of Amherst

NYPA's Energy Efficiency Program

for

Town of Amherst LED Street Lighting

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

ES-ESN-0933

NEW YORK STATE OF OPPORTUNITY | NY Power Authority

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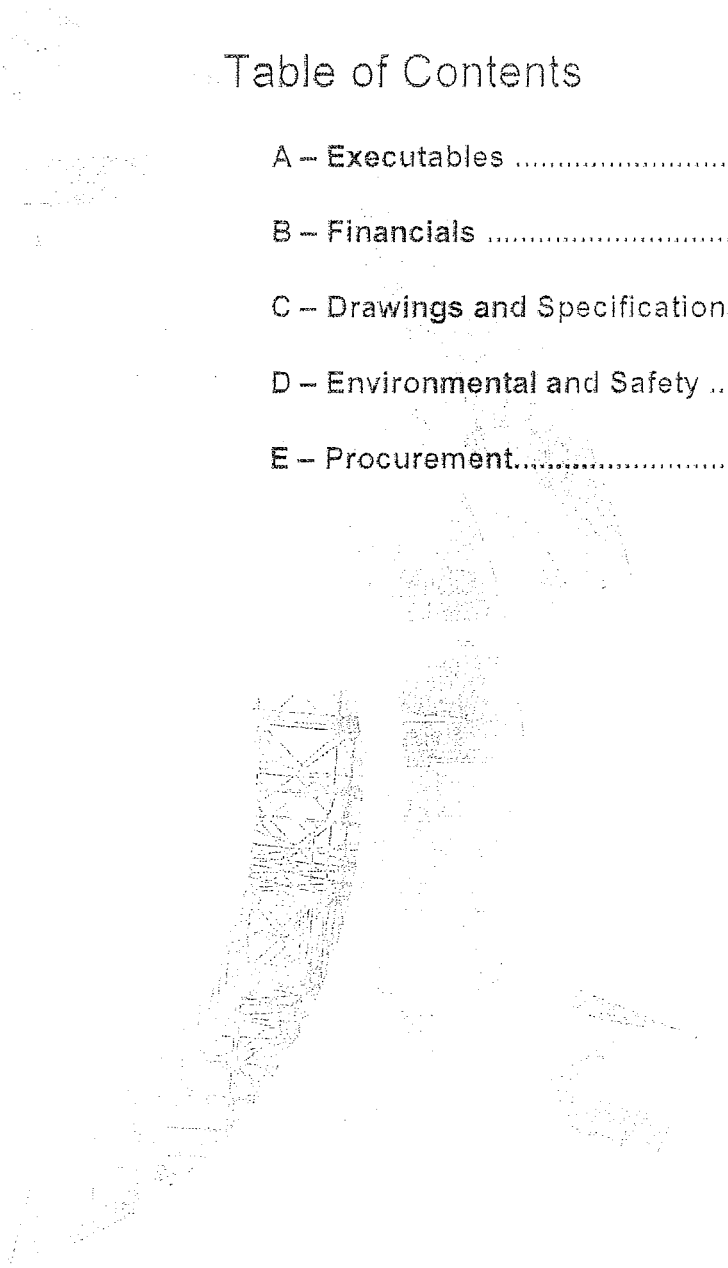
A – Executables .....

B – Financials .....

C – Drawings and Specifications .....

D – Environmental and Safety .....

E – Procurement.....



Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

A – Executables

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

NEW YORK STATE OF OPPORTUNITY. | NY Power Authority

Project Name: Town of Amherst LED Street Lighting
Facility Location: Williamsville, New York 14221
WBS Number: ES-ESN-0933

CUSTOMER PROJECT COMMITMENT

PROVIDER: ("AUTHORITY")

New York Power Authority
123 Main Street
White Plains, NY 10601

CUSTOMER ("CUSTOMER")

Town of Amherst
5583 Main Street
Williamsville, New York 14221

PROJECT TYPE

☐ Audit ☐ Design ☐ Construction ☐ Advisory ☑ Other: Material Procurement

REVISION HISTORY

Name	Date	Version	Notes
Audit			
Design			
Construction			
Change Order			

OVERVIEW

The New York Power Authority (NYPA) will provide the services referenced below subject to the terms and conditions set forth in the Master Cost Recovery Agreement effective October 07, 2021 between the Authority and Customer (the "Master Agreement") which is hereby incorporated by reference and forms a part of this Customer Project Commitment ("CPC"). Terms used but not defined herein shall have the meaning set forth in the Master Agreement.

This CPC shall be deemed executory only to the extent of the monies appropriated and available for the purpose of the Project, and no liability on account therefor shall be incurred beyond the amount of such monies. It is understood that neither this CPC nor any representation by any public employee or officer creates any legal or moral obligation to request, appropriate or make available monies for the purpose of the Project.

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

NEW YORK STATE OF OPPORTUNITY. | NY Power Authority

Project Name: Town of Amherst LED Street Lighting
Facility Location: Williamsville, New York 14221
WBS Number: ES-ESN-0933

DOCUMENTS FORMING THE CPC

The CPC is comprised of the following sections:

Section A – Executables

Section B – Financials

Section C – Drawings and Specifications

Section D – Environmental and Safety

Section E – Procurement

GENERAL PROJECT DESCRIPTION

The Town of Amherst has elected to participate in the New York Power Authority's (NYPA) Energy Efficiency Program for the replacement inefficient HID streetlights with new LED streetlights. The total scope of work for Phase 1 of this project shall include the procurement of approximately 9,666 LED streetlight luminaires of various wattages. The fixtures will be purchased using the NYPA Signify contract. NYPA has retained the services of Wendel as the Engineer of Record.

PROJECT TEAM

Designated personnel from each member of the team are indicated below.

Customer Authorized Representative

Name and title: Brian Kulpa, Town Supervisor

Phone number: (716) 631-7032

Email address: bkulpa@amherst.ny.us

NYPA Project Manager

Name and title: Igor Katsnelson, Lead Project Engineer

Phone number: (914) 681-6673

Email address: igor.katsnelson@nypa.gov

Service Provider

Company name: Wendel Energy Services, LLC

Name and title: Dominic Insinna, Senior Associate Principal

Phone number: 716-688-0766

Email address: dinsinna@wendelcompanies.com

Subprovider

Company name: Wendel Energy

Name and title: Dominic Insinna, Senior Associate Principal

Phone number: (716) 688-0766

Email address: dinsinna@wendelcompanies.com

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

NEW YORK STATE OF OPPORTUNITY. | NY Power Authority

Project Name: Town of Amherst LED Street Lighting
Facility Location: Williamsville, New York 14221
WBS Number: ES-ESN-0933

ESTIMATED ANNUAL SAVINGS

Estimated energy savings are summarized below.

Estimated Annual Energy Cost Savings	$429,191.85
Estimated Annual Maintenance Cost Savings	$0.00
Estimated Total Annual Cost Savings	$429,191.85
MMBTUs Savings	10,728.5 MMBTUs
Greenhouse Gas (GHG) Reduction (CO2 equivalent)	362.1 Metric Tons

As stated in the Master Cost Recovery Agreement, Customer understands that the projected energy savings are based upon Customer input.

PROJECT TIMELINE

The schedule for project execution is contingent upon when the CPC is executed by both parties.

Duration: 16 months.

PROJECT REPAYMENT METHOD

Select the Customer's Repayment Obligation preference.

☐ Development (audit and design) costs billed as part of Final CPC
☐ Milestone payment(s) during Project
☑ Lump sum at Final CPC
☐ Long term financing and rates subject to negotiation of a separate and distinct financing agreement.

Indicative Long-Term Finance Estimated Rate	5.00%
Indicative Rate Type	Fixed
Indicative Term	0 months

☐ Other_____

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

NEW YORK STATE OF OPPORTUNITY. | NY Power Authority

Project Name: Town of Amherst LED Street Lighting
Facility Location: Williamsville, New York 14221
WBS Number: ES-ESN-0933

PROJECT FINANCIALS (REFER TO SECTION B)

Total Reimbursement Cost (This CPC)	$4,435,238.55
NYPA Grants	$0.00
Third Party Grants and Incentives Paid to NYPA	$0.00
Customer Repayment Obligation	$4,435,238.55

The Total Reimbursement Cost for this CPC is based on bid pricing that expires on or around 3/30/2022. Failure to execute this CPC prior to 3/30/2022 may result in an adjustment to the Total Reimbursement Cost.

AUTHORIZATIONS

The Authority represents the scope and costs are an accurate representation of the proposed project and known facility conditions. This CPC shall become binding upon the parties hereto only upon signature below by an authorized representative of Authority and Customer.

NEW YORK POWER AUTHORITY

X:_____

Name: Sarah Orban Salati

Title: EVP and Chief Commercial Officer

Date:

Town of Amherst
CUSTOMER

X:_____

Name: Brian Kulpa

Title: Town Supervisor

Date:

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

B – Financials

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

Total Project Summary
New York Power Authority - Energy Efficiency Program
Town of Amherst LED Street Lighting

ES-ESN-0933 February 18, 2022

Project Cost: CPC - Material Procurement Services

Fixture Count	
Cobra Head:	2,927
Post Top:	6,598
Other:	141
Total:	9,666

Construction Costs:	$ 3,594,242.25	
Asbestos Abatement:	$0.00	
Allowances:	$0.00	
Smart City Technology:	$0.00	
Performance and Payment Bonds:	$0.00	
Subtotal:	**$3,594,242.25**	
Contingency: 0%	$0.00	
Subtotal:	**$3,594,242.25**	
Abatement Design & Monitoring:	$0.00	
Hazardous Waste Disposal Cost:	$0.00	
Environmental Subtotal:	**$0.00**	
Audit, Feasibility Study, or Design Only Services:	$0.00	
Design, & Construction Mgt:	$341,453.01	(See Note # 1)
Permits:	$0.00	
NYPA Project Mgt. & Administrative:	$314,855.62	(See Notes # 2)
Project Management Subtotal:	**$656,308.63**	
Utility Asset Purchase:	$0.00	
Utility Device Disconnect Deposit Bond:	$0.00	
Utility Subtotal:	**$0.00**	
Project Subtotal:	**$4,250,550.88**	
Short-Term Financing (STF):	$184,687.66	(See Note # 3)
Total Project Cost:	**$4,435,238.55**	

Estimated Savings **Environmental Benefits: 362.1 Metric Tons CO2 Equivalent**

Estimated Electrical Savings:		Estimated Demand Savings:		Estimated Ownership Savings:	
kWh Savings:	3,144,351	Monthly kW Savings:	0.0	Est. Ownership Savings:	$0.00
kWh Cost Savings:	$429,191.85	kW Cost Savings:	$0.00		
Total Energy Savings:	$429,191.85			Total Estimated Savings:	**$429,191.85**

Simple Payback

Total Project Cost With STF:	$4,435,238.55	
NYPA Grants:	$0.00	
Estimated 3rd Party Rebates & Incentives:	$0.00	
Net Project Cost:	**$4,435,238.55**	
Total Estimated Annual Savings:	$429,191.85	
Estimated Annual Utility Fees:	$0.00	
NYPA Annual O&M Program:	$0.00	
Total Amount Saved:	**$429,191.85**	(See Note # 4)
Simple Payback:	10.33	

Project Financing

Planned Payments (through Completion):	$4,435,238.55	(Lump Sum Payment)
AMOUNT FINANCED (LONG-TERM):	$0.00	(NYPA Facilitated Loan)
Interest Rate:	0.00%	
Years Financed:	0.0	
Number of Payments:	0	
Annual Debt Service to NYPA:	**NA**	
Monthly Debt Service to NYPA:	**NA**	
Total Project Cost after Financing:	**$4,435,238.55**	
Total Annual Savings:	$429,191.85	
Payback With Financing:	10.33	
Annual Cash Flow:	**$429,191.85**	

Notes:

1. Design & Construction Mgt is 9.5% of the direct Construction and Asbestos Abatement costs.
2. NYPA Project Mgt. & Administrative cost is 8.0% of all project costs except Utility Asset Purchase, Utility Device Disconnect Deposit Bond, and STF.
3. Short-Term Financing (STF) is estimated based on 4.00% interest rate.
4. Savings will be realized once both Phase 1 - Procurement and Phase 2 - Installation are complete.

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

Town of Amherst - Town of Amherst LED Street Lighting
Incremental Payback Calculation
ES-ESN-0933

Project Cost: CPC - Material Procurement Services 2/18/2022

EEM #	EEM Description	Measure Life (Years)	Project Cost			Annual Cost Savings ($/Year)			Simple Payback (Years)	
			Total	Base Case	Net Incremental	Total	Base Case	Incremental	Total	Incr
1	Street Lighting Upgrades	25.0	$4,435,239	$0	$4,435,239	$429,192	$0	$429,192	10.3	10.3
	Totals:		**$4,435,239**	**$0**	**$4,435,239**	**$429,192**	**$0**	**$429,192**	**10.3**	**10.3**

Notes: 1. Weighted Average Project Life: 25.0 Years

2. Base Case is calculated based on not purchasing or converting the fixtures to LED and leaving them as is.

C – Drawings and Specifications

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

Full 170 page document including the Drawings and Specifications is found here:

https://share.amherst.ny.us:443/docman/doc_files_list.php?hash=4g8kaopjm0xhpixzp8tfpdd5c

and can also be requested by calling the Town's Engineering Department at 631-7154"

Attachment: CPC Commitment (RES-2022-287 : Customer Project Commitment for Street Light Purchase)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25538 **RESOLUTION 2022-288** **ADOPTED**

Tabware Software Maintenance & Support Renewal AssetPoint, LLC CRS# 3189

The WPCF utilizes TabWare Software provided by AssetPoint LLC ("Aptean") to control and monitor all assets and equipment for the WPCF. To maintain on-line maintenance, technical support, and software updates, a licensing agreement with the software provider is required. This vendor is a sole source provider of this service for this software product. The WPCF is requesting Town Board approval for the attached one-year maintenance & support renewal with AssetPoint LLC ("APTEAN") for the AssetPoint TabWare Software in the amount of $8,181.42.

This contract shall be valid from May 06, 2022 through May 05, 2023. In addition, the WPCF requests a waiver of the insurance requirements because the vendor will provide this service remotely and will not enter Town property.

This request has successfully completed the contract review process.

Funds for this request are available in G9916-4110.

Thank you for considering this request.

3/14/2022
Consent

FINANCIAL IMPACT:

G9916-4110; $8,181.42

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

AGREEMENT

Let this document stand as an Agreement between AssetPoint LLC and the Town of Amherst permitting the Town of Amherst to purchase TabWare licensing and associated software maintenance to the attached renewal order form #61ee8cdb5347531ee5bad3d0. The term of this contract will be from date of Town Board approval by the Town of Amherst through May 05, 2023.

Agreed to and Accepted by:

ASSETPOINT, LLC

Neil S. Goldstein

By: Neil.Goldstein@actgan.com
Signature

Neil S. Goldstein
Printed name

Legal Counsel
Title

Feb 3, 2022
Date:

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa
Supervisor

Date: _____

Attachment: Asset Point Agreement (RES-2022-288 : Tabware Software Maintenance & Support Renewal)

Order Form rev. 1 | 61ee8cdb5347531ee5bad3d0



Town of Amherst Water Pollution Control

This Order Form, together with the Master TabWare Onsite (TOS) Concurrent User License (CUL) dated 2015-04-09 (the "Agreement") between AssetPoint LLC ("Licensor") and Town of Amherst Water Pollution Control ("Customer") and incorporated herein by reference contains the full agreement of Licensor and Customer as to the purchase/license and provision of the Software and/or services listed below. This Order Form is dated and effective as of the last date entered in the signature block below (the "Effective Date"). In case of any conflict between the Agreement and this Order Form, the terms and conditions on the Order Form shall control.

Licensor Representative: Janni Saarinen	Licensor Email: janni.saarinen@aptean.com
Customer Representative: Crystal Russell/Gregory Struzik	
Customer Billing Information:	Customer Shipping Information:
Name: Crystal Russell	Name: Gregory Struzik
Address: 455 Tonawanda Creek Road Amherst , New York 14228 US	Address: 455 Tonawanda Creek Road Amherst , New York 14228 United States
Phone:	Phone:
Email: crussell@amherst.ny.us	Email: gstruzik@amherst.ny.us
End User:	

A. Invoicing and Payment Terms

1. Do not pay from this Order Form. Licensor will invoice Customer upon execution of this Order Form for the fees set forth below plus applicable taxes.
2. Customer shall pay Licensor Net 30 from the date of the invoice. In case of late payment, Customer may be subject to a late fee up to 1.5% per month.

Attachment: Asset Point Agreement (RES-2022-288 : Tabware Software Maintenance & Support Renewal)

3. Fees for Subscription Services or Maintenance Services will be billed Annually .
4. Licensor has a NO REFUND policy.
5. Where Customer requires Licensor's invoice to reference the Customer's purchase order number, Customer agrees to provide its purchase order to Licensor within 5 days of the earlier of (i) signature of the corresponding Order Form and (ii) Licensor's written request. All terms, conditions, or provisions which may appear as preprinted language or otherwise be inserted within any purchase order shall be of no force and effect and acceptance of a purchase order will not constitute as a written instrument modifying the Agreement.

B. Additional Terms

1. Hosting, License, Subscription Services and/or Maintenance Renewal Terms:
    a. Customer understands that, if a Software product is not listed in this Order Form, then any such non-listed Software product is neither subject to nor included in the amounts listed in the pricing, and additional fees shall apply for any such non-listed software. Customer may not reduce the number of licenses covered. In exceptional cases, Licensor may agree to decommission subject to Customer paying a reduction fee.
    b. If Customer licenses additional Software products during the Commitment Period, the Customer hereby agrees to renew the Subscription, Hosting, License or Maintenance term for any such additional Software products.
    c. Upon expiration of any term set forth below, the corresponding Maintenance Services, Hosting Services, Subscription Services and/or term license shall automatically renew for successive one-year periods, unless Customer provides Licensor with at least ninety (90) days' advance written notice prior to the expiration of the then-current term that such party desires not to renew. Licensor shall invoice Customer on an annual basis, in advance, for each annual renewal period. Fees for all annual renewal periods will be due within thirty (30) days of receipt of the corresponding invoice or the day prior to the contract renewal date, whichever is sooner, and all such payments are non-refundable.
2. Customer's acceptance of the Subscription Services or Software licensed hereunder is as delivered, with no expectation that licensor would customize or modify the Subscription Services or Software for the Customer's specific business requirements unless agreed to in writing and signed by both parties.
3. This Order Form, together with the Agreement, constitutes the entire agreement and supersedes all prior agreements (verbal or written) between the parties with respect to the subject matter hereof.
4. If a party executes this Order Form via electronic signature, then such electronic signature shall be deemed to be such party's original signature for all purposes. The exchange of copies of this Order Form and of the signature pages by facsimile or other electronic transmission shall constitute effective execution and deliver of this Order Form as to the parties and may be used in lieu of the original Order Form for all purposes.

RENEWAL TERM PRODUCTS		
Product	License Metric	Qty
TU Tutorial	Manual	1
TabWare Technician Named User	Users	2

Attachment: Asset Point Agreement (RES-2022-288 : Tabware Software Maintenance & Support Renewal)

Linked Doc Printing	Desktops	1
TabWare Analytics Designer Named User	Users	1
Crossroads Premium: Equipment Monitoring	Site	1
WebServer (Test Professional)	# of environments	1
TabWare Work Requester	# of plants	1
WebServer (Production Professional)	# of environments	1
TabWare Concurrent User	Users	9
Renewable Maintenance: TabWare Technician Named User	Manual	1
Maintenance: Linked Doc Printing	Manual	1
Renewable Maintenance: TabWare Analytics Designer Named User	Manual	1
Renewable Maintenance: Crossroads Premium: Equipment Monitoring	Manual	1
Renewable Maintenance: WebServer (Test Professional)	Manual	1
Renewable Maintenance: TabWare Work Requester	Manual	1
Renewable Maintenance: WebServer (Production Professional)	Manual	1
Renewable Maintenance: TabWare Concurrent User	Manual	1
	Total	USD 8,181.42

Attachment: Asset Point Agreement (RES-2022-288 : Tabware Software Maintenance & Support Renewal)

TERM MAINTENANCE			
Start Date	End Date	Year of Commitment Period	Price
May 6, 2022	May 5, 2023	1	USD 8,181.42

Signatures Required:

Town of Amherst Water Pollution Control		AssetPoint LLC	
By:		By:	
Name:		Date:	
Title:			
Date:			
PO #:			
Tax Exempt #:			

Attachment: Asset Point Agreement (RES-2022-288 : Tabware Software Maintenance & Support Renewal)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25540 **RESOLUTION 2022-289** **ADOPTED**

JDV Sludge Conveyor Replacement Parts JDV Equipment Corporation CRS# 3187

The Engineering Department, WPCF division is requesting that the Town Board authorize the Supervisor to sign an agreement to procure the required JDV Conveyor replacement parts listed on JDV's attached proposals 2022-8035 U-500 spare parts, 2022-8022 5.0 hp. gear and motor, and 2022-8022 7.5 hp. gear and motor. The total cost for this procurement is $34,049.00. The required parts are "Sole Source" and purchased directly from the Original Equipment Manufacturer JDV Equipment Corporation.

The WPCF requests also the Town Board to approve a waiver from insurance requirements, as JDV Equipment would utilize a third party delivery service.

This request is pending successful completion of the Contract Management System.

Funds will be available in KP2136-2150

Thank you for considering this request.

3/14/2022
Consent

FINANCIAL IMPACT:

KP2136;2150; $34,049.00

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

AGREEMENT

Let this document stand as an Agreement between JDV Equipment Corporation and the Town of Amherst permitting the Town of Amherst to procure the items listed on JDV Equipment quote no. 2022-8035 - U-500 spare parts, quote no. 2022-8022 – gear & motor 5.0, quote no. 2022-8022 – gear & motor 7.5, all dated February 10, 2022. The term of this contract will be from date of Town Board Approval by the Town of Amherst through December 31, 2022.

Agreed to and Accepted by:

JDV Equipment Corporation

By: Amanda Guilbert
Signature

Amanda Guilbert
Printed name

Exec. Assistant
Title

Date: 3/1/2022

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa
Supervisor

Date: _____

Attachment: JDV Agreement (RES-2022-289 : JDV Sludge Conveyor Replacement Parts)

JDV Equipment Corporation

PROPOSAL

February 10, 2022

To: Tom Dean
Amherst, NY - Town of Amherst WPCF #16
716.691.9771 ext 8041 (p)
tdean@amherst.ny.us

Area Rep:
Robin VanSlyke
Koester Associates, Canastota, NY
(315) 697-3800
rvanslyke@koesterassociates.com

For: Amherst, NY - U500 Spare Parts

Subject: JDV Equipment Proposal
Quote No. 2022-8035

Tom,

We are pleased to present the attached proposal.

Thank you for the opportunity!

Respectfully,

Jo-Ann West
jwest@jdvequipment.com
(973) 366-6556 Ext.112

Attachment: JDV Agreement (RES-2022-289 : JDV Sludge Conveyor Replacement Parts)

QUOTE NUMBER: 2022-8035
FOR: Amherst, NY - U500 Spare Parts

SPECIFICATION SECTION: Replacement Spare Parts for U500 - Conveyors
Previous JDV Project #151273

We propose to furnish the following JDV Products:

EQUIPMENT AND PARTS

Qty	Description	Unit Price	Extended Price
3.00	Shaftless Screw end plate with 3' of screw new standard gusset	$1,560.00	$4,680.00
1.00	Zero Speed Switch	$671.00	$671.00
1.00	Actuator to operate discharge gate - IQ10	$7,450.00	$7,450.00
	Drive End		
1.00	Motor Mount	$1,048.00	$1,048.00
2.00	Packing Gland Seal Cap	$227.00	$454.00
3.00	Rope Seal	$24.00	$72.00
2.00	Packing Gland Seal Base	$227.00	$454.00
1.00	Drive End Plate	$960.00	$960.00
2.00	Drive Shaft	$2,210.50	$4,421.00
6.00	Snap Rings	$3.33	$20.00
6.00	Keyways	$3.33	$20.00
6.00	Bolts & Washers	$25.00	$150.00
3.00	Labyrinth Seal	$118.33	$355.00
		SUB TOTAL	$20,755.00
		Shipping Cost	$595.00
		Total Order	$21,350.00

LEAD TIME 3 – 4 WEEKS

Drive End components list above are usually sold together and factory assembled.

LEAD TIME ON ACTUATOR 14-16 WEEKS

NOT INCLUDED: Field Testing
Start up, Installation, or Erection

NOTES:

Components shipped for field assembly and installation by others unless otherwise noted above. Customer may be required to make minor modifications to complete installation of the equipment.

Total price for JDV products and/ services as explained above is **$21,350.00** f.o.b. factory with freight allowed to the jobsite excluding all taxes and duties. Anything not stated is not included. Any deviations from the proposed JDV standard scope of supply with be priced accordingly.

Attachment: JDV Agreement (RES-2022-289 : JDV Sludge Conveyor Replacement Parts)

JDV Equipment Corporation

PROPOSAL

February 10, 2022

To: Tom Dean
Amherst, NY - Town of Amherst WPCF #16
716.691.9771 ext 8041 (p)
tdean@amherst.ny.us

Area Rep:
Robin VanSlyke
Koester Associates, Canastota, NY
(315) 697-3800
rvanslyke@koesterassociates.com

For: Amherst, NY - Gear & Motor 5.0

Subject: JDV Equipment Proposal
Quote No. 2022-8022

Tom,

We are pleased to present the attached proposal.

Thank you for the opportunity!

Respectfully,

Jo-Ann West
jwest@jdvequipment.com
(973) 366-6556 Ext.112

Attachment: JDV Agreement (RES-2022-289 : JDV Sludge Conveyor Replacement Parts)

QUOTE NUMBER: 2022-8022
FOR: Amherst, NY - Gear & Motor 5.0

SPECIFICATION SECTION: Replacement Gear Box & 5.0hp Motor
Previous JDV Equipment Project # 151273

We propose to furnish the following JDV Products and/or Services:

EQUIPMENT AND PARTS

Qty	Description	Total Price
1.00	Gear Box KAZ87/A Gear Box Only Prepared for extended storage Can be used for Conveyor #1.1 or 1.2 – Reference s/n 74580837.100 Mounting Position would determine Oil & Breather Location	$4,097.50
1.00	AC 5.0hp Motor Only -DRN100L4/FG/DH 5HP 28 RPM M4.-	$1,773.50

LEAD TIME 16- 18 Weeks
Above items usually sold together and factory assembled as the Drive Unit.

Total **$5,871.00**

NOT INCLUDED: Field Testing
Start up, Installation, or Erection

NOTES:

Components shipped for field assembly and installation by others unless otherwise noted above. Customer may be required to make minor modifications to complete installation of the equipment.

Total price for JDV products and/ services as explained above is **$5,871.00**f.o.b. factory with freight allowed to the jobsite excluding all taxes and duties. Anything not stated is not included. Any deviations from the proposed JDV standard scope of supply with be priced accordingly.

Attachment: JDV Agreement (RES-2022-289 : JDV Sludge Conveyor Replacement Parts)

JDV Equipment Corporation

PROPOSAL

February 10, 2022

To: Tom Dean
Amherst, NY - Town of Amherst WPCF #16
716.691.9771 ext 8041 (p)
tdean@amherst.ny.us

Area Rep:
Robin VanSlyke
Koester Associates, Canastota, NY
(315) 697-3800
rvanslyke@koesterassociates.com

For: Amherst, NY - Gear & Motor 7.5

Subject: JDV Equipment Proposal
Quote No. 2022-8022

Tom,

We are pleased to present the attached proposal.

Thank you for the opportunity!

Respectfully,

Jo-Ann West
jwest@jdvequipment.com
(973) 366-6556 Ext.112

Attachment: JDV Agreement (RES-2022-289 : JDV Sludge Conveyor Replacement Parts)

QUOTE NUMBER: 2022-8022
FOR: Amherst, NY - Gear & Motor 5.0

SPECIFICATION SECTION: Replacement Gear Box & 7.5hp Motor
Previous JDV Equipment Project # 151273

We propose to furnish the following JDV Products and/or Services:

EQUIPMENT AND PARTS

Qty	Description	Total Price
1.00	Gear Box KAZ87/A Gear Box Only Prepared for extended storage Can be used for Conveyor #8,9,10- Reference s/n 74520231.100. Can be used for Conveyor # 8,9,10 Mounting Position would determine Oil & Breather Location	$4,097.50
1.00	AC 7.5hp Motor Only -DRN100L4/FG?DH 5HP 28 RPM M4	$2,730.50
	Total Price	**$6,828.00**

LEAD TIME 16 – 18 Weeks

Above items usually sold together and factory assembled as the Drive Unit.

NOT INCLUDED: Field Testing
Start up, Installation, or Erection

NOTES:

Components shipped for field assembly and installation by others unless otherwise noted above. Customer may be required to make minor modifications to complete installation of the equipment.

Total price for JDV products and/ services as explained above is **$6,828.00**f.o.b. factory with freight allowed to the jobsite excluding all taxes and duties. Anything not stated is not included. Any deviations from the proposed JDV standard scope of supply with be priced accordingly.

Attachment: JDV Agreement (RES-2022-289 : JDV Sludge Conveyor Replacement Parts)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25541 **RESOLUTION 2022-290** **ADOPTED**

Award of Bid – Power & Construction Group, Inc. School Zone Safety Flashing Beacons with Radar Speed Sign Installation on Mill Street and Heim Road

On February 24, bids were received for the above referenced project. After review of the five (5) bids received (tabulation attached), and information pertaining to the qualifications and experience of the bidders, we recommend the contract be awarded to Power & Construction Group, Inc., PO Box 30, 96 W. River Road, Scottsville, New York, 14546 at their low base bid amount of $84.675.00.

Funding is available from the project bond account KP2040-4972.

May I please have your approval to award this low contract?

Thank you for considering this request.

3/14/2022
Consent

FINANCIAL IMPACT:

KP2040-4972; $84,675.00

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

TOWN OF AMHERST

SCHOOL ZONE SAFETY FLASHING BEACON WITH RADAR SPEED SIGN INSTALLATION ON MILL STRET & HEIM ROAD IN THE TOWN OF AMHERST TOWN JOB NO. 2020.021

BID OPENING – FEBRUARY 24, 2022, 12:00 PM

#	Contractor	Base Bid	Bid Bond Submitted
1	PCG	$84,675.00	YES
2	CATCO	$88,550.00	YES
3	CIR	$91,000.00	YES
4	Ferguson Electric	$93,870.00	YES
5	Eastwood Industries	$112,661.99	YES

Attachment: Flashing Beacon Bid Tab (RES-2022-290 : Award of Bid - School Zone Safety Flashing Beacons)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25542 **RESOLUTION 2022-291** **ADOPTED**

Award of Bid – Gateway Park 2022 – 2027 CIP Project YR-1B

On February 17, 2022, bids were received for the above referenced project. After review of the eight (8) bids received (bid tabulation attached), we recommend award of this contract to Nova Site Co., 6 Lena Court, West Seneca, NY 14224, in the amount of $327,200.00 to include the Base Bid and Alternate Bid Item No. 4. Alternate 4 includes additional trees along the eastern property line.

Funding for this contract shall be from project account KP2104.4972.

Thank you for considering this request.

3/14/2022
Consent

FINANCIAL IMPACT:

KP2104-4972; $327,200.00

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

Gateway Park

Bid Tabulation / February 17, 2022

T.O.A. Job No. 2020.031

No.	Bidder	Bid Bond (Y/N)	Base Bid	Alternate #1	Alternate #2	Alternate #3	Alternate #4	Alternate #5
1	Nova Site Co.	Y	$318,700.00	$180,000.00	$3,800.00	$14,700.00	$8,500.00	$10,200.00
2	American Paving and Excavation, Inc.	Y	$351,239.00	$176,280.00	$38,000.00	$13,650.00	$4,750.00	$3,600.00
3	Anastasi Trucking & Paving	Y	$367,862.50	$161,000.00	$20,850.00	$16,800.00	$4,750.00	$3,000.00
4	Millennium Construction, Inc.	Y	$442,145.00	$185,000.00	$7,500.00	$19,250.00	$5,500.00	$4,200.00
5	Louis Del Prince & Sons, Inc.	Y	$449,590.00	$184,630.00	$8,090.00	$32,375.00	$4,480.00	$6,360.00
6	4th Generation Construction, Inc.	Y	$481,140.00	$171,500.00	$18,100.00	$56,000.00	$4,470.00	$3,600.00
7	Pinto Construction Services, Inc.	Y	$493,548.00	$192,756.00	$6,466.00	$44,450.00	$6,960.00	$11,880.00
8	Scott Lawn Yard, Inc.	Y	$504,645.00	$155,000.00	-$2,050.00	$13,860.00	$4,315.00	$3,840.00

Alternate #1: Shade Canopy Structure

Alternate #2: Concrete Benches (replaces standard benches)

Alternate #3: Landscaping Plantings

Alternate #4: Additional Trees

Alternate #5: Repair & Stain ex. Fence

Attachment: Gateway Park Bid Tab (RES-2022-291 : Award of Bid - Gateway Park)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 25496 **RESOLUTION 2022-292** **ADOPTED**

Overhead Door Repair and Service Extension - CRS#2564/3182

NOW THEREFORE BE IT RESOLVED, that the Town of Amherst has approved the contract extension with the County of Erie contract and National Overhead Door Inc. for the overhead door repair and maintenance.

The Erie County and National Overhead Door, Inc. is BID Reference # 221020-002 from March 1, 2022 through February 28, 2023.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this contract. This contract is subject to the Contract Routing System (CRS #2564/3182) and the approval of the Town Attorney.

3/14/2022
A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously 4-0.

FINANCIAL IMPACT:

town wide

various

tbd

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

AGREEMENT EXTENSION

Let this document stand as an Agreement Extension between NATIONAL OVERHEAD DOOR INC. and THE Town of Amherst permitting the Town of Amherst to participate in the purchase of Overhead Door Repair and service:

NATIONAL OVERHEAD DOOR, INC. and the County of Erie,
BID # 221020-002
from 3/1/2021 through 2/28/2023

for overhead door repair and service as itemized in the Erie County Bid.

Agreed to and Accepted by:

NATIONAL OVERHEAD DOOR, INC.

By: _____
Signature

_____
Print Name

_____
Title

Date: _____

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
BRIAN KULPA
Supervisor

Date: _____

COUNTY OF ERIE
DIVISION OF PURCHASE
MEMORANDUM

To: All Using Departments

From: Jamie Kucewicz, Buyer

Date: March 23, 2021

Subject: OVERHEAD DOOR REPAIRS

Bid No.: 221020-002

Effective Dates: Extended through February 28, 2023

Vendor #: 105384

Vendor: NATIONAL OVERHEAD DOOR, INC.
5880 New Taylor Road
Orchard Park, NY 14127

Telephone: 716-667-3500

Pricing: Per attached document

Attachment: NATIONAL OH (RES-2022-292 : Overhead Door Repair and Service Extension - CRS#2564/3182)

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

DIVISION OF PURCHASE

INVITATION TO BID

Bids, as stated below, will be received and publicly opened by the Division of Purchase in accordance with the attached specifications. FAX bids are unacceptable. Bids must be submitted in a sealed envelope to:

County of Erie
Division of Purchase
Attention: JAMES D. KUCEWICZ, BUYER (716) 858-6336
95 Franklin Street, Room 1254
Buffalo, New York 14202-3967

NOTE: Lower left-hand corner of envelope MUST indicate the following:

BID NUMBER: 221020-002

OPENING DATE: FEBRUARY 11, 2021 TIME: 11:00AM

FOR: OVERHEAD DOOR REPAIRS

NAME OF BIDDER: National Overhead Door, Inc.

If you are submitting other Invitations to Bid, each bid must be enclosed in a separate envelope.

Following EXHIBITS are attached to and made a part of the bid specifications, and part of any agreement entered into pursuant to this Invitation to Bid:

X	EXHIBIT "A"	- Assignment of Public Contracts
X	EXHIBIT "B"	- Purchases by Other Local Governments or Special Districts
____	EXHIBIT "C"	- Construction/Reconstruction Contracts
____	EXHIBIT "D"	- Bid Bond (Formal Bid)
N/A	EXHIBIT "E"	- Bid Bond (Informal Bid)
X	EXHIBIT "EP"	- Equal Pay Certification
____	EXHIBIT "F"	- Standard Agreement
X	EXHIBIT "G"	- Non-Collusive Bidding Certification
X	EXHIBIT "H"	- MBE/WBE Commitment
X	EXHIBIT "IC"	- Insurance CLASSIFICATION "A"
____	EXHIBIT "P" & EXHIBIT "PBI"	- Performance Bond
____	EXHIBIT "Q"	- Confined Space Program Certification
X	EXHIBIT "PW"	- NYS Prevailing Wage
X	EXHIBIT "V"	- Vendor Federal Compliance Certification

(Rev 1/00)

Attachment: NATIONAL OH (RES-2022-292 : Overhead Door Repair and Service Extension - CRS#2564/3182)

EXHIBIT "G"

County of Erie

DIVISION OF PURCHASE

NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:

(1) the prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or any competitor;

(2) unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) no attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

NOTICE

(Penal Law, Section 210.45)

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

BID NOT ACCEPTABLE WITHOUT FOLLOWING CERTIFICATION:

Affirmed under penalty of perjury this 11 day of February, 2021

TERMS In Person DELIVERY DATE AT DESTINATION 2/11/2021

FIRM NAME National Overhead Door, Inc.

ADDRESS 5880 New Taylor Rd.

Orchard Park, NY ZIP 14127

AUTHORIZED SIGNATURE Dave E Vella

TYPED NAME OF AUTHORIZED SIGNATURE

TITLE General Manager TELEPHONE NO. (716) 667-3500

(Rev.1/2000)

ERIE COUNTY OFFICE BUILDING, 95 FRANKLIN STREET, BUFFALO, NEW YORK 14202 (716) 858-6336

Attachment: NATIONAL OH (RES-2022-292 : Overhead Door Repair and Service Extension - CRS#2564/3182)

County of Erie

DIVISION OF PURCHASE
BID SPECIFICATIONS

BID NO: 221020-002

Ship to: County of Erie
Attention: VARIOUS COUNTY DEPARTMENTS
Address: VARIOUS LOCATIONS

Ship Via: N/A
Date Required at Destination: AS NEEDED

ITEM NO.	QUAN -TITY	UM	CATALOG NO./DESCRIPTION	UNIT PRICE	TOTAL PRICE
			Vendor to provide Emergency Overhead Door Repairs		
			per the attached specifications.		
			Term of contract March 1, 2021 through February 28, 2022.		
			PRICING		
			LABOR RATE PER HOUR:		
			Regular time: $ 95.00		
			Overtime: $ 125.00		
			MATERIALS:		
			Cost plus 10 %		

NOTE: Bid results cannot be given over the phone. All requests for bid results should be submitted in writing or faxed to:

ERIE COUNTY DIVISION OF PURCHASE
Freedom of Information Officer
95 Franklin Street, Rm. 1254
Buffalo, NY 14202
FAX #: **716/858-6465**

NAME OF BIDDER National Overhead Door, Inc.

(Rev. 9/95)
ERIE COUNTY OFFICE BUILDING, 95 FRANKLIN STREET, BUFFALO, NEW YORK 14202 (716) 858-6336

Attachment: NATIONAL OH (RES-2022-292 : Overhead Door Repair and Service Extension - CRS#2564/3182)

SPECIFICATIONS

Erie County will require the services of a vendor to do emergency repairs to overhead doors during the year for the period March 1, 2021 thru February 28, 2022.

Work will be requested on an "AS NEEDED" basis whenever a County Department requires such services.

This is for repair service on existing doors and DOES NOT INCLUDE DOOR REPLACEMENT.

Vendor must be capable of performing such service at any Erie County Facility location. This includes Highway Department, Parks, Community College Campus, Sewer Districts, Correctional Facility, County Home, Main Library, etc.

Bidder must be a vendor whose principal business is Overhead Door Sales/Service.

Bidder must have been in this business for the last three consecutive years and must submit references of customers of similar size of Erie County for whom such service has been provided.

The successful bidder will be required to submit proof of insurance as per requirements of Erie County Standard Insurance Class "A".

Work will be done on a time and materials basis. Vendor is requested to quote labor rate per hour and indicate charge for materials. For the sole purpose of awarding this contract, the County will calculate the total cost for a repair requiring: Four Hours of Labor at Regular Time, One Hour of Labor at Overtime and $100.00 in materials at cost + vendor's increase.

All work must be done in a timely manner. All requests for service must be acknowledge with a phone call within one business day. All repairs must be done within 30 days of initial service request. If anticipated completion date is longer than 30 days, approval must be obtained from department requesting service before moving forward with job.

Payments will be made in arrears upon submission of detailed invoice.

Vendor must receive approval (from authorized County personnel) before beginning any job.

Vendor invoice must list separately the labor hours and all materials being charged. Material invoices must also be provided at time of billing.

Pricing is to remain firm for the entire contract period.

Attachment: NATIONAL OH (RES-2022-292 : Overhead Door Repair and Service Extension - CRS#2564/3182)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 25503 **RESOLUTION 2022-293** **ADOPTED**

Tree Planting - Funds from Agency Account

Please approve authorization to spend up to $25,000.00 from the Agency Account AG 2022: 0699 for the spring and fall 2022 tree planting season. Thank you for your time and consideration.

3/14/2022
Consent

FINANCIAL IMPACT:

AG2022 : 0699

Not to exceed $25,000.00

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 25513 **RESOLUTION 2022-294** **ADOPTED**

Gerber Edge Fx Thermal Printer CRS# 3200

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of one (1) GERBER EDGE FX THERMAL PRINTER.

The purchase is from HYATT's, 1941 Elmwood Avenue, Buffalo, NY 14207 for $11,995.00 for low bidder of three vendors.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS #3200) and the approval of the Town Attorney.

3/14/2022
Consent

FINANCIAL IMPACT:

A3301 : 2550 $11,995.00

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

[ ] = LOW QUOTE

GERBER EDGE FX THERMAL PRINTER
HIGHWAY DEPARTMENT - TOWN OF AMHERST

Item #	Description	Vendor Name: HYATT'S QUOTE	ARROW SYSTEMS INC. QUOTE	GARSTON SIGN SUPPL. QUOTE
1	**GERBER EDGE FX THERMAL PRINTER**	**$14,495.00**	**$14,495.00**	**$14,495.00**
2	**GERBER EDGE TRADE IN CREDIT**	**-$2,500.00**	**-$2,500.00**	**-$2,000.00**
3				
4			-	-
	TOTAL	**$11,995.00**	$11,995.00	**$12,495.00**

1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

PROPOSAL

Quote # AAAQ5123-01

Date 02/10/22

Prepared by Anthony Harrington

Quote To:

Town of Amherst Highway Dept
Barb Fellows
1042 N Forest Rd
Williamsville, NY 14221-4499

(716) 631-7117

Ship To:

Town of Amherst Highway Dept
Barb Fellows
1042 N Forest Rd
Williamsville, NY 14221-4499

(716) 631-7117





Anthony Harrington
800-234-9288 ext 628
****
-Confirm Shipping Address

Qty	Description		Unit Price	Ext. Price
1	T77010	GERBER EDGE FX Thermal Printer	$14,495.00	$14,495.00
-1	TFP071	Gerber EDGE Trade-in (Trade any Classic, Trunion, LE, EDGE 2 or FX towards purchase of a new EDGE FX)	$2,500.00	-$2,500.00
1		Freight	$0.00	$0.00

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

Quote # AAAQ5123-01

INITIAL _____

Qty	Description	Unit Price	Ext. Price

Quotation Expiration Date: 9/2/2021

Delivery Time: 3-5 Days

SubTotal	**$11,995.00**
Sales Tax	**$0.00**
Shipping	**$0.00**
Total	**$11,995.00**

Leasing Rates by CIT Small Business Solutions
Rates as of 11/15/2021 on purchases of $10K

Lease Term	Deposit Req'd	Monthly Payment
60-Months	First & Last Payment	$254.77

Leasing figures are subject to confirmation prior to signing this proposal. As interest rates change, we cannot lock in leasing rates until this proposal is signed, and a deposit provided. Lease rates above reflect first and last payment at time of signing, and $1.00 buyout at end of lease.

Contact Remington Tagget at (603) 373-1356 or you can apply online at

https://hyatts.directcapital.com/?salesrepemail=aharrington@hyatts.com

Please contact me if I can be of further assistance.

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Hyatt's
ALL THINGS CREATIVE
1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

Quote # AAAQ5123-01

INITIAL _____

TERMS & CONDITIONS

TAX CONSIDERATIONS:
We recommend that Customer confer with its accountant regarding special tax advantage under Section 179 Property regulations.

SALES TAX:
Customer is responsible for payment of all sales and use taxes due in your jurisdiction. Hyatt's ships to most regions of the US, and therefore is required to collect sales tax unless you have a valid resale or other tax exemption, for which you can provide us documentation.

DEPOSIT:
Deposit equaling 5% of the purchase price is required to secure order. Additional deposits maybe required as part of any leasing or custom order equipment purchase.

INSTALLATION & TRAINING included with any sale must be used within 30 days of the sale. No deviation from this policy, implied or verbal shall be recognized.

SOFTWARE: Software is subject to copyright and trademark protection by the manufacturer. Any software that is purchased and opened is not returnable.

TERMS:
CASH, CERTIFIED OR CASHIER'S CHECK, OR LEASE WITH APPROVED LEASING COMPANY. Credit Cards maybe accepted at Hyatt's discretion.

Additional Provisions

HYATT'S MAKES NO EXPRESS OR IMPLIED WARRANTIES AND CUSTOMER ACKNOWLEDGES THAT ANY WARRANTY IS MADE SOLELY BY THE EQUIPMENT MANUFACTURER AND IS SUBJECT TO ANY LIMITATIONS AND RESTRICTIONS SET FORTH THEREIN.

THE WARRANTY REFERRED TO ABOVE IS EXCLUSIVE AND IN LIEU OF ANY OTHER EXPRESS OR IMPLIED WARRANTIES INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND SHALL CONSTITUTE THE SOLE REMEDY OF THE CUSTOMER WITH RESPECT TO ANY PRODUCTS DELIVERED PURSUANT TO THIS AGREEMENT. HYATT'S SHALL NOT BE, IN ANY EVENT, LIABLE FOR SPECIAL, PUNITIVE, CONSEQUENTIAL OR INCIDENTAL DAMAGES (INCLUDING WITHOUT LIMITATION, DAMAGES FOR LOST PROFITS) INCURRED BY CUSTOMER, ITS CUSTOMERS OR ANY OTHER THIRD PARTIES, EVEN IF HYATT'S HAS NOTICE OF SUCH DAMAGES.

ADDITIONAL PROVISIONS:
Late Fee. If any payment is not paid in full as set forth in this quotation, Customer shall pay a late fee equal to one and one-half percent (1 ½%) per month of the required payment.

Construction. If this quotation is accepted and Customer issues a purchase order form, it is expressly understood and agreed that the terms and conditions herein set forth shall prevail insofar as the same may in any way conflict with the terms and conditions set forth in such purchase order.

Entire Agreement and Modification. This quotation, once accepted, is the entire agreement between the parties hereunder, and supersedes any previous communications, representations or agreements, whether verbal or written with respect to the subject matter hereof. No change, addition or modification of any of the terms or conditions hereof shall be valid or binding unless reduced to writing, properly signed by the parties hereto.

Severability. If any provision of this quotation shall be held invalid under any applicable law, such invalidity shall not affect any other provision of this quotation that can be given effect without the invalid provision, and to this end, the provisions hereof are severable.

Governing Law and Venue. This quotation shall be governed by the laws of the State of New York without regard to conflicts of law principles. Any proceedings shall take place in a federal or state court of appropriate jurisdiction in Erie County, New York State.

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Hyatt's
ALL THINGS CREATIVE
1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

Quote # AAAQ5123-01

INITIAL _____

Attorney Fees.

If Hyatt's is required to engage in any proceeding to enforce its rights or collect any amount due hereunder, the Customer shall pay, in addition to any other sums due, Hyatt's reasonable attorneys' fees, costs, and necessary disbursements involved in said proceedings.

Security Interest:

[Applicable to approved sales on credit or equipment lease financing transactions if full payment has not been received at the time of shipment of order]

Hyatt's hereby reserves a security interest in and to all equipment to be shipped to the Customer hereunder, and the proceeds thereof, to secure the payment of the purchase price provided herein, which has been advanced by Hyatt's to enable the Customer to purchase the equipment and in which this security interest is created. Customer hereby authorizes Hyatt's to file such financing statement or statements relating to the equipment without Customer's signature thereon (where signatures may be required under applicable law) as Hyatt's, at its option, may reasonably deem appropriate, and appoints Hyatt's as Customer's attorney-in-fact (without requiring Hyatt's) to execute any such financing statement or statements in Customer's name and to perfect and continue the security interest and to protect and preserve the equipment.

Customer agrees to maintain and protect the equipment by avoiding misuse, abuse, waste and deterioration except for ordinary wear and tear; to insure the equipment against all expected risks to which it is exposed, with such policy or policies naming Hyatt's as an additional insured or loss payee as its interests may appear and subject to cancellation upon no less than thirty (30) days written notice to Hyatt's; to provide Hyatt's with proof of such insurance policy or policies in the form of a Certificate of Insurance; to keep the equipment at the business address of the customer; and not to sell, transfer or dispose of the equipment or allow it to become subject to any unpaid charge or lien, including tax obligations. If Customer does not make payments in accordance with the provisions herein, or fails to perform any obligations with regard to the protection of the equipment, or has made misrepresentation in this instrument or in any other instrument prepared in connection with the sale of the equipment, Customer shall be in default and Hyatt's may repossess the collateral and resort to all remedies provided by law.

If the above terms and conditions are acceptable to Customer, please sign and date this original prior to the proposal expiration date. Please make a copy if Customer requires a copy for its files.

Town of Amherst Highway Dept
Barb Fellows
1042 N Forest Rd
Williamsville, NY 14221-4499
(716) 631-7117

ACCEPTANCE

Accepted and Agreed this 7 day of March, 2022

[redacted]

By : Anthony Harrington

Print Name: Anthony Harrington

Title: Equipment Representative







Town of Amherst [redacted]

By : _____

Print Name: _____

Title: _____

DATE _____

Hyatt's
ALL THINGS CREATIVE
1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

Quote # AAAQ5123-02

INITIAL _____

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Arrow Systems, Inc.
2440 Jerauld Ave.
Niagara Falls, NY 14305 USA

Tel: (716)285-2974
Fax: (716)285-5087
Email: Sales@arrsys.com

Proforma Invoice

Proforma Invoice Number
6607

Date
Feb 10, 2022

Quoted to:

Amherst Highway Department
1042 N. Forest Road
Amherst, NY 14221

Customer ID	Good Thru	Payment Terms	Sales Rep
AHDNY-000	3/12/22	Prepaid	

Quantity	Item	Description	Unit Price	Extension
1.00	P78458A	Gerber Edge FX Thermal Transfer Printer-120V	14,495.00	14,495.00
1.00		Trade In Allowance When Customer's Old Gerber Edge FX Is Received By Arrow Systems Fully Functional And With A Purchase Order Customer Will Bring Old Gerber Edge FX To ASI And Will Pick Up New System	2,500.00	-2,500.00

Note: All taxes, duties & customs are the responsibilty of the buyer and are not included. Goods are of USA Origin. These commodoties licensed by the U.S. for ultimate destination, diversion contrary to U.S. law is prohibited.

Our Bankers:
Arrow Systems, Inc.
HSBC Bank, Buffalo, NY 14203 USA
A/C # 809153246 ABA# 021001088
SWIFT # MRMDUS33

Subtotal	11,995.00
US Dollars	
Total	11,995.00

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Phone: 800-966-9626
Fax: 860-289-3005
www.garston.com

Quote Order

Invoice Date	Order #
	1194918-00

PO Date	PO #
02/10/22	GERBER EDGE FX

Bill To CASH SALES - ROCHESTER
, NY

Cust #
2837

Correspondence To Garston Sign Supply, Inc.
570 Tolland Street
East Hartford, CT 06108-2662

Ship To TOWN OF AMHERST -HIGHWAY DEPT
1042 N FOREST RD
WILLIAMSVILLE, NY 14221

Instructions

Expiration Date
03/12/22

Ship Point	Via	Shipped	Terms
Garston-Rochester	RB1 2 3 4 5 C.O.D.		COD

Ln #	Product And Description	Quantity Ordered	Quantity Backordered	Quantity Shipped	Qty UM	Unit Price	Price UM	Amount (Net)
	TRADE-IN VALUE IS FOR A WORKING OR NON-WORKING GERBER EDGE FX. SERIAL # WILL BE REQUIRED							
1	GSP78458A GERBER EDGE FX THERMAL PRINTER	1		1	EA	14495.00	EA	14495.00
2	IF3 INCOMING FRT FREIGHT INCLUDED IN PRICE OF PRINTER AND RETURN OF TRADE IN EDGE FX	1		1	EA	0.00	EA	0.00

2 *Lines Total* *Qty Shipped Total* 2

Total	14495.00
Trade In	2000.00
Invoice Total	12495.00

The following restock fee applies to any product stocked by Garston. All products must be returned in their original packaging, if applicable, and in resalable condition.
Within 30 days after purchase - No restock fee, Over 30 days to 90 days after purchase -15% restock fee, Over 90 days after purchase - No return

Print Time: 02/10/22 17:05*

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

GERBER TECHNOLOGY

Reach your optimum.



Get up to $2,000 on Equipment Trade-ins!

$2,000 Printer Trade-in

Trade in ANY GERBER EDGE® Series printer, working or not, and receive $2,000 off the list price of a brand new EDGE FX™ printer*. You can even keep your current EDGE unit for 90 days to use up remaining foil stock and get the most out of the trade!

$1,000 Plotter Trade-in

Trade in any plotter, working or not, and receive $1,000 off the list price of any brand-new Gerber 15" sprocket plotter: enVision™ 375, GS15 Plus™, GSx Plus™.

We will even accept as a trade:

- ANY Gerber console system (i.e. SignMaker IVB), working or not.
- ANY competitive plotter, working or not.

Equipment	Standard List Price	Trade-In Value	Special List Price
EDGE FX	$14,495	$2,000	**$12,495**
enVision 375	$11,795	$1,000	**$10,795**
GS15	$7,395	$1,000	**$6,395**
GSx	$6,395	$1,000	**$5,395**

Bundle Bonus

In addition, choose one of any or all of the **Bundle Bonus** offerings at the special list price if ordered at the time of your trade-in*.

Bundle Bonus Item	Special List Price
Latest OMEGA™ CP software upgrade (1) includes a FREE OMEGA Layout Station	$400
EDGE-to-EDGE FX Foil Conversion Kits, P84334A (12)	$400
EDGE FX caddies, P80095A (18)	$400
2nd year EDGE FX warranty	$500
OMEGA Layout Station, P84680A (1)	$400
45 meter foils, your choice (5)	$400
50 yard rolls of HP 220 White, P83248A (2)	$400
50 yard roll of LexEdge™ II - 10 mil, (P63563A)	$400

* EDGE FX and 15" sprocket plotters must be ordered for immediate release and must ship from Gerber direct to the customer to qualify for this program. See your local Gerber Distributor for full details.

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Addendum to Contract Minor 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

(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: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

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: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

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:

_____

Print Name of Company

By:

Hyatt's Graphic Supply Co., Inc
Peter W. Hyatt
Executive Vice President
2/28/2022

Date: _____

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

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: Hyatt's Graphic Supply Co., Inc

Signature:

Print Name: Peter W. Hyatt

Title: Executive Vice President

Date: 2/28/2022

Sworn To Before Me This

28th Day of February, 2022

Notary Public

IAN SETH MARTIN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02MA6283069
Qualified in Erie County
Commission Expires May 28, 2025

Revised 4.2017

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

HYATGRA-01 CZACCOUR

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 2/28/2022

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

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

PRODUCER
Walsh Duffield Companies, Inc.
801 Main St.
Buffalo, NY 14203

CONTACT NAME: Carolyn M. Zaccour, AAI, ACSR
PHONE (A/C, No, Ext): (585) 267-8743 FAX (A/C, No):
E-MAIL ADDRESS: czaccour@walshduffield.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Continental Western Insurance Company	10804
INSURER B : Union Insurance Company	25844
INSURER C : Acadia Insurance Co.	31325
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Hyatt's Graphic Supply Co.Inc.
1941 Elmwood Avenue
Buffalo, NY 14207

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL 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		CPA5091225-18	3/28/2021	3/28/2022	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$ Included
B	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	X ANY AUTO			CAA5091226-18	3/28/2021	3/28/2022	BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
C	X UMBRELLA LIAB X OCCUR						EACH OCCURRENCE	$ 4,000,000
	EXCESS LIAB CLAIMS-MADE			CUA5091227-18	3/28/2021	3/28/2022	AGGREGATE	$ 4,000,000
	DED X RETENTION $ 10,000							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Town of Amherst is provided additional insrued status on a primary and non-contributory bases as required by written contract.

CERTIFICATE HOLDER

Town of Amherst
5583 Main Street
Amherst, 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
Edward F. Walsh Jr.

ACORD 25 (2016/03)

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The ACORD name and logo are registered marks of ACORD

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

NYSIF
New York State Insurance Fund

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

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

^ ^ ^ ^ ^ ^ 160874429
HYATTS GRAPHIC SUPPLY CO INC
1941 ELMWOOD AVE
BUFFALO NY 14207

SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER	CERTIFICATE HOLDER
HYATTS GRAPHIC SUPPLY CO INC 1941 ELMWOOD AVE BUFFALO NY 14207	TOWN OF AMHERST 5583 MAIN STREET WILLIAMSVILLE NY 14221

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
Z1019 754-9	524310	01/01/2022 TO 01/01/2023	3/3/2022

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1019 754-9, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

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

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

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 495317769

U-26.3

Attachment: HYATTS (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Highway
Initiated by: **Stephen Bryan**
Co-Sponsored by:

DOC ID: 25513 **RESOLUTION (ID # 25513)**

Gerber Edge Fx Thermal Printer

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes the purchase of one (1) GERBER EDGE FX THERMAL PRINTER.

The purchase is from HYATT's, 1941 Elmwood Avenue, Buffalo, NY 14207 for $11,995.00 for low bidder of three vendors.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to sign this purchase. This purchase is subject to the Contract Routing System (CRS #3200) and the approval of the Town Attorney.

FINANCIAL IMPACT:

A3301 : 2550 $11,995.00

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

[ ] = LOW QUOTE

GERBER EDGE FX THERMAL PRINTER
HIGHWAY DEPARTMENT - TOWN OF AMHERST

Item #	Description	Vendor Name: HYATT'S QUOTE	ARROW SYSTEMS INC. QUOTE	GARSTON SIGN SUPPL. QUOTE
1	**GERBER EDGE FX THERMAL PRINTER**	**$14,495.00**	**$14,495.00**	**$14,495.00**
2	**GERBER EDGE TRADE IN CREDIT**	**-$2,500.00**	**-$2,500.00**	**-$2,000.00**
3				
4			-	-
	TOTAL	**$11,995.00**	$11,995.00	**$12,495.00**

Hyatt's
ALL THINGS CREATIVE

1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

PROPOSAL

Quote # AAAQ5123-01

Date 02/10/22

Prepared by Anthony Harrington

Quote To:

Town of Amherst Highway Dept
Barb Fellows
1042 N Forest Rd
Williamsville, NY 14221-4499

(716) 631-7117

Ship To:

Town of Amherst Highway Dept
Barb Fellows
1042 N Forest Rd
Williamsville, NY 14221-4499

(716) 631-7117





Anthony Harrington
800-234-9288 ext 628
****
-Confirm Shipping Address

Qty	Description		Unit Price	Ext. Price
1	T77010	GERBER EDGE FX Thermal Printer	$14,495.00	$14,495.00
-1	TFP071	Gerber EDGE Trade-in (Trade any Classic, Trunion, LE, EDGE 2 or FX towards purchase of a new EDGE FX)	$2,500.00	-$2,500.00
1		Freight	$0.00	$0.00

Hyatt's
ALL THINGS CREATIVE

1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

Quote # AAAQ5123-01

INITIAL _____

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Qty	Description	Unit Price	Ext. Price

Quotation Expiration Date: 9/2/2021

Delivery Time: 3-5 Days

SubTotal	**$11,995.00**
Sales Tax	**$0.00**
Shipping	**$0.00**
Total	**$11,995.00**

Leasing Rates by CIT Small Business Solutions
Rates as of 11/15/2021 on purchases of $10K

Lease Term	Deposit Req'd	Monthly Payment
60-Months	First & Last Payment	$254.77

Leasing figures are subject to confirmation prior to signing this proposal. As interest rates change, we cannot lock in leasing rates until this proposal is signed, and a deposit provided. Lease rates above reflect first and last payment at time of signing, and $1.00 buyout at end of lease.

Contact Remington Tagget at (603) 373-1356 or you can apply online at

https://hyatts.directcapital.com/?salesrepemail=aharrington@hyatts.com

Please contact me if I can be of further assistance.

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Hyatt's ALL THINGS CREATIVE
1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

Quote # AAAQ5123-01

INITIAL _____

TERMS & CONDITIONS

TAX CONSIDERATIONS:
We recommend that Customer confer with its accountant regarding special tax advantage under Section 179 Property regulations.

SALES TAX:
Customer is responsible for payment of all sales and use taxes due in your jurisdiction. Hyatt's ships to most regions of the US, and therefore is required to collect sales tax unless you have a valid resale or other tax exemption, for which you can provide us documentation.

DEPOSIT:
Deposit equaling 5% of the purchase price is required to secure order. Additional deposits maybe required as part of any leasing or custom order equipment purchase.

INSTALLATION & TRAINING included with any sale must be used within 30 days of the sale. No deviation from this policy, implied or verbal shall be recognized.

SOFTWARE: Software is subject to copyright and trademark protection by the manufacturer. Any software that is purchased and opened is not returnable.

TERMS:
CASH, CERTIFIED OR CASHIER'S CHECK, OR LEASE WITH APPROVED LEASING COMPANY. Credit Cards maybe accepted at Hyatt's discretion.

Additional Provisions

HYATT'S MAKES NO EXPRESS OR IMPLIED WARRANTIES AND CUSTOMER ACKNOWLEDGES THAT ANY WARRANTY IS MADE SOLELY BY THE EQUIPMENT MANUFACTURER AND IS SUBJECT TO ANY LIMITATIONS AND RESTRICTIONS SET FORTH THEREIN.

THE WARRANTY REFERRED TO ABOVE IS EXCLUSIVE AND IN LIEU OF ANY OTHER EXPRESS OR IMPLIED WARRANTIES INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND SHALL CONSTITUTE THE SOLE REMEDY OF THE CUSTOMER WITH RESPECT TO ANY PRODUCTS DELIVERED PURSUANT TO THIS AGREEMENT. HYATT'S SHALL NOT BE, IN ANY EVENT, LIABLE FOR SPECIAL, PUNITIVE, CONSEQUENTIAL OR INCIDENTAL DAMAGES (INCLUDING WITHOUT LIMITATION, DAMAGES FOR LOST PROFITS) INCURRED BY CUSTOMER, ITS CUSTOMERS OR ANY OTHER THIRD PARTIES, EVEN IF HYATT'S HAS NOTICE OF SUCH DAMAGES.

ADDITIONAL PROVISIONS:
Late Fee. If any payment is not paid in full as set forth in this quotation, Customer shall pay a late fee equal to one and one-half percent (1 ½%) per month of the required payment.

Construction. If this quotation is accepted and Customer issues a purchase order form, it is expressly understood and agreed that the terms and conditions herein set forth shall prevail insofar as the same may in any way conflict with the terms and conditions set forth in such purchase order.

Entire Agreement and Modification. This quotation, once accepted, is the entire agreement between the parties hereunder, and supersedes any previous communications, representations or agreements, whether verbal or written with respect to the subject matter hereof. No change, addition or modification of any of the terms or conditions hereof shall be valid or binding unless reduced to writing, properly signed by the parties hereto.

Severability. If any provision of this quotation shall be held invalid under any applicable law, such invalidity shall not affect any other provision of this quotation that can be given effect without the invalid provision, and to this end, the provisions hereof are severable.

Governing Law and Venue. This quotation shall be governed by the laws of the State of New York without regard to conflicts of law principles. Any proceedings shall take place in a federal or state court of appropriate jurisdiction in Erie County, New York State.

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Hyatt's
ALL THINGS CREATIVE
1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

Quote # AAAQ5123-01

INITIAL _____

Attorney Fees.

If Hyatt's is required to engage in any proceeding to enforce its rights or collect any amount due hereunder, the Customer shall pay, in addition to any other sums due, Hyatt's reasonable attorneys' fees, costs, and necessary disbursements involved in said proceedings.

Security Interest:

[Applicable to approved sales on credit or equipment lease financing transactions if full payment has not been received at the time of shipment of order]

Hyatt's hereby reserves a security interest in and to all equipment to be shipped to the Customer hereunder, and the proceeds thereof, to secure the payment of the purchase price provided herein, which has been advanced by Hyatt's to enable the Customer to purchase the equipment and in which this security interest is created. Customer hereby authorizes Hyatt's to file such financing statement or statements relating to the equipment without Customer's signature thereon (where signatures may be required under applicable law) as Hyatt's, at its option, may reasonably deem appropriate, and appoints Hyatt's as Customer's attorney-in-fact (without requiring Hyatt's) to execute any such financing statement or statements in Customer's name and to perfect and continue the security interest and to protect and preserve the equipment.

Customer agrees to maintain and protect the equipment by avoiding misuse, abuse, waste and deterioration except for ordinary wear and tear; to insure the equipment against all expected risks to which it is exposed, with such policy or policies naming Hyatt's as an additional insured or loss payee as its interests may appear and subject to cancellation upon no less than thirty (30) days written notice to Hyatt's; to provide Hyatt's with proof of such insurance policy or policies in the form of a Certificate of Insurance; to keep the equipment at the business address of the customer; and not to sell, transfer or dispose of the equipment or allow it to become subject to any unpaid charge or lien, including tax obligations. If Customer does not make payments in accordance with the provisions herein, or fails to perform any obligations with regard to the protection of the equipment, or has made misrepresentation in this instrument or in any other instrument prepared in connection with the sale of the equipment, Customer shall be in default and Hyatt's may repossess the collateral and resort to all remedies provided by law.

If the above terms and conditions are acceptable to Customer, please sign and date this original prior to the proposal expiration date. Please make a copy if Customer requires a copy for its files.

Town of Amherst Highway Dept
Barb Fellows
1042 N Forest Rd
Williamsville, NY 14221-4499
(716) 631-7117

ACCEPTANCE

Accepted and Agreed this 2 day of March, 2022

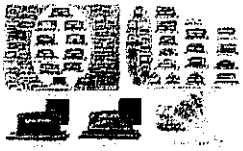
[redacted]

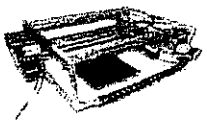
By : Anthony Harrington

Print Name: Anthony Harrington

Title: Equipment Representative







Town of Amherst [redacted]

By : _____

Print Name: _____

Title: _____

DATE _____

Hyatt's
ALL THINGS CREATIVE
1941 Elmwood Ave.
Buffalo NY 14207
(800) 234-9288 x 628
aharrington@hyatts.com

Quote # AAAQ5123-02

INITIAL _____

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Arrow Systems, Inc.
2440 Jerauld Ave.
Niagara Falls, NY 14305 USA

Tel: (716)285-2974
Fax: (716)285-5087
Email: Sales@arrsys.com

Proforma Invoice

Proforma Invoice Number
6607

Date
Feb 10, 2022

Quoted to:

Amherst Highway Department
1042 N. Forest Road
Amherst, NY 14221

Customer ID	Good Thru	Payment Terms	Sales Rep
AHDNY-000	3/12/22	Prepaid	

Quantity	Item	Description	Unit Price	Extension
1.00	P78458A	Gerber Edge FX Thermal Transfer Printer-120V	14,495.00	14,495.00
1.00		Trade In Allowance When Customer's Old Gerber Edge FX Is Received By Arrow Systems Fully Functional And With A Purchase Order Customer Will Bring Old Gerber Edge FX To ASI And Will Pick Up New System	2,500.00	-2,500.00

Note: All taxes, duties & customs are the responsibilty of the buyer and are not included. Goods are of USA Origin. These commodoties licensed by the U.S. for ultimate destination, diversion contrary to U.S. law is prohibited.

Our Bankers:
Arrow Systems, Inc.
HSBC Bank, Buffalo, NY 14203 USA
A/C # 809153246 ABA# 021001088
SWIFT # MRMDUS33

Subtotal	11,995.00
US Dollars	
Total	11,995.00

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Phone: 800-966-9626
Fax: 860-289-3005
www.garston.com

Quote Order

Invoice Date	Order #
	1194918-00

PO Date	PO #	P
02/10/22	GERBER EDGE FX	

Bill To CASH SALES - ROCHESTER
, NY

Cust #
2837

Correspondence To Garston Sign Supply, Inc.
570 Tolland Street
East Hartford, CT 06108-2662

Ship To TOWN OF AMHERST -HIGHWAY DEPT
1042 N FOREST RD
WILLIAMSVILLE, NY 14221

Instructions

Expiration Date 03/12/22

Ship Point	Via	Shipped	Terms
Garston-Rochester	RB1 2 3 4 5 C.O.D.		COD

Ln #	Product And Description	Quantity Ordered	Quantity Backordered	Quantity Shipped	Qty UM	Unit Price	Price UM	Amount (Net)
	TRADE-IN VALUE IS FOR A WORKING OR NON-WORKING GERBER EDGE FX. SERIAL # WILL BE REQUIRED							
1	GSP78458A GERBER EDGE FX THERMAL PRINTER	1		1	EA	14495.00	EA	14495.00
2	IF3 INCOMING FRT FREIGHT INCLUDED IN PRICE OF PRINTER AND RETURN OF TRADE IN EDGE FX	1		1	EA	0.00	EA	0.00

2 *Lines Total* *Qty Shipped Total* 2

Total	14495.00
Trade In	2000.00
Invoice Total	12495.00

The following restock fee applies to any product stocked by Garston. All products must be returned in their original packaging, if applicable, and in resalable condition.
Within 30 days after purchase - No restock fee, Over 30 days to 90 days after purchase -15% restock fee, Over 90 days after purchase - No return

Print Time: 02/10/22 17:05*

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

GERBER TECHNOLOGY

Reach your optimum.



Get up to $2,000 on Equipment Trade-ins!

$2,000 Printer Trade-in

Trade in ANY GERBER EDGE® Series printer, working or not, and receive $2,000 off the list price of a brand new EDGE FX™ printer*. You can even keep your current EDGE unit for 90 days to use up remaining foil stock and get the most out of the trade!

$1,000 Plotter Trade-in

Trade in any plotter, working or not, and receive $1,000 off the list price of any brand-new Gerber 15" sprocket plotter: enVision™ 375, GS15 Plus™, GSx Plus™.

We will even accept as a trade:

- ANY Gerber console system (i.e. SignMaker IVB), working or not.
- ANY competitive plotter, working or not.

Equipment	Standard List Price	Trade-in Value	Special List Price
EDGE FX	$14,495	$2,000	**$12,495**
enVision 375	$11,795	$1,000	**$10,795**
GS15	$7,395	$1,000	**$6,395**
GSx	$6,395	$1,000	**$5,395**

Bundle Bonus

In addition, choose one of any or all of the **Bundle Bonus** offerings at the special list price if ordered at the time of your trade-in*.

Bundle Bonus Item	Special List Price
Latest OMEGA™ CP software upgrade (1) includes a FREE OMEGA Layout Station	$400
EDGE-to-EDGE FX Foil Conversion Kits, P84334A (12)	$400
EDGE FX caddies, P80095A (18)	$400
2nd year EDGE FX warranty	$500
OMEGA Layout Station, P84680A (1)	$400
45 meter foils, your choice (5)	$400
50 yard rolls of HP 220 White, P83248A (2)	$400
50 yard roll of LexEdge™ II - 10 mil, (P63563A)	$400

* EDGE FX and 15" sprocket plotters must be ordered for immediate release and must ship from Gerber direct to the customer to qualify for this program. See your local Gerber Distributor for full details.

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

Addendum to Contract Minor 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

(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: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

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: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

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:

_____

Print Name of Company

By:

Hyatt's Graphic Supply Co., Inc
Peter W. Hyatt
Executive Vice President
2/28/2022

Date: _____

Agreed to and Accepted by:

Town of Amherst

By: _____
Brian J. Kulpa, Supervisor

Date: _____

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

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.

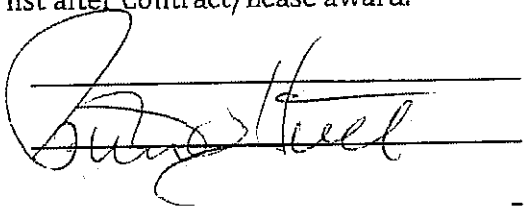
By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

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: Hyatt's Graphic Supply Co., Inc

Signature: 

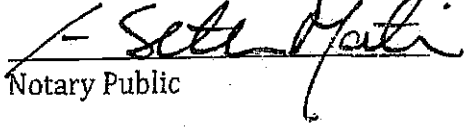
Print Name: Peter W. Hyatt

Title: Executive Vice President

Date: 2/28/2022

Sworn To Before Me This

28th Day of February, 2022



Notary Public

IAN SETH MARTIN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02MA6283069
Qualified in Erie County
Commission Expires May 28, 2025

Revised 4.2017

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

HYATGRA-01 CZACCOUR

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 2/28/2022

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

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

PRODUCER
Walsh Duffield Companies, Inc.
801 Main St.
Buffalo, NY 14203

CONTACT NAME: Carolyn M. Zaccour, AAI, ACSR
PHONE (A/C, No, Ext): (585) 267-8743 FAX (A/C, No):
E-MAIL ADDRESS: czaccour@walshduffield.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Continental Western Insurance Company	10804
INSURER B : Union Insurance Company	25844
INSURER C : Acadia Insurance Co.	31325
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Hyatt's Graphic Supply Co.Inc.
1941 Elmwood Avenue
Buffalo, NY 14207

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL 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		CPA5091225-18	3/28/2021	3/28/2022	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY [ ] PRO-JECT [ ] LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$ Included
B	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	X ANY AUTO			CAA5091226-18	3/28/2021	3/28/2022	BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY [ ] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
C	X UMBRELLA LIAB [X] OCCUR						EACH OCCURRENCE	$ 4,000,000
	EXCESS LIAB [ ] CLAIMS-MADE			CUA5091227-18	3/28/2021	3/28/2022	AGGREGATE	$ 4,000,000
	DED [X] RETENTION $ 10,000							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE [ ] OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Town of Amherst is provided additional insrued status on a primary and non-contributory bases as required by written contract.

CERTIFICATE HOLDER

Town of Amherst
5583 Main Street
Amherst, 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
Edward F. Walsh Jr.

ACORD 25 (2016/03)

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The ACORD name and logo are registered marks of ACORD

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

NYSIF
New York State Insurance Fund

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

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

SCAN TO VALIDATE
AND SUBSCRIBE

^^^^^^ 160874429
HYATTS GRAPHIC SUPPLY CO INC
1941 ELMWOOD AVE
BUFFALO NY 14207

POLICYHOLDER	CERTIFICATE HOLDER
HYATTS GRAPHIC SUPPLY CO INC 1941 ELMWOOD AVE BUFFALO NY 14207	TOWN OF AMHERST 5583 MAIN STREET WILLIAMSVILLE NY 14221

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
Z1019 754-9	524310	01/01/2022 TO 01/01/2023	3/3/2022

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1019 754-9, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

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

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

NEW YORK STATE INSURANCE FUND

DIRECTOR,INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 495317769

U-26.3

Attachment: DOC030822-03082022132807 (RES-2022-294 : Authorize Gerber Edge Fx Thermal Printer-Low Quote)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 25505 **RESOLUTION 2022-295** **ADOPTED**

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective March 15, 2022, Temporary, $13.70 ph, Step 1 for Eric Guzdek, Jr.

Due to reduced availability of current part-time staff.

3/14/2022
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 25507 **RESOLUTION 2022-296** **ADOPTED**

Principal Planner/Planning Department

Please appoint a Principal Planner to the Planning Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective March 15, 2022 at an annual salary of $79,203, Grade 21, Step D for Laurie Stillwell.

This is a promotion for an employee currently serving as Associate Planner.

3/14/2022
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 25529 **RESOLUTION 2022-297** **ADOPTED**

Maintenance Worker/Building Maintenance/Facilities

Please appoint a Maintenance Worker to the Building Maintenance/Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective March 15, 2022 at an hourly rate of $21.62, Step E for Zachary Norton.

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

3/14/2022
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Human Resources
Initiated by: **Robert McCarthy**
Co-Sponsored by:

DOC ID: 25531 **RESOLUTION 2022-298** **ADOPTED**

Senior Maintenance Worker/Building Maintenance/Facilities

Please appoint a Senior Maintenance Worker to the Building Maintenance/Facilities Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective March 15, 2022 at an hourly rate of $25.57, Step I for Robert Klumpp.

This is a promotion for an employee currently serving as a Maintenance Worker.

3/14/2022
Consent

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

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Planning
Initiated by: **Daniel J. Ulatowski**
Co-Sponsored by:

DOC ID: 25512 **RESOLUTION 2022-299** **ADOPTED**

Adoption of Local Law to Amend the Zoning Text Part 5 A, Mixed-Use Regulations (ZTA-2021-02)

March 14, 2022

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR have been completed and the Town Board issues the attached Negative Declaration, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of January 13, 2022 that the proposed amendments to Part 5A - Mixed-Use regulations of the Town Zoning Ordinance are consistent with the policies of the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that the Town Board does find that the proposed text amendments are necessary to further implement the objectives of the new mixed-use regulations by recognizing the limitations of existing developed conditions, and be it further

RESOLVED, pursuant to Chapter 203, Section 8-5-5 of the Town Code the Town Board finds that:

- The proposed text amendments are consistent with remainder of the Zoning Ordinance, and
- The amendments represent a revision necessitated by changing circumstances over time, and
- One of the amendments with respect to pole signage corrects an error in the ordinance, and
- The amendments are not the result of having to comply with state or federal statutes or case law, and be it further

RESOLVED, that in accordance with Chapter 203, Section 8-5 of the Town Code (Zoning), the Town Board adopts Local Law (#) to amend the Town Zoning text.

3/14/2022
Consent

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

Attachment: ZTA-2021-02 Draft Neg Dec 03_08_202 (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

D R A F T (08/09/2021)

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Town Board	**Project**:	ZTA-2021-02
Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	**Date**:	

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Zoning Text Amendment

SEQR Status: The subject request is a Type I action, FEAF Parts 1 & 2 completed.

Description of Action: Text amendments to Part 5A, Mixed-Use regulations will allow alterations to existing buildings built under the traditional zoning ordinance without the requirement to have a second functional story; allowing for decorative architectural roof top elements of a limited height; prohibiting pole signs in the traditional infill zoning districts; increasing the door entrance spacing in the village frontage type; allowing increases in block perimeter distances when existing conditions warrant such increases; and reducing the amount of required electric vehicle charging stations

Location: Town of Amherst, Erie County, New York

Petitioner: Town of Amherst

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (FEAF) - Parts 1 and 2, and a text amendment application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed text amendments to Part 5A – Mixed Use regulations of the Town's Zoning Ordinance will not have a significant impact on the environment, as follows:

1. The action is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. Specific impacts to these resources will be reviewed when a development proposal is received.

2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. Any such impacts will be evaluated on a project specific basis during a site plan or subdivision approval.

3. The action is not expected to create any material conflict with the Town Comprehensive Plan. The proposed text amendment will comply with all other regulations of the Town Zoning Ordinance.

4. The action may affect an area identified by the State as potentially containing significant cultural or archeological resources. Specific impacts to these resources will be reviewed when a development proposal is received.

5. The action will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. Specific projects will be assessed for consistency with surrounding land use during site plan review or subdivision review.

6. The action will not cause a major change in the use of either the quantity or type of energy.

7. The action will not create any hazard to human health.

8. The text amendment will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. Specific projects will be assessed for consistency with the scale of surrounding land uses during site plan review.

9. The action will not significantly increase the number of people using sites over their previous level of use.

Attachment: ZTA-2021-02 Draft Neg Dec 03_08_202 (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

10. Significant negative traffic impacts will not result from the proposed text amendments. Specific impacts to traffic will be reviewed when a development proposal is received.

11. Coordinated reviews of the action have been undertaken by Town Departments and outside agencies including, the Erie County Department of Environment & Planning on December 21, 2021, NYSDEC on December 22, 2021 and NYSDOT on February 4, 2022. These reviews have not identified any significant environmental issues and indicate that the action will not have a significant damaging impact on the environment.

12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.

_____ _____
Signature & title of preparer date

_____ _____
Brian J. Kulpa, Supervisor date

DU/ac
X:\Current_Planning\Files\Text Amendments\ZTA-2021\ZTA-2021-02 (Part 5A)\ZTA-2021-02 Draft Neg Dec 03_08_202.docx
cc: Amherst Town Clerk
Amherst Building Department
ECDEP

Attachment: ZTA-2021-02 Draft Neg Dec 03_08_202 (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

D R A F T
LOCAL LAW NO. _____ -2022

TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Making Amendments To Chapter 203 Of The Code Of The Town Of Amherst, Also Known As The Zoning Code As Adopted By Local Law 6-2006.

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

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of the Code of The Town of Amherst, "Section 5A Mixed Use Districts."

Section 2. Purpose

The purpose of this Local Law is to provide amendments to the Town's Mixed-Use district regulations to recognize existing developed conditions, address necessary text corrections and further the implementation of the original intent of the mixed-use provisions.

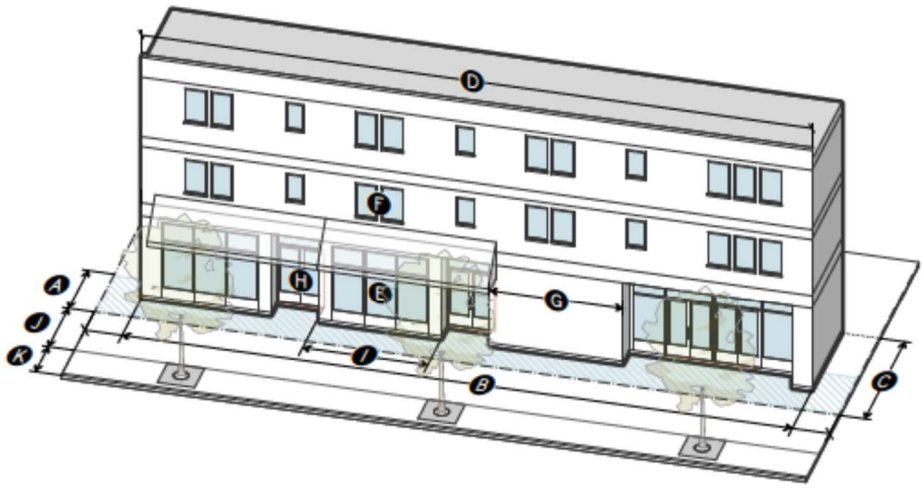
Section 3.

Chapter 203 of the Code of the Town of Amherst is amended as shown on the following pages

Attachment: Local Law (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

Proposed Text Changes to Part 5A, *(changes denoted by highlighted areas)*

5A-2-4. Village Frontage



BUILDING SETBACKS	
A Build-to zone	0' min/10' max
B Lot frontage	90% min
PARKING SETBACKS	
C Street	20' min
BUILDING MASS	
D Street-facing building length	200' max
STORY HEIGHT	
Ground floor elevation	0' min / 2' max
Ground story height	13' min
Upper story height	9' min

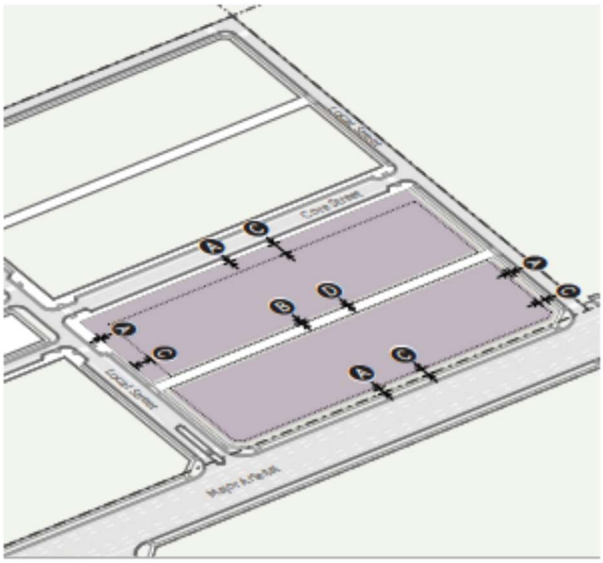
TRANSPARENCY	
E Ground story	70% min
F Upper story	20% min
G Blank wall length	15' max
PEDESTRIAN ACCESS	
H Street-facing entrance	Required
I Entrance spacing	30' max
STREETSCAPE	
J Clear pedestrian zone	10' min
K Curb zone	6' min
Tree planting type	Grates
Tree spacing	35' on-center avg.

Amend entrance Spacing to 50’ max.

Attachment: Local Law (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

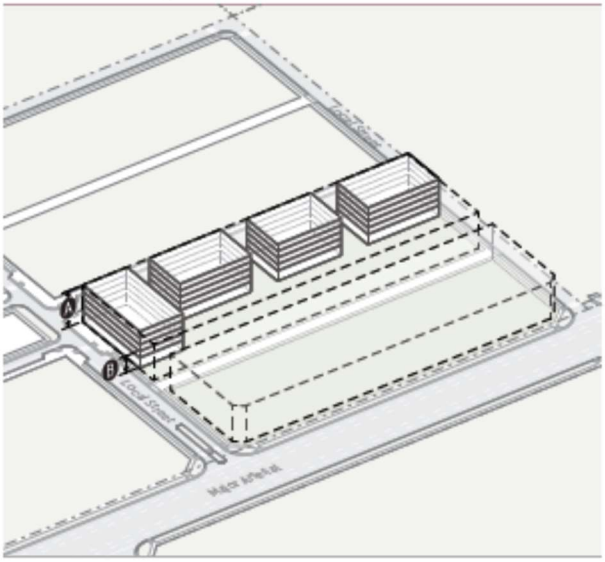
5A-3-7. CTR-5 Center 5

B. Site



LOT	
Width	0' min
BUILDING SETBACKS	
Ⓐ Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
Ⓑ Alley	5' min
PARKING SETBACKS	
Ⓒ Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
Ⓓ Alley	0' min
Ⓓ Alley	0' min

C. Building



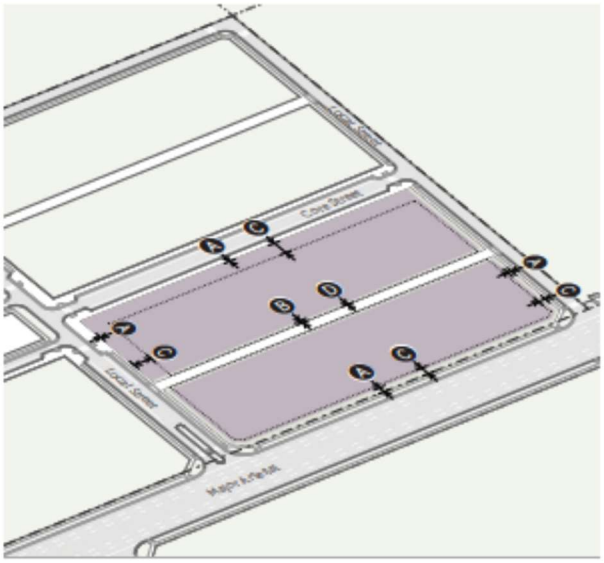
BUILDING MASS	
Ⓐ Maximum building height	5 stories/75' max
Ⓑ Minimum building height	2 stories/30' min
Street-facing building length	n/a
ACTIVATION	See 5A-4 Retrofit Frontages

Amend : Add note see section 5A-7-8A(4)

Attachment: Local Law (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

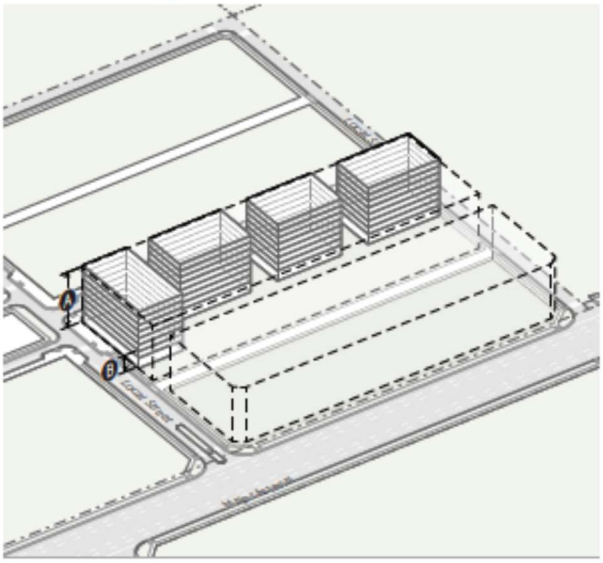
5A-3-8. CTR-8 Center 8

B. Site



LOT	
Area	0 SF min
Width	0' min
BUILDING SETBACKS	
A Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
B Alley	5' min
PARKING SETBACKS	
C Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
D Alley	0' min

C. Building



BUILDING MASS	
A Maximum building height	8 stories/105' max
B Minimum building height	2 stories/30' min
Street-facing building length	n/a
ACTIVATION	See 5A-4 Retrofit Frontages

Attachment: Local Law (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

Amend : Add note see section 5A-7-8A(4)

5A-7-8. Building Height

A. Stories

(1) A story counts as a half story if dormers are present on no more than 50% of the front or side building length. Where dormers exceed 50% of the front or side building length, it will be considered a full story.



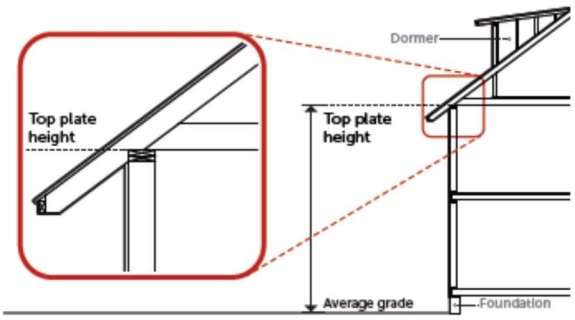
(2) An attic in a pitched roof form does not count as a story when no dormers are present and 50% or more of the attic floor area has a clear height of less than 7.5 feet as measured from the finished floor to the finished ceiling.

(3) Basements and mezzanines, as defined in the Building Code, do not count as a story.

Amend as follows: (4. Minimum height requirements must be met using additional functional stories above the ground story containing conditioned space and covering the full extent of the ground story. This requirement shall not apply to additions to existing buildings, when such building does not have a second story. Such building addition shall be constructed minimally at the height of the existing building. For new buildings a minimum of 50% of all buildings within the development site shall meet minimum height requirement.

B. Top Plate Height

Top plate height is measured from average grade to the top of the wall plate that bears the roof structure.



C. Roof Pitch

The pitch of a roof is calculated based on the number of inches it rises vertically for every 12 inches it extends horizontally. For example, a roof that rises 6 inches for every 12 inches of horizontal run has a 6:12 pitch.

Add New Section D.

Decorative roof elements which do not serve as functional elements of a roof structure, such as pediments, cupolas, weather vanes and similar ornamentation may exceed the maximum building height listed in the building mass tables, providing such ornamentation does not exceed 48 inches in height and does not comprise more than 10 percent of the roof area.

Attachment: Local Law (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

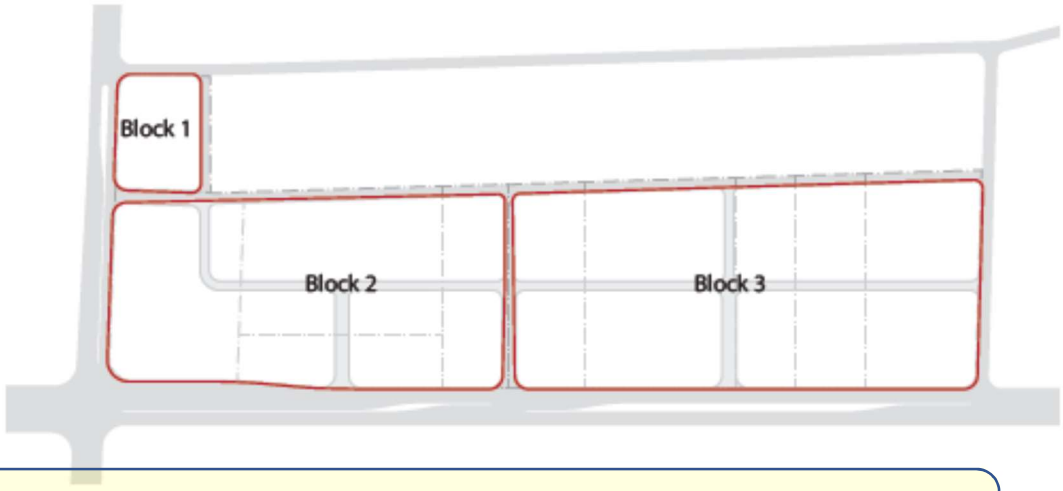
5A-7-12. Blocks

A. Perimeter

(1) A block is bounded by a public or private right-of-way or a street with a classification of local street or greater (not including an alley).

(2) Where a new street is provided along a lot line shared with another mixed use district, a Core Half-Street or Local Half-Street may be provided when neighboring property has not undergone redevelopment since the adoption of this Chapter 203.

(3) Block perimeter is measured along the edge of the property adjoining the right-of-way.



(4) The Zoning Administrator may waive the block perimeter requirements when steep slopes in excess of 25%, freeways, waterways, railroad lines, tree conservation areas, stream buffers, cemeteries, open space or utility easements would make the provision of a complete block infeasible.

(5) Where the block pattern is interrupted by public parkland (including a greenway), that is open and accessible to the public, pedestrian access points must be provided with a minimum spacing equal to maximum block length for the district.

Amend (4) above to read

The Planning Director may modify the block perimeter requirements when steep slopes in excess of 25%, freeways, waterways, railroad lines, tree conservation areas, stream buffers, cemeteries, open space, utility easements or when existing conditions make the provisions of a complete block structure infeasible, or warrant a larger block structure.

Attachment: Local Law (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

5A-8-2. Mixed Use District Use Table

MIXED USE DISTRICTS	TI-2.5	TI-4	SC-3	DC-3	DC-5	CTR-2.5	CTR-5	CTR-8	Use Standards
OPEN USES									
None allowed	--	--	--	--	--	--	--	--	
RESIDENTIAL USES									
Single-family detached	P	P	P	P	P	P	P	P	
Multi-family dwelling	P	P	P	P	P	P	P	P	
Upper-story dwelling	P*	P*	P*	P*	P*	P*	P*	P*	6-2-6.
Assisted group living	P	P	P	P	P	P	P	P	
Senior citizen housing	P*	P*	P*	P*	P*	P*	P*	P*	6-2-2.
PUBLIC AND CIVIC USES									
Ambulance service	P	P	P	P	P	P	P	P	
Business college, commercial school	P	P	P	P	P	P	P	P	
College, university	--	--	--	--	P	--	P	P	
Day care	P*	P*	P*	P*	P*	P*	P*	P*	6-3-2.
Passenger Station	--	--	--	--	--	--	P	P	
Place of worship	P*	P*	P*	P*	P*	P*	P*	P*	6-3-3.
Public utility service structure or facility	P*	P*	P*	P*	P*	P*	P*	P*	6-3-4.
School, elementary/secondary (private)	P	P	P	P	P	P	P	P	
Telecommunication facility	S	S	S	S	S	S	S	S	§ 6-7
Utility, minor	P	P	P	P	P	P	P	P	
COMMERCIAL USES									
Animal care	P*	P*	P*	P*	P*	P*	P*	P*	6-4-1, 6-4-13, 6-8-7
Drive-through facility	--	--	**P***	P*	P*	P*	P*	P*	4-8-4.
Lodging	P	P	P	P	P	P	P	P	
Medical	P	P	P	P	P	P	P	P	
Office	P	P	P	P	P	P	P	P	
Personal service	P	P	P	P	P	P	P	P	
Recreation, indoor	P	P	P	P	P	P	P	P	
Recreation, outdoor	--	--	--	S	S	S	S	S	
Restaurant	P	P	P	P	P	P	P	P	
Restaurant with outdoor dining	P*	P*	P*	P*	P*	P*	P*	P*	6-4-9.
Retail sales and service	P	P	P	P	P	P	P	P	
Sexually oriented business	--	--	--	--	--	--	--	--	§ 6-6
Vehicle sales, indoor	--	--	--	--	P	P	P	P	
Vehicle sales (outdoor), vehicle service	--	--	--	--	--	--	--	--	
INDUSTRIAL USES									
Light industrial	--	--	--	--	--	--	--	--	
Heavy industrial	--	--	--	--	--	--	--	--	
ACCESSORY USES									
All uses and structures customarily incidental to a principal use	P	P	P	P	P	P	P	P	

P = Permitted P* = Permitted with supplemental use standards S = Special Use (ZBA approval required) -- = Not Permitted

Add – "Meeting rooms for fraternal and civic organizations" as a permitted use under Public and Civic Uses.

Add: Drive Through ATM facility as a permitted use within the SC-3 Zoning District only when such location is a not along a property line which adjoins a protected district. All other drive through facility types shall be prohibited.

Attachment: Local Law (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

Strike language

5A-9-1. Parking, ~~Loading and Stacking~~

All parking, loading and stacking must meet the requirements of 7-1, except as required below.

A. Minimum Parking in Mixed Use Districts

(1) Off-Street Vehicle Parking

Off-street parking facilities must be provided in quantities not less than set forth in the following schedule.

SCHEDULE OF PARKING REQUIREMENTS

RESIDENTIAL USES	
Single-family detached	1.0 space per dwelling unit
Attached dwelling	1.0 space per dwelling unit
Multi-family dwelling, upper-story dwelling, assisted group living, senior citizen housing	.75 space per efficiency unit 1.0 space per one or two-bedroom unit 1.5 space per three or more bedroom unit
PUBLIC AND CIVIC USES	
Ambulance service	2.5 spaces per 1,000 SF
Business college, commercial school	3.5 spaces per 1,000 SF
College, university	3.5 spaces per 1,000 SF
Day care	3.5 spaces per 1,000 SF
Place of worship	3.5 spaces per 1,000 SF
Public utility service structure or facility	2.5 spaces per 1,000 SF
School, elementary/secondary (private)	3.5 spaces per 1,000 SF
Telecommunication facility, minor utility	1 space per facility
COMMERCIAL USES	
Animal grooming, cat boarding facility, animal hospital or veterinarian	2 spaces per 1,000 SF
Lodging	.75 spaces per room
Medical	3.5 spaces per 1,000 SF
Office	2.5 spaces per 1,000 SF
Personal service	2.5 spaces per 1,000 SF
Recreation, indoor	2.5 spaces per 1,000 SF
Restaurant	4.0 spaces per 1,000 SF
Retail sales and service	2.5 spaces per 1,000 SF

Add: (gross square feet) to each SF

D. Electric Vehicle Charging Stations

In the Mixed Use Districts, 10% of all parking spaces must be electric-vehicle (EV) ready, with a minimum of 2 EV-ready spaces for all parking lots over 20 spaces. Electric-vehicle ready means, at minimum, conduit or other means to connect power to each space is installed in advance.

Amend : reduce to 1% of all parking spaces.

Revise 7-8-7. Permitted Signs Table, as follows:

SIGN TYPE	RESIDENTIAL DISTRICTS	BUSINESS AND MIXED USE DISTRICTS	INDUSTRIAL DISTRICTS	ALL OTHER DISTRICTS
SIGNS NOT REQUIRING A PERMIT				
Address sign		✓	✓	✓
Construction sign	✓	✓	✓	✓
Incidental sign		✓	✓	✓
Fuel pump sign		✓	✓	✓
Home occupation sign	✓			✓
Political sign	✓	✓	✓	✓
Real estate sign	✓	✓	✓	✓
Window sign		✓	✓	✓
SIGNS REQUIRING A PERMIT				
Building Signs				
Awning sign		✓	✓	✓
Fascia sign		✓	✓	✓
Hanging sign		✓	✓	✓
Marquee sign		✓	✓	✓
Projecting sign		✓	✓	✓
Wall sign		✓	✓	✓
Menu Board		✓		
Freestanding Signs				
Ground sign		✓	✓	✓
Message center sign		✓***		✓***
Pole sign		✓**		✓**
Subdivision identification sign	✓			
Miscellaneous Signs				
Directory sign		✓	✓	✓

* In the ~~SC~~ district, in addition to the pole sign described in § 7-8-4, only wall, ground, hanging, fascia, and permanent changeable letter signs shall be permitted.

** Pole signs are not permitted in the OB, NB, ~~or~~ TNB overlay, SC-3, DC- and CTR- districts.

*** Message center signs are not permitted in the - TNB, PRD, PDD, ~~or~~ TND overlay, SC-3, DC- and CTR- districts or within 500 feet of a residential district.

Ground, wall and awning signs only are permitted in the LW-1 District.

Amend to read * in the SC- Shopping Center District

Amend highlighted text to read:

** Pole signs are not permitted in the OB, NB, TNB or the TI- Traditional Infill districts.
Such signs are permitted in the SC-3, DC-3, DC-5 and CTR-2.5, CTR-5 and CTR-8 districts subject to the following restriction:

Pole signs shall be permitted only on those parcels which are a “multiple development” and have a building which is at least 25,000 sf in area.

*** Message center signs are not permitted in the TNB, PRD, PDD, TND or the TI – Traditional Infill districts

Section 4. Effective Date

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

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

Attachment: Local Law (RES-2022-299 : Local Law to Amend the Zoning Text - Part 5A, Mixed Use Regulations)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 25498 A **RESOLUTION 2022-300** **ADOPTED**

To Authorize a Minor Amendment to the FY 2020 Annual Action Plan for Community Development's Emergency Rental Assistance Program

WHEREAS, the Town has adopted the FY 2020 Annual Action Plan on behalf of the Towns of Amherst, Cheektowaga and Tonawanda (ACT) HOME Consortium which programs the expenditure of funds for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Funding; and

WHEREAS, the Town is seeking to amend the FY 2020 Action Plan to reallocate $95,820 in Supplemental COVID funds awarded by the CARES Act according to the following program/budget lines; and

Decrease/Remove:

Village of Williamsville Farmers Market Staff	$ 25,660
Williamsville Fire Department PPE	$ 20,160
Mortgage Assistance for LMI Households	$ 50,000

Increase:

Emergency Rental Assistance	$ 95,820

WHEREAS, this amendment provides additional funds for the Emergency Rental Assistance Program, which meets the use criteria of the Supplemental CDBG-COVID funds awarded by the CARES Act to "prevent, prepare for, and respond to COVID" by reducing evictions and homelessness due to COVID financial hardships; now therefore

BE IT RESOLVED, the Town of Amherst Town Board hereby authorizes the above minor amendment to the FY 2020 Annual Action Plan.

3/14/2022
Consent

FINANCIAL IMPACT:

Adoption of the proposed resolution involves no local monetary consideration and will have no impact on the Town Budget or tax rate.

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

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa,
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

March 1, 2022

Agenda of March 14, 2022

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: To Authorize a Minor Amendment to the FY 2020 Annual Action Plan for Community Development's Emergency Rental Assistance Program.

Honorable Board Members:

Amherst Community Development is proposing a Minor Amendment to FY 2020 Annual Action Plans for Amherst's Community Development Block Grant (CDBG) Program to increase funding for the Town of Amherst and Village of Williamsville's Emergency Rental Assistance Program as part of the Town's CDBG-COVID funding.

The amendment seeks to reallocate $45,820 from the "Village of Williamsville Farmers Market" and "Williamsville Fire Department PPE", and $50,000 from the "Mortgage Assistance for LMI Households" Program lines to the "Emergency Rental Assistance Program" in order to meet demand for rental assistance as the State's Emergency Rental Assistance Program has closed.

At this time our Emergency Rental Assistance Program only has $9,032 remaining and many renters are finding that their requests for assistance from the State were underfunded or denied outright if they applied after September 21, 2021, due to a lack of funds. By increasing the funding available, the Town and Village will alleviate eviction and homeless conditions.

A proposed resolution for adopting the minor amendment to the Annual Action Plan is attached for your consideration. Thank you for your assistance with this matter.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

Enc.
X:\Community Development\New Structure\ANNUAL PLAN\Data 2020\4th Amendments\Minor - ERA\TB_ltr_Minor Amendment -ERA additional 3.14.22.docx

Attachment: era-03012022161715 (RES-2022-300 : To Authorize a Minor Amendment to the 2020 Annual Action Plan for Emergency Rental

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 25511 **RESOLUTION 2022-301** **ADJOURNED**

To Authorize a Substantial Amendment to the FY 2020 Annual Action Plan for Community Development to Establish the Northwest Amherst Community Center

WHEREAS, the Town has adopted the FY 2020 Annual Action Plan on behalf of the Towns of Amherst, Cheektowaga and Tonawanda (ACT) HOME Consortium which programs the expenditure of funds for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Funding; and

WHEREAS, the Town is seeking to amend the FY 2020 Action Plan to reallocate $380,000 in Supplemental CDBG-COVID funds awarded by the CARES Act according to the following program/budget lines; and

Decrease/Remove:		
Senior Foundation Community Center	$	300,000
Medical Director Position	$	24,000
Small Business Assistance - Amherst Chamber	$	20,000
CDBG Community Vaccine Logistics	$	30,000
YWCA of WNY, Inc.	$	6,000
Create/Increase:		
Northwest Amherst Community Center	$	380,000

WHEREAS, this amendment provides funds for the establishment of the Northwest Amherst Community Center, which meets the use criteria of the Supplemental CDBG-COVID funds awarded by the CARES Act to "prevent, prepare for, and respond to COVID" by providing critical community space to serve the Creekwoods Neighborhood with social and other supportive programming; now therefore

BE IT RESOLVED, the Town of Amherst Town Board hereby authorizes the above Substantial Amendment to the FY 2020 Annual Action Plan.

3/14/2022
A motion to adjourn to the April 11th Town Board meeting was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 4-0.

FINANCIAL IMPACT:

Adoption of the proposed resolution involves no local monetary consideration and will have no impact on the Town Budget or tax rate.

RESULT:	**ADJOURNED [UNANIMOUS]**	**Next: 4/11/2022 7:00 PM**
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Deborah Bruch Bucki, Councilmember	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa,
Supervisor
Daniel C. Howard, AICP
Planning Director
Daniel J. Ulatowski, AICP
Assistant Planning Director

April 6, 2022

Agenda of April 11, 2022

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Subject: To Authorize a Substantial Amendment to the FY 2020 Annual Action Plan for Community Development to establish the Northwest Amherst Community Center.

Honorable Board Members:

Amherst Community Development is proposing a Substantial Amendment to the FY 2020 Annual Action Plan for Amherst's Community Development Block Grant (CDBG) Program to establish the new Northwest Amherst Community Center as part of the Town's CDBG-COVID funding.

The amendment seeks to reallocate $380,0000 of existing underutilized budget lines to a new budget line titled "Northwest Amherst Community Center" in order to create a community center to better serve the Creekwoods Neighborhood with social and other supportive programming. The reallocation will cover the full first year's rent as outlined under the Town of Amherst's lease with Zaepfel for the building located at 220 Northpointe Parkway, Amherst NY 14228.

A 30-day public comment period was initiated on this Substantial Amendment on March 9th, 2022, which will close on April 11, 2022. If public comments are received, the Community Development Director will present those comments to the Town Board upon consideration of the resolution.

A proposed resolution for adopting the Substantial Amendment to the Annual Action Plan is attached for your consideration. Thank you for your assistance with this matter.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

Enc.
X:\Community Development\New Structure\ANNUAL PLAN\Data 2020\4th Amendments\Substantial Amendment - NW Community

Attachment: northwest-03082022110312 (RES-2022-301 : Substantial Amendment of the 2020 Annual Plan for the Northwest Community Center)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Planning
Initiated by: **Dan Howard**
Co-Sponsored by:

DOC ID: 25525 **RESOLUTION 2022-302** **ADOPTED**

To Authorize the Supervisor to Execute All Documents Necessary for the Acquisition of 44 Sunset Ct., Amherst NY 14228 from the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) for New Home Construction Under the Town's HOME Acquisition-New Construction-Resale Program

WHEREAS, Amherst's HOME Acquisition-Rehab/New Construction-Resale Program seeks to generate new single-family in-fill housing to resell to qualifying first-time homebuyers; and

WHEREAS, the Amherst Town Board, passed Resolution 2017-1333 requesting BENLIC to purchase 44 Sunset Court at Tax Auction on behalf of the Town for the intended use by the Town's Acquisition-Rehab/New Construction-Resale Program; and

WHEREAS, the Town's Community Development Director is authorized to enter into purchase offers for the acquisition of property for use in Amherst's HOME Acquisition-Rehab/New Construction-Resale Program utilizing CDBG funds; and

WHEREAS, a purchase offer made to BENILIC in the amount of $5,000, was accepted by BENLIC's Board for the acquisition of 44 Sunset Court, Amherst, NY 14228 (the subject property); now therefore

BE IT RESOLVED, the *Town Board* hereby officially authorizes the Supervisor to execute all purchase and sale agreement documents necessary for the acquisition of 44 Sunset Court, Amherst NY 14228 (SBL- 26.15-3-30) from the Buffalo Erie Niagara Land Improvement Corporation; for the purchase price of $5,000, as well as ancillary closing costs; subject to contract routing, and in a form to be approved by the Town Attorney, the Town's outside counsel Harris Beach and BENLIC's counsel; with funding for the purchase to be provided by the Town's Community Development Block Grant.

3/14/2022
Consent

FINANCIAL IMPACT:

Adoption of the proposed resolution involves the expenditure of CDBG Funds in the amount of $5,000.00, plus ancillary closing costs (Account N20-39 4000). The use of these funds will have no impact on the Town Budget or tax rate.

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

CONTRACT TO PURCHASE

This CONTRACT TO PURCHASE is entered into this _____ day of March, 2022 by and between **Buffalo Erie Niagara Land Improvement Corporation**, a New York not-for-profit corporation having an office for the transaction of business at 403 Main Street, Suite 602, Buffalo New York 14203 ("***Seller***") and **Town of Amherst**, 5583 Main Street, Williamsville, New York 14221 ("***Buyer***")

In consideration of the mutual covenants and promises hereinafter set forth, Buyer and Seller mutually covenant and agree as follows:

1. **PROPERTY**. Buyer agrees to buy and the Seller agrees to sell that certain property situated in the Town of Amherst, County of Erie, State of New York commonly known as 44 Sunset Court and being all of current tax map parcel 26.15-3-30 together with all improvements thereon and fixtures and articles of personal property now attached or appurtenant to the property and owned by Seller, together with all easements and rights-of-way, if any, benefitting or appurtenant thereto, and all right, title and interest of Seller in and to any land lying in the bed of any highway, street, road or avenue, opened or proposed, in front of or abutting or adjoining said real property (all of the foregoing real property, easements, rights-of-way, and right, title and interest are referred to herein together as the ("Property").

2. **PURCHASE PRICE**. The Purchase Price for the Property shall be $5,000.00 payable as follows:

a) Deposit. $75.00 shall be deposited with Seller and held in escrow until this Contract is accepted and executed by Seller, at which time it shall become part of the purchase price and held in accordance with the terms and conditions of this Contract. In the event Seller shall not accept and execute this Contract, the deposit shall be returned to Buyer.

b) Cash Balance. $4,925 in cash or other good funds at Closing.

No Financing. Cash Deal. Purchase price shall be obtained by Buyer, at Buyer's cost and expense, Buyer shall provide Seller with evidence of reasonably satisfactory proof of financial ability to close, within 60 days of the acceptance of this Contract by Seller or Seller may cancel this Contract at Seller's option by written notice as provided for herein. If applicable following a good faith application by Buyer, this financing cannot be obtained, as evidenced by a denial letter from a lender which regularly makes mortgage loans in the county where the Property is located, this Contract may be terminated by either party and the deposit shall be returned to Buyer.

3. **INSPECTIONS AND TESTS**. In accordance with Section 7, this is an as-is purchase and the Seller makes no representation that Seller will make any repairs or improvements unless previously agreed to by the Seller to the Buyer in writing. Buyer, at Buyer's sole cost and expense, may enter on the Property and make or cause to be made any inspections, tests or other desired evaluation of the Property ("***Tests***"), subject to the following:

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

a) Buyer shall give Seller at least 2 business day's written notice prior to initiating any such Tests; and

b) No Tests shall be initiated or conducted without the Seller approving the type, method, date and time of any Tests; and

c) All such Tests shall be completed within 10 days of the acceptance of this Contract by Seller.

Buyer agrees that any damage caused by Buyer, its agents or employees in the course of such entry shall be promptly repaired by Buyer at no cost whatever to Seller. Buyer shall indemnify and hold Seller harmless against any and all losses, expenses, claims or damages (including reasonable attorney's fees) caused by or resulting from Buyer's entry upon the Property, including, without limitation, claims for personal injury and damage to the Property.

In the event the results of such Tests are unsatisfactory to Buyer, then Buyer may, at Buyer's sole option, deem this Contract null and void and the Deposit shall be returned to Buyer. Buyer shall have 15 days from the date of acceptance of this Contract by Seller to deliver written notice, together with a copy of each such Test, to Seller of Buyer's election to so deem this Contract null and void. In the event Buyer shall not deliver such written notice, then Buyer shall be deemed to have waived any and all rights Buyer may have pursuant to this paragraph.

4. **ABSTRACTS, TAX SEARCHES AND SURVEY**. Seller is not responsible for and shall not deliver to Buyer an abstract of title, real property tax search or survey for the Property. Any abstract of title, property tax search, survey or other due diligence related to the Property shall be obtained by and at the sole cost and expense of the Buyer.

5. **TITLE AND DEED**. Buyer acknowledges that Seller obtained title to the Property following a municipal tax foreclosure proceeding and, as such, Seller makes no representations or warranties as to title to the Property other than Seller has not done or suffered anything whereby the Property has been encumbered in any way whatever. Buyer shall have a period of 20 days from the date of acceptance of this Contract by Seller to examine and accept or reject title to the Property and deliver written notice to Seller of Buyer's intention to reject title and deem this Contract null and void. In the event Buyer shall not deliver such written notice, then such failure shall be deemed an acceptance of title. If Buyer finds valid objection to Seller's title which makes it unmarketable, Seller shall have a reasonable period of time after notification of the same to cure the defect. If Seller is able to cure the defect, this Contract shall remain in effect. In the event the Seller is unable to cure the defect; the Buyer may cancel this Contract.

Buyer shall pay for title insurance required by its lender, if any.

At Closing, Seller shall transfer title to the Property to the Buyer by a Bargain and Sale Deed with a covenant against grantor's acts.

6. **IMPROVEMENT OF PROPERTY**.

Buyer has agreed to improve, develop and use the Property pursuant to a letter and attachments from the Town of Amherst dated July 27, 2021 together with a Request for Foreclosure by the

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

Buyer to the Seller dated attached hereto and made a part hereof as **Exhibit A** (the "***Amherst Letter and RFF***"). Seller's obligations under this Contract are subject to Buyer executing and delivering a Development Enforcement Note and Mortgage in the amount of $24,900.00 in a form acceptable to Seller, in its sole but reasonable discretion, to ensure Buyer fulfills its development and use commitments to the Seller pursuant to the Amherst Letter and RFF within 2 years of Closing

N/A – [Buyer has agreed to improve, develop and use the Property as specified in a certain Property Purchase Application submitted by the Buyer to the Seller dated attached hereto and made a part hereof as Exhibit A (the "Application"). Seller's obligations under this Contract are subject to Buyer acquiring, executing and delivering a Mortgage at the time of Closing, to ensure Buyer fulfills its development and use commitments to the Seller pursuant to the Application.]

N/A – [Buyer has agreed to use the Property as specified in a certain Property Purchase Application submitted by the Buyer to the Seller dated attached hereto and made a part hereof as Exhibit A (the "Application")]

7. **AS IS**. The Buyer acknowledges and agrees that the Buyer is purchasing the Property, any personal property and any and all improvements, buildings, fixtures and fittings belonging to or used in the operation of the Property and owned by Seller, AS IS, WITH NO WARRANTIES OR REPRESENTATIONS WHATSOEVER, WHETHER SUCH ARE EXPRESS OR OTHERWISE; IMPLIED OR OTHERWISE; AS TO THE CONDITION, SUITABILITY OF USE, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY OR ANY PORTION OF SUCH, OR OTHERWISE. The terms of this provision shall survive Closing.

8. **NEW YORK PROPERTY CONDITION DISCLOSURE ACT**. Seller is exempt from the New York Property Condition Disclosure Act (the "Act").

9. **AGRICULTURAL DISTRICT NOTICE.** The Property is not located within an Agricultural District. Notice pursuant to New York State Agriculture and Markets Law Section 310:

It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances. Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under article 25-AA of the Agriculture and Markets Law.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

10. **UTILITY SERVICE SURCHARGE DISCLOSURE**. If a residential dwelling is the subject of this Contract, Seller and Buyer agree that Seller cannot warrant and represent to Buyer that the Property does have utility service available to it, and is not subject to an electrical and/or gas utility surcharge. The terms of this provision shall survive Closing.

11. **LEAD BASED PAINT CONTINGENCY**. If a residential dwelling is the subject of this Contract and the residential dwelling was constructed prior to 1978, Buyer and Seller must complete, sign and attach a Lead Based Paint Contingency Addendum and Disclosure Form.

12. **CLOSING**. The Closing shall be held at the office of the Erie County Clerk or at the office of the attorney for Seller, or as otherwise agreed, on or before [_____]. The Seller may, at any time after the Contract Closing date, notify the Buyer that time is of the essence, which notice shall set a specific time for Closing on a Business Day that is on or after the 7th Business Day following receipt of the notice by the Buyer or the Buyer's attorney.

13. **ADJUSTMENTS**. Prepaid or unpaid charges for real property taxes and other assessments levied and assessed against the Property, including water usage charges, rents, fuel oil and special district levies, shall be apportioned as of the date of Closing, with Seller being responsible for the apportioned costs attributable to the time period prior to Closing, and Buyer being responsible for the apportioned costs attributable to the time period subsequent to Closing. Under no circumstances shall Seller be responsible for the payment of any missing meter charges, "turn on" or reconnection charges imposed by a utility company or municipality in establishing or reestablishing water or any other utility services to the Property. Buyer acknowledges that Seller is an exempt entity and pays no real property tax (other than special assessments and special ad valorem levies) and, in accordance with Section 520 of the New York Real Property Tax Law, the Property may become immediately subject to real property tax upon Closing.

14. **INSPECTION PRIOR TO CLOSING**. Buyer shall have the right of reasonable inspection of the Property immediately prior to Closing in order to verify that the condition of the Property is in substantially the same condition as it was in as of the date of this Contract, absent ordinary wear and tear.

15. **POSSESSION**. Sole and exclusive possession of the Property shall be delivered by Seller to Buyer at Closing.

16. **RECORDING EXPENSES**. Buyer shall pay at Closing all costs for recording the deed and any related transfer documents including the Real Property Transfer Report (RP-5217) and the Transfer Tax Return (TP-584). Buyer, if not exempt, shall also pay any New York State transfer tax which may be due upon a sale of the Property..

17. **ASSIGNMENT**. Buyer may assign its interest in this Contract to a business entity wholly owned by Buyer. Otherwise, this Contract may not be assigned by Buyer without Seller's written consent. Buyer shall remain fully liable to Seller for the performance of this Contract, regardless of any such assignment

18. **RISK OF LOSS**. The risk of loss or damage to the Property by fire or other causes until Closing shall remain with Seller.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

19. **BROKER**. Seller and Buyer represent that neither has dealt with any broker in connection with this Contract other than **No Broker**. Seller shall be responsible for the payment of any real estate commission which may be due in accordance with a separate agreement with such broker. No realtor or broker commission shall be due and owing by Seller until Closing and passing of title by delivery of a deed by Seller to Buyer. This provision shall control regardless of the statements set forth in any Disclosure/Authorization Addendum executed in connection with this Contract.

20. **DEFAULT**. In the event Buyer defaults in its obligations under this Contract and fails to close and pay the Purchase Price, then the Deposit, together with accrued interest thereon, if any, shall be retained by the Seller and applied against Seller's damages for such default and Seller shall retain and be able to pursue all other equitable and legal remedies it may have as the result of Buyer's default hereunder. In the event Seller defaults in its obligations under this Contract and fails to close and deliver the Deed, Buyer may, at its option and as its sole and exclusive remedy, pursue either of the following remedies: (a) sue Seller for specific performance; or (b) terminate this Contract and obtain a return of the Deposit.

21. **N/A** LEAD-BASED PAINT DISCLOSURE. Seller represents that:

☐ Pre-1978 Construction. The dwelling(s) on the Property was/were or may have been built prior to 1978. A Lead-Based Paint Rider must be attached to this Contract.

☐ Post-1977 Construction. The dwelling(s) on the Property was/were built in 1978 or later.

22. **OTHER TERMS**

N/A **SIDELOTS**. This purchase is part of the Seller's Side lot purchase program. Accordingly, the buyer will accept a deed with the following provision merging the parcels:

The Grantor has no interest in Parcel 'B'; it is included for merge purposes only. The intent of this deed is to convey Parcel A to the Grantee and also to merge (combine) it into one taxable parcel

with Parcel B which was previously acquired by Grantee in Liber of Deeds, Page.

"It is the intent of the Grantor to convey Parcel A (Address, SBL) and Parcel B (Address, SBL) to

the Grantee, and also to merge (combine) Parcel A and Parcel B into one taxable parcel."

X WATER SERVICE AND CHARGES. Seller and Buyer agree that Seller cannot warrant and represent to Buyer that the Property does have water service available to it. Seller has not turned on water service to the Property and in the event of an outstanding water fee, charge or surcharge, the Buyer is responsible. The terms of this provision shall survive Closing.

X RESTRICTIVE COVENANT. Buyer acknowledges that the Property will be rehabilitated with pursuant to The HUD HOME Investment Program funds from and the deed shall contain a TBD affordability requirement in a form acceptable to Seller, in its sole but reasonable discretion.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

N/A -☐ HOMESTEAD COVENANT. Buyer acknowledges that the Property was conveyed to the Seller by the City of Buffalo under the City's Homestead Program. Accordingly, the Buyer will accept a deed with the following provision:

"Grantee acknowledges that this property was transferred to the Grantor pursuant to the 2—5 Buffalo Urban Homestead Program as amended. As a condition of this transfer and pursuant to this Program, the Grantee must occupy the structure for a period of not less than thirty-six(36) months from the date of this conveyance. If this condition is not satisfied the City of Buffalo, pursuant to the Program, will be entitled to recover and amount equal to the assessed value of the premises at the time the premises was conveyed to the Grantor ($.__). This amount will be immediately payable to the City of Buffalo upon demand."

23. MISCELLANEOUS.

a) This Contract shall be interpreted and enforced in accordance with the laws of the State of New York.

b) Section heading are inserted for the convenience of the parties and may not be used as a means of interpreting this Contract.

c) This Contract shall be binding upon and inure to the benefit of the parties hereto, their respective legal representatives, heirs, executors, administrators, successors and assigns.

d) All notices under this Contract shall be in writing and shall be served by personal service, or by certified or registered mail, return receipt requested. Notices by mail shall be addressed to each party at the address set forth in this Contract. Any party may notify the other parties of a different address to which notices shall be sent.

e) There are and were no verbal or written representations, agreements, or promises pertaining to the subject matter of this Contract not incorporated in writing in this Contract.

f) The waiver by any party hereof of any breach of any provision of this Contract shall not operate or be construed as a waiver of any subsequent breach

g) The acceptance of the Deed by Buyer shall be deemed to be the full performance and discharge of every agreement and obligation on the part of Seller to be performed pursuant to the provisions of this Contract.

h) If any action, suit, arbitration or other proceeding is instituted to remedy, prevent or obtain relief from a default in the performance by Seller or Buyer of its obligations under this Contract, the prevailing party shall be entitled to recover all of such party's attorneys' fees incurred in each and every such action, suit, arbitration or other proceeding, including any and all appeals therefrom. As used in this paragraph, attorneys' fees shall be deemed to include the full and actual costs of any legal services actually performed in connection with the matters involved calculated on the basis of the usual fee charged by the attorney performing such services and shall not be limited to mean "reasonable attorneys' fees" as defined in any statute or rule of court.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

IN WITNESS WHEREOF, the Seller and Buyer have executed this Contract as of the date first above written.

SELLER:

Buffalo Erie Niagara Land

Improvement Corporation

By:_____

Name:

Title:

Date:

BUYER:

Town of Amherst:

By: _____

Name: Brian J. Kulpa

Title: Town of Amherst Supervisor

Date:

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

EXHIBIT "A"

Project Description & Town of Amherst Responsibilities / Tasks

Amherst Acquisition / Construction / Sale to First Time Homebuyer Program

Town of Amherst ("AMHERST") will act as owner/developer in purchasing the property, and overseeing new construction of 44 Sunset Court, Amherst, New York, a newly constructed single-family residence. AMHERST will sell the newly constructed single-family residence to an eligible household, according to HOME regulatory guidelines (24 CFR Part 92, Subpart H). AMHERST shall provide the following program delivery services, as indicated, to implement the activity at the selected site.

AMHERST will provide the following services:

A. Responsibility for Acquisition

1. Upon execution of this agreement, AMHERST will enter into a contract with the owner for the purchase of the approved Property and remain owner of said property until resale to eligible homebuyer.

2. AMHERST will prepare the environmental review (statutory checklist) for the activity and will provide the New York State Historical Preservation Office hereafter ("SHPO") State and Tribal review.

3. AMHERST will require the as built survey for the property and such cost shall be borne by AMHERST as part of the development budget.

4. AMHERST will be responsible for authorizing legal services for purchase and resale of the property.

B. Responsibility for House Rehabilitation/Construction

1. AMHERST will contract with a Registered Architect to develop a single-family dwelling plan and elevations, and produce stamped architectural drawings and specifications for bidding, permits, and construction purposes. AMHERST will prepare written cost estimates for the construction of the subject property based on compliance with the Residential Code of New York State, the Property Maintenance Code of New York State, local laws of the Town of Amherst and Town Rehab Standards as adopted by AMHERST

2. AMHERST will review a copy of the detailed work specifications and submit additions and/or changes to said project to the Town of Amherst Director of Community Development for review and comments prior to soliciting bids.

3. AMHERST, in cooperation with the Town contract compliance & administration department, will prepare the qualifications that contractors must meet and will be judged against. AMHERST shall prepare the specifications in consultation with the Town.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

4. AMHERST will prepare the final Request for Bids to secure a Contractor to construct the house at 44 Sunset Court, Amherst, New York.

5. AMHERST will review the Contractors' proposals and select the Contractor/Builder for the Program in accordance with its Procurement Policies.

6. AMHERST will review the Contractors' debarment status and conflict of interest compliance, providing documentation of same to the Amherst Director of Community Development.

7. AMHERST will also include in the contract for services with the selected Contractor(s) the requirement that all requirements for non-discrimination, equal opportunity, minority outreach, labor standards, lead-based paint, conflict of interest and Section 3, unless clearly exempted under the regulations, be included in agreements with any subcontractors. The contractor should also be required to obtain documentation from any subcontractors to demonstrate compliance with such regulations.

8. AMHERST will prepare a contract for the Contractor/Builder and, prior to signing, provide a copy of the rehabilitation/construction contract and construction documents to the Town's Project Manager for compliance review and refrain from finalization of the contract until written compliance approval from the Town of Amherst Director of Community Development.

9. AMHERST will contract with the Contractor/Builder for the construction of the house at 44 Sunset Court, Amherst, New York.

C. Prepare/Execute Documents and Initiate Rehabilitation/Construction

1. AMHERST will prepare and send a Notice-to Proceed letter to the Contractor/Builder. AMHERST will obtain the Certificate of Insurance from the Contractor/Builder evidencing current general liability insurance, worker's compensation insurance (on form C105.2) and disability insurance (on form DB120.1) with limits as provided in the Agreement between AMHERST and the Town, listing, as additional insured on the Contractor's/Builder's Certificate of Insurance, the Town of Amherst and the Amherst-Cheektowaga-Tonawanda HOME Consortium (5583 Main Street, Williamsville, New York 14221) with the address of the house being rehabilitated/constructed listed as required in the Agreement between AMHERST and the Town.

2. AMHERST will conduct a pre-construction meeting with the Contractor/Builder(s).

3. AMHERST will obtain any required building permits from the Town of Amherst Building Department. Building permit fees have been waived for the project at 44 Sunset Court, Amherst, New York. by the Amherst Town Board. Although permit fees are waived AMHERST will require the Contractor(s) to obtain all necessary inspections for permits issued and obtain the appropriate Certificate of Compliance or Certificate of Occupancy when completed.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

4. AMHERST will respond to questions related to the house rehabilitation/construction activity, as needed, and take all measures necessary for the proper execution of this section.

D. Construction/Rehabilitation Funding.

The Town will provide construction financing for the project as specified in the budget.

E. Construction/ Rehabilitation Monitoring - Responsibilities for Conducting Interim Inspections.

1. AMHERST shall conduct interim inspections to monitor the progress and quality of construction. The Town will not be responsible for site supervision or monitoring or overseeing the manner in which work is performed by AMHERST's Contractor(s)/Builder(s)

2. AMHERST will work to resolve any problems that occur during the construction/rehabilitation of the HOME-assisted unit(s).

3. AMHERST shall approve or disapprove all change orders during construction and prepare appropriate paperwork and obtain required signatures after appropriate consultation with the Town.

4. The Contractor/Builder will submit its billing for progress payments to AMHERST for approval.

5. AMHERST will submit disbursement request to the Town's Project Manager for approval of interim and final payments with HOME funds.

6. AMHERST will respond to questions related to the house construction/rehabilitation activities under this section, as needed.

F. Responsibilities for Conducting the Final Inspection

1. AMHERST will conduct a final inspection of the project property.

2. AMHERST will obtain from the Contractor/Builder any and all required forms such as Certificate of Compliance or Certificate of Occupancy, Board of Fire Underwriters Certificate, etc.

3. The Contractor/Builder will submit the final payment draw to AMHERST for approval and final payment.

4. AMHERST will prepare and obtain proper signatures on all documents for authorization of final payment to the Contractor/Builder.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

6. AMHERST will obtain the signed warranty forms and warranty folder from the Contractor/Builder and document receipt and transmittal of same to the final homebuyer. The Builder will forward to AMHERST all documents cited under this section.

G. Pre-Purchase Counseling and Marketing of House

1. In marketing the subject property to new home buyers, AMHERST will comply with Federal laws, executive orders and regulations pertaining to fair housing and equal opportunity, including Title VI of the Civil Rights Act of 1964, As Amended (42 U.S.C. 2000d et seq.), The Fair Housing Act (42 U.S.C. 3601-3620); Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259), and Age Discrimination Act of 1975, as Amended (42 U.S.C. 6101).

2. AMHERST will adhere to the Handicapped Accessibility regulations included in the Americans with Disabilities Act (42 U.S.C. 155, 201, 218 and 255), the Fair Housing Act and Section 504 of the Rehabilitation Act of 1974

3. AMHERST will affirmatively market the project property in accordance with 24 CFR 92.351(a) and 92.614(a)(3), as required.

4. AMHERST will advertise the property in newspapers throughout the Buffalo Niagara Region and will advertise the property on the MLS during the rehabilitation/construction phase of the project to ensure timely sale of the HOME-assisted unit(s).

5. AMHERST will be responsible for the sale of the house(s) at the designated property/(ies), and all aspects thereof, to qualified, income-eligible homebuyers.

6. AMHERST will require pre-purchase counseling classes for potential homebuyers of the selected property at 44 Sunset Court, Amherst, New York. Potential homebuyers may receive counseling at no cost from Belmont Housing of WNY.

H. Selection of Purchaser

1. Where necessary, if because of a large interest in the purchase of the home(s) made available under this Agreement, AMHERST will create and maintain a Lottery Pool for potential homebuyers.

2. AMHERST will require potential homebuyer candidates to prepare a written application in a format approved by the Town and sufficient to provide all homebuyer information needed to conduct underwriting of the applicant(s)' income, assets and liabilities as provided in Town policies.

3. AMHERST will conduct a review of the income of all persons residing in the purchaser's household.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

4. Before including any household in a Lottery Pool, AMHERST will ensure that:

   a. the household meets the required income guidelines for HUD and Town of Amherst and AMHERST Homebuyer guidelines for the applicable household size using the definition of income found in 24 CFR Part 5, as prescribed by Town policy, thus the income of a minor member of the household is not included.;
   b. the household has a viable credit history, and
   c. the household has sufficient income to meet existing household debt and the mortgage bank income requirements.

5. AMHERST will work with the potential homebuyers drawn from the Lottery Pools to assist them in securing a mortgage in a timely manner.

I. Sale of House

AMHERST will obtain an after-rehab or after construction appraisal of the HOME-assisted unit(s) to determine the actual sales price to be charged for the housing developed under this Agreement.

J. Contract to purchase

1. If HOME funds are used to assist a homebuyer who has entered into a contract to purchase housing to be constructed/rehabilitated, the homebuyer must qualify as a low-income family at the time the contract is signed.

2. AMHERST will develop a note and mortgage with restrictive use covenant, if applicable ensuring compliance with the applicable Community Development Block Grant hereafter ("CDBG") or HOME requirements during the period of affordability. Such covenant restrictionshall be a covenant running with the land, not merely a personal covenant and shall require the home buyer to agree to pertinent statutes, rules, regulations and maintain the property as his/her/their principal residence and maintain any other unit in compliance with applicable rental regulations during the period of affordability.

3. HOME funds will be used to acquire and construct the new single-family home at 44 Sunset Court, Amherst, New York. accordingly, AMHERST will include the recapture provisions contained in 24 CFR 92.254(a)(5)(ii)(3), shared net proceeds.

   Specifically, if the net proceeds are not sufficient to recapture the full HOME investment (or a reduced amount as provided for in paragraph (a)(5)(ii)(A)(2) of this section) plus enable the homeowner to recover the amount of the homeowner's down payment and any capital improvement investment made by the owner since purchase, AMHERST may share the net proceeds. The net proceeds are the sales price minus loan repayment (other than HOME funds) and closing costs. The net proceeds may be divided proportionally as set forth in the following mathematical formulas:

   $$\left(\frac{\text{HOME Investment}}{\text{(HOME Investment + Homeowner Investment)}}\right) \times \text{Net Proceeds} = \text{HOME amount to be recaptured}$$

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

(Homeowner Investment)
(HOME Investment + Homeowner Investment) X Net Proceeds = amount to homeowner

4. Amount subject to recapture. The HOME investment that is subject to recapture is based on the amount of HOME assistance that enabled the homebuyer to buy the dwelling unit. This includes any HOME assistance that reduced the purchase price from fair market value to an affordable price, but excludes the amount between the cost of producing the unit and the market value of the property (i.e., the development subsidy). The recaptured funds must be used to carry out HOME-eligible activities in accordance with the requirements of 24 CFR 92.

5. If the HOME BUYER wishes to sell the property, the HOMEOWNER must be able to demonstrate that a good faith effort was made to sell the property for fair market value.

6. Purchase subsidy and closing cost assistance will be under a separate Homeowner Agreement with 0% interests and repayment required.

K. Any proceeds from the sale or recapture of HOME investment will be returned to the Town of Amherst.

L. Post Sale Monitoring

1. AMHERST will monitor any recipients under this program for residency, homeowner's insurance and HOME rent requirements during the applicable period of affordability and will provide an annual report, no later than January 31 of each year, to the Town of Amherst Director of Community Development advising of the results of the required monitoring.

M. Preserving affordability of housing that was previously assisted with HOME funds

To preserve the affordability of HOME-assisted housing a participating jurisdiction may use additional HOME funds for the following costs:

1. The cost to acquire the housing through a purchase option, right of first refusal, or other preemptive right before foreclosure, or at the foreclosure sale. (The foreclosure costs to acquire housing with a HOME loan in default are eligible. However, HOME funds may not be used to repay a loan made with HOME funds.)

2. The cost to undertake any necessary rehabilitation for the housing acquired.

3. The cost of owning/holding the housing pending resale to another homebuyer.

4. The cost to assist another homebuyer in purchasing the housing.

When a participating jurisdiction uses HOME funds to preserve the affordability of such housing, the additional investment must be treated as an amendment to the original project. The housing must be sold to a new eligible homebuyer in accordance with the requirements of §92.254(a) within a reasonable period of time.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

The total amount of the original and additional HOME assistance may not exceed the maximum per unit subsidy amount established under §92.250. Alternatively, to charging the cost to the HOME program under §92.206, the participating jurisdiction may charge the cost to the HOME program under §92.207 as a reasonable administrative cost of its HOME program, so that the additional HOME funds for the housing are not subject to the maximum per-unit subsidy amount. To the extent administrative funds are used, they may be reimbursed, in whole or in part, when the housing is sold to a new eligible homebuyer.

N. AMHERST Staff

AMHERST shall maintain the necessary staff to insure the orderly and efficient implementation of project activities and to report to the Consortium and the Town all data and information needed for the Consortium's Performance Report.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

Amherst

Town of Amherst Planning Department *Erie County, New York*

Brian J. Kulpa, Supervisor

Daniel C. Howard, A Planning Director

Daniel J. Ulatowski, A Assistant Planning Dir

July 27, 2021

Jocelyn Gordon
Executive Director
Buffalo Erie Niagara Land Improvement Corporation
Brisbane Building
403 Main Street, Suite 602
Buffalo, NY 14203

RE: Requested Purchase Price for 44 Sunset, Amherst NY (SBL 26.15-3-30)

Dear Jocelyn,

As mentioned in a memo provided to BENLIC in October 2020, rising property values, HUD regulations, and the recent revisions to BENLIC's disposition guidelines have created circumstances where it is difficult for Amherst to complete HUD-funded affordable housing projects.

In the course of our follow-up discussions, Amherst was made aware of BENLIC's affordable housing support program to provide relief on purchase price for affordable housing projects through a special note and mortgage option. The Town would like to take advantage of this new offering for the project planned at 44 Sunset Ct, Amherst NY (SBL 26.15-3-30).

Project Background:

BENLIC completed acquisition of 44 Sunset on the Town's behalf in 2019. Amherst Community Development plans to construct a modest single-family home (3 bed, 1 bath, 1300 sq.ft.) on the vacant lot. The Home will be sold to a first-time low income homebuyer with an affordability purchase subsidy (forgivable lien) as part of our HOME Acquisition-Construction-Resale Program. The program is funded exclusively with HUD HOME Investment Partnerships Program funds, which has HUD regulatory limits as explained in the October 2020 memo.

The Town spent 2019 determining the best way we could build on the property after a previously undisclosed 20' wide sewer easement was discovered running through the site (see attachment). An agreed upon path forward with the Town Engineering department was settled in early 2020. Then the Pandemic hit and now the Town is now facing severe construction cost inflation on the project, which currently threatens to negate our ability complete the project.

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

Project Costs & Purchase Price:

Attached is the updated project budget which outlines the costs to complete the project with construction costs estimates provided by our architect, Sutton Architecture. The HUD HOME Subsidy Limit Regulation limits the total cost of HUD funds the Town can utilize completing a project to $276,482 for a 3 Bedroom single-family home. Exceeding this project limit would result in a finding from a HUD Audit and risk the loss of future HUD funding to the Town.

In an effort to reduce project costs to stay under the limit the Town has opted to forego a developer (and paying developer fees) and will complete full project management, general construction oversight, and final sale to a low-income buyer in-house. The Town has also considered waiting out the construction materials inflation, however the outlook for pricing to come down is a few years out according to our market sources.

As you can see in the budget, even with taking on the development in-house, the HUD HOME Subsidy Limit and construction materials inflation necessitates the Town purchasing the property for $5,000 in order to make the project viable. Therefore the Town is officially requesting to purchase 44 Sunset Court for $5,000 as part of BENLIC's special affordable housing support programming.

Thank you for considering this offer. Please reach out to me at lstillwell@amherst.ny.us or (716) 631-7050 for any questions or clarifications needed.

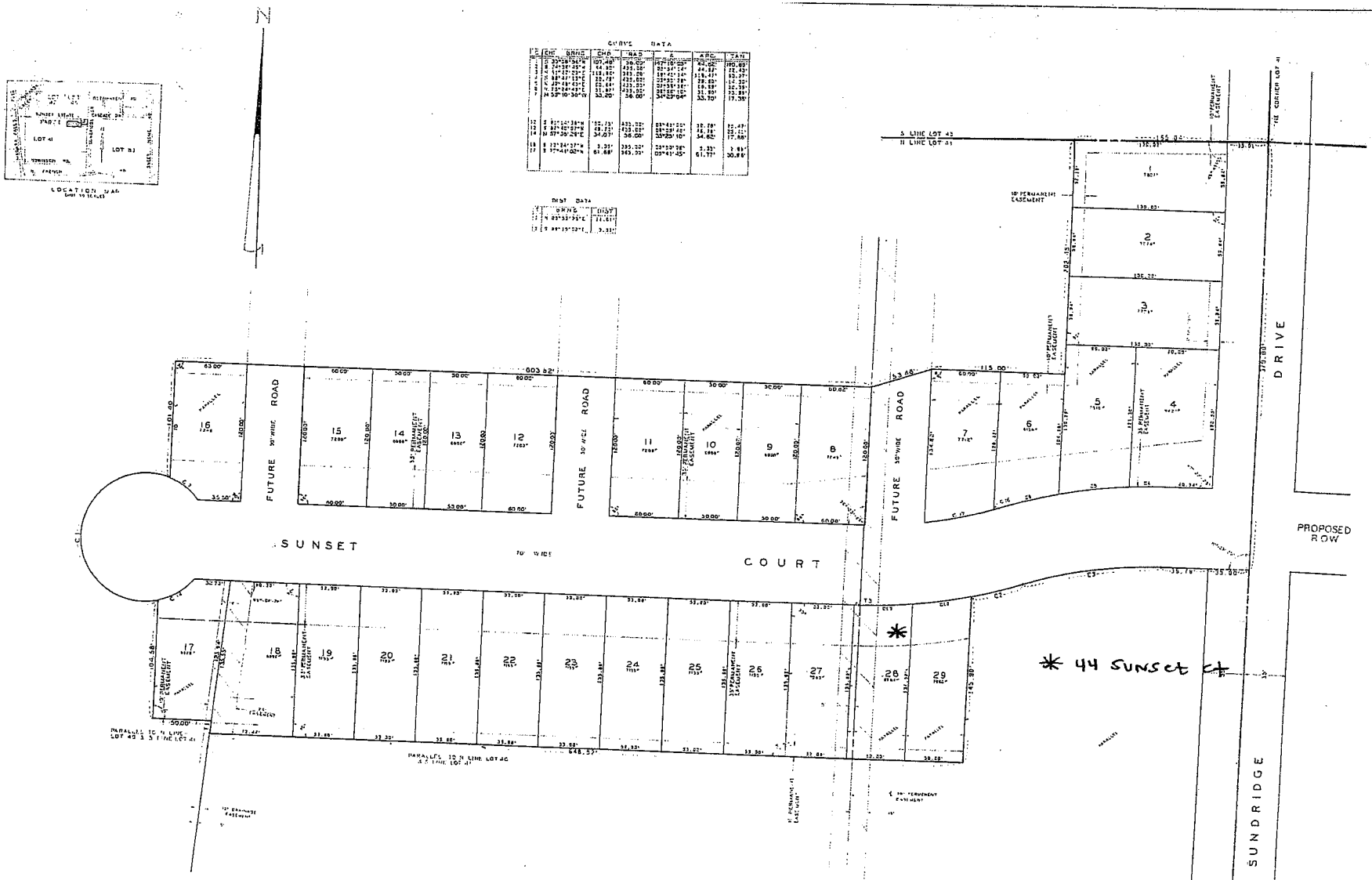
Sincerely,

Laurie Stillwell
Community Development Director

Enc.
Cc: Brian Kulpa, Amherst Supervisor
Dan Ulatowski, Assistant Planning Director
Stan Sliwa, Town Attorney
Daryl Bramer, Comptroller

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)



SUNSET ESTATES
PART I

PART OF LOT 41. TWP. 12, RGE. 7
TOWN OF AMHERST
ERIE CO., N.Y.
35 LOTS
AREA 7.04± AC

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

HUD HOME Investment Partnerships Program Acquisition-Construction-Resale Program

44 Sunset Project Budget		Original Estimate		Updated Estimate**			
Purchase Price	$	25,800	$	5,000	$	22,700.00	Lot Appraised Value
Soft Costs (Arch/Legal/Filing)	$	18,000	$	15,000	$	15,036.03	Back Taxes (acquired from 2018 In Rem)
Permitting		Waived		Waived			
New Build Construction	$	202,000	$	254,000	3 Bedroom HUD Subsidy Limit:		
					$	276,482	Max HOME Limit
TOTAL	**$**	**245,800**	**$**	**274,000**			
Developer Fee (8%)	$	19,664	$	-	N/A - completing in-house		
Appliances	$	2,000.00	$	2,000.00	#		
Total Project Cost	$	265,464		276,000			

Construction Price/Square Foot	$/sq ft		Driveway Estimate		Total
Stickbuilt - PreCOVID anticipated Construction	$150	$ 195,000	$	7,000	$ 202,000
Stickbuilt - Current PostCOVID Materials Costs	$190	$ 247,000	$	7,000	$ 254,000

square footage 1300

End SALE Forecasting		
Anticipated post-construction appraisal		$175,000
Amherst Affordability Subsidy***		$45,000
Sale to 1st Time Homebuyer Price*	$	130,000
Project Loss		(146,000)

*HUD Low-to-Moderate Income qualified

**Based on Architect's Current Construction Costs (not expected to reduce for 2.5 years)

***Adjustable based on Lottery Winner's Actual LMI Income

Request for Foreclosure (RFF)
Vacant Lot Acquisition Application
Buffalo Erie Niagara Land Improvement Corporation (BENLIC)

VACANT LOTS

SECTION I: APPLICANT INFORMATION

Date: 11/1/2017

Town of Amherst	5583 Main Street, Williamsville, NY 14221
Municipality	Contact Address
Laurie Stillwell, Community Development Dir.	(716) 631-7050
Contact Person & Title	Contact Number(s)
	lstillwell@amherst.ny.us
	Contact Email

SECTION II: INSPECTOR REPORT

44 Sunset Court	26.150-3-30.000	
Lot Address	Section-Block-Lot (SBL)	
311	$55,000	$22,700
Property Class Code	Assessed Value	Full Market Value

1.) ***Please attach the applicable resolution***

2.) ***Please attach Assessment and Inventory Information (e.g. RPS V4 database, real property tax info, etc.)***

3.) List any environmental concerns (e.g. hazardous waste): None

4.) Is the lot buildable under the current zoning ordinance? ☒ Yes ☐ No

SECTION III: MAINTENANCE, DISPOSITION AND REUSE PLAN

A. Maintenance Plan

5.) Once acquired by BENLIC, will the municipality make any of the following in-kind contributions toward the maintenance of this Lot?

	Yes	No	
Lawn Cuts	☐	☒	How Often?
Snow Removal	☐	☒	How Often?
Drive By / Check-ins	☐	☒	How Often?

B. Disposition and Reuse Plan

6.) What the preferred end-use for the lot? (e.g. private sale, open space, pocket park, etc.)

Amherst's HOME Program to build a new home for sale to a low-moderate income and first-time homebuyer (HUD funded project).

List any contacts, partnerships, or entities involved in the end-use plans for this lot.

Our partner is a HUD approved contracted non-profit developer: New Opportunities (Belmont Housing's Development Arm)

7.) If BENLIC is unable to dispose of the lot within 12 months of acquisition, is the municipality willing to take title? ☒ Yes ☐ No

If yes, please include in resolution

8.) Does this disposition/reuse plan conform with the adopted land use plans of the municipality ☒ Yes ☐ No

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

Attachment: Scanned_complete_contract_3.9.22 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

Amherst

Town of Amherst Planning Department — Erie County, New York

Brian J. Kulpa, Supervisor
Daniel C. Howard, Planning Director
Daniel J. Ulatowski, Assistant Planning Director

February 17, 2022

Agenda of March 14, 2022

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, New York 14221

Subject: Request to enter an agreement with BENLIC (Buffalo Erie Niagara Land Improvement Corporation) to Purchase the lot located at 44 Sunset Court, Amherst NY 14228

Honorable Board Members:

In 2019 BENLIC completed an acquisition of 44 Sunset Court on the Town's behalf. With acquisition of the property the Community Development staff plans to construct a modest single-family home (3 bed, 1 bath, 1300 sq.ft) on the vacant lot. The Home will be sold to a first-time low-income homebuyer with an affordability purchase subsidy (forgivable lien) as part of our HOME Acquisition-Rehab/New Construction-Resale Program. The program is funded exclusively with U.S. Department of Housing and Urban Development funds Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds.

At this time the Town's purchase of the property from BENLIC is ready to move forward. The $5,000 purchase price was approved by BENLIC's Board in August 2021. The Town's Community Development Block Grant funding has been identified as the appropriate resource for the purchase.

The Planning Department respectfully requests the Town Board to authorize the Supervisor to execute all necessary documents for the acquisition of 44 Sunset Ct, from the Buffalo Erie Niagara Land Improvement Corporation.

A draft resolution is attached for your consideration.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

Enc.

Attachment: tb letter sunset-03092022093004 (RES-2022-302 : Sales Contract to Purchase 44 Sunset Court from BENLIC)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 25514 **RESOLUTION 2022-303** **ADOPTED**

Travel & Training Request NYSP Crimes Against Children Seminar

TOWN BOARD AGENDA ITEM : MARCH 14, 2022

TO: **Town Board**

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

RE: **Travel & Training Request**
NYSP Crimes Against Children Seminar

Kindly adopt a Resolution authorizing two (2) Detectives to attend a leadership forum with regard to the above matter. This seminar is being held in Albany, New York from March 28, 2022 through April 1, 2022. The Detectives will utilize a police car to travel to the seminar. The cost for this course is approximately $1,240.90.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: March 14, 2022)**

3/14/2022
Consent

FINANCIAL IMPACT:

A 3121 .4050: $630.90

A 3121 .4120: $610.00

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

TRAVEL EXPENSE APPROVAL/REIMBURSEMENT FORM

☐ $250 or LESS and under 75 miles Department Head Approval ONLY Required *REVISED 02/21/2021*

☑ $250 + or greater than 75 miles Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
		Police	716-689-1311

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
3/28/2022	4/1/2022	Albany, NY	NYSP Crimes Against Children Seminar

Expenses	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ $0.56	$150(fuel for patrol car)		
Tolls	$24.90 (EZ Pass)		
Parking			
Local Transportation (bus/taxi)			
Plane/Rail/Bus			
Lodging:			
4 # nights @ $ 114	$456		
Meals:			
IRS Per Diem Per Day: $			
1st & Last Day of Travel @ 75%			
10 # Breakfasts @ $ 14	$140		
10 # Lunches @ $16	$160		
10 # Dinners @ $ 26	$260		
10 # Incidentals @ $ 5	$50		
Registration/Conference Fee	N/A		
Other			
Subtotal	$1240.90		N/A
Contingency - 10% of subtotal or $200	$124.09		N/A
TOTAL	$1364.99		

Request Approved By:

Department Head Signature

3/4/2022

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

Forms\Travel Expense Reimbursement Form 4.7.17

Attachment: RedactedTravelRequestFormNYSP Crimes Against Children 3.14.20222 (RES-2022-303 : Travel Request: NYSP Crimes Against

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Police
Initiated by: **Scott Chamberlin**
Co-Sponsored by:

DOC ID: 25530 **RESOLUTION 2022-304** **ADOPTED**

Memorandum of Understanding Use of Amherst Police Department Community Policing and Training Facility Town of Tonawanda Police Department (CRS#3192)

TOWN BOARD AGENDA ITEM: MARCH 14, 2022

TO: **Town Board**

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

RE: **Memorandum of Understanding**
Use of Amherst Police Department Community Policing and Training Facility
Town of Tonawanda Police Department (CRS#3192)

Kindly adopt a resolution authorizing the Supervisor to adopt and execute the attached Memorandum of Understanding between the Town of Amherst (Police) and the Town of Tonawanda Police Department with regard to the above-entitled matter. This MOU has successfully completion the Contract Routing System.

Thank you.

SPC:msl
Attachment
C: Tim Koller, Deputy Town Clerk **(Agenda Item: March 14, 2022)**

3/14/2022
Consent

FINANCIAL IMPACT:

A 3122 .02410: Revenue TBD

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

MEMORANDUM OF UNDERSTANDING
BETWEEN TOWN OF AMHERST POLICE DEPARTMENT
AND TOWN OF TONAWANDA POLICE DEPARTMENT

1. Parties. This Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into by and between the Town of Amherst, whose address is 5583 Main Street, Williamsville, New York, Town of Amherst Police Department, whose address is 500 John James Audubon Pkwy. Amherst New York 14226 (hereinafter collectively referred to as the "Town"), and the Town of Tonawanda Police Department, whose address i 1835 Sheridan Dr, Tonawanda, NY 14223. As used in this MOU, the term "Parties" describes the Town of Amherst Police Department and the Town of Tonawanda Police Department.

2. Purpose. This Memorandum of Understanding (MOU) constitutes a professional service and/or shared-use agreement between the parties, wherein the Town of Amherst Police Department will make available to th Town of Tonawanda Police Department, the Amherst Police Departments Community Policing and Training Facility (hereinafter "Facility") located at 4220 Bailey Avenue, Amherst, New York for firearms and related law enforcement training as described below. The purpose of this MOU is to establish the terms and conditions for use of the Town of Amherst Police Department's Community Policing and Training Facility by the Town of Tonawanda Police Department.

3. Conditions. In order for the Town of Tonawanda Police Department to utilize the Town of Amherst Police Department's Community Policing and Training Facility, approval must be given by the Chief of Police or his designee, and an individual memorandum of understanding. The Town of Tonawanda Police Department is responsible for complying with all applicable Federal, State, County, Municipal laws, ordinances, and regulations wherein the firearms range/training facility is located. The privilege granted to use the facility will be without any co or expense to the Amherst Police Department or the Town of Amherst.

4. Use of the facilities. The Town and the Town of Amherst Police Department agrees to allow the Tov of Tonawanda Police Department use of the agreed upon area of the facility which is located at 4220 Bailey Avenue, Amherst New York to conduct suitable training , together with the necessary rights and ingress and egress to the facility. The Amherst Police Department Community Policing and Training Facility consists of three separate areas and this MOU specifically covers use of the designated training area to be used.

A. Classroom and presentation area located at the southernmost part of the building. Area includes classroom furniture and audio / visual equipment.
B. Realistic training area.
C. Firearms Range

Attachment: Town of Tonawanda MOU (RES-2022-304 : MOU: Town of Tonawanda PD (CRS# 3192))

5. Scheduling. Scheduling for use of the Town of Amherst Police Department Commu Policing and Training Facility is done by request in writing or email to the Chief of Police of the Amherst Police Department or his/her designee. Scheduling of the facility will be a mutually agreeable date and time. A designee of the Amherst Police Department will be responsible for maintaining a schedule of events at the facility and communicating the schedule with the parties involved.

6. Rules and Regulations.

A. The Town of Tonawanda Police Department will use reasonable care in its use of the Facility and shall be responsible to the Town and the Town of Amherst Police Department for conducting all activities in a safe and prudent manner and so as not to endanger others while on Town of Amherst property.

B. The Town of Tonawanda Police Department shall return the Facility to the Amherst Police Department after each use in the same condition as before its use, except for reasonable wear and tear as woul be expected with the type of training done, or if it cannot do so, the Town of Tonawanda Police Department agrees to immediately notify the Town of Amherst Police Department in writing and be responsible to the To of Amherst for any reasonably necessary repairs relating to the Town of Tonawanda Police Department use o the facility. The Town of Tonawanda Police Department agrees that they will financially cover the cost of materials for replacement or repairs for any reckless or unnecessary damage caused by their activities as is reasonably determined by the Amherst Police Department.

C. The Town of Tonawanda Police Department accepts the Facility in "as is" condition and acknowledges that the Town of Amherst makes no warranty in any manner as to the fitness of the facility for any specific purpose.

D. The Town of Tonawanda Police Department agrees that the facility shall be used solely in the servi for law enforcement purposes, such as training and to follow all posted rules and safety regulations.

E. The Town of Tonawanda Police Department agrees to have a qualified instructor present who has attended and completed a safety and orientation briefing presented by an Amherst Police Department facility administrator.

F. The Town of Tonawanda Police Department, its agents, employees, and invitees, agree to abide by facility and training safety rules and to attend and complete a safety briefing by a qualified instructor before each use.

G. Violations of any of the agreed upon rules and regulations, or any above stated laws, or any damag (negligent or otherwise) could result in the Town of Tonawanda Police Department being charged to pay for said actual and reasonable damages at the discretion of the Amherst Police Department and may result in the termination of this MOU for Town of Tonawanda Police Department, resulting in the loss of facility usage fo the Town of Tonawanda Police Department.

Attachment: Town of Tonawanda MOU (RES-2022-304 : MOU: Town of Tonawanda PD (CRS# 3192))

7. Acknowledgement of Risk.

A. Subject to the availability of lawful appropriations and consistent with Section 8 of the New York State Court of Claims Act, the Town of Tonawanda Police Department shall hold the Town of Amherst harmless from and indemnify it for any final judgment of a court of competent jurisdiction to the extent attributable to the negligence of the Town of Tonawanda Police Department or of its officers or employees when acting within the course and scope of their employment.

B. All persons being trained by the Town of Tonawanda Police Department, or at the Facility at the request or invitation of the Town of Tonawanda Police Department, will be at all times under the direct supervision of authorized Town of Tonawanda Police Department instructors. The Town of Tonawanda Polic Department, as an agency of the State of New York, Town of Tonawanda, is self-insured and will, pursuant to the terms and conditions of the law assume financial responsibility for all claims for personal or property damage, including death, caused by the negligent or wrongful acts of the Town of Tonawanda Police Department employees acting in the scope of their employment during the use of the property. The Town of Amherst disclaims any and all liability for damage to any property owned by the Town of Tonawanda Police Department, including any vehicles (personally or agency owned) that are brought to the facility.

C. The Town of Tonawanda Police Department is responsible for ensuring that all personnel using the Facility, while it is assigned to or otherwise being used by the Town of Tonawanda Police Department, understand and agree that the use of the Facility is an inherently dangerous activity and that in consideration f being allowed to use the Facility, each individual assumes the risk of any injuries that may occur while using the Facility.

D. The Town of Amherst expressly disclaims any and all liability for damage or injury to the Town o Tonawanda Police Department, its agents, employees or invitees related to this MOU. The Town of Amherst shall not be liable for theft, vandalism or pilferage of the Facility or any items contained therein.

8. Term of MOU.

A. This MOU becomes effective when approved by the parties identified below and will remain in effect for five (5) years after the agreement is signed. The parties then have the option to renew the MOU for two (2) additional, five (5) year terms.

B. Either party may terminate this MOU upon thirty (30) days written notification to the other party. Such notice will be the subject of immediate consultation to the parties to decide upon the appropriate course action.

Attachment: Town of Tonawanda MOU (RES-2022-304 : MOU: Town of Tonawanda PD (CRS# 3192))

9. General Provisions

A. Applicable Law. The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of New York. The courts of the State of New York shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the Supreme Court, Erie County and New York State. The Chief of Police or their designees have final say on all matters pertaining to safety, usage and administration at the Facility. This supersedes any and all rank or administrative titles carried by members of guest agencies.

B. Entirety of Agreement. This MOU, consisting of [6], pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreement whether written or oral.

C. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

D. Sovereign Immunity. The Town of Tonawanda Police Department and the Amherst Police Department and their respective governing bodies do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

E. Third Party Beneficiary Rights. The parties do not intend to create in any other individual or entity the status of a third party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall insure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

F. Force Majeure. Neither the Town of Amherst nor the Town of Tonawanda Police Department shall be deemed in default hereunder if either Party is prevented from performing any of the obligations by reason of strikes, labor disputes, acts of God, acts of the public enemy, acts of the government, sabotage or any other circumstances for which it is not responsible or which are not within its control

10. Funding. The fee schedule for the Facility is listed below. The fees are necessary to maintain the Facility at a high standard, parties will agree that any fees will be known and agreed to at the time of training

Attachment: Town of Tonawanda MOU (RES-2022-304 : MOU: Town of Tonawanda PD (CRS# 3192))

scheduling. Any fees paid by any agency constitute that agency's willingness to have a well maintain training venue and at no point will any fees paid constitute any ownership, control or unquestioned right to future use of the Facility. If the fee schedule changes, the Town of Amherst will notify the Parties (60) sixty days prior to changes taking effect.

Firearms Range	$300 / half day (4 hrs.)
Firearms Range	$600 / Full day (8 hrs.)
Realistic Training House	$100 / half day (4 hrs.)
Realistic Training House	$200 / full day (8 hrs.)

Attachment: Town of Tonawanda MOU (RES-2022-304 : MOU: Town of Tonawanda PD (CRS# 3192))

11. Signatures. In witness whereof, the parties to this MOU through their duly authorized repre have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

Town of Tonawanda Police Department

_____

[Name and Title] Date

_____

[Name and Title] Date

Town of Amherst Police Department

_____

Brian J. Kulpa, Town Supervisor Date

_____

Scott P. Chamberlin, Chief of Police Date

Attachment: Town of Tonawanda MOU (RES-2022-304 : MOU: Town of Tonawanda PD (CRS# 3192))

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 25515 **RESOLUTION 2022-305** **ADOPTED**

Bike Path Closure - 5/7/22

Authorize the closure of the Amherst Bike Path between St. Rita's Lane and Frontier Road on UB's north campus from 7:00am until 5:00pm on Saturday, May 7, 2022 for the Oozefest Mud Volleyball Tournament.

3/14/2022
Consent

FINANCIAL IMPACT:

None

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

University at Buffalo
Student Life

MEMORANDUM

TO: **Eric Guzdek**
General Manager
Town of Amherst
Department of Youth & Recreation

FROM: **Jude Butch**
Senior Associate Director
University at Buffalo
Student Engagement

RE: **Amherst Bike Path Closure & Bandshell Request**

DATE: **February, 16, 2022**

I am responsible for coordinating the annual *Oozefest Mud Volleyball Tournament* at the University at Buffalo. After a two-year hiatus due to the COVID-19 pandemic, we are busy making plans to hold Oozefest this year on **Saturday, May 7, 2022.**

In order to host a successful event, I am writing to request the following from the Town of Amherst Department of Youth & Recreation:

1. Closure of the Amherst Bike Path near the Oozefest Mud Pits at the corner of St. Rita's Lane and Frontier Road on UB's North Campus from 7:00 a.m. – 5:00 p.m. on Saturday, May 7, 2022

2. Use of the Amherst bandshell – delivered by 12:00 p.m. (noon) on Friday, May 6, 2022 to St. Rita's Lane extension and picked up after Sunday, May 8, 2022

Please contact me directly at jcbutch@buffalo.edu or 716.645.8523 with questions, concerns or to confirm these requests.

Student Engagement

150 Student Union
716.645.6469
leadub@buffalo.edu

www.buffalo.edu/studentlife/engagement

Attachment: Request to Town of Amherst Oozefest (RES-2022-305 : Bike Path Closure - 5/7/22)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Youth & Recreation
Initiated by: **Mary Diana Pouli**
Co-Sponsored by:

DOC ID: 25524 **RESOLUTION 2022-306** **ADOPTED**

Amendment to the 2022-2027 CIP

Authorize the amendment of CIP Project YR-1 2022-2027: Youth & Recreation Vehicles and Equipment to allocate adequate funding to purchase equipment related to new athletic fields and to update existing outdated equipment by moving $100,000.00 originally allocated to 2024 to 2022, leaving the balance in 2024 at $0.00 and increasing the amount in 2022 to $380,000.00.

3/14/2022
Consent

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

March 8, 2022
AGENDA – March 14, 2022

Honorable Town Board
Town of Amherst
5583 Main Street
Williamsville, NY 14221

RE: **Capital Improvement Program Amendments**
CIP Project No. YR-1 2022 - 2027: Youth & Recreation Vehicles & Equipment

Councilmembers:

The Youth & Recreation Department is recommending amendment of the 2022-2027 Capital Improvement Programs for the above project in the amounts shown in the table below. These amendments will allocate adequate funding to award and purchase equipment related to new athletic fields and update existing equipment.

CIP No.	Project Description	Current CIP Allocation	Amended Allocation
YR-1 (2024)	Youth & Recreation Vehicles & Equipment	$0	$100,000 (2024)
YR-1 (2022)	Youth & Recreation Vehicles & Equipment	$380,000	$0 (2024)
	Total (2022 CIP)	**$380,000**	**$0**

Please approve amendment of the 2022-2027 Capital Improvement Programs and allocate funding as shown above.

Very truly yours,

Mary-Diana Pouli

Mary-Diana Pouli
Director of Youth & Recreation

cc: Brian J. Kulpa, AIA, Supervisor
Councilmembers
Stanley J. Sliwa, Esq., Town Attorney
Lynda L. Juul – Director of Finance
Daryl Bramer – Comptroller
Dan Howard – Planning Director
Kim Amplement - Planner

Attachment: 2022-2027 Equipment Bond CIP Amendment 03 08 2022 (RES-2022-306 : Amendment to the 2022-2027 CIP)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
DOC ID: 25499

COMMUNICATION 2022-21 **APPROVED**

Request for Public Hearing - 6621 Main Street & 20 Oakwood Drive

Request from Jeffery Palumbo, Esq. for a public hearing with respect to the rezoning of 6621 Main Street & 20 Oakwood Drive. 6621 Main Street from GB to OB and 20 Oakwood Drive from R-3 to OB.

This hearing has been scheduled for April 11.

3/14/2022
Consent

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

BARCLAY DAMON LLP

Jeffery D. Palumbo
Partner

February 24, 2022

Via Email – kcooper@amherst.ny.us
Kathy Cooper, Deputy Town Clerk
Town of Amherst
5583 Main Street
Williamsville, NY 14221

Re: Proposed Rezoning – 6621 Main Street and 20 Oakwood Drive
Petitioner: Valdemar Blaszak and VBW Properties LLC

Dear Kathy:

Please be advised that our office represents the Petitioner in connection with the above-referenced matter. I would respectfully request that the Town Board, at its meeting of March 14, 2022, schedule a public hearing on this Petition for the earliest available date.

I thank you in advance for your anticipated cooperation.

Very truly yours,

Jeffery D. Palumbo

JDP:cck
Cc: Supervisor Brian Kulpa (bkulpa@amherst.ny.us)
Jacqualine G. Berger (jberger@amherst.ny.us)
Deborah Bruch Bucki RN, PhD (dbucki@amherst.ny.us)
Shawn A. Lavin (slavin@amherst.ny.us)
Michael Szukala (mszukala@amherst.ny.us)
Valdemar Blaszak (wblaszak@yahoo.com)

Attachment: DOC030122-03012022140907 (COM-2022-21 : Request for Public Hearing - 6621 Main Street & 20 Oakwood Drive)

9276 Main Street -- Suite 3 -- Clarence, New York 14031-1913 barclaydamon.com
jpalumbo@barclaydamon.com Direct: 716.858.3728 Fax: 716-759-9131

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
DOC ID: 25508

COMMUNICATION 2022-22 **APPROVED**

Request for Public Hearing - 7740 Transit Road

Request from Michael Lasell, MBL Engineering, PLLC for a public hearing with respect to the rezoning of 7740 Transit Road from GB to DC-5.

This hearing has been scheduled for April 11th.

3/14/2022
Consent

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

MBL ENGINEERING, PLLC

March 7, 2022

Town of Amherst Board
Attn: Timothy Koller – Deputy Town Clerk
5583 Main Street
Williamsville, NY 14221
716.6317053

Re: 7740 Transit Road – Re-zone Application

Mr. Koller,
Based on the letter received February 24, 2022 from the Planning Board and the recommendation to the Town Board at the February 17, 2022 meeting we are requesting on behalf of the our client that the project be placed onto the Town Boards agenda for the March 28, 2022 meeting. We assume a public hearing will also be scheduled to continue to move forward with this project.

I have attached the re-zone application submitted to the planning board along with the site plan for your reference. Please call with any questions. Thank you.

Sincerely,

Michael B. Lasell, P.E., LEED AP
MBL Engineering, PLLC

CC:/
Gary Palumbo – Town Planning Department
Ravi Sabharwal – Owner
Jayesh Patel – Owner
Josh Best - Architect

Attachment: Town Board - Public Hearing Request - 3-7-22 (COM-2022-22 : Request for Public Hearing - 7740 Transit Road)

(p) 315.486.0501 | *(f)*315.295.2569 | 16510 Balch Place Mannsville, NY 13661| Mike.Lasell@MBLEngineering.com

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Councilmembers
DOC ID: 25535

COMMUNICATION 2022-23 **REFERRED**

2022 Calendar from the Amherst Community Diversity Commission

The attached calendar is from the Amherst Community Diversity Commission.

Two edits will be made to the calendar:
March 16th - Purim - starts evening on the 16th through evening on the 17th.
October 4th - October 5th - Yom Kippur - starts evening on the 4th through evening of the 5th.

3/14/2022
Referred to IT, Senior Services and Youth & Recreation.

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

Town of Amherst Community Diversity Commission
2021 Calendar
(rev. AK 3-22)

JANUARY		
December 26 - January 1, 2022	Kwanza	A celebration honoring African American Heritage
January 4th	World Braille Day	Celebration of human rights for blind and partially sighted individuals
January 7th	Orthodox Christmas	Christian holiday
January 17th	Martin Luther King Jr. Day	A day honoring the life and legacy of civil rights activist Martin Luther King, Jr.
FEBRUARY		
Whole month	Black History Month	Celebrates black history and African American culture.
February 1st	National Freedom Day	Commemorates the signing of the 13th Amendment which abolished slavery in 1865.
February 12th	Tadeusz Kosciuszko's Birthday	A Polish army officer who provided leadership throughout the American Revolution and in a national insurrection in his homeland.
February 14th	Valentine's Day	

February 15th	Parinirvana Day (Nirvana Day)	A Buddhist holiday commemorating the Buddha's death/ when he reached the zenith of Nirvana
February 15th	Susan B. Anthony Day	A commemorative holiday to celebrate the birth of Susan B. Anthony and women's suffrage in the United States.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

February 20th	World day of Social Justice	United Nations day to recognize efforts to achieve fair outcomes for all through employment, social protection, social dialogue, and fundamental principles and rights at work.
February 21st	International Mother Language Day	Observed throughout the world since 2000, this observance promotes awareness of linguistic and cultural diversity and multilingualism.
February 22nd	President's Day	A day honoring the presidents of the United States.
February 28th and March 1st	Isra and Mir'aj	An Islamic holiday that celebrates the night Allah took Mohammad on a journey from Mecca to Jerusalem and then to heaven.
MARCH		
Whole month	Women's History Month	This day honors women as significant agents of historical change.
Whole month	National Developmental Disabilities Awareness Month	Calls awareness towards the inclusion and achievements of those with developmental disabilities in everyday life, as well as the challenges they still face.
Whole month	National Multiple Sclerosis Education and Awareness Month	Aims to spread awareness and education regarding the central nervous system disease known as multiple sclerosis, or MS, as well as to show support towards those affected by the disease.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

March 1st	Shrove Tuesday	A Western Christian celebrating a day of penitence as well as the last chance to feast before Lent begins. This holiday is also known as Mardi Gras, Fat Tuesday, and Carnival Day.
March 1st	Maha Shivaratri	A Hindu holiday celebrated on 13th or 14th day of the waning moon in the Hindu calendar.
March 2nd	Ash Wednesday	This holiday falls on the first day of Lent for Western Christian churches, a 40-day period of spiritual preparation for Easter, not counting Sundays.
March 7th	Pulaski Day	It is a local holiday that commemorates and celebrates the birthday of Casimir Pulaski – a Polish soldier who contributed to the Independence of the United States and is often called the “father of the American Calvary.”
March 7th	Clean Monday	The beginning of Great Lent for Eastern Christian churches, which starts 40 days before Orthodox Easter, counting Sundays.
March 8th	International Women's Day	The celebration of the economic, political, and social achievements of women worldwide.
March 16th	Purim	A Jewish holiday, also known as the Feast of Lots, which marks the salvation of the Jews of ancient Persia from extermination.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

March 17th	St. Patrick's Day	A Christian holiday which is a feast day of the patron Saint of Ireland. In the United States, a secular version is celebrated by people of all faiths through appreciation of all things Irish.
March 17th (evening) – March 18th (evening)	Holi	A Hindu celebration of the beginning of good harvest season, or spring.
March 21st	International Day for the Elimination of Racial Discrimination	A call to action to eliminate all forms of racial discrimination worldwide.

March 31st	Cesar Chavez Day	A Mexican holiday which honors the Mexican American farm worker and celebrates the contributions of labor leader and activist Cesar Chavez.
March 31st	International Transgender Day of Visibility	This day supports the right of transgender people to freely express and take pride in their identities while also raising awareness regarding the challenges and prejudice trans people continue to face.
APRIL		
Whole month	Arab American Heritage Month	Celebrates Arab American heritage, culture and contributions.
Whole month	Genocide Awareness Month	A month that marks important anniversaries for past and contemporary genocides. Throughout the month, individuals, communities and organizations join together to remember and honor victims and survivors of mass atrocities.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

Whole month	Deaf History Month	A month celebrating the history, achievements, and culture of those who are deaf or hard-of-hearing. This month used to be celebrated specifically from March 13th to April 15th but has recently been changed to all of April.
April 2nd (evening) to May 2nd (evening)	Ramadan (Muslim)	Occurs during the ninth month of the Muslim year, during which strict fasting is observed from sunrise to sunset. It is observed by Muslims worldwide as a month of fasting to commemorate the first revelation of the Qur'an to the Prophet Muhammad.
April 7th	Day of Remembrance of the Victims of Rwandan Genocide	A day that memorializes the horrific 1994 genocide of the Tutsi people of Rwanda, in which an estimated 800,000 people were killed.
April 10th	Palm Sunday	A Christian holiday observed the Sunday before Easter/Pascha to commemorate the entry of Jesus into Jerusalem

April 14th	Vaisakhi	A Sikhism and Hinduism holiday, celebrated as the occasion to transform the Sikhs into a family of soldier saints, known as the Khalsa Panth.
April 14th	Holy Thursday	A Christian holiday, also known as Maundy Thursday, is celebrated on the Thursday before Easter commemorating the Last Supper, at which Jesus and the Apostles were together for the last time before the Crucifixion.
April 15th	Good Friday	A Christian holiday, also known as Holy Friday in Eastern Christianity, it commemorates the Crucifixion of Jesus on the Friday before Easter/Pascha.
April 15th (evening) – April 23rd (evening)	Passover	A Jewish celebration that commemorates the liberation of the Israelites from Egyptian slavery.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

April 17th	Easter Sunday	Known as Pascha in Eastern Christianity, it celebrates the resurrection of Jesus.
April 22nd	Orthodox Good Friday	A strict day of fasting for many Greek Orthodox Christians in the United States.
April 24th	Orthodox Easter	Orthodox Christian celebration of the resurrection of Jesus Christ.
April 27th (evening) to April 28 (evening)	Yom Hashoah	"Holocaust Remembrance Day" memorializes the heroic martyrdom of six million Jews who perished in the Nazi Holocaust.
April 29th	Day of Remembrance for all Victims of Chemical Warfare	A day raising awareness regarding the consequences of chemical warfare and honoring those who have fallen victim to chemical warfare.
MAY		
Whole Month	Asian Pacific American Heritage Month	It recognizes the contributions and culture of Asians and Pacific Islanders in the United States.
Whole Month	Haitian Heritage Month	Haitian Heritage Month is a celebration in the United States of Haitian heritage and culture. It was first celebrated in Boston, Massachusetts, in 1998.

May 1st	International Worker's Day	Also known as May Day, it celebrates the social and economic achievements of workers worldwide. The day commemorates the Haymarket Riot of 1886 in Chicago, in which police and protesters clashed following a workers' strike for an eight-hour work day.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

May 2nd (evening) to May 3rd (evening)	Eid al-Fitr	The “Festival of Breaking the Fast” and is celebrated by Muslims worldwide marking the end of Ramadan. (Islamic)
May 3rd	World Press Freedom	Serves as an occasion to inform the public of violations of the right to freedom of expression and as a reminder that many journalists brave death or jail to bring people their daily news.
May 3rd	Polish Constitution Day	This holiday celebrates the declaration of the Polish Constitution of May 3rd, .1791.
May 8th	Mother's Day	Celebration to all mothers and motherhood.
May 21st	World Day for Cultural Diversity	A day that recognizes cultural diversity as a source of innovation, exchange and creativity.

May 26th	Ascension Day	A Christian holiday, also known as Holy Thursday, celebrated 40 days after Easter/Pascha, it commemorates the ascension of Jesus into Heaven.
May 30th	Memorial Day	A federal holiday in the United States for remembering the people who died while serving in the country's armed forces.
JUNE		
Whole month	LGBTQ Pride Month	Commemorates the anniversary of the June 28, 1969 Stonewall riot in New York City, the incident that initiated the modern gay rights movement in the United States.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

June 5th	Pentecost	A Christian holiday, also known as Whitsunday, the seventh Sunday after Easter/Pascha commemorates the descent of the Holy Spirit upon the Apostles and women followers of Jesus. Marks the birth of the Christian Church.
June 14th	Flag Day	Flag Day is the day the country celebrates its national flag and holds events related to its flag, such as flag-raising ceremonies, displaying the flag on public buildings and in homes, as well as holding parades and salutes.
June 19th	Father's Day	Children of all ages show appreciation for their fathers and father figures.
June 19th	Juneteenth	Originally commemorating the announcement of the abolition of slavery in Texas in 1865, it is now celebrated throughout the U.S. to honor African-American freedom and achievement.
June 20th	World Refugee Day	Raises awareness about the plight of refugees and displaced persons.

June 26th	Anniversary Of Legalization Of Same-sex Marriage in the US	On June 26, 2015, in the case of Obergefell v. Hodges, the Supreme Court ruled that the fundamental right to marry is guaranteed to same-sex couples.
June 26th	International Day in Support of Victims in Torture	Day of action calling to an end to the use of torture globally and to providing support to survivors.
JULY		
July 4th	Independence Day	It is the anniversary of the publication of the Declaration of Independence from Great Britain in 1776. Patriotic displays and family events are organized throughout the United States.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

July 9th (evening) to July 13th (evening)	Eid-Al-Adha	An Islamic holiday commemorating of Ibrahim's willingness to sacrifice his son in obedience of a command from God. Marks the end of the annual Hajj (pilgrimage to Mecca).
July 13th	Dharma Day	A Buddhist holiday also known as, Asalha Puja, it commemorates the historical Buddha's first discourse following his spiritual awakening.
July 18th	Nelson Mandela Day	This holiday was created to inspire people to embrace the values of democracy and contribute towards the ideals of ensuring a just and fair society.

July 26th	Americans with Disabilities Act Day	Commemorates the 1990 signing of the Americans with Disabilities Act, which guarantees equal opportunity for people with disabilities.
July 29th	Muharram	The month of Muharram marks the beginning of the Islamic liturgical year. This first day, al-Hijra, remembers the migration of Muhammad and his followers from Mecca to Medina in 622 CE.
AUGUST		
August 7th (evening) to August 8th (evening)	Ashura	An Islamic holiday consisting of a day of fasting observed on the 10th day of the month of Muharram to celebrate Moses' exodus from Egypt. For Shi'a Muslims, it also marks the climax of the ten-day Remembrance of Muharram, which mourns the martyrdom of Hussein at the Battle of Karbala
August 9th	International Day of the World's Indigenous Peoples	Celebrates the richness of indigenous cultures and recognizes the challenges indigenous peoples face today, ranging from poverty and disease to dispossession, discrimination and denial of basic human rights.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

August 11th	Raksha Bandhan	A Hindu holiday, also called Rakhi, this festival celebrates the protective relationship between brothers and their sisters.
August 12th	International Youth Day	Celebrates young people and the integral role they play in helping to create a world fit for children.
August 21st	Senior Citizen Day	Recognizes the many contributions older adults make in communities across the United States.

August 23rd	International Day for the Remembrance of the Slave Trade and its Abolition	Memorializes the tragedy of the transatlantic slave trade, coinciding with the anniversary of the uprising in Santo Domingo (today Haiti and the Dominican Republic) that initiated its abolition.
August 26th	Women's Equality Day	Commemorates the 1920 passage of the 19th Amendment to the Constitution, granting women the right to vote.
SEPTEMBER		
September 15th - October 15th	National Hispanic Heritage Month	Celebrates the contributions, heritage and culture of Hispanic and Latino Americans.
September 5th	International Day of Charity	Recognizes the role of charity in alleviating human suffering, as well as of the efforts of charitable organizations and individuals, including the work of Mother Teresa.
September 5th	Labor Day	Celebrated the first Monday in September in recognition of U.S. workers.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

September 11th	Patriot Day	This day honors the memory of those people killed in the September 11 attacks in 2001.
September 17th	Constitution and Citizenship Day	Commemorating the ratification of the United States Constitution in 1787 and also honors all who have become U.S. citizens.
September 21st	World Peace Day	A day dedicated to working towards world peace, World Peace Day is the day that the United Nations General Assembly begins its deliberations each year.
September 25th (evening) to September 27th (evening)	Rosh Hashanah	Beginning of the Jewish New Year and first of the High Holy Days, which marks the beginning of a ten-day period of penitence and spiritual renewal.
September 26th – October 5th	Navaratri	A Hindu holiday consisting of a nine-day festival celebrating the triumph of good over evil. It worships God in the form of the universal mother commonly referred to as Durga, Devi or Shakti, and marks the start of fall.
OCTOBER		
Whole month	Global Diversity Awareness Month	A month that aims to increase awareness and acceptance of diverse cultures
Whole month	National Disability Employment Awareness Month	Recognizes the contributions of workers with disabilities.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

Whole month	LGBT History Month	Marks and celebrates the lives and achievements of lesbian, gay bisexual and transgender people in the United States.
October 1st	Start of Polish American Heritage Month	

October 2nd	International Day of Nonviolence	Marked on the birthday of Mahatma Gandhi, leader of the Indian independence movement and pioneer of the philosophy and strategy of nonviolence, a U.N commemoration promoting the principle of non-violence and the desire to secure a culture of peace, tolerance and understanding.
October 4th – October 5th	Yom Kippur	The “Day of Atonement” marks the end of the Ten Days of Penitence that begin with Rosh Hashanah.
October 5th	World Teachers Day	Held annually to commemorate teacher organizations worldwide.
October 7th (evening) to October 8th (evening)	Mawlid Al-Nabi	The observance of the birthday of Prophet Muhammad, which is celebrated in Rabi' al-Awwal, the third month in the Islamic calendar.
October 9th – October 16th	Sukkot	A Jewish holiday that is a week-long “Feast of Booths” commemorating the 40-year wandering of the Israelites in the desert on the way to the Promised Land.
October 10th	Indigenous Peoples Day (Native American Day)	Celebrates and honors Native American history and culture.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

October 10th	Columbus Day	Recognizes Christopher Columbus's voyage across the Atlantic in 1492.
October 10th	Dia De La Raza, "Day of the Race":	Celebrated in Spanish-speaking countries and communities.
October 11th	Coming Out Day	Encourages honesty and openness about being lesbian, gay, bisexual or transgender. Commemorates October 11, 1987, when 500,000 people marched on Washington, DC, for gay and lesbian equality.
October 17th	International Day for the Eradication of Poverty	Call to action for the eradication of poverty and destitution worldwide.
October 22nd	Feast of Saint John Paul II	October 22 was chosen as his feast day to remember the anniversary of the liturgical inauguration of his Papacy in 1978.
October 24th	Diwali	A Hindu holiday also called Deepavali, "Festival of Lights", it celebrates the victory of good over evil, light over darkness, and knowledge over ignorance.

October 31st	Reformation Day	A Christian holiday which commemorates the beginning of the Protestant Reformation in 1517.
NOVEMBER		
Whole month	National American Indian Heritage Month	Honoring the history and culture of Native Americans and indigenous people in the United States.
Whole month	National Adoption Month	Adoptees, birth families, adoptive families and adoption professionals reflect on, educate and celebrate adoption practices.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

November 1st	All Saint's Day	Commemorates all known and unknown Christian saints. Eastern Christianity observes it on the first Sunday after Pentecost.
November 2nd	All Soul's Day	Commemoration of all faithful Christians who are now dead. In Mexican tradition it is celebrated as Dia de los Muertos between October 31 and November 2, and is an occasion to remember dead ancestors and celebrate the continuity of life.
November 9-10th	Krisallnacht	Commemorates the 1938 pogrom against Jews throughout Germany and Vienna.
November 11th	Veteran's Day	Honors military veterans and the U.S. Armed Services.

November 11th	Polish Independence Day	A National Day in Poland to commemorate the anniversary of the restoration of sovereignty as the second Polish Republic in 1918 from the German, Austro- Hungarian and Russian Empires.
November 14th-18th	American Education Week	Celebrates public education and honors individuals who are making a difference in ensuring every child in the U. S. receives a quality education.
November 16th	International Day for Tolerance	Emphasizes the dangers of intolerance and is a call to action for the advancement of human welfare, freedom and progress everywhere, as well as a day to encourage tolerance, respect, dialogue and cooperation among different cultures and peoples.
November 20th	Transgender Day of Remembrance	Memorializes those who were killed due to antitransgender hatred or prejudice.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

November 25th	Native American Heritage Day	Native American gathering of nations where over 500 tribes gather for three days to honor their culture.
November 27th - December 24th	Advent	Advent is a season of spiritual preparation in observance of the birth of Jesus. In Western Christianity, it starts on the fourth Sunday before Christmas. In Eastern Christianity, the season is longer and begins in the middle of November.
DECEMBER		
December 1st	World AIDS Day	International day of action on HIV and AIDS.
December 3rd	International Day of Persons with Disabilities	Raises awareness about persons with disabilities in order to improve their lives and provide them with equal opportunity
December 7th	National Pearl Harbor Remembrance Day	Commemorates the attack on Hawaii in 1941, leading to the United States' involvement in World War II.
December 10th	Human Rights Day	On this day in 1948 the United Nations General Assembly adopted the Universal Declaration of Human Rights.
December 12th	Our Lady Of Guadalupe	A Christian holiday that celebrates the apparition of the Blessed Virgin Mary (by her title, Our Lady of Guadalupe, the Patroness of Mexico and the Americas) before Juan Diego, an indigenous convert to Roman Catholicism, on the Mexican hill of Tepeyac in 1531.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

December 16th – December 26th	Chanukah	Eight-day “Festival of Lights”, also known as Hanukkah, celebrating the rededication of the Temple to the service of God in 164 BCE. Commemorates the victory of the Maccabees over the Greek King, Antiochus, who sought to suppress freedom of worship.
December 24th	Christmas Eve	A Christian celebration of the arrival of Mary and Joseph in Bethlehem for the birth of Jesus.
December 25th	Christmas	A Christian holiday which commemorates the birth of Jesus.
December 26th 2022 - January 1st 2023	Kwanzaa	A seven-day celebration honoring African American heritage and its continued vitality. “Kwanzaa” means “first fruits (of the harvest)” in Swahili.

Attachment: CALENDAR ACDC Diversity Commission Calendar 2022 Final 20220309 (COM-2022-23 : 2022

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
DOC ID: 25501

COMMUNICATION 2022-24 **REFERRED**

Traffic Study - Park Club Lane

Correspondence from First Assistant Chief, Timothy S. Oliver, Snyder Fire District, regarding the traffic study currently being reviewed of potential changes to Park Club Lane.

3/14/2022
Referred to Town Attorney, Planning, Engineering, Highway & Traffic Safety.

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

SNYDER FIRE DISTRICT

4531 MAIN STREET
SNYDER, NEW YORK 14226
PHONE 716-839-5000 / FAX 716-839-1160

COMMISSIONERS

BURTON L. BUGBEE
PAUL R, GRIEBNER
JAMES E. KOEPPEL
THOMAS A. MERRILL
EARL L. ZIMMERMAN JR.

SECRETARY
JAMES E. KOEPPEL

TREASURER
CHARLES R. HENDERSON

February 5, 2022

Supervisor Kulpa

We are writing you today to express our concerns regarding the traffic study currently being reviewed by the Town of Amherst Traffic Safety Committee of potential changes to the configuration of Park Club Lane. While we understand that the study is not complete, one of the potential solutions to mitigate the residents' traffic volume concerns is the creation of a double cul-de-sac at the north end of the Univera Healthcare property at 205 Park Club Ln. The Snyder Fire District would be very much against this specific proposal as it would add significant response time to the residents at the north end of Park Club Ln, Scamridge Curve, Westchester Rd, Wood Lee, Briar Row, Park Lane Ct, Loch Lee, Charming Ln, Mayfair Ln, and Lawrence Ln. While it may seem that adding a few seconds or minute to a response is insignificant, emergency situations are where seconds count.

Another possibility that was discussed was the addition of an emergency gate with these proposed cul-de-sacs. Again this would add significant time to a response to the north as the responding units would have to stop their response in order to open the gate. An additional concern for this gate is who would be responsible for keeping access available for emergency services? As you know this particular winter has seen a tremendous amount of snowfall and we are afraid that plows would use this area to push and leave snow essentially making the gates inaccessible.

Thank you for your time.

Timothy S Oliver

Timothy S Oliver
First Assistant Chief
Snyder Fire Department

Attachment: Park Club Letter - Supervisor Kulpa (COM-2022-24 : Traffic Study - Park Club Lane)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Councilmembers
DOC ID: 25545

COMMUNICATION 2022-25 **APPROVED**

North Bailey Fire Company Letter

Letter from North Bailey Fire Company regarding fee waiver questions.

3/14/2022
Consent

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

North Bailey Fire Company
966 Sweet Home Road
Amherst, New York 14226

Phone: (716) 836-9571
Fax: (716) 836-1274
www.northbaileyfire.com

William Richter
President

Jeffrey Cutler
Chief

March 2nd, 2022

Michael Szukala
Town of Amherst Council, Fire Service Liason
5583 Main St.
Williamsville, NY 14221

Dear Mr. Szukala and Town Council Members,

The North Bailey Fire Company sought a New York State grant in June 2018 for a new communication sign to replace our obsolete sign from the 1970's. We obtained the necessary variances from the Town Planning Board in September 2018. After a lengthy process, our grant came through with the final approval from New York State in January 2022.

We obtained our approved permit through the Town of Amherst Building Dept. last week, and were advised to seek a fee waiver from the Town due to our Fire Company being a Town-contracted public safety entity. We paid the required fees in full totalling $420.00 and a $2.50 credit card processing fee to the Town of Amherst Clerk's Office (see attached receipts). We are hereby, respectfully, requesting a rebate/refund of the fees totalling $422.50

As always, we thank you for your time and consideration on this matter. Feel free to contact me via email williamrichter@northbaileyfire.com or cell phone [redacted]

Sincerely,

William Richter, President

Attachment: north bailey (COM-2022-25 : North Bailey Fire Company Snyder Fire District Letters)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
DOC ID: 25502

COMMUNICATION 2022-26 **REFERRED**

Verified Notice of Claim: James C. Olivieri Vs. Town of Amherst

3/14/2022
Referred to Town Attorney & Human Resources.

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

STATE OF NEW YORK
SUPREME COURT : COUNTY OF MONROE

MAR02'22 PM 4:22 RCVD

IN THE MATTER OF THE CLAIM OF:

JAMES C. OLIVIERI,
[redacted]

Claimant,

vs.

TOWN OF AMHERST
5583 Main Street
Williamsville, New York 14221

Respondents.

VERIFIED NOTICE OF CLAIM

TO: TOWN OF AMHERST
5583 Main Street
Williamsville, New York 14221

PLEASE TAKE NOTICE, that pursuant to New York General Municipal Law § 50-e the claimant herein, James C Olivieri, hereby submits his notice of claim and demand against the respondent and assert the following:

1. **Names and post office addresses of claimants and their attorneys:**

CLAIMANT

James C. Olivieri
[redacted]

ATTORNEYS

The Coppola Firm
J. Morgan Levy, Esq.
3960 Harlem Road
Buffalo, New York 14226

Attachment: DOC030322-03032022082153 (COM-2022-26 : Verified Notice of Claim: James C. Olivieri Vs. Town of Amherst)

2. **Nature of the claim and incident:**

Claimants present this claim for economic damages and emotional and psychological distress resulting from: (1) respondent's harassment and discrimination of claimant because of his disability in violation of New York State Human Rights Law and the Americans with Disability Act, (2) respondent's retaliation against claimant because he has complained of such harassment, and (3) respondent's negligence in retention, in training and/or in supervising claimant's co-workers.

Claimant has been employed by of the Town of Amherst ("Amherst") for seventeen years. He was hired in September of 2004 as a "laborer" and remained in a laborer position until June 2017, when he was promoted to Motor Equipment Operator ("MEO").

Claimant has a speech impediment that impairs the major life activities of speaking and communicating. Claimants' speech impediment is obvious and apparent to those engaging in verbal communication with Claimant. Upon information and belief, Claimant is perceived by his co-workers and colleagues at Amherst to be a person with a disability.

Claimant has experienced significant visual and verbal harassment because of his disability, throughout his career at Amherst. This harassment included co-workers calling Claimant names such as "retard", "moron", "baby", and "loser" and telling Claimant, "you shouldn't have a job" and "you don't deserve a job." Co-workers also drew pictures depicting Claimant as a baby, with tears coming from his eyes and a baby bottle in his mouth. Claimant reported this visual and verbal harassment when it occurred and while at times, some of the behaviors stopped, they always began again.

The most recent instance of such harassment occurred on January 31, 2022, when a co-worker, Tim Petrie, ("Petrie") left his phone on the seat of the truck Claimant and he

Attachment: DOC030322-03032022082153 (COM-2022-26 : Verified Notice of Claim: James C. Olivieri Vs. Town of Amherst)

were using and went into a store to purchase lunch. While Petrie was in the store and Claimant was in the vehicle, a text message appeared on Petrie's phone. Claimant immediately recognized a photo of Claimant from his wife's Facebook page as the message. Confused as to why his photo would appear on Petrie's phone, Claimant picked up the phone to look at the picture more closely. He then discovered that the message contained a video making fun of Claimant calling him a "baby", "piece of shit", and a "no good asshole." Claimant saw that five co-workers were included in the message, including John Moslow who created the video, Mike Clarkson, Jim Edmunds, Mike Germain, and Petrie. Responses to the video included "Amen brother" and "Absolutely."

Claimant reported this behavior to his supervisor, Brian Princess ("Princess"). Rather than provide Claimant support and the clear message that this behavior was inappropriate, later that day Claimant was called into the office and informed that he was being given a "verbal warning" for looking at the Petrie's phone because the phone was private property.

The morning following Claimant's report of his co-worker's harassment, Claimant discovered that he was no longer assigned "acting Crew Chief", a role that he had been assigned every day since August 2021. His new assignment, washing vehicles and cleaning the shop came without the "out of class" pay he had been receiving for the past five plus months. Later that day, Princess informed Claimant that "upper management" had determined that Claimant would not be considered for a promotion into the Crew Chief position that Claimant applied for several weeks earlier. This is despite Claimant having worked as the acting Crew Chief for five months, without criticism and despite Claimant having the most seniority and experience of all employees eligible for the position.

Attachment: DOC030322-03032022082153 (COM-2022-26 : Verified Notice of Claim: James C. Olivieri Vs. Town of Amherst)

The following week, Claimant learned that two of the three employees selected for interim Crew Chief positions have less than seven years of experience. The final employee selected also had less than Claimant's nearly eighteen years of experience.

During this same week, on February 11 and 15, 2022, Claimant was assigned to work with Clarkson, despite having just made a complaint about Clarkson's behavior and the availability of three other crews to whom he could have been assigned. Additionally, on February 17, 18, and 21, 2022, Claimant was not given crew chief responsibilities despite being significantly more senior than the individuals chosen as crew chief. From February 22-24, 2022, Claimant was assigned to work in the shop with only one other employee who had just been transferred from the Wastewater Management Plant, despite there being several crews working for the day with interim crew chiefs assigned to them.

Not only was Claimant told that he would not be considered for a promotion after complaining about his co-workers' harassment so that other, less qualified employees could be selected for the role, but Claimant has also been placed into a "floater" position, rather than being assigned to a work crew. The floater role is typically reserved for new, inexperienced, non CDL holding employees.

In addition to the verbal and visual harassment and retaliation Claimant has experienced he has also been treated differently by Amherst than other, less qualified, non-disabled employees in other ways. In example, Claimant has a Commercial Driver's License ("CDL") for approximately eighteen years. A CDL is a driver's license required to operate large, heavy, or placarded hazardous material vehicles. Despite this qualification Amherst has prohibited Claimant from operating heavy machinery at work, while permitted non-disabled employees *without a CDL* to do so. When Claimant has asked why he is not

Attachment: DOC030322-03032022082153 (COM-2022-26 : Verified Notice of Claim: James C. Olivieri Vs. Town of Amherst)

permitted to operate the same machinery non CDL holders have been permitted to operate, he has been told that he needs training. When he has requested any required training, it has been denied.

3. **Time when, place where, and manner in which the claim arose:**

The claim represents an ongoing pattern of harassment and discrimination of Claimant by Amherst because of Claimant's disability in violation of New York State Human Rights Law and the Americans with Disability Act. These claims arose throughout Claimant's career at Amherst. The most recent example of harassing and discriminatory behaviors occurred on January 31, 2022, at 5274 Main St. Williamsville, NY 14221.

The claim is also a claim for retaliation for complaining of harassment and discrimination based on disability. The most recent retaliatory event occurred on February 24, 2022, at 1100 N. Forest Rd. Williamsville, NY 14221.

4. **Items of damage and injuries claimed:**

Claimants will allege that he sustained damages and injuries in the form of emotional and psychological distress; pain and suffering; medical expenses; and claimant will continue to incur further damages, the full extent of which is presently unknown.

5. **Respondents' legal counsel:**

Claimant is not aware of respondents' legal counsel.

Claimant reserves all rights under the law to which he is entitled.

PLEASE TAKE FURTHER NOTICE, that this notice is made, sworn, and served on behalf of claimant in compliance with the provisions of section 50-e of the General Municipal Law of New York State, and such other laws and statutes that may apply.

Attachment: DOC030322-03032022082153 (COM-2022-26 : Verified Notice of Claim: James C. Olivieri Vs. Town of Amherst)

PLEASE TAKE FURTHER NOTICE, that claimant demands payment of said claim and unless said claim is paid within a reasonable time, it is the intention of claimant to commence suit against the aforesaid respondents.

Dated: March 1, 2022
Buffalo, New York

THE COPPOLA FIRM
Attorneys for Claimant



By: J. Morgan Levy, Esq.
3960 Harlem Road
Buffalo, New York 14226
T: 716-839-9700
F: 716-408-9220
E: mlevy@coppola-firm.com

Attachment: DOC030322-03032022082153 (COM-2022-26 : Verified Notice of Claim: James C. Olivieri Vs. Town of Amherst)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Clerk
DOC ID: 25495

COMMUNICATION 2022-27

REFERRED

Summons and Complaint: Chrishawn T. Loder Vs. Town of Amherst Et Al.

3/14/2022
Referred to Town Attorney.

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

FILED: ERIE COUNTY CLERK 02/22/2022 11:08 AM INDEX NO. 802067/2022
NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 02/22/2022

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

CHRISHAWN T. LODER
[redacted]
Plaintiff

v.

TOWN OF AMHERST
5583 Main Street
Williamsville, New York 14221

POLICE OFFICER KATHERINE ANNE FRIEH
500 John James Audubon Parkway
Amherst, New York 14228

Defendants

Index No. _____

Plaintiff designates Erie County as the place of trial

Summons

The basis of venue is plaintiff's residence.

To the above named Defendants:

You are hereby Summoned to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this summons, to serve a Notice of Appearance, on the counsel for plaintiff within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Buffalo, New York
February 22, 2022

Yours,

Robert P. Goodwin

Robert P. Goodwin, Esq.
WALSH, ROBERTS & GRACE, LLP
Attorneys for Plaintiff
400 Rand Building, 14 Lafayette Square
Buffalo, NY 14203-1928
(716) 856-1636

Attachment: DOC022822-02282022134509 (COM-2022-27 : Summons and Complaint: Chrishawn T. Loder Vs. Town of Amherst Et Al.)

FILED: ERIE COUNTY CLERK 02/22/2022 11:08 AM INDEX NO. 802067/2022
NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 02/22/2022

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

CHRISHAWN T. LODER
Plaintiff

v.

TOWN OF AMHERST
POLICE OFFICER KATHERINE ANNE FRIEH,

Defendants

Complaint

The plaintiff, above-named, by his attorneys, WALSH, ROBERTS & GRACE, LLP, for his Complaint against the defendants herein, alleges:

FIRST: That at all times hereinafter mentioned, the plaintiff was and still is a resident of the [redacted] ar[redacted].

SECOND: That at all times hereinafter mentioned, the defendant, TOWN OF AMHERST, is a municipal corporation formed under the laws of the State of New York, with its principal office in the County of Erie and State of New York.

THIRD: That upon information and belief, at all times hereinafter mentioned, the defendant, KATHERINE ANNE FRIEH, was and still is employed as a Police Officer for the Town of Amherst Police Department and was acting in such capacity on January 30, 2021.

FOURTH: That upon information and belief, at all times hereinafter mentioned, the defendant, TOWN OF AMHERST, was and still is the owner of a 2019 Ford Police vehicle (vehicle #109), bearing a license plate that says POLICE.

Attachment: DOC022822-02282022134509 (COM-2022-27 : Summons and Complaint: Chrishawn T. Loder Vs. Town of Amherst Et Al.)

FILED: ERIE COUNTY CLERK 02/22/2022 11:08 AM INDEX NO. 802067/2022
NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 02/22/2022

FIFTH: That on or about January 30, 2021, the defendant, POLICE OFFICER KATHERINE ANNE FRIEH, was operating said Police vehicle while in the course of her employment with the defendant, TOWN OF AMHERST, and with the express and/or implied consent of the defendant, TOWN OF AMHERST.

SIXTH: That at all times hereinafter mentioned, Main Street was and still is a public and much traveled street in the Town of Amherst, County of Erie and State of New York.

SEVENTH: That at all times hereinafter mentioned, the plaintiff, CHRISHAWN T. LODER, was lawfully operating a 2013 Dodge passenger vehicle bearing New York State license plate number JSA4969.

EIGHTH: That on or about the 30th day of January, 2021, the aforesaid TOWN OF AMHERST Police vehicle that was being operated by the defendant, KATHERINE ANNE FRIEH, was involved in a collision with the plaintiff's 2013 Dodge passenger vehicle when the defendant, POLICE OFFICER KATHERINE ANNE FREIGH, suddenly reversed the defendant's vehicle while both vehicles were stopped in traffic on Main Street in the Town of Amherst, New York.

NINTH: That said accident and resulting injuries to the plaintiff were caused solely and completely by reason of the negligence, recklessness, and carelessness of the defendants.

TENTH: That the negligence, carelessness, and recklessness of the defendants, and their agents and/or employees, consisted of: failing to properly coordinate and control the steering mechanism of the vehicle; failing to properly coordinate and control the braking mechanism of the vehicle; failing to put the vehicle in the proper gear after the

Attachment: DOC022822-02282022134509 (COM-2022-27 : Summons and Complaint: Chrishawn T. Loder Vs. Town of Amherst Et Al.)

FILED: ERIE COUNTY CLERK 02/22/2022 11:08 AM INDEX NO. 802067/2022
NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 02/22/2022

traffic light turned green; backing the vehicle against the lawful direction of traffic; failing to give any signal or warning of an intention to drive the vehicle in reverse; failing to see that which was there to be seen; failing to keep a proper lookout; failing to obey posted traffic control signs and devices; failing to obey the Vehicle and Traffic Laws of the State of New York; failing to exercise due and proper care and diligence to avoid the accident; and the defendants were otherwise negligent.

ELEVENTH: That as a result of the foregoing, the plaintiff, CHRISHAWN T. LODER, has sustained a serious injury as defined in Section 5102 of the Insurance Law of the State of New York.

TWELFTH: The causes of action set forth herein fall within one or more of the exceptions set forth in CPLR §1602, including but not limited to CPLR §1602(6).

THIRTEENTH: That on or about the 11th day of March, 2021, within 90 days of the event complained of herein, the plaintiff did cause a Notice of Claim to be served upon the defendant, TOWN OF AMHERST, in accordance with and pursuant to §50-e of the General Municipal Law of the State of New York, advising the defendant of the claim herein. The defendant requested and conducted an Examination Under Oath pursuant to General Municipal Law §50-h on or about May 14, 2021.

FOURTEENTH: That more than 30 days have elapsed since service of the Notice of Claim and adjustment or payment of the claim has been neglected or refused to date.

FIFTEENTH: That this action has been brought within one year and 90 days of the happening of the occurrence which gives rise to this litigation.

Attachment: DOC022822-02282022134509 (COM-2022-27 : Summons and Complaint: Chrishawn T. Loder Vs. Town of Amherst Et Al.)

15.7.a

SIXTEENTH: That by reason of the said negligence of the defendants, the plaintiff, CHRISHAWN T. LODER, has suffered severe and disabling injuries on or about his body, was rendered sick, sore, lame and disabled and remains so permanently and has been caused great pain and suffering, loss of income, and medical expenses, all to his damage in a sum which exceeds the jurisdictional limits of all lower Courts.

WHEREFORE, plaintiff demands judgment against the defendants herein in the sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this matter.

DATED: Buffalo, New York
February 22, 2022

Yours,

By: Robert P. Goodwin, Esq.
WALSH, ROBERTS & GRACE, LLP
Attorneys for Plaintiff
Office and Post Office Address
400 Rand Building
14 Lafayette Square
Buffalo, NY 14203-1928
(716) 856-1636

Attachment: DOC022822-02282022134509 (COM-2022-27 : Summons and Complaint: Chrishawn T. Loder Vs. Town of Amherst Et Al.)

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

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Engineering
Initiated by: **Jeffrey S. Burroughs**
Co-Sponsored by:

DOC ID: 25528 **RESOLUTION 2022-307** **ADOPTED**

PIP Extension - Sanitary Sewer and Waterline PIP No. 3051 and 3052 Northtown Plaza Redevelopment

The petitioner has requested that the referenced private improvement permits be extended for one (1) year beginning March 14, 2022 and expiring March 13, 2023.

At this time we are requesting approval of the one (1) year extension to private improvement permits #3051 and #3052.

3/14/2022
Consent

FINANCIAL IMPACT:

n/a

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