



Amherst Town Board

Organizational Meeting of the Town Board

Minutes

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

Francina J. Spoth
Town Clerk

Tuesday, January 3, 2023

7:00 PM

Amherst Municipal Building

I. IN MEMORY

II. INVOCATION

Supervisor Kulpa

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on January 3, 2023 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Jacqueline Berger	Town of Amherst	Councilmember	Present	
Deborah Bruch Bucki	Town of Amherst	Deputy Supervisor	Present	
Shawn Lavin	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Present	
Francina J. Spoth	Town of Amherst	Town Clerk	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Martin A. Polowy	Town of Amherst	Town Attorney	Present	
Mary Diana Pouli	Town of Amherst	Exec. Dir. of Youth & Recreation Departments	Present	
Daryl Bramer	Town of Amherst	Comptroller	Present	
Robert McCarthy	Town of Amherst	Director of Human Resources	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Angela Rossi	Town of Amherst	Director of Economic Development	Present	
Jeffrey S. Burroughs	Town of Amherst	Town Engineer	Present	
Lynda Juul	Town of	Director of Finance	Present	

	Amherst			
Samuel A Alba	Town of Amherst	Sr. Deputy Town Attorney	Present	

V. MINUTES APPROVAL

1. Monday, December 12, 2022

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

VI. PROCLAMATIONS AND ANNOUNCEMENTS

Supervisor Kulpa appointed Deborah Bruch Bucki as Deputy Supervisor.

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

VIII. REORGANIZATION

1. Resolution 2023-1

Appointments of Town Attorney, Sr. Deputy Town Attorney, and Town Prosecutor 2023

BE IT RESOLVED that Martin A. Polowy be appointed as Town Attorney; and

BE IT FURTHER RESOLVED that Samuel A. Alba be re-appointed as Sr. Deputy Town Attorney; and

BE IT FURTHER RESOLVED that Ann Demopoulos be re-appointed as Deputy Town Attorney; and

BE IT FURTHER RESOLVED that Brittanylee Penberthy be re-appointed as Town Prosecutor.

1/3/2023

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

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

2. Resolution 2023-2

Appointment of Parliamentarian 2023

BE IT RESOLVED that Martin Polowy be appointed to the position of Parliamentarian.

1/3/2023

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

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

3. Resolution 2023-3

Appointment of Energy Manager 2023

BE IT RESOLVED that Mark Berke be appointed as the Town's Energy Manager for 2023.

1/3/2023

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

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

4. Resolution 2023-4

Re-Appointment of Affirmative Action Officer 2023

BE IT RESOLVED that Robert McCarthy be re-appointed as Affirmative Action Officer for 2023.

1/3/2023

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

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

5. Resolution 2023-5

Re-Appointment of Fair Housing Officer 2023

BE IT RESOLVED that Laurie Stillwell be re-appointed as Fair Housing Officer and be directed to report annually for 2023.

1/3/2023

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

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

6. Resolution 2023-6

Re-Appointment of Town Historian 2023

BE IT RESOLVED that Village of Williamsville Historical Society and Buffalo Niagara Heritage Village be re-appointed as Town Historian for 2023.

1/3/2023

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

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

7. Resolution 2023-7

Representation of Town of Amherst at the Association of Erie County Governments 2023

BE IT RESOLVED that Brian Kulpa be re-appointed to represent the Town of Amherst at the Association of Erie County Governments; and

BE IT FURTHER RESOLVED the Dennis M. Powers be re-appointed to serve as alternate to represent the Town of Amherst at the Association of Erie County Governments.

1/3/2023

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

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

8. Resolution 2023-8

Representation of Town of Amherst at Annual Meeting of the Association of Towns 2023

BE IT RESOLVED that Brian Kulpa be re-appointed as Delegate to represent the Town of Amherst at the Annual Meeting of the Association of Towns; and

BE IT FURTHER RESOLVED that Dennis Powers be re-appointed to serve as alternate to represent the Town of Amherst at the Annual Meeting of the Association of Towns; and

BE IT FURTHER RESOLVED that Supervisor Brian Kulpa, Councilmember Michael Szukala, Dennis Powers, Lynda Juul, Joe McMahon, Angela Rossi, Emily Melski, Jessica O'Neil, Marty Polowy, and Laurie Stillwell be authorized to attend the Annual Meeting.

1/3/2023

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

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

9. Resolution 2023-9

Designation of Official Town Newspaper 2023

BE IT RESOLVED that *The Amherst Bee* be designated as the official town newspaper.

1/3/2023

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

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

10. Resolution 2023-10

Designation of Official Town Depositories 2023

BE IT RESOLVED that all commercial banks having offices and doing business in Erie County be designated as official Town depositories.

1/3/2023

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

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

11. Resolution 2023-11**Check Signing 2023**

BE IT RESOLVED that the Comptroller will counter sign all checks with the Supervisor, and that the Deputy Supervisor will sign for the Supervisor when he is unavailable, and

BE IT FURTHER RESOLVED that the Supervisor or Deputy Supervisor and the Comptroller be authorized to use facsimile signatures for signing checks.

1/3/2023

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

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

12. Resolution 2023-12**Payment of Department Expense Accounts 2023**

BE IT RESOLVED that the Comptroller be authorized to pay various expense accounts as set up in the annual budget when presented on approved vouchers and purchase cards.

1/3/2023

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

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

13. Resolution 2023-13**Approve Town Officials' Blanket Bond 2023**

BE IT RESOLVED that the blanket bond to provide surety protection for the Supervisor, Deputy Supervisor, Director of Finance, Comptroller, Town Clerk, Judges, and Highway

Superintendent be approved.

1/3/2023

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

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

14. Resolution 2023-14**2023 Office Hours and Standard Workday Hours**

BE IT RESOLVED that the office hours and the standard workday hours be set as follows for 2023:

8:00 a.m. to 4:00 p.m., Monday to Friday, for Assessor's Office
8:30 a.m. to 4:30 p.m., Monday to Friday, for Attorney's Office
8:00 a.m. to 4:00 p.m., Monday to Friday, for Building Department
9:00 a.m. to 5:00 p.m., Monday to Friday, for Community Development
8:00 a.m. to 4:00 p.m., Monday to Friday, for Contract Compliance / Finance
8:00 a.m. to 4:00 p.m., Monday to Friday, for Economic Development
8:00 a.m. to 5:00 p.m., Monday to Friday, for Emergency Services (24-hour call)
8:00 a.m. to 4:00 p.m., Monday to Friday, for Engineering Main Office (North Forest Rd.)
7:00 a.m. to 3:30 p.m., Monday to Friday, for Engineering Sewer Maintenance Division
7:00 a.m. to 3:30 p.m., Monday to Friday, for Highway/Refuse/Parks
9:00 a.m. to 5:00 p.m., Monday to Friday, for Human Resources & Comptroller
8:00 a.m. to 5:00 p.m., Monday to Friday, for Information Technology
9:00 a.m. to 5:00 p.m., Monday to Friday, for Planning
8:30 a.m. to 4:30 p.m., Monday to Friday, for Police Department Records Requests
8:30 a.m. to 4:30 p.m., Mon., Wed., & Fri. and
8:30 a.m. to 7:30 p.m., Tues. and Thurs., for Senior Center
9:00 a.m. to 5:00 p.m., Monday to Friday, for Town Board Offices
8:00 a.m. to 4:00 p.m., Monday to Friday, for Town Clerk
7:30 a.m. to 3:30 p.m., Monday to Friday, for Wastewater Treatment Facility
8:30 a.m. to 5:30 p.m., Monday to Friday, and
10:00 a.m. to 2:00 p.m., Saturday, for Youth & Recreation

1/3/2023

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

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

15. Resolution 2023-15

Set 2023 Holiday Schedule

BE IT RESOLVED that the 2023 holiday schedule be approved as shown on the attached list.

1/3/2023

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

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

16. Resolution 2023-16

Set Salaries for Town Employees and Civil Service Employees 2023

BE IT RESOLVED that 2023 salaries for Town employees and Civil Service employees be set pursuant to the approved 2023 budget and negotiated contracts.

1/3/2023

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

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

17. Resolution 2023-17**Set Salaries for Exempt Employees 2023**

BE IT RESOLVED that 2023 salaries for Exempt Employees be set as shown on the attached.

1/3/2023

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

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

18. Resolution 2023-18**Set Salaries for Department Heads and Assistant Department Heads 2023**

BE IT RESOLVED that 2023 salaries for Department Heads and Assistant Department Heads be set as shown on the attached.

1/3/2023

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

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

19. Resolution 2023-19**2023 Town Board Meeting Dates**

BE IT RESOLVED that the attached schedule of Town Board and Work Session meeting dates be adopted for 2023.

1/3/2023

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

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

20. Resolution 2023-20

2023 Amherst Traffic Safety Board Meeting Dates

BE IT RESOLVED that the attached schedule of 2023 Amherst Traffic Safety Board meeting dates be adopted.

1/3/2023

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

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

21. Resolution 2023-21

2023 Design Advisory Board Meeting Dates

BE IT RESOLVED that the attached schedule of 2023 Design Advisory Board meeting dates be adopted.

1/3/2023

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

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

22. Resolution 2023-22**2024 Budget Calendar**

BE IT RESOLVED that the 2024 Budget Calendar be approved as shown on the attached document.

1/3/2023

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

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

23. Resolution 2023-23**Re-Appointment of A.D.A. (Americans with Disabilities Act)
Coordinators 2023**

BE IT RESOLVED that Robert McCarthy is re-appointed as A.D.A. Coordinator, and Mark Berke is re-appointed as A.D.A. Coordinator for 2023.

1/3/2023

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

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

Councilmember Berger appoints Susan Zummo to the Amherst Committee on Disabilities for a term to end December 31, 2024.

Councilmember Lavin appoints Rachel Martin to the Amherst Committee on Disabilities for a term to end December 31, 2024.

Councilmember Szukala appoints Erica Rodman and David Wantuck to the Amherst Committee on Disabilities for a term to end December 31, 2024.

3. Amherst Community Diversity Commission (4)**4. Amherst Conservation Advisory Council (5)****5. Amherst Government Financial Advisory Board****6. Amherst Industrial Development Agency**

Membership is full.

7. Amherst Veterans Committee (3)

Councilmembers Szukala appoints Andrew Peirce and Arthur Sullivan to the Amherst Veterans Committee for terms to conclude 12/31/2025.

8. Arts & Culture in Public Places Board**9. Board of Assessment Review**

Membership is full.

10. Board of Electrician Examiners

Membership is full.

11. Board of Ethics**12. Board of Plumbing and Drainage Examiners**

Membership is full.

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

Membership is full.

15. Employee Suggestion Review Committee

Membership is full.

16. Energy Conservation Citizens Advisory Committee (3)

17. Freedom of Information Law (FOIL) Board**18. Glen Park Joint Board**

Membership is full.

19. Historic Preservation Commission

Membership is full.

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

Membership is full.

22. Minority / Woman Owned Business (4)**23. Open Government Advisory Board (4)****24. Planning Board**

Membership is full.

25. Recreation Commission (1)**26. Recycling and Waste Committee (3)****27. Senior Services Advisory Board (2)****28. Traffic Safety Board**

Membership is full.

29. Youth Board

Adult vacancies (6), Youth vacancies (0)

30. Zoning Board of Appeals

Membership is full.

X. PUBLIC EXPRESSION

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

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was opened at 7:28 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was closed at 7:28 PM.

XI. CONSENT AGENDA

There is no Consent Agenda for this meeting.

XII. COUNCILMEMBER RESOLUTIONS**A. SUPERVISOR KULPA:****B. COUNCILMEMBER BERGER:****1. Resolution 2023-25****Design Advisory Board Reappointment**

WHEREAS, the Design Advisory Board, also known as DAB, is to support the goals and objectives of the Comprehensive Plan and the implementation of the Zoning Code by promoting design excellence in Amherst; and

WHEREAS, DAB reviews proposed site plans for their application of the Town's Design Guidelines within Mixed Use Districts and provides recommendations to the Planning Board/Director and other boards upon request; and

WHEREAS, the Design Advisory Board appointed members maximum is five (5) for a five (5) year term; and

WHEREAS, the DAB currently has a board of four members, who shall continue to serve until their term of appointment expires, as follows:

Dal Giuliani, Chairman, term to end December 31, 2024
Duncan M. Black, Vice-Chairman, term to end December 31, 2026
Marissa Colucci, term to end December 31, 2023
Tracy Conhiser-Uy, term to end December 31, 2025; and

WHEREAS, Peter M. Talty, Jr. has served on the Design Advisory Board and has expressed interest in serving another term.

NOW, BE IT RESOLVED that Peter M. Talty, Jr. be appointed to the Design Advisory Board for a 5-year term to end December 31, 2027.

1/3/2023

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

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

2. Resolution 2023-26**Amherst Industrial Development Agency Reappointment**

WHEREAS, the Amherst Industrial Development Agency (AIDA) was formed under Article 18-A of New York State's Municipal Law; and

WHEREAS, the AIDA is a full service economic development organization whose primary purpose has been to "promote regional employment growth through the attraction, expansion and retention of companies within the Town of Amherst to achieve our mission of promoting economic diversity and to broaden the tax base of the Town of Amherst in order to reduce the tax burden on homeowners, while helping to maintain and enhance a high quality living environment"; and

WHEREAS, additionally the AIDA acts as a conduit to state and other local economic development programs that support the continued growth and vitality of the business community; and

WHEREAS, the AIDA meets monthly in public session, has a maximum roster of seven (7), and currently has a board of seven (7) members; and

WHEREAS, the AIDA currently has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Hadar Borden, Member, term to expire 12/31/2025
Carlton N. Brock, Jr., Member, term to expire 12/31/2026
Timothy Drury, Member, term to expire 12/31/2024
Nicole Gavigan, Member, term to expire 12/31/2028
Frank LoTempio III, Member, term to expire 12/31/2027
William W. Tuyn, Member, term to expire 12/31/2023; and

WHEREAS, Anthony Agostino has served on the AIDA and expressed interest in continuing to serve on the AIDA.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Anthony Agostino to the Amherst Industrial Development Agency for a term of seven years, to conclude December 31, 2029.

1/3/2023

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

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

3. Resolution 2023-27**Planning Board Reappointment**

WHEREAS, New York State Town Law gives authority to the Amherst Town Board to appoint a Planning Board; and

WHEREAS, the powers of the Amherst Planning Board (Planning Board) are to review and approve site plans, subdivision applications, coordinate sign plans, rezoning applications and make recommendations to the Amherst Town Board; and

WHEREAS, the Planning Board also participates in the development of Comprehensive Plans and review any matter referred by the Amherst Town Board and reports to the Amherst Town Board; and

WHEREAS, the Amherst Planning Board consists of seven (7) members, each serving seven (7) years, with one member's term concluding at the end of a calendar year; and

WHEREAS, the Planning Board has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Robert J. Gilmour, Chairman, term to end 12/31/2023
Michael J. Chmiel, Esq., Member, term to end 12/31/2025
Dal Giuliani, Member, 12/31/2024
Carrie Kahn, Member, 12/31/2028
BrittanyLee Penberthy, Member, 12/31/2027
Joseph P. Raffaele, Jr., Member, 12/31/2026; and

WHEREAS, Harbinder Singh Gill has served on the Planning Board and has expressed interest in continuing to serving.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Harbinder Singh Gill to a term to conclude December 31, 2029.

1/3/2023

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

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

4. Resolution 2023-28**Zoning Board of Appeals Reappointment**

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

Ann M. Nichols, Esp., Chairman, term expires 12/31/2023
Brian Bray Member, term expires 12/31/2026
Kelly J. Philips, Member, 12/31/2025
Ronald Shubert, Member, 12/31/2024; and

WHEREAS, Ellen Parker has served on the ZBA and has expressed interest in serving again.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Ellen Parker to the Zoning Board of Appeals for a term to conclude December 31, 2027.

1/3/2023

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

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

5. Resolution 2023-29

Arts and Culture in Public Places Committee Re-Appointments

WHEREAS, Town of Amherst created the Arts & Culture in Public Places Board to promote public art and culture within the town and to collaborate and cooperate with various and appropriate individuals, groups, associations, organizations and institutions concerned with art and culture; and

WHEREAS, to promote, ensure and enhance the function, object and mission of the visual and performing arts; and

WHEREAS, the Arts & Culture in Public Places Board, also known as Arts & Culture, consists of nine (9) members, each serving a term of two (2) years; and

WHEREAS, the Arts & Culture in Public Places Board currently has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Sharon Rich, Chairman, with term that expires 12-31-2023
 Maureen Cilano, Member, with a term that expires 12-31-2023
 Jennifer Colwell, Member, with a term that expires 12-31-2023
 Deborah Doucette, Member, with a term that expires 12-31-2023
 Mary Jo Kahley-Wolf, Member, with a term that expires 12-31-2023
 Barbara Pickelhaupt, Member, with a term that expires 12-31-2023; and

WHEREAS, Michael E. Russo, Sharon Seamans, and Penny Wolfgang have served on the Arts & Culture Board and have expressed interest in continuing service on the Arts & Culture Board.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Michael E. Russo, Sharon Seamans, and Penny Wolfgang to terms to conclude December 31, 2025; and

BE IT FURTHER RESOLVED that Sharon Rich be appointed as the Arts & Culture in Public Places Board Resource Person till her term expires December 31, 2023.

1/3/2023

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

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

C. DEPUTY SUPERVISOR BUCKI:

1. Resolution 2023-30

Appointments to Employee Suggestion Program Merit Award Board

WHEREAS, Chapter 12 of the Code of the Town of Amherst with respect to the Employee Suggestion Program designated that the Merit Award Board membership consist of the Town Board and two private citizens with business backgrounds, who are to be appointed usually by a majority vote of the Town Board at the Town Reorganization Meeting.

NOW, THEREFORE, BE IT RESOLVED that Supervisor Brian Kulpa, Deputy Supervisor Jacqueline Berger, Councilmember Deborah Bruch Bucki, Councilmember Shawn Lavin and Councilmember Michael Szukala serve as the Amherst Town Board designees, all with Merit Award Board terms ending on December 31, 2023; and

BE IT FURTHER RESOLVED that the Amherst Town Board re-appoints Oliver Young, Esq., and Robert C. Freeman, Esq., to serve as the private citizen members, both for terms ending on December 31, 2023.

1/3/2023

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

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

2. Resolution 2023-31

Appointment to Historic Preservation Commission

WHEREAS, the Town of Amherst created a Historic Preservation Commission to address and tend to matters related to preservation of the historic, architectural, and cultural landmarks, sites and districts within the Town of Amherst while working with the Building Commissioner, Planning Board and Zoning Board of Appeals; and

WHEREAS, appointments to this committee are voted on by the Amherst Town Board after resumes are reviewed by the committee chairperson and Commission Liaison to the Amherst Town Board; and

WHEREAS, the HPC currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Susan Palmer, Chairman, with term that expires 12-31-2023
Catherine A. Waterman-Kulpa, Vice-Chair, with a term that expires 12-31-2023
Norman J. Hirschey, Member, with a term that expires 12-31-2025
Jennifer Kensy, Member, with a term that expires 12-31-2025
Brian Swartz, Member, with a term that expires 12-31-2023; and

WHEREAS, Mary Lou Mancuso has served the Historic Preservation Commission since January 2019 and expressed interest in continuing to serve.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Mary Lou Mancuso to serve as a member of the Amherst Historic Preservation Commission, for a term ending December 31, 2026.

1/3/2023

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

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

3. Resolution 2023-32

Appointments to the Amherst Public Libraries Board of Trustees

WHEREAS, the Amherst Public Libraries Board of Trustees most recently met together on Wednesday, December 7, 2022; and

WHEREAS, at that meeting, the Board was informed that the New York State Board of Regents formally approved the Amherst Public Libraries application to increase the size of its Board to a range of five (5) up to nine (9) members; and

WHEREAS, at the December 7th Meeting the Amherst Public Libraries Board of Trustees voted to recommend the appointment of Oliver Young to a five-year term and to reappoint Marilyn Feuerstein also for a five-year term;

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board does hereby appoint Oliver Young to the Amherst Public Libraries Board of Trustees for a term ending on December 31, 2027; and

BE IT FURTHER RESOLVED that the Amherst Town Board does hereby reappoint Marilyn Feuerstein to the Amherst Public Libraries Board of Trustees for a term ending December 31, 2027.

1/3/2023

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

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

4. Resolution 2023-33

Employee Extended Sick Leave with Pay Committee Appointments

WHEREAS, Resolution 2017-56, dated January 3, 2017 created the Employee Extended Sick Leave with Pay Committee to process and review applications from all employees for extended sick leave with pay and to make recommendations therefore to the Town Board, which shall retain discretion to grant or deny said requests; and

WHEREAS, the Town Board hereby formally re-establishes this Committee; and

WHEREAS, this Committee established a program to create a sick leave bank to make available extra leave time for exempt employees who have encountered an accident and/or suffered a serious illness that has exhausted their sick time, personal leave and vacation credits; and

WHEREAS, this Committee shall consist of seven (7) members as follows: the Town Attorney, the Human Resource Director, two (2) department heads appointed by the Town Board, to serve two (2) year terms; two (2) residents to be appointed by the Town Board who shall serve two (2) year terms; and, one (1) full time employee to be appointed by the Town Board who shall serve a two (2) year term; and

WHEREAS, the Employee Extended Sick Leave with Pay Committee currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Melissa Abel, Senior Center Director, term to expire 12/31/2023
Daryl Bramer, Comptroller Department Head, term to expire 12/31/2023
Deborah Bruch Bucki, Councilmember, term to expire 12/31/2023
Robert McCarthy, Human Resources Department Head, term to expire 12/31/2023
Gladys Diji, Community member, term to expire 12/31/2023; and

WHEREAS, Stanley Sliwa, retired Town Attorney, has left a vacancy that Town Attorney Martin Polowy will fill; and

WHEREAS, a vacancy has been created by the retirement of a department head that Town Clerk Francina J. Spoth will fill.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of Town Attorney Martin Polowy to fill the vacancy of Stanley Sliwa, whose term on the Employee Extended Sick Leave with Pay Committee would conclude December 31, 2023; and

BE IT FURTHER RESOLVED that the Amherst Town Board approves the appointment of Town Clerk Francina J. Spoth to fill the second department head position for a term to end December 31, 2023.

1/3/2023

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

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

5. Resolution 2023-34**Employee Suggestion Review Committee Appointments**

WHEREAS, Chapter 12 of the Town of Amherst Town Code, entitled "Employee Suggestion Program," states that the Suggestion Review Committee consists of the following individuals: the Director of Human Resources; the Comptroller; a Town Board Member; and three (3) private citizens with business backgrounds, to be appointed by the majority of the Town Board (these individuals shall not also serve on the Merit Award Board, with one (1) member employed as a representative of a labor organization (public or private); and the Town Attorney; and

WHEREAS, the Employee Suggestion Review Committee currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Daryl Bramer, Comptroller Department Head, term to expire 12/31/2023
Deborah Bruch Bucki, Councilmember, term to expire 12/31/2023
Jonathan A. Fuzak, Community member, term to expire 12/31/2023
Robert McCarthy, Human Resources Department Head, term to expire 12/31/2023
John Sedgwick, Community member, term to expire 12/31/2023; and

WHEREAS, Stanley Sliwa, retired Town Attorney, has left a vacancy that Town Attorney Martin Polowy will fill.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of Town Attorney Martin Polowy to fill the vacancy of Stanley Sliwa, whose term on the Employee Suggestion Review Committee would conclude December 31, 2023.

1/3/2023

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

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

D. COUNCILMEMBER LAVIN:**1. Resolution 2023-35****Amherst Youth Board Appointments**

WHEREAS, the Amherst Youth Board, AYB, is an organization offering varied services in support of children, youth and families living in the Town of Amherst. Chartered by the Amherst Town Board and New York State Executive Law, the agency is governed by a policy-making board of 23 citizen volunteers, comprising both adults and youth; and

WHEREAS, members participate in decisions affecting programming, policies, funding and public relations for youth programs and services; and

WHEREAS, the AYB has a maximum roster of 23 members, with the Amherst Town Board majority appointing members, who shall serve a three (3) year term; and

WHEREAS, the AYB currently has a Board of 11 members, who shall continue to serve until their term of appointment expires, as follows:

Jodi Benson, Member, term expires 12/31/2023
 Mary Rose Buscaglia, Member, term expires 12/31/2024
 Preyashi Chaudhuri, Member, term expires 12/31/2023
 Dawn Cwierley, Member, term expires 12/31/2023
 Mark Forden, Member, term expires 12/31/2023
 Mia Hutchins, Member, term expires 12/31/2023
 Susan McClary, Member, term expires 12/31/2024
 Ann Nichols, Member, term expires 12/31/2023
 Gia Panesar, Member, term expires 12/3/2024
 Nora Robshaw, Member, term expires 12/31/2024
 Siddharth Suresh, Member, term expires 12/31/2023; and

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

WHEREAS, Danielle Alba and Krista Krause have served on the Amherst Youth Board and have expressed interest in serving another term.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves re-appointment of Danielle Alba and Krista Krause to the Amherst Youth Board for a term to end 12/31/2025.

1/3/2023

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

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

2. Resolution 2023-36

Information Technology Advisory Board Appointments

WHEREAS, the purpose of the Information Technology Advisory Committee, also known as IT Committee, is to assist the Town Board in the development and implementation of information technology policy; and

WHEREAS, the Information Technology Advisory Committee meets quarterly or when the Amherst Town Board requests; and

WHEREAS, the Information Technology Advisory Committee maximum membership of eight (8) members, each appointed by a majority of the Amherst Town Board, who shall serve a term of four (4) years; and

WHEREAS, the IT Committee currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

John Davis, Member, term expires 12/31/2025

Michael Kistner, Member, expires 12/31/2025

Mary Ann Meyer, Member, 12/31/2025

Don Smith, Member, 12/31/2023

Gregory E. Struzik, Member, 12/31/2023; and

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

WHEREAS, Dr. Kathryn Francis has served on the Information Technology Advisory Committee and has expressed interest in serving another term.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Dr. Kathryn Francis to the Information Technology Advisory Committee for a term to conclude December 31, 2026.

1/3/2023

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

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

3. Resolution 2023-37

Board of Ethics Reappointment

WHEREAS, the Amherst Board of Ethics, also known as Board of Ethics, seeks to foster an environment where Town officers, Town employees, Town agencies and citizens work together in good faith, with integrity and honesty; and

WHEREAS, the Board of Ethics shall have all the powers and duties as prescribed by Article 18 of the General Municipal Law. The Board of Ethics may adopt and amend such rules or procedures as are appropriate; and

WHEREAS, the Board of Ethics will meet as needed; and

WHEREAS, the Board of Ethics shall consist of five (5) members who shall serve five (5) year terms of office, one such term expiring each year. Members shall be appointed by the Supervisor, subject to confirmation by the Town Board. If the Supervisor shall fail to appoint the members within thirty (30) days after the establishment of the Board of Ethics or within thirty (30) days after a vacancy occurs on the Board of Ethics, the Town Board shall appoint such member or members as the case may be. Only one (1) member of the Board shall be an officer or employee of the Town of Amherst. In the event that a vacancy occurs prior to the expiration of the five (5) year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. All members shall reside within the Town of Amherst. All members shall serve without compensation except that any member who is a Town of Amherst officer or employee shall be entitled to his usual compensation when attending upon the business of the Board during normal working hours; and

WHEREAS, the Board of Ethics currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Mark Carney, Member, term expires 12/31/2024

Islam Pierre, Member, term expires 12/31/2023

Lisa Kistner, Member, term expires 12/31/2026

Michael Littman, Member, term expires 12/31/2025; and

WHEREAS, No more than two (2) members of the Board may be affiliated with the same political party. No member of the Board of Ethics may hold an officer's position in any political party except such person may be a member of a county committee of a political party. For purposes of this section, "political party" shall mean any political party which appears on the ballot in the last biennial Town election. The members shall elect a Chairman from among themselves and such other officers as may be deemed necessary from time to time; and

WHEREAS, A Board of Ethics member may be removed by the Town Supervisor with the approving consent of not fewer than four (4) members of the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this chapter after written notice of the charges and an opportunity for reply; and

WHEREAS, Frank Barone has served on the Board of Ethics and expressed interest in serving another term of five years.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the reappointment of Frank Barone for a term to expire 12/31/2027.

1/3/2023

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

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

E. COUNCILMEMBER SZUKALA:**1. Resolution 2023-38****Recycling & Waste Committee Appointments**

WHEREAS, the purpose of the Amherst Recycling & Waste Committee (R&W) is to advise the Amherst Town Board on all aspects of municipal solid waste affecting the Town and to monitor, make recommendations regarding the Town's activities relating to environmental issues which affect or impact the residents; and

WHEREAS, to also investigate methods of recycling, waste stream reduction, household hazardous waste collection and consider new technologies for handling municipal solid waste; and

WHEREAS, the Recycling & Waste Committee meets monthly to review and advise the Town Board accordingly; and

WHEREAS, the Recycling & Waste Committee consists of a maximum of twelve (12) members appointed by the Town Board majority to serve a three (3) year term; and

WHEREAS, members' terms will expire on a staggered schedule to maintain consistency on the board with information and history shared as needed; and

WHEREAS, the R&W currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Diane Anderson, Member (M), term expires 12/31/2024
Sashti Balasundaram, Member, term expires 12/31/2023
Don Kuhn (M), term expires 12/31/2024
Eustace Mendez (M), term expires 12/31/2023
Jean Neff (M), term expires 12/31/2024; and

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

WHEREAS, as Superintendent of Highway, Pat Lucey will serve in the capacity of a resource person (O) to the Committee till his term has concluded; and

WHEREAS, Judy Hendee and John Szalasny have served on the Recycling & Waste Committee and have expressed interest in serving another three-year term; and

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board re-appoints Judy Hendee and John Szalasny to the Amherst Recycling & Waste Committee, each for terms to conclude on December 31, 2025.

1/3/2023

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

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

2. Resolution 2023-39

Amherst Traffic Safety Board

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

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

WHEREAS, the ATSB currently has a Board of 7 members, who shall continue to serve until their term of appointment expires, as follows:

Kevin Cantwell, Member, term expires 12/31/2023
Kristin Goss, Member, term expires 12/31/2023
Jennifer L. Michniewicz, Member, term expires 12/31/2024
Michelle Nagel, Member, term expires 12/31/2024
Daniel J. Rider, Member, term expires 12/31/2023
Kenneth A. Smith, Member, term expires 12/31/2024
Mark Storch, Member, term expires 12/31/2023; and

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

WHEREAS, Greg Dionne, Eric Fraas, and Maxwell Kahn have served on the Amherst Traffic Safety Board and have expressed interest in serving another term.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves re-appointment of Greg Dionne, Eric Fraas, and Maxwell Kahn to the Amherst Traffic Safety Board for a term to end 12/31/2025.

1/3/2023

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

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

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS**A. TOWN ATTORNEY:****1. Resolution 2023-40****Westlaw On-Line Database CRS #3795****AGENDA ITEM : JANUARY 3RD, 2023**

TO: Town Board

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

DATE: December 29, 2022

RE: 2023-2025 Westlaw Contract (CRS #3795)
(On-Line Legal Database Research)

Kindly adopt a resolution authorizing the Supervisor to execute the above-referenced contract pending successful completion of the Contract Routing System (CRS).

Thank you.

MAP:nmb:hs
Attachment
c: Timothy Koller, Deputy Town Clerk
(w/attachment, **Agenda Item : January 3, 2023**)

1/3/2023

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

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

B. TOWN CLERK:**1. Resolution 2023-41****New Firefighters for Getzville Fire Company**

New firefighters for the Getzville Fire Company live in the Town of Amherst and reside within the Getzville Fire district.

Aaron Mussachio
101 Montbleu Dr
Getzville, NY 14068

Ryan Rizzo
28 Founders Lake Ct
Amherst NY 14228

Kyle Intihar
73 Baron Ct
Getzville, NY 14068

1/3/2023

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

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

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2023-42

**Tyler Technologies (MUNIS) Licensing and Support Agreement CRS
#3759**

Please approve the annual licensing and data base support agreement that covers general ledger, budgeting, accounts payable, MUNIS Office, payroll, purchase orders, Tyler Forms processing, GUI and Tyler system management services support for MUNIS for the period 1/1/2023 - 12/31/2023. The annual cost is \$86,878.30.

Contract #3759 has successfully completed the contract routing process.

1/3/2023

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

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

2. Resolution 2023-43

Investment Policy

WHEREAS the Town of Amherst has an investment policy, and

WHEREAS GML Section 39 requires adoption of an investment policy, and

WHEREAS the policy should be reviewed at least annually, and

NOW THEREFORE BE IT RESOLVED that the attached Investment Policy be re-adopted by the Town of Amherst.

1/3/2023

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

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

3. Resolution 2023-44

Budget Transfers and Amendments

For January 3, 2023 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 12/28/2022
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:**

N2151.4000 TON-1st Time Homebuyer \$20,000
 N2152.4000 TON-HOME Rental Sub \$260,000
Requested per Department.

TO:

N2251.4000 TON-1st Time Homebuyer \$20,000
 N2252.4000 TON-HOME Rental Sub \$260,000

A3120.2200 Police - Passenger Vehicles \$36,615.00 A3120.9000 Interfund Transfers \$36,615.00
To transfer funds from Police operating budget into KP2209. See budget amendment for KP2209.

BUDGET TRANSFERS - 2023**FROM:****TO:****BUDGET AMENDMENTS - 2022****INCREASE:****INCREASE:**

N2223.02785 CDBG & Vg. - PI \$170.00
To recognize Community Development program income from

N2223.4000 Contractual \$170.00
169 Hillcrest, Amherst.

N2250.02785 Tonawanda HOME- PI \$30,453.30
 N2253.02785 Tonawanda Admin- PI \$3,383.70
To recognize Community Development program income from

N2250.4000 Contractual \$30,453.30
 N2253.4003 Admin \$3,383.70
178 Northwood, Tonawanda.

KP1834.02770 Bailey Ave- Other Rev \$250.00
 KP1834.05031 Interfund Transfer \$371.28
To close KP account- Acquisition of 4220 Bailey Ave.

KP1834.2130 Computer Equip \$621.28

N1042.05002 Home PI - Health Ins. Contr. \$1,902.96
To record 3rd Quarter employee health insurance contribution.

N1042.8050 Health Ins. \$1,902.96

N1042.05002 Home PI - Health Ins. Contr. \$1,902.96
To record 4th Quarter employee health insurance contribution.

N1042.8050 Health Ins. \$1,902.96

N2225.02785 Amherst HOME Rental- PI \$2,237.58

N2225.1000 Personal Svcs \$2,078.57
 N2225.8030 FICA \$159.01

To reclassify Community Development program income from 52 Garden Williamsville.

N2225.02785 Amherst HOME Rental- PI \$1,968.13

N2225.1000 Personal Svcs \$1,828.27
 N2225.8030 FICA \$139.86

To reclassify Community Development program income from 172 Meadow, Williamsville.

KP2209.05031 APD Vehicles - Interfund Transfer \$36,615.00
To record budget amendment for funds transfer from Police operating budget. See budget transfer.

KP2209.2000 Passenger Vehicles \$36,615.00

N2255.02785 Amherst HOME Rental- PI \$22,087.37

N2255.4000 Contractual \$22,087.37

N2254.02785 Amherst Home Admin- PI \$2,454.15

N2254.4003 10 % Admin \$2,454.15

To recognize Community Development program income from 1684 Eggert Road, Amherst.

BUDGET AMENDMENTS - 2022**DECREASE:****DECREASE:**

N2255.02785 Amherst HOME Rental- PI \$2,237.58

N2255.1000 Personal Svcs \$2,078.57
 N2255.8030 FICA \$159.01

To reclassify Community Development program income from 52 Garden Williamsville.

N2255.02785 Amherst HOME Rental- PI \$1,968.13

N2255.1000 Personal Svcs \$1,828.27
 N2255.8030 FICA \$139.86

To reclassify Community Development program income from 172 Meadow, Williamsville.

BUDGET AMENDMENTS - 2023

INCREASE:

A7145.03089 Youth Leadership- State Grant \$48,279.00
To record 2023 NYS Grant for Youth Development.

INCREASE:

A7145.1000 Personal Svcs \$48,729.00

1/3/2023

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

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

G. CONTRACT COMPLIANCE:**1. Resolution 2023-45****Award Bid #2022032 - Steel and Aluminum - CRS #3710 & 3711**

WHEREAS, the Contract Compliance and Administration Department received bids on October 27, 2022 for Bid #2022032 - Steel and Aluminum; and

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

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Stanley Steel Service (CRS #3710), and Upstate Steel, Inc. (CRS #3711) as outlined on the attached bid tabulation form; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contracts with the above referenced vendors.

1/3/2023

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

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

2. Resolution 2023-46**Award RFP #202207 - State & Federal Government Relations Services - CRS #3747**

WHEREAS, the Contract Compliance and Administration Department received proposals on November 10, 2022 for RFP #202207 State and Federal Government Relations Services; and

WHEREAS, the RFP process resulted in responses from three (3) vendors, as per the attached scoring sheet;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this RFP to Masiello Martucci & Associates; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Masiello Martucci & Associates.

1/3/2023

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

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

3. Resolution 2023-47**Award Bid #2022035 - Sweeper Parts - CRS #3749, 3750 & 3751**

WHEREAS, the Contract Compliance and Administration Department received bids on November 17, 2022 for Bid #2022035 Sweeper Parts; and

WHEREAS, the bid process resulted in responses from three (3) vendors, as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Valley Fab & Equipment, Inc. (CRS #3749), Lecal Equipment, Inc. (CRS #3750) and Joe Johnson Equipment (CRS #3751); and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contracts with the above referenced vendors.

1/3/2023

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

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

4. Resolution 2023-48

Award Bid #2022037 - Ferric Chloride - CRS #3788

WHEREAS, the Contract Compliance and Administration Department received bids on December 22, 2022 for Bid #2022037 Ferric Chloride; and

WHEREAS, the bid process resulted in responses from three vendors, as per the attached bid tabulation form;

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to PVS Technologies, Inc.; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with PVS Technologies, Inc.

1/3/2023

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

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

5. Resolution 2023-49

Extend Bid #2016050 - Town Wide Fire Alarm Inspection Svc - CRS #3780 (Orig. CRS/CMS #0/1218)

WHEREAS, Kepco Alarm, Inc. has agreed to extend their contract for Bid #2016050 Town Wide Fire Alarm Inspection Service, CRS #3780 (Original CRS/CMS #0/1218);

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves a one-year extension of the contract with Kepco Alarm, Inc. for the period January 1, 2023 through December 31, 2023; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract extension with Kepco Alarm, Inc.

1/3/2023

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

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

6. Resolution 2023-50

Extend Contract with Modern Disposal Services, Inc. for Municipal Solid Waste Services - CRS #3799

WHEREAS, an RFP was issued in 2016 for Municipal Solid Waste Services and a contract was awarded to Modern Disposal Services, Inc. for the period January 1, 2017 through December 31, 2021; and

WHEREAS, the contract included a provision for a 5-year extension, the details of which are attached;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the 5-year extension with Modern Disposal Services, Inc. for the period January 1, 2022 through December 31, 2026; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the Amended Agreement for Municipal Solid Waste Collection, Hauling and Disposal; and

BE IT FURTHER RESOLVED, that approval is subject to successful completion of the Contract Routing System.

1/3/2023

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

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

H. COURT:

I. EMERGENCY SERVICES:

J. ENGINEERING:

1. Resolution 2023-51

**National Grid Power Corporation Service Proposal and Grant of
Easement Mathewson/McCarthy Little League Fieldhouse
Improvements CRS #3794**

As the replacement concession/restroom building at the above facility requires the relocation of an electric power pole in order to service the new building, we are requesting the Town Board to authorize the Supervisor to execute the attached Grant of Easement and Electric Service Proposal 30560775 in order to upgrade the electrical service at the above location in the amount of \$28,709.43.

The funds for this proposed work are available from bond account KP2207.4972. May we have your approval for execution of the attached easement and electrical service upgrade proposal? This request is pending the successful completion of the contract review procedure. Thank you for considering this request.

1/3/2023

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

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

2. Resolution 2023-52

**Postage Machine Rental Contract Amendment Quadient, Inc. CRS –
3784/3445**

The Engineering Department-Water Pollution Control Facility is requesting that the Town Board authorize the Supervisor to re-sign the attached 3-year agreement for a postage meter rental through Quadient, Inc. The original contract was approved on 10/17/22 with Resolution 2022-1019, but the vendor wouldn't approve the contract with the auto-renewal clause crossed out. A new agreement letter was signed by the vendor and needs to be signed by the Town in order to move forward. The cost for rental will be \$17.55 monthly, billed quarterly, for 36-months which will total \$631.80. This agreement will be effective from 10/17/22 date of Town Board approval to 10/21/2025.

Funding is available in G9916-4925.

This has successfully completed the contract review process.

Thank you for considering this request.

1/3/2023

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

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

3. Resolution 2023-53

WPCF Building #7 Vertical Turbine Pump #2 Rebuild - Change Order No. 2 Corrosion Products and Equipment, Inc. CRS #3800

We are requesting the Town Board approve the above referenced Change Order No. 2, which calls for an \$870.12 increase in the contract price to have VTP#2 Building 7 rebuilt and put back in service. This work is complete. The project's revised contract price will be \$81,342.99. This Change Order will cover a minimal cost increase associated with the contractor to complete the rebuild and the reinstallation of the VTP#2 150 hp pump and motor.

As shown on the Change Order, the original authorized contract amount is \$74,901.00 for VTP#2. This was increased by \$5,571.87 covered by Change Order #1. This additional amount covered new parts and labor to rebuild the electric motor and was arrived at per items 4 and 5 of the contract. The costs were for transporting, disassembling, testing, inspecting, cleaning, and treating reused components. Costs were also incurred to purchase and install new rolling elements of the non-reversing ratchet mechanism, dress with oil all surfaces and dynamically balancing rotor and bearing carrier. Costs are also for furnishing and installing upper thrust and lower guide bearings and spring loaded grease mechanism and fitting. The motor was reassembled and final inspection performed. The motor was painted, reinstalled and a vibration analysis performed. All work is completed and VTP #2 is currently in use. The contractor is requesting an additional \$870.12 that was required for the completion of the above work and is covered in this Change Order #2.

May we have your approval to award to Corrosion Products and Equipment, Inc. the above referenced Change Order? Funding is available from account KP 2030-4972. This request is pending the successful completion of the contract review process. Thank you for considering this request.

1/3/2023

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

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

K. FINANCE:**1. Resolution 2023-54****Approve Procurement Policy and Contract Management Policy**

WHEREAS, Amherst Town Code Section 4-17 requires the Department of Contract Compliance and Administration to establish and maintain the Town's Procurement Policy and Contract Management Policy; and

WHEREAS, these policies have been reviewed by the Contract Compliance and Administration Department;

NOW, THEREFORE, BE IT RESOLVED, the attached Procurement Policy and Contract Management Policy are hereby adopted as the official Town policies.

1/3/2023

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

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

L. HIGHWAY:**M. HUMAN RESOURCES:****1. Resolution 2023-55****Supervising Tax Clerk/Town Clerk**

Please appoint a Supervising Tax Clerk to the Town Clerk's Office. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 4, 2023, at an annual salary of \$44,406, Grade 7, Step D for Ashley Brownson.

1/3/2023

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

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

2. Resolution 2023-56**Police Officer/Police Department (3 Positions)**

Please appoint three (3) Police Officers to the Police Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII (c). Effective January 9, 2023 at an annual salary of \$65,246 for Colton Probst, Nicholas Guzdek and An Banh.

Contingent upon successful completion of all pre-employment requirements and Erie County Civil Service Rules and Regulations.

Replacing employees due to retirements.

1/3/2023

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

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

3. Resolution 2023-57**Public Safety Dispatcher/Police Department**

Please appoint a Public Safety Dispatcher to the Police Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective January 4, 2023 at an annual salary of \$49,206, Grade 13, Step A for Melissa Guzman.

Replacing an employee who is retiring.

1/3/2023

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

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

4. Resolution 2023-58**General Crew Chief/Youth & Recreation**

Please appoint a General Crew Chief to the Youth & Recreation Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective January 4, 2023 at an annual salary of \$64,951, Grade 18, Step B for James Whitehead.

This is a promotion for an employee currently serving as a Working Crew Chief.

1/3/2023

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

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

5. Resolution 2023-59**Recreation Attendant - PT/Youth & Recreation (4 Positions)**

Recreation Attendant - PT/Youth & Recreation (4 Positions), Effective January 4, 2023, Temporary, \$15.00 ph, Step 1 for Robert Chan, Teddi Hayes, Sabrina Steiner & Grace Dudek.

1/3/2023

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

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

6. Resolution 2023-60**Recreation Attendant - PT/Youth & Recreation**

Recreation Attendant - PT/Youth & Recreation, Effective January 4, 2023, Temporary, \$15.50 ph, Step 1 for Peter Fiorella.

1/3/2023

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

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

7. Resolution 2023-61**Recreation Attendant - PT/Youth & Recreation**

Recreation Attendant - PT/Youth & Recreation, Effective January 4, 2023, Temporary, \$16.50 ph, Step 1 for Jenna Reilley.

1/3/2023

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

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

8. Resolution 2023-62

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective January 4, 2023, Temporary, \$17.10 ph, Step 3 for Jaclyn Brant.

1/3/2023

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

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

9. Resolution 2023-63

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective January 4, 2023, Temporary, \$18.00 ph, Step 6 for Michael Frysz.

1/3/2023

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

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

N. INFORMATION TECHNOLOGY:**O. PLANNING:****P. POLICE:****1. Resolution 2023-64****2023 Safety Education Trust Fund****TOWN BOARD AGENDA ITEM: JANUARY 3, 2023****TO: Town Board****FROM: Scott P. Chamberlin, Chief of Police****RE: 2023 Safety Education Trust Account**

Kindly adopt a resolution authorizing the approval to spend up to \$1,600.00 in 2023 from the Safety Education Trust Account (T4012). Safety Education expenses include, but are not limited to, training, materials, books, films and office supplies. The Safety Education Program provides many services to the community, Pre-K to College, and awareness programs. This trust and agency account is capable of accepting designated donations for the continuation of the Safety Education Program.

Thank you.

SPC:msl

C: Tim Koller, Deputy Town Clerk (**Agenda Item: January 3, 2023**)

1/3/2023

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

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

2. Resolution 2023-65**2023 Asset Forfeiture Trust Account****TOWN BOARD AGENDA ITEM: JANUARY 3, 2023**

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: 2023 Asset Forfeiture Trust Account

Kindly adopt a resolution authorizing the approval to spend up to \$50,000.00 from T2917 Asset Forfeiture Trust Account. This account is federally regulated by instituted guidelines regarding the expenditure of funds.

Thank you.

SPC:msl

C: Tim Koller, Deputy Town Clerk (**Agenda Item: January 3, 2023**)

1/3/2023

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

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

Q. SENIOR SERVICES:

1. Resolution 2023-66

Request to Use Trust and Agency Funds Account T2100

We respectfully request Town Board permission to authorize the Supervisor to approve the request to spend up to \$5000.00 in Trust and Agency Funds-Account T2100.

1/3/2023

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

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

R. YOUTH AND RECREATION:**1. Resolution 2023-67****Authorization to Pay Vendor - Bison Billiards**

WHEREAS, the Amherst Town Board approved CRS #3373 with Bison Billiards to re-felt pool tables at the Amherst Senior Center and the Harlem Road Community Center, and

WHEREAS, once the coverings on the table at the Harlem Road Community Center were removed, it was discovered that the rubber bumpers were disintegrating, and

WHEREAS, at that point, it was impossible to re-felt the table without additional work and materials, and

WHEREAS, the table is in otherwise good condition and will be usable for a number of years to come, and

WHEREAS, the cost for the additional work was deemed reasonable in light of previous repairs and was authorized by staff,

NOW THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the payment of purchase order #22116533 to Bison Billiards in the amount of \$300.00.

1/3/2023

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

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

2. Resolution 2023-68**2023 Golf Fees**

Set rates for 2023 at the Audubon and Par 3 golf courses as per the attached chart.

1/3/2023

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

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

3. Resolution 2023-69

Permission to Spend T-Account Funds

Authorize the expenditure of up to \$5,000.00 in T-Account funds by the Youth & Recreation Department in 2023.

1/3/2023

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

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

4. Resolution 2023-70

Permission to Spend T-Account Funds

WHEREAS, account T 2107 has been created for expenses that qualify as parkland alienation, and

WHEREAS, the Amherst Youth & Recreation Department was asked to decommission fields and facilities at the Audubon Recreation Complex as part of the sale agreement to Bones & Guts LLC, and

WHEREAS, the Amherst Youth & Recreation Department was asked to create new fields and facilities to replace those which had been decommissioned, and

WHEREAS, as part of this process, the Youth & Recreation Department will incur expenses that are not included in its 2023 budget, and

WHEREAS, the Supervisor, Finance Director, Comptroller and Town Attorney believe it appropriate to use this account to cover those expenses, and

WHEREAS, this should be the last year that these expenses are necessary, as work on these projects is nearing completion or in some cases, has been completed,

NOW THEREFORE BE IT RESOLVED, that the Amherst Town Board authorizes the use of funds in T 2017 to cover expenses incurred in decommissioning the Audubon Recreation Complex and re-establishing those services elsewhere, upon approval of those expenses by the Finance Director and Comptroller.

1/3/2023

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

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

5. Resolution 2023-71**Permission to Auction**

Authorize the Youth & Recreation Department to auction the following outdated equipment:

- Advantage 1200 Extractor MPE-1200, serial #9053031
- Windsor Compass Restroom Cleaner, serial #10070560000527

1/3/2023

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

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

XIV. UNFINISHED BUSINESS**XV. COMMUNICATIONS****1. Communication 2023-1****Notice of Claim: Kyle E. Witul Vs. Town of Amherst****1/3/2023**

A motion to refer to the Town Attorney was as made by Supervisor Kulpa, seconded by

Councilmember Lavin and unanimously approved 5-0.

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

2. Communication 2023-2

Notice of Claim: New York Schools Insurance Reciprocal A/S/O Sweet Home CSD Vs. Town of Amherst

1/3/2023

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

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

3. Communication 2023-3

Notice of Claim: Sheila Goldberg Vs. Town of Amherst

1/3/2023

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

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

4. Communication 2023-4

Notice of Claim: Danielle Malcher Vs. Town of Amherst

1/3/2023

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

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

5. Communication 2023-5**Summons and Complaint: Midfirst Bank Vs. Town of Amherst Et Al.****1/3/2023**

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

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

XVI. PUBLIC IMPROVEMENT PERMITS**XVII. SUSPENSION OF RULES**

Supervisor Kulpa moved to open Suspension of Rules to bring forth 2 unlisted items. The motion was seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Suspension of Rules was opened at 7:34 PM.

There being no further business requiring Suspension of Rules, Supervisor Kulpa moved to close, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Suspension of Rules was closed at 7:35 PM.

1. Resolution 2023-72**Amherst Veterans Committee Appointments****Suspension to Town Board Agenda Item January 3, 2023**

TO: Amherst Town Board

FROM: Jacqueline Berger, Councilmember

DATE: January 3, 2023

RE: Amherst Veterans Committee Appointments

WHEREAS, the Amherst Veterans Committee (Veterans Committee or AVC) was formed to honor Amherst Veterans as a valuable community resource through education and recognition; and

WHEREAS, the Veterans Committee is instrumental organizing the Honoring Ceremony to honor the veterans whose names has been submitted to be forever engrave on the Amherst Veterans Memorial Wall located within Amherst State Park; and

WHEREAS, the AVC meets monthly in public session, has a maximum roster of fifteen (15), and currently has a board of seven (7) members; and

WHEREAS, the ACVC currently has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Richard J. Herrmann, member, with term that expires 12-31-2023
Dan Howard, member, with a term that expires 12-31-2023
Thomas F. Hurley, II, member, with a term that expires 12-31-2023
John G. Medwid, member, with a term that expires 12-31-2023
Joe Orzechowski, member, with a term that expires 12-31-2023
Mary Wood, member, with a term that expires 12-31-2023; and

WHEREAS, Frank Barone, Judy McConvey, Eugene Sibick, Mark Dudas, and Mark Hayward, all veterans, have expressed interest in serving on the AVC.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoints Frank Barone, Judy McConvey, Eugene Sibick, Mark Dudas, and Mark Hayward to the Amherst Veterans Committee for a term of two (2) years, to conclude December 31, 2024.

1/3/2023

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

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

2. Resolution 2023-73

2023 IRS Standard Mileage Rate

Suspension to Town Board Agenda Item January 3, 2023

TO: Amherst Town Board
FROM: Jacqueline Berger, Councilmember
DATE: January 3, 2023
RE: 2023 IRS Standard Mileage Rate

The Internal Revenue Service announced Friday, December 30, 2022 an increase in the standard mileage rates for 2023. Taxpayers may use the standard rates to calculate the deductible costs of operating an automobile for business and other purposes.

The 2023 standard mileage rates for business miles driven to be \$0.655 cents per mile.

This is an increase from 2022 rate of \$0.03

Please set this as the Town's rate for 2023.

1/3/2023

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

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

XVIII. PUBLIC EXPRESSION #2

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

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. Public Expression was opened at 7:35 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was closed at 7:36 PM.

XIX. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The Town Board meeting of January 3, 2023 was adjourned at 7:36 PM.



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26874

RESOLUTION 2023-1

ADOPTED

Appointments of Town Attorney, Sr. Deputy Town Attorney, and Town Prosecutor 2023

BE IT RESOLVED that Martin A. Polowy be appointed as Town Attorney; and

BE IT FURTHER RESOLVED that Samuel A. Alba be re-appointed as Sr. Deputy Town Attorney; and

BE IT FURTHER RESOLVED that Ann Demopoulos be re-appointed as Deputy Town Attorney; and

BE IT FURTHER RESOLVED that Brittanylee Penberthy be re-appointed as Town Prosecutor.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26886

RESOLUTION 2023-2

ADOPTED

Appointment of Parliamentarian 2023

BE IT RESOLVED that Martin Polowy be appointed to the position of Parliamentarian.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26877

RESOLUTION 2023-3

ADOPTED

Appointment of Energy Manager 2023

BE IT RESOLVED that Mark Berke be appointed as the Town's Energy Manager for 2023.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26878

RESOLUTION 2023-4

ADOPTED

Re-Appointment of Affirmative Action Officer 2023

BE IT RESOLVED that Robert McCarthy be re-appointed as Affirmative Action Officer for 2023.

1/3/2023

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

FINANCIAL IMPACT:

None

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26879

RESOLUTION 2023-5
ADOPTED

Re-Appointment of Fair Housing Officer 2023

BE IT RESOLVED that Laurie Stillwell be re-appointed as Fair Housing Officer and be directed to report annually for 2023.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26880

RESOLUTION 2023-6

ADOPTED

Re-Appointment of Town Historian 2023

BE IT RESOLVED that Village of Williamsville Historical Society and Buffalo Niagara Heritage Village be re-appointed as Town Historian for 2023.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26881

RESOLUTION 2023-7

ADOPTED

Representation of Town of Amherst at the Association of Erie County Governments 2023

BE IT RESOLVED that Brian Kulpa be re-appointed to represent the Town of Amherst at the Association of Erie County Governments; and

BE IT FURTHER RESOLVED the Dennis M. Powers be re-appointed to serve as alternate to represent the Town of Amherst at the Association of Erie County Governments.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26883

RESOLUTION 2023-8

ADOPTED

Representation of Town of Amherst at Annual Meeting of the Association of Towns 2023

BE IT RESOLVED that Brian Kulpa be re-appointed as Delegate to represent the Town of Amherst at the Annual Meeting of the Association of Towns; and

BE IT FURTHER RESOLVED that Dennis Powers be re-appointed to serve as alternate to represent the Town of Amherst at the Annual Meeting of the Association of Towns; and

BE IT FURTHER RESOLVED that Supervisor Brian Kulpa, Councilmember Michael Szukala, Dennis Powers, Lynda Juul, Joe McMahon, Angela Rossi, Emily Melski, Jessica O'Neil, Marty Polowy, and Laurie Stillwell be authorized to attend the Annual Meeting.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26888

RESOLUTION 2023-9

ADOPTED

Designation of Official Town Newspaper 2023

BE IT RESOLVED that *The Amherst Bee* be designated as the official town newspaper.

1/3/2023

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

FINANCIAL IMPACT:

None

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26889

RESOLUTION 2023-10
ADOPTED

Designation of Official Town Depositories 2023

BE IT RESOLVED that all commercial banks having offices and doing business in Erie County be designated as official Town depositories.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26890

RESOLUTION 2023-11

ADOPTED

Check Signing 2023

BE IT RESOLVED that the Comptroller will counter sign all checks with the Supervisor, and that the Deputy Supervisor will sign for the Supervisor when he is unavailable, and

BE IT FURTHER RESOLVED that the Supervisor or Deputy Supervisor and the Comptroller be authorized to use facsimile signatures for signing checks.

1/3/2023

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

FINANCIAL IMPACT:

None

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26891

RESOLUTION 2023-12
ADOPTED

Payment of Department Expense Accounts 2023

BE IT RESOLVED that the Comptroller be authorized to pay various expense accounts as set up in the annual budget when presented on approved vouchers and purchase cards.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26892

RESOLUTION 2023-13

ADOPTED

Approve Town Officials' Blanket Bond 2023

BE IT RESOLVED that the blanket bond to provide surety protection for the Supervisor, Deputy Supervisor, Director of Finance, Comptroller, Town Clerk, Judges, and Highway Superintendent be approved.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26893

RESOLUTION 2023-14

ADOPTED

2023 Office Hours and Standard Workday Hours

BE IT RESOLVED that the office hours and the standard workday hours be set as follows for 2023:

8:00 a.m. to 4:00 p.m., Monday to Friday, for Assessor's Office
 8:30 a.m. to 4:30 p.m., Monday to Friday, for Attorney's Office
 8:00 a.m. to 4:00 p.m., Monday to Friday, for Building Department
 9:00 a.m. to 5:00 p.m., Monday to Friday, for Community Development
 8:00 a.m. to 4:00 p.m., Monday to Friday, for Contract Compliance / Finance
 8:00 a.m. to 4:00 p.m., Monday to Friday, for Economic Development
 8:00 a.m. to 5:00 p.m., Monday to Friday, for Emergency Services (24-hour call)
 8:00 a.m. to 4:00 p.m., Monday to Friday, for Engineering Main Office (North Forest Rd.)
 7:00 a.m. to 3:30 p.m., Monday to Friday, for Engineering Sewer Maintenance Division
 7:00 a.m. to 3:30 p.m., Monday to Friday, for Highway/Refuse/Parks
 9:00 a.m. to 5:00 p.m., Monday to Friday, for Human Resources & Comptroller
 8:00 a.m. to 5:00 p.m., Monday to Friday, for Information Technology
 9:00 a.m. to 5:00 p.m., Monday to Friday, for Planning
 8:30 a.m. to 4:30 p.m., Monday to Friday, for Police Department Records Requests
 8:30 a.m. to 4:30 p.m., Mon., Wed., & Fri. and
 8:30 a.m. to 7:30 p.m., Tues. and Thurs., for Senior Center
 9:00 a.m. to 5:00 p.m., Monday to Friday, for Town Board Offices
 8:00 a.m. to 4:00 p.m., Monday to Friday, for Town Clerk
 7:30 a.m. to 3:30 p.m., Monday to Friday, for Wastewater Treatment Facility
 8:30 a.m. to 5:30 p.m., Monday to Friday, and
 10:00 a.m. to 2:00 p.m., Saturday, for Youth & Recreation

1/3/2023

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

FINANCIAL IMPACT:

None

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26894

RESOLUTION 2023-15
ADOPTED

Set 2023 Holiday Schedule

BE IT RESOLVED that the 2023 holiday schedule be approved as shown on the attached list.

1/3/2023

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

FINANCIAL IMPACT:

None

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

TOWN OF AMHERST
HOLIDAY SCHEDULE FOR 2023

Monday	January 16	M. L. King, Jr. Day
Monday	February 13	Lincoln's Birthday *
Monday	February 20	Washington's Birthday
Friday	April 7	Good Friday
Monday	May 29	Memorial Day
Monday	June 19	Juneteenth
Tuesday	July 4	Independence Day
Monday	September 4	Labor Day
Monday	October 9	Columbus Day
Tuesday	November 7	Election Day **
Friday	November 10	Veterans Day
Thursday	November 23	Thanksgiving Day
Friday	November 24	Day after Thanksgiving ***
Monday	December 25	Christmas Day
Monday	January 1, 2024	New Years Day

* Applicable only to employees represented by Central Fire Alarm Office Assn., and the Amherst Police Club

** Applicable to all bargaining units except CSEA – CSEA and Exempt Employees Observe as a floating holiday

*** Applicable only to employees represented by CSEA, Amherst Highway Employees Assn., Amherst Employees Assn., and Exempt Employees

Attachment: HOLIDAY1 (RES-2023-15 : Set 2023 Holiday Schedule)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26895

RESOLUTION 2023-16

ADOPTED

Set Salaries for Town Employees and Civil Service Employees 2023

BE IT RESOLVED that 2023 salaries for Town employees and Civil Service employees be set pursuant to the approved 2023 budget and negotiated contracts.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26896

RESOLUTION 2023-17

ADOPTED

Set Salaries for Exempt Employees 2023

BE IT RESOLVED that 2023 salaries for Exempt Employees be set as shown on the attached.

1/3/2023

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

FINANCIAL IMPACT:

None

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

EXEMPT SALARIES 2023
Non - Department Heads

Class Title	2023 Salary
Deputy Town Clerk - Legal	120,986.09
Senior Deputy Town Attorney	125,037.57
Senior Development Specialist - Legal	125,037.57
Senior Deputy Town Attorney	115,726.32
Architect	119,198.12
WWTP Superintendent	Vacant
Assistant WWTP Superintendent (Maintenance)*	116,109.02
Project Manager - Construction	101,496.02
Public Information Officer	95,669.75
Purchasing Agent	90,617.26
Senior Recreation Specialist**	119,954.70
Executive Assistant to the Supervisor	90,021.33
Deputy Town Attorney	81,055.50
Senior Paralegal	81,055.50
Deputy Town Attorney - PT	35,823.53
Executive Secretary, HR	75,273.48
Deputy Town Clerk***	78,483.36
Deputy Town Clerk****	73,437.32
Assistant to the Chief of Police	73,686.82
Contracts Technician	66,437.32
Senior Secretary, HR	70,483.36
Executive Secretary, Councilmembers	72,597.86
Legal Secretary	56,029.74
Court Analyst*****	72,844.40
Assistant to Town Clerk	53,895.11
Secretary, Prosecutor	55,141.24
Secretary, HR	52,509.60
* Includes \$10,000 Stipend	
** Includes \$16,500 Stipend	
*** Includes \$8000 Stipend	
**** Includes \$7000 Stipend	
***** Includes \$8,000 Stipend	

Attachment: Set Salaries for Exempt Employees - 2023 - Final (RES-2023-17 : Set Salaries for Exempt Employees 2023)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26897

RESOLUTION 2023-18

ADOPTED

Set Salaries for Department Heads and Assistant Department Heads 2023

BE IT RESOLVED that 2023 salaries for Department Heads and Assistant Department Heads be set as shown on the attached.

1/3/2023

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

FINANCIAL IMPACT:

None

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

EXEMPT SALARIES 2023
Department Heads & Assistant Department Heads

Class Title	2023 Salary
Town Attorney	136,196.50
Town Comptroller	140,282.40
Director of Human Resources*	161,658.23
Director of Finance	144,490.86
Town Assessor	114,300.64
Town Engineer**	150,081.19
Commissioner of Buildings	116,586.66
Planning Director	125,857.30
Director of Economic Development	136,860.88
Expansion Coordinator – Special Projects	122,488.86
Director of Youth & Recreation	125,911.45
Director of IT	125,911.45
Engineering Services Administrator***	140,437.57
Chief of Staff	100,685.84
Director of Senior Services	103,454.70
Clerk to Town Justice****	127,264.96
Deputy Town Comptroller	103,454.70
Assistant Town Engineer	100,685.84
Assistant Planning Director*****	108,645.66
Director of Emergency Services & Safety*****	125,156.84
Senior Fire Dispatcher	100,156.84
* Includes \$15,000 Stipend	
** Includes \$7,000 Stipend	
*** Includes \$20,000 Stipend	
**** Includes \$12,800 Stipend	
***** Includes \$6,000 Stipend	
***** Includes \$25,000 Stipend	



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26898

RESOLUTION 2023-19

ADOPTED

2023 Town Board Meeting Dates

BE IT RESOLVED that the attached schedule of Town Board and Work Session meeting dates be adopted for 2023.

1/3/2023

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

FINANCIAL IMPACT:

None

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

2023 Proposed Town Board Meeting Dates

Date	Work Session Time	Town Board Meeting Time
Tuesday, January 17	4:00pm	7:00pm
Monday, February 13	4:00pm	7:00pm
Monday, March 6	4:00pm	7:00pm
Monday, March 27	4:00pm	7:00pm
Monday, April 17	4:00pm	7:00pm
Monday, May 8	4:00pm	7:00pm
Monday, May 22	4:00pm	7:00pm
Monday, June 5	---	3:00pm
Tuesday, June 20	4:00pm	7:00pm
Monday, July 10	---	3:00pm
Monday, July 24	4:00pm	7:00pm
Monday, August 7	---	3:00pm
Monday, August 21	4:00pm	7:00pm
Tuesday, September 5	4:00pm	7:00pm
Monday, September 18	4:00pm	7:00pm
Monday, October 2	4:00pm	7:00pm
Monday, October 16	4:00pm	7:00pm
Monday, October 30	4:00pm	7:00pm - Budget Public Hearing & Board Meeting
Monday, November 13	4:00pm	7:00pm
Monday, December 4	4:00pm	7:00pm
Monday, December 18	4:00pm	7:00pm
Tuesday, January 2, 2024	---	7:00pm - Reorganization



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26902

RESOLUTION 2023-20

ADOPTED

2023 Amherst Traffic Safety Board Meeting Dates

BE IT RESOLVED that the attached schedule of 2023 Amherst Traffic Safety Board meeting dates be adopted.

1/3/2023

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

FINANCIAL IMPACT:

None

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

TOWN OF AMHERST

TRAFFIC-SAFETY BOARD

MUNICIPAL BUILDING – 5583 MAIN STREET, WILLIAMSVILLE, NEW YORK 14221
TRAFFIC SAFETY COORDINATOR - TELEPHONE 631-7154 - FAX 631-7222

MICHAEL SZUKALA
*Councilmember &
Liaison Officer*

ERIC FRAAS
Chairman

GREGORY DIONNE
Vice Chairman

CHRISTOPHER P. SCHREGEL
Traffic Safety Coordinator

MEMBERS

DANIEL J. RIDER, P.E.
MICHELLE NAGEL
KENNETH A. SMITH
J. MICHNIEWICZ, P.E., P.T.O.E.
MARK STORCH
MAXWELL KAHN
KEVIN CANTWELL
KRISTIN GOSS

DEPT. LIAISONS

THOMAS VOIGHT
Planning

CAPT. KEVIN BROWN
Police

PRENEVAU, WILLIAM
Building

AL SPOTH
Highway

2023 MEETING DATES

AMHERST TRAFFIC SAFETY BOARD

*All meetings begin at 7:00 p.m. and be held at the Town Hall Council
Chambers*

*January 11, 2023

February 1, 2023

March 1, 2023

April 5, 2023

May 3, 2023

*June 14, 2023

July - No meeting

August 2, 2023

September 6, 2023

October 4, 2023

November 1, 2023

December 6, 2023

** meeting held on 2nd Wednesday of the month instead of the first Wednesday*

Attachment: 2023 Traffic Safety Board meetings (RES-2023-20 : 2023 Amherst Traffic Safety Board Meeting Dates)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26904

RESOLUTION 2023-21

ADOPTED

2023 Design Advisory Board Meeting Dates

BE IT RESOLVED that the attached schedule of 2023 Design Advisory Board meeting dates be adopted.

1/3/2023

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

FINANCIAL IMPACT:

None

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



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

2023 Schedule of Design Advisory Board Meetings

<u>Submittal Date</u> <u>Monday</u>	<u>DAB Report</u> <u>Delivered</u>	<u>DAB</u> <u>Meeting</u>	<u>Planning Board</u> <u>Meeting</u>
11/14/2022	12/5/2022	12/8/2022	1/26/2023
12/19/2022	1/17/2023	1/19/2023	2/16/2023
1/23/2023	2/13/2023	2/23/2023	3/16/2023
2/21/2023	3/13/2023	3/23/2023	4/20/2023
3/20/2023	4/17/2023	4/27/2023	5/18/2023
4/24/2023	5/15/2023	5/25/2023	6/15/2023
6/20/2023	7/17/2023	7/27/2023	8/17/2023
7/17/2023	8/14/2023	8/24/2023	9/21/2023
8/21/2023	9/18/2023	9/28/2023	10/19/2023
9/25/2023	10/16/2023	10/26/2023	11/16/2023
11/20/2023	12/4/2023	12/14/2023	1/18/2024

Attachment: DAB_Calendar_2023 (RES-2023-21 : 2023 Design Advisory Board Meeting Dates)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26905

RESOLUTION 2023-22

ADOPTED

2024 Budget Calendar

BE IT RESOLVED that the 2024 Budget Calendar be approved as shown on the attached document.

1/3/2023

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

FINANCIAL IMPACT:

None

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

Town of Amherst
Budget Calendar - Fiscal Year 2024
For Adoption at 1/3/2023 Town Board Reorganization Meeting

DESCRIPTION	Comptroller's Office to send to Departments by:	Departments to return to Comptroller's Office by:	Other Dates/Comments
Town Board adopts Budget Calendar (Annual Reorganization Meeting in January)			January 3
Budget Worksheets for Lighting, Drainage, Sewer, Fire and Water Districts sent via inter-office mail to Engineering and Highway (Benefit Basis Budgets)	April 15	May 15	
Budget Worksheets for General, Part Town, Community Environment & Highway sent via inter-office mail to Department Heads (Operating Funds)	May 1	May 31	
Payroll sheets completed by Comptroller's Office and submitted to HR for review	May 1	May 21	
Payroll sheets emailed by Comptroller's Office to departments for review	May 21	May 31	
Appointments with Department Heads to discuss Benefit Basis Budget & Operating Budget Requests			June 1-30
Review of Benefit Basis Budgets and Operating Budgets by Budget Officer (Supervisor), Director of Finance, and Comptroller			July 1-31
Budget Officer files Benefit Basis (Special District) Budgets with Town Clerk <i>(No later than September 15)</i>			September 15
Budget Officer files Operating Budgets with Town Clerk (Tentative Budget), including Proposed Capital Improvement Plan (CIP) <i>(No later than September 30)</i>			September 30

Attachment: 2024 BUDGET CALENDAR (RES-2023-22 : 2024 Budget Calendar)

NOTE: *Italics indicates legal requirement.* Any date that falls on a weekend or holiday reverts to the prior workday.

DESCRIPTION	Comptroller's Office to send to Departments by:	Departments to return to Comptroller's Office by:	Other Dates/Comments
Files for added tax bill items given to Assessor/IT ✓ Sidewalks ✓ Delinquent ECWA ✓ Delinquent Village water ✓ Code violations ✓ Omitted tax			September 30
Tentative Budget submitted to Town Board; Copies placed on file in Town Libraries <i>(At regular or special meeting of the Town Board, No later than October 5)</i>			October 2
Setting of Elected Officers' Salaries by Town Board Resolution (First October TB Meeting)			October 2
Review of Tentative Budget by Town Board; Preliminary Budget filed with Town Clerk (if TB makes changes to Tentative Budget; otherwise Tentative budget becomes Preliminary Budget) <i>(Prior to publication of legal notice for PH)</i>			October 2-16
Town Clerk to publish Notice of Public Hearing on Preliminary Budget including Elected Officials' Salaries <i>(Must be published 5 days prior to PH)</i>			October 25
Hearing on Preliminary Budget <i>(PH to be held on or before the Thursday following the general election, and may not be adjourned beyond November 15)</i>			October 30
Fire District Budgets to be submitted to Budget Officer <i>(No later than November 7)</i>			November 7
Budget to be Adopted <i>(No later than November 20)</i>			November 13

Attachment: 2024 BUDGET CALENDAR (RES-2023-22 : 2024 Budget Calendar)

NOTE: *Italics indicates legal requirement.* Any date that falls on a weekend or holiday reverts to the prior workday.

DESCRIPTION	Comptroller's Office to send to Departments by:	Departments to return to Comptroller's Office by:	Other Dates/Comments
Summary Pages for Sewer, Drainage and Water given to Assessor to calculate rates (Assessor)			ASAP
Assessment files for the 2023 County/Town Tax Extension must be ready for transmission to Real Property These files must include the unpaid Town charges. Signed letter of authorization must be sent to have amounts included.			Week of Nov 1
<i>Town budgets shall be certified to the County at least one week prior to the last Tuesday in November.</i> (This includes special district rates calculated by Assessor)			No later than November 21
Budget Officer/Comptroller assists IT in making adopted budget available on Town web site			December 15
County sends reports for final approval. Town to reconcile and approve (See levy reconciliation worksheet for codes to exclude from totals to reconcile to Town amount to raise)			Mid-Late December
Budget Officer/Comptroller to approve and confirm to County			2 days after receipt
County to print tax bills			Approx. 3 days after final approval received by County (Town errors or failure to meet deadlines will cause delays)
Town Clerk to receive tax bills & process for mailing.			As soon as available

Attachment: 2024 BUDGET CALENDAR (RES-2023-22 : 2024 Budget Calendar)

NOTE: *Italics indicates legal requirement.* Any date that falls on a weekend or holiday reverts to the prior workday.



Amherst Town Board

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

Meeting: 01/03/23 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26906

RESOLUTION 2023-23

ADOPTED

Re-Appointment of A.D.A. (Americans with Disabilities Act) Coordinators 2023

BE IT RESOLVED that Robert McCarthy is re-appointed as A.D.A. Coordinator, and Mark Berke is re-appointed as A.D.A. Coordinator for 2023.

1/3/2023

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Jacqueline Berger**
 Co-Sponsored by:

DOC ID: 26919

RESOLUTION 2023-25

ADOPTED

Design Advisory Board Reappointment

WHEREAS, the Design Advisory Board, also known as DAB, is to support the goals and objectives of the Comprehensive Plan and the implementation of the Zoning Code by promoting design excellence in Amherst; and

WHEREAS, DAB reviews proposed site plans for their application of the Town's Design Guidelines within Mixed Use Districts and provides recommendations to the Planning Board/Director and other boards upon request; and

WHEREAS, the Design Advisory Board appointed members maximum is five (5) for a five (5) year term; and

WHEREAS, the DAB currently has a board of four members, who shall continue to serve until their term of appointment expires, as follows:

Dal Giuliani, Chairman, term to end December 31, 2024
 Duncan M. Black, Vice-Chairman, term to end December 31, 2026
 Marissa Colucci, term to end December 31, 2023
 Tracy Conhiser-Uy, term to end December 31, 2025; and

WHEREAS, Peter M. Talty, Jr. has served on the Design Advisory Board and has expressed interest in serving another term.

NOW, BE IT RESOLVED that Peter M. Talty, Jr. be appointed to the Design Advisory Board for a 5-year term to end December 31, 2027.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Jacqueline Berger**
 Co-Sponsored by:

DOC ID: 26920

RESOLUTION 2023-26

ADOPTED

Amherst Industrial Development Agency Reappointment

WHEREAS, the Amherst Industrial Development Agency (AIDA) was formed under Article 18-A of New York State's Municipal Law; and

WHEREAS, the AIDA is a full service economic development organization whose primary purpose has been to "promote regional employment growth through the attraction, expansion and retention of companies within the Town of Amherst to achieve our mission of promoting economic diversity and to broaden the tax base of the Town of Amherst in order to reduce the tax burden on homeowners, while helping to maintain and enhance a high quality living environment"; and

WHEREAS, additionally the AIDA acts as a conduit to state and other local economic development programs that support the continued growth and vitality of the business community; and

WHEREAS, the AIDA meets monthly in public session, has a maximum roster of seven (7), and currently has a board of seven (7) members; and

WHEREAS, the AIDA currently has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Hadar Borden, Member, term to expire 12/31/2025
 Carlton N. Brock, Jr., Member, term to expire 12/31/2026
 Timothy Drury, Member, term to expire 12/31/2024
 Nicole Gavigan, Member, term to expire 12/31/2028
 Frank LoTempio III, Member, term to expire 12/31/2027
 William W. Tuyn, Member, term to expire 12/31/2023; and

WHEREAS, Anthony Agostino has served on the AIDA and expressed interest in continuing to serve on the AIDA.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Anthony Agostino to the Amherst Industrial Development Agency for a term of seven years, to conclude December 31, 2029.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Jacqueline Berger**
 Co-Sponsored by:

DOC ID: 26921

RESOLUTION 2023-27

ADOPTED

Planning Board Reappointment

WHEREAS, New York State Town Law gives authority to the Amherst Town Board to appoint a Planning Board; and

WHEREAS, the powers of the Amherst Planning Board (Planning Board) are to review and approve site plans, subdivision applications, coordinate sign plans, rezoning applications and make recommendations to the Amherst Town Board; and

WHEREAS, the Planning Board also participates in the development of Comprehensive Plans and review any matter referred by the Amherst Town Board and reports to the Amherst Town Board; and

WHEREAS, the Amherst Planning Board consists of seven (7) members, each serving seven (7) years, with one member's term concluding at the end of a calendar year; and

WHEREAS, the Planning Board has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Robert J. Gilmour, Chairman, term to end 12/31/2023
 Michael J. Chmiel, Esq., Member, term to end 12/31/2025
 Dal Giuliani, Member, 12/31/2024
 Carrie Kahn, Member, 12/31/2028
 BrittanyLee Penberthy, Member, 12/31/2027
 Joseph P. Raffaele, Jr., Member, 12/31/2026; and

WHEREAS, Harbinder Singh Gill has served on the Planning Board and has expressed interest in continuing to serving.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Harbinder Singh Gill to a term to conclude December 31, 2029.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Jacqueline Berger**
 Co-Sponsored by:

DOC ID: 26923

RESOLUTION 2023-28

ADOPTED

Zoning Board of Appeals Reappointment

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

Ann M. Nichols, Esp., Chairman, term expires 12/31/2023
 Brian Bray Member, term expires 12/31/2026
 Kelly J. Philips, Member, 12/31/2025
 Ronald Shubert, Member, 12/31/2024; and

WHEREAS, Ellen Parker has served on the ZBA and has expressed interest in serving again.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Ellen Parker to the Zoning Board of Appeals for a term to conclude December 31, 2027.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Jacqueline Berger**
 Co-Sponsored by:

DOC ID: 26934

RESOLUTION 2023-29

ADOPTED

Arts and Culture in Public Places Committee Re-Appointments

WHEREAS, Town of Amherst created the Arts & Culture in Public Places Board to promote public art and culture within the town and to collaborate and cooperate with various and appropriate individuals, groups, associations, organizations and institutions concerned with art and culture; and

WHEREAS, to promote, ensure and enhance the function, object and mission of the visual and performing arts; and

WHEREAS, the Arts & Culture in Public Places Board, also known as Arts & Culture, consists of nine (9) members, each serving a term of two (2) years; and

WHEREAS, the Arts & Culture in Public Places Board currently has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Sharon Rich, Chairman, with term that expires 12-31-2023
 Maureen Cilano, Member, with a term that expires 12-31-2023
 Jennifer Colwell, Member, with a term that expires 12-31-2023
 Deborah Doucette, Member, with a term that expires 12-31-2023
 Mary Jo Kahley-Wolf, Member, with a term that expires 12-31-2023
 Barbara Pickelhaupt, Member, with a term that expires 12-31-2023; and

WHEREAS, Michael E. Russo, Sharon Seamans, and Penny Wolfgang have served on the Arts & Culture Board and have expressed interest in continuing service on the Arts & Culture Board.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Michael E. Russo, Sharon Seamans, and Penny Wolfgang to terms to conclude December 31, 2025; and

BE IT FURTHER RESOLVED that Sharon Rich be appointed as the Arts & Culture in Public Places Board Resource Person till her term expires December 31, 2023.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

5583 Main Street
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Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Deborah Bruch Bucki**
 Co-Sponsored by:

DOC ID: 26707

RESOLUTION 2023-30

ADOPTED

Appointments to Employee Suggestion Program Merit Award Board

WHEREAS, Chapter 12 of the Code of the Town of Amherst with respect to the Employee Suggestion Program designated that the Merit Award Board membership consist of the Town Board and two private citizens with business backgrounds, who are to be appointed usually by a majority vote of the Town Board at the Town Reorganization Meeting.

NOW, THEREFORE, BE IT RESOLVED that Supervisor Brian Kulpa, Deputy Supervisor Jacqueline Berger, Councilmember Deborah Bruch Bucki, Councilmember Shawn Lavin and Councilmember Michael Szukala serve as the Amherst Town Board designees, all with Merit Award Board terms ending on December 31, 2023; and

BE IT FURTHER RESOLVED that the Amherst Town Board re-appoints Oliver Young, Esq., and Robert C. Freeman, Esq., to serve as the private citizen members, both for terms ending on December 31, 2023.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

5583 Main Street
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Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Deborah Bruch Bucki**
 Co-Sponsored by:

DOC ID: 26708

RESOLUTION 2023-31

ADOPTED

Appointment to Historic Preservation Commission

WHEREAS, the Town of Amherst created a Historic Preservation Commission to address and tend to matters related to preservation of the historic, architectural, and cultural landmarks, sites and districts within the Town of Amherst while working with the Building Commissioner, Planning Board and Zoning Board of Appeals; and

WHEREAS, appointments to this committee are voted on by the Amherst Town Board after resumes are reviewed by the committee chairperson and Commission Liaison to the Amherst Town Board; and

WHEREAS, the HPC currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Susan Palmer, Chairman, with term that expires 12-31-2023
 Catherine A. Waterman-Kulpa, Vice-Chair, with a term that expires 12-31-2023
 Norman J. Hirschey, Member, with a term that expires 12-31-2025
 Jennifer Kensy, Member, with a term that expires 12-31-2025
 Brian Swartz, Member, with a term that expires 12-31-2023; and

WHEREAS, Mary Lou Mancuso has served the Historic Preservation Commission since January 2019 and expressed interest in continuing to serve.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Mary Lou Mancuso to serve as a member of the Amherst Historic Preservation Commission, for a term ending December 31, 2026.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Deborah Bruch Bucki**
 Co-Sponsored by:

DOC ID: 26933

RESOLUTION 2023-32

ADOPTED

Appointments to the Amherst Public Libraries Board of Trustees

WHEREAS, the Amherst Public Libraries Board of Trustees most recently met together on Wednesday, December 7, 2022; and

WHEREAS, at that meeting, the Board was informed that the New York State Board of Regents formally approved the Amherst Public Libraries application to increase the size of its Board to a range of five (5) up to nine (9) members; and

WHEREAS, at the December 7th Meeting the Amherst Public Libraries Board of Trustees voted to recommend the appointment of Oliver Young to a five-year term and to reappoint Marilyn Feuerstein also for a five-year term;

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board does hereby appoint Oliver Young to the Amherst Public Libraries Board of Trustees for a term ending on December 31, 2027; and

BE IT FURTHER RESOLVED that the Amherst Town Board does hereby reappoint Marilyn Feuerstein to the Amherst Public Libraries Board of Trustees for a term ending December 31, 2027.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Deborah Bruch Bucki**
 Co-Sponsored by:

DOC ID: 26935

RESOLUTION 2023-33

ADOPTED

Employee Extended Sick Leave with Pay Committee Appointments

WHEREAS, Resolution 2017-56, dated January 3, 2017 created the Employee Extended Sick Leave with Pay Committee to process and review applications from all employees for extended sick leave with pay and to make recommendations therefore to the Town Board, which shall retain discretion to grant or deny said requests; and

WHEREAS, the Town Board hereby formally re-establishes this Committee; and

WHEREAS, this Committee established a program to create a sick leave bank to make available extra leave time for exempt employees who have encountered an accident and/or suffered a serious illness that has exhausted their sick time, personal leave and vacation credits; and

WHEREAS, this Committee shall consist of seven (7) members as follows: the Town Attorney, the Human Resource Director, two (2) department heads appointed by the Town Board, to serve two (2) year terms; two (2) residents to be appointed by the Town Board who shall serve two (2) year terms; and, one (1) full time employee to be appointed by the Town Board who shall serve a two (2) year term; and

WHEREAS, the Employee Extended Sick Leave with Pay Committee currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Melissa Abel, Senior Center Director, term to expire 12/31/2023
 Daryl Bramer, Comptroller Department Head, term to expire 12/31/2023
 Deborah Bruch Bucki, Councilmember, term to expire 12/31/2023
 Robert McCarthy, Human Resources Department Head, term to expire 12/31/2023
 Gladys Diji, Community member, term to expire 12/31/2023; and

WHEREAS, Stanley Sliwa, retired Town Attorney, has left a vacancy that Town Attorney Martin Polowy will fill; and

WHEREAS, a vacancy has been created by the retirement of a department head that Town Clerk Francina J. Spoth will fill.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of Town Attorney Martin Polowy to fill the vacancy of Stanley Sliwa, whose term on the Employee Extended Sick Leave with Pay Committee would conclude December 31, 2023; and

BE IT FURTHER RESOLVED that the Amherst Town Board approves the appointment of Town Clerk Francina J. Spoth to fill the second department head position for a term to end December 31, 2023.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Deborah Bruch Bucki**
 Co-Sponsored by:

DOC ID: 26936

RESOLUTION 2023-34

ADOPTED

Employee Suggestion Review Committee Appointments

WHEREAS, Chapter 12 of the Town of Amherst Town Code, entitled "Employee Suggestion Program," states that the Suggestion Review Committee consists of the following individuals: the Director of Human Resources; the Comptroller; a Town Board Member; and three (3) private citizens with business backgrounds, to be appointed by the majority of the Town Board (these individuals shall not also serve on the Merit Award Board, with one (1) member employed as a representative of a labor organization (public or private); and the Town Attorney; and

WHEREAS, the Employee Suggestion Review Committee currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Daryl Bramer, Comptroller Department Head, term to expire 12/31/2023
 Deborah Bruch Bucki, Councilmember, term to expire 12/31/2023
 Jonathan A. Fuzak, Community member, term to expire 12/31/2023
 Robert McCarthy, Human Resources Department Head, term to expire 12/31/2023
 John Sedgwick, Community member, term to expire 12/31/2023; and

WHEREAS, Stanley Sliwa, retired Town Attorney, has left a vacancy that Town Attorney Martin Polowy will fill.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the appointment of Town Attorney Martin Polowy to fill the vacancy of Stanley Sliwa, whose term on the Employee Suggestion Review Committee would conclude December 31, 2023.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Shawn Lavin**
 Co-Sponsored by:

DOC ID: 26778

RESOLUTION 2023-35

ADOPTED

Amherst Youth Board Appointments

WHEREAS, the Amherst Youth Board, AYB, is an organization offering varied services in support of children, youth and families living in the Town of Amherst. Chartered by the Amherst Town Board and New York State Executive Law, the agency is governed by a policy-making board of 23 citizen volunteers, comprising both adults and youth; and

WHEREAS, members participate in decisions affecting programming, policies, funding and public relations for youth programs and services; and

WHEREAS, the AYB has a maximum roster of 23 members, with the Amherst Town Board majority appointing members, who shall serve a three (3) year term; and

WHEREAS, the AYB currently has a Board of 11 members, who shall continue to serve until their term of appointment expires, as follows:

Jodi Benson, Member, term expires 12/31/2023
 Mary Rose Buscaglia, Member, term expires 12/31/2024
 Preyashi Chaudhuri, Member, term expires 12/31/2023
 Dawn Cwierley, Member, term expires 12/31/2023
 Mark Forden, Member, term expires 12/31/2023
 Mia Hutchins, Member, term expires 12/31/2023
 Susan McClary, Member, term expires 12/31/2024
 Ann Nichols, Member, term expires 12/31/2023
 Gia Panesar, Member, term expires 12/3/2024
 Nora Robshaw, Member, term expires 12/31/2024
 Siddharth Suresh, Member, term expires 12/31/2023; and

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

WHEREAS, Danielle Alba and Krista Krause have served on the Amherst Youth Board and have expressed interest in serving another term.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves re-appointment of Danielle Alba and Krista Krause to the Amherst Youth Board for a term to end 12/31/2025.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Shawn Lavin**
 Co-Sponsored by:

DOC ID: 26782

RESOLUTION 2023-36

ADOPTED

Information Technology Advisory Board Appointments

WHEREAS, the purpose of the Information Technology Advisory Committee, also known as IT Committee, is to assist the Town Board in the development and implementation of information technology policy; and

WHEREAS, the Information Technology Advisory Committee meets quarterly or when the Amherst Town Board requests; and

WHEREAS, the Information Technology Advisory Committee maximum membership of eight (8) members, each appointed by a majority of the Amherst Town Board, who shall serve a term of four (4) years; and

WHEREAS, the IT Committee currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

John Davis, Member, term expires 12/31/2025
 Michael Kistner, Member, expires 12/31/2025
 Mary Ann Meyer, Member, 12/31/2025
 Don Smith, Member, 12/31/2023
 Gregory E. Struzik, Member, 12/31/2023; and

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

WHEREAS, Dr. Kathryn Francis has served on the Information Technology Advisory Committee and has expressed interest in serving another term.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board reappoints Dr. Kathryn Francis to the Information Technology Advisory Committee for a term to conclude December 31, 2026.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Shawn Lavin**
 Co-Sponsored by:

DOC ID: 26909

RESOLUTION 2023-37

ADOPTED

Board of Ethics Reappointment

WHEREAS, the Amherst Board of Ethics, also known as Board of Ethics, seeks to foster an environment where Town officers, Town employees, Town agencies and citizens work together in good faith, with integrity and honesty; and

WHEREAS, the Board of Ethics shall have all the powers and duties as prescribed by Article 18 of the General Municipal Law. The Board of Ethics may adopt and amend such rules or procedures as are appropriate; and

WHEREAS, the Board of Ethics will meet as needed; and

WHEREAS, the Board of Ethics shall consist of five (5) members who shall serve five (5) year terms of office, one such term expiring each year. Members shall be appointed by the Supervisor, subject to confirmation by the Town Board. If the Supervisor shall fail to appoint the members within thirty (30) days after the establishment of the Board of Ethics or within thirty (30) days after a vacancy occurs on the Board of Ethics, the Town Board shall appoint such member or members as the case may be. Only one (1) member of the Board shall be an officer or employee of the Town of Amherst. In the event that a vacancy occurs prior to the expiration of the five (5) year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. All members shall reside within the Town of Amherst. All members shall serve without compensation except that any member who is a Town of Amherst officer or employee shall be entitled to his usual compensation when attending upon the business of the Board during normal working hours; and

WHEREAS, the Board of Ethics currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Mark Carney, Member, term expires 12/31/2024
 Islam Pierre, Member, term expires 12/31/2023
 Lisa Kistner, Member, term expires 12/31/2026
 Michael Littman, Member, term expires 12/31/2025; and

WHEREAS, No more than two (2) members of the Board may be affiliated with the same political party. No member of the Board of Ethics may hold an officer's position in any political party except such person may be a member of a county committee of a political party. For purposes of this section, "political party" shall mean any political party which appears on the ballot in the last biennial Town election. The members shall elect a Chairman from among themselves and such other officers as may be deemed necessary from time to time; and

WHEREAS, A Board of Ethics member may be removed by the Town Supervisor with the approving consent of not fewer than four (4) members of the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or

duties of the office or violation of this chapter after written notice of the charges and an opportunity for reply; and

WHEREAS, Frank Barone has served on the Board of Ethics and expressed interest in serving another term of five years.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the reappointment of Frank Barone for a term to expire 12/31/2027.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Michael Szukala**
 Co-Sponsored by:

DOC ID: 26776

RESOLUTION 2023-38

ADOPTED

Recycling & Waste Committee Appointments

WHEREAS, the purpose of the Amherst Recycling & Waste Committee (R&W) is to advise the Amherst Town Board on all aspects of municipal solid waste affecting the Town and to monitor, make recommendations regarding the Town's activities relating to environmental issues which affect or impact the residents; and

WHEREAS, to also investigate methods of recycling, waste stream reduction, household hazardous waste collection and consider new technologies for handling municipal solid waste; and

WHEREAS, the Recycling & Waste Committee meets monthly to review and advise the Town Board accordingly; and

WHEREAS, the Recycling & Waste Committee consists of a maximum of twelve (12) members appointed by the Town Board majority to serve a three (3) year term; and

WHEREAS, members' terms will expire on a staggered schedule to maintain consistency on the board with information and history shared as needed; and

WHEREAS, the R&W currently has a Board of five (5) members, who shall continue to serve until their term of appointment expires, as follows:

Diane Anderson, Member (M), term expires 12/31/2024
 Sashti Balasundaram, Member, term expires 12/31/2023
 Don Kuhn (M), term expires 12/31/2024
 Eustace Mendez (M), term expires 12/31/2023
 Jean Neff (M), term expires 12/31/2024; and

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

WHEREAS, as Superintendent of Highway, Pat Lucey will serve in the capacity of a resource person (O) to the Committee till his term has concluded; and

WHEREAS, Judy Hendee and John Szalasny have served on the Recycling & Waste Committee and have expressed interest in serving another three-year term; and

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board re-appoints Judy Hendee and John Szalasny to the Amherst Recycling & Waste Committee, each for terms to conclude on December 31, 2025.

1/3/2023

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

FINANCIAL IMPACT:

None.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Councilmembers
 Initiated by: **Michael Szukala**
 Co-Sponsored by:

DOC ID: 26777

RESOLUTION 2023-39

ADOPTED

Amherst Traffic Safety Board

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

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

WHEREAS, the ATSB currently has a Board of 7 members, who shall continue to serve until their term of appointment expires, as follows:

Kevin Cantwell, Member, term expires 12/31/2023
 Kristin Goss, Member, term expires 12/31/2023
 Jennifer L. Michniewicz, Member, term expires 12/31/2024
 Michelle Nagel, Member, term expires 12/31/2024
 Daniel J. Rider, Member, term expires 12/31/2023
 Kenneth A. Smith, Member, term expires 12/31/2024
 Mark Storch, Member, term expires 12/31/2023; and

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

WHEREAS, Greg Dionne, Eric Fraas, and Maxwell Kahn have served on the Amherst Traffic Safety Board and have expressed interest in serving another term.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board approves re-appointment of Greg Dionne, Eric Fraas, and Maxwell Kahn to the Amherst Traffic Safety Board for a term to end 12/31/2025.

1/3/2023

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

FINANCIAL IMPACT:

None.

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Town Attorney
 Initiated by: **Martin A. Polowy**
 Co-Sponsored by:

DOC ID: 26965

RESOLUTION 2023-40
ADOPTED
Westlaw On-Line Database CRS #3795
AGENDA ITEM : JANUARY 3RD, 2023

TO: Town Board

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

DATE: December 29, 2022

RE: 2023-2025 Westlaw Contract (CRS #3795)
 (On-Line Legal Database Research)

Kindly adopt a resolution authorizing the Supervisor to execute the above-referenced contract pending successful completion of the Contract Routing System (CRS).

Thank you.

MAP:nmb:hs

Attachment

c: Timothy Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item : January 3, 2023**)

1/3/2023

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

FINANCIAL IMPACT:

\$6,814.92/year - 2023; \$7,155.72/year - 2024; \$7,513.56/year - 2025 - A1420.4010

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



THOMSON REUTERS®

Order Form**Order ID: Q-04693007**

Contact your representative james.hanggi@thomsonreuters.com with any questions. Thank you.

Sold To Account Address

Account #: 1000241679
 AMHERST LAW DEPT
 TOWN ATTORNEY
 5583 MAIN ST
 WILLIAMSVILLE NY 14221-5488 US

"Customer"

Shipping Address

Account #: 1000241679
 AMHERST LAW DEPT
 TOWN ATTORNEY
 5583 MAIN ST
 WILLIAMSVILLE NY 14221-5488 US

Billing Address

Account #: 1000241679
 AMHERST LAW DEPT
 TOWN ATTORNEY
 5583 MAIN ST
 WILLIAMSVILLE, NY 14221-5488
 US

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ProFlex Products
 See Attachment for details

Material #	Product	Monthly Charges	Minimum Term (Months)
40757482	West Proflex	\$567.91	36

Bridge Products

Material #	Product	Quantity	Unit	Bridge Monthly Charges	Bridge Term (Months)
40757482	West Proflex	1	Each	\$0.00	1

Bridge Terms

Bridge Monthly Charges begin on the date we process your order and will be prorated for the number of days remaining in the calendar month, if any. The Bridge Monthly charges will continue for the number of complete calendar months listed in the Bridge Term column above. At the end of the Bridge Term, your Monthly Charges and the Minimum Term will be as described in the Product grid above. All other terms and conditions of the Order Form remain unchanged.

Minimum Terms

Your subscription is effective upon the date we process your order ("Effective Date") and Monthly Charges will be prorated for the number of days remaining in that month, if any. Your subscription will continue for the number of months listed in the Minimum Term column above counting from the first day of the month following the Effective Date. Your Monthly Charges during the first twelve (12) months of the Minimum Term are as set forth above. If your Minimum Term is longer than 12 months, then your Monthly Charges for each year of the Minimum Term are displayed in the Attachment to the Order Form.

Post Minimum Terms

At the end of the Minimum Term, we will notify you of any change in Monthly Charges at least 60 days before each 12-month term starts. Either of us may cancel the Post-Minimum Term subscription by sending at least 30 days written notice.

Federal Government Subscribers Optional Minimum Term. Federal government subscribers that chose a multi-year Minimum Term, those additional months will be implemented at your option pursuant to federal law.

Banded Product Subscriptions. You certify your total number of attorneys (partners, shareholders, associates, contract or staff attorneys, counsel, and the like), corporate users, personnel or full-time-equivalent students is indicated in this Order Form. Our pricing for banded product is made in reliance upon your certification. If we learn that the actual number is greater or increases at any time, we reserve the right to increase your charges as applicable.

Miscellaneous

Applicable Law. If you are a state or local governmental entity, your state's law will apply and any claim may be brought in the state or federal courts located in your state. If you are a non-governmental entity, this Order Form will be interpreted under Minnesota state law and any claim by one of us may be brought in the state or federal courts in Minnesota. If you are a United States Federal Government Customer, United States federal law will apply and any claim may be brought in any federal court.

Charges, Payments & Taxes. You agree to pay all charges in full within 30 days of the date of invoice. You are responsible for any applicable sales, use, value added tax (VAT), etc. unless you are tax exempt. If you are a non-government customer and fail to pay your invoiced charges, you are responsible for collection costs including attorneys' fees.

Excluded Charges And Schedule A Rates. If you access products or services that are not included in your subscription you will be charged on then-current rate ("Excluded Charges"). Excluded Charges will be invoiced and due with your next payment. For your reference, the current Excluded Charges schedules are located in the below link. Excluded Charges may change from time-to-time upon 30 days written or online notice. We may, at our option, make certain products and services Excluded Charges if we are contractually bound or otherwise required to do so by a third party provider or if products or services are enhanced or if new products or services are released after the effective date of this order in document. Modification of Excluded Charges or Schedule A rates is not a basis for termination under paragraph 9 the General Terms and Conditions.

<http://static.legalsolutions.thomsonreuters.com/static/agreement/plan-2-pro-govt-agencies.pdf>

eBilling Contact. All invoices for this account will be emailed to your e-Billing Contact(s) unless you have notified us that you would like to be exempt from e-Billing.

Credit Verification. If you are applying for credit as an individual, we may request a consumer credit report to determine your creditworthiness. If we obtain a consumer credit report, you may request the name, address and telephone number of the agency that supplied the credit report. If you are applying for credit on behalf of a business, we may request a current business financial statement from you to consider your request.

Cancellation Notification Address. Send your notice of cancellation to Customer Service, 610 Opperman Drive, P.O. Box 64833, Eagan MN 55123-1803

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- Campus Research
- Contract Express
- Hosted Practice Solutions
- ProView eBooks
- Time and Billing
- West km Software
- West LegalEdcenter
- Westlaw
- Westlaw Doc & Form Builder
- Westlaw Paralegal
- Westlaw Patron Access
- Westlaw Public Records

Amended Terms and Conditions

Government Non-Availability of Funds for Online, Practice Solutions or Software Products

You may cancel a product or service with at least 30 days written notice if you do not receive sufficient appropriation of funds. Your notice must include an official document, (e.g., executive order, an officially printed budget or other official government communication) certifying the non-availability of funds. You will be invoiced for all charges incurred up to the effective date of the cancellation.

Acknowledgement: Order ID: Q-04693007

Signature of Authorized Representative for order

Title

Printed Name

Date

This Order Form will expire and will not be accepted after 1/28/2023.

Authorized West Publishing Representative

Signature: 

Printed Name: Linda M. Burton

Title: SSCMC

Date: 12/12/22



Attachment

Order ID: Q-04693007

Contact your representative james.hanggi@thomsonreuters.com with any questions. Thank you.

Payment, Shipping, and Contact Information

Payment Method:

Payment Method: Bill to Account
Account Number: 1000241679

Order Confirmation Contact (#28)

Contact Name: Polowy, Martin
Email: mpolowy@amherst.ny.us

Shipping Information:

Shipping Method: Ground Shipping - U.S. Only

eBilling Contact

Contact Name Martin Polowy
Email mpolowy@amherst.ny.us

ProFlex Multiple Location Details

Account Number	Account Name	Account Address	Action
1000241679	AMHERST LAW DEPT	5583 MAIN ST WILLIAMSVILLE NY 14221-5488 US	New

ProFlex Product Details

Quantity	Unit	Service Material #	Description
1	Each	40757482	West Proflex
4	Attorneys	42639045	Westlaw Edge Primary Law, New York, Enterprise access, Governmen
4	Attorneys	42077755	Westlaw All Analytical, Enterprise access, Government
4	Attorneys	41935298	Gvt PeopleMap Premier And Company Investigator For Governmen (Westlaw PRO™)
4	Attorneys	41933475	Westlaw Litigation Collection, Enterprise access, Government

Account Contacts

Account Contact First Name	Account Contact Last Name	Account Contact Email Address	Account Contact Customer Type Description
Martin	Polowy	mpolowy@amherst.ny.us	EML PSWD CONTACT

Charges During Minimum Term

Material #	Product Name	Monthly Year 1 Charges	% incr Yr 1-2*	Monthly Year 2 Charges	% incr Yr 2-3*	Monthly Year 3 Charges	% incr Yr 3 4*	Monthly Year 4 Charges	% incr Yr 4-5*	Month Year Charg
40757482	West Proflex	\$567.91	5.00	\$596.31	5.00	\$626.13	N/A	\$N/A	N/A	\$1

Charges During Minimum Term

Pricing is displayed only for the years included in the Minimum Term. Years without pricing in above grid are not included in the Minimum Term. Refer to your Order Form for the Post Minimum Term pricing



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 26911

RESOLUTION 2023-41

ADOPTED

New Firefighters for Getzville Fire Company

New firefighters for the Getzville Fire Company live in the Town of Amherst and reside within the Getzville Fire district.

Aaron Mussachio
 101 Montbleu Dr
 Getzville, NY 14068

Ryan Rizzo
 28 Founders Lake Ct
 Amherst NY 14228

Kyle Intihar
 73 Baron Ct
 Getzville, NY 14068

1/3/2023

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

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

TOWN OF AMHERST
VOLUNTEER FIRE DEPARTMENT MEMBERSHIP
RESIDENCY VERIFICATION FORM

Applicant Name: Aaron Mussachio

Applicant Home Address: 101 Montbleu Drive

Under penalty of perjury I, Aaron Mussachio affirm I am an
 applicant to be a member of the, Getzville (fire dept.)
 and my address of residence is listed above.

- ☒ My address is in the fire district I've applied to or territory which is afforded protection by the fire department of the fire district or fire company pursuant to contract.
- ☐ My address is outside the district or territory that provides protection by the fire district or company, but is in the vicinity of my occupation, in which I will be able to render active service as a volunteer. My occupation address is:

Signature of Applicant: Aaron Mussachio

I have verified the applicant's address or employment, where applicable, by examining their driver's license or other suitable document such as a utility bill, lease or pay stub.

Signature: [Signature]

Title: Corporate Secretary

Date: 11/21/22

Submit this completed form to:
 Amherst Town Clerk
 5583 Main Street
 Williamsville, NY 14221

Attachment: mussachio residency (RES-2023-41 : New Firefighters for Getzville Fire Company)

TOWN OF AMHERST
VOLUNTEER FIRE DEPARTMENT MEMBERSHIP
RESIDENCY VERIFICATION FORM

Applicant Name: Ryan Rizzo

Applicant Home Address: 28 Founders Lake Ct
Amherst NY 14228

Under penalty of perjury I, Ryan Rizzo affirm I am an
 applicant to be a member of the, Getzville (fire dept.)

and my address of residence is listed above.

☒ My address is in the fire district I've applied to or territory which is afforded protection
 by the fire department of the fire district or fire company pursuant to contract.

☐ My address is outside the district or territory that provides protection by the fire district
 or company, but is in the vicinity of my occupation, in which I will be able to render
 active service as a volunteer. My occupation address is:

Signature of Applicant: _____

Ryan Rizzo

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: _____

12/14/22

Submit this completed form to:
 Amherst Town Clerk
 5583 Main Street
 Williamsville, NY 14221

Attachment: rizzo residency (RES-2023-41 : New Firefighters for Getzville Fire Company)

TOWN OF AMHERST
VOLUNTEER FIRE DEPARTMENT MEMBERSHIP
RESIDENCY VERIFICATION FORM

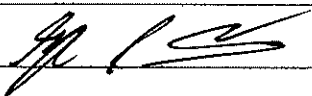
Applicant Name: Kyle Intihar

Applicant Home Address: 73 Baron ct.

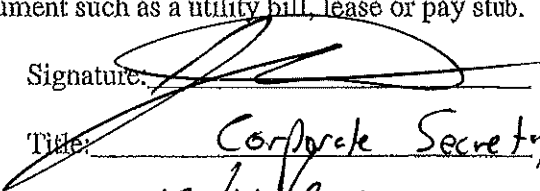
Under penalty of perjury I, Kyle Intihar, affirm I am an
 applicant to be a member of the, Getzville (fire dept.)
 and my address of residence is listed above.

☒ My address is in the fire district I've applied to or territory which is afforded protection
 by the fire department of the fire district or fire company pursuant to contract.

☐ My address is outside the district or territory that provides protection by the fire district
 or company, but is in the vicinity of my occupation, in which I will be able to render
 active service as a volunteer. My occupation address is:

Signature of Applicant: 

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: 12/14/2022

Submit this completed form to:
 Amherst Town Clerk
 5583 Main Street
 Williamsville, NY 14221

Attachment: intihar residency (RES-2023-41 : New Firefighters for Getzville Fire Company)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 26932

RESOLUTION 2023-42
ADOPTED

Tyler Technologies (MUNIS) Licensing and Support Agreement CRS #3759

Please approve the annual licensing and data base support agreement that covers general ledger, budgeting, accounts payable, MUNIS Office, payroll, purchase orders, Tyler Forms processing, GUI and Tyler system management services support for MUNIS for the period 1/1/2023 - 12/31/2023. The annual cost is \$86,878.30.

Contract #3759 has successfully completed the contract routing process.

1/3/2023

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

FINANCIAL IMPACT:

\$86,878.30

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

MAINTENANCE SERVICES ADDENDUM

This maintenance services addendum ("Addendum") is made this _____ day of _____, 2023 by and between Tyler Technologies, Inc. with offices at One Tyler Drive, Yarmouth, Maine 04096 ("Tyler") and the Town of Amherst, with offices at 5583 Main Street, Williamsville, New York 14221 ("Client").

WHEREAS, Tyler and Client are parties to an original agreement dated December 23, 1992 ("Agreement"); and

WHEREAS, Tyler and Client desire to renew the maintenance services term under the Agreement;

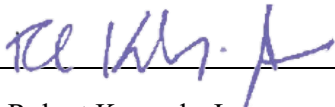
NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and Client agree as follows:

1. Tyler shall provide maintenance services to Client, as specified in the Agreement and the support call process attached hereto as Exhibit 1, during the period from January 1, 2023 to December 31, 2023.
2. Client shall remit to Tyler maintenance services fees in the amount of \$86,878.30, as detailed in the invoice attached hereto as Exhibit 2.
3. This Addendum shall be governed by and construed in accordance with the terms and conditions of the Agreement, as amended.
4. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum as of the dates set forth below.

Tyler Technologies, Inc.

Town of Amherst

By: 

By: _____

Name: Robert Kennedy-Jensen

Name: _____

Title: Group General Counsel

Title: _____

Date: December 5, 2022

Date: _____

Exhibit 1

Support Call Process

Support Channels

Tyler Technologies, Inc. provides the following channels of software support for authorized users*:

- (1) On-line submission (portal) – for less urgent and functionality-based questions, users may create support incidents through the Tyler Customer Portal available at the Tyler Technologies website. A built-in Answer Panel provides users with resolutions to most “how-to” and configuration-based questions through a simplified search interface with machine learning, potentially eliminating the need to submit the support case.
- (2) Email – for less urgent situations, users may submit emails directly to the software support group.
- (3) Telephone – for urgent or complex questions, users receive toll-free, telephone software support.

** Channel availability may be limited for certain applications.*

Support Resources

A number of additional resources are available to provide a comprehensive and complete support experience:

- (1) Tyler Website – www.tylertech.com – for accessing client tools, documentation, and other information including support contact information.
- (2) Tyler Search -a knowledge based search engine that lets you search multiple sources simultaneously to find the answers you need, 24x7.
- (3) Tyler Community –provides a venue for all Tyler clients with current maintenance agreements to collaborate with one another, share best practices and resources, and access documentation.
- (4) Tyler University – online training courses on Tyler products.

Support Availability

Tyler Technologies support is available during the local business hours of 8 AM to 5 PM (Monday – Friday) across four US time zones (Pacific, Mountain, Central and Eastern). Tyler’s holiday schedule is outlined below. There will be no support coverage on these days.

New Year’s Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	

For support teams that provide after-hours service, we will provide you with procedures for contacting support staff after normal business hours for reporting Priority Level 1 Defects only. Upon receipt of such a Defect notification, we will use commercially reasonable efforts to meet the resolution targets set forth below.

We will also make commercially reasonable efforts to be available for one pre-scheduled Saturday of each month to assist your IT staff with applying patches and release upgrades, as well as consulting with them on server maintenance and configuration of the Tyler Software environment.

Incident Handling**Incident Tracking**

Every support incident is logged into Tyler’s Customer Relationship Management System and given a unique case

number. This system tracks the history of each incident. The case number is used to track and reference open issues when clients contact support. Clients may track incidents, using the case number, through Tyler's Customer Portal or by calling software support directly.

Incident Priority

Each incident is assigned a priority level, which corresponds to the Client's needs. Tyler and the Client will reasonably set the priority of the incident per the chart below. This chart is not intended to address every type of support incident, and certain "characteristics" may or may not apply depending on whether the Tyler software has been deployed on customer infrastructure or the Tyler cloud. The goal is to help guide the Client towards clearly understanding and communicating the importance of the issue and to describe generally expected response and resolution targets in the production environment only.

References to a "confirmed support incident" mean that Tyler and the Client have successfully validated the reported Defect/support incident.

Priority Level	Characteristics of Support Incident	Resolution Targets*
1 Critical	Support incident that causes (a) complete application failure or application unavailability; (b) application failure or unavailability in one or more of the client's remote location; or (c) systemic loss of multiple essential system functions.	Tyler shall provide an initial response to Priority Level 1 incidents within one (1) business hour of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within one (1) business day. For non-hosted customers, Tyler's responsibility for lost or corrupted data is limited to assisting the Client in restoring its last available database.
2 High	Support incident that causes (a) repeated, consistent failure of essential functionality affecting more than one user or (b) loss or corruption of data.	Tyler shall provide an initial response to Priority Level 2 incidents within four (4) business hours of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within ten (10) business days. For non-hosted customers, Tyler's responsibility for loss or corrupted data is limited to assisting the Client in restoring its last available database.
3 Medium	Priority Level 1 incident with an existing circumvention procedure, or a Priority Level 2 incident that affects only one user or for which there is an existing circumvention procedure.	Tyler shall provide an initial response to Priority Level 3 incidents within one (1) business day of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents without the need for a circumvention procedure with the next published maintenance update or service pack, which shall occur at least quarterly. For non-hosted customers, Tyler's responsibility for lost or corrupted data is limited to assisting the Client in restoring its last available database.

Priority Level	Characteristics of Support Incident	Resolution Targets*
4 Non-critical	Support incident that causes failure of non-essential functionality or a cosmetic or other issue that does not qualify as any other Priority Level.	Tyler shall provide an initial response to Priority Level 4 incidents within two (2) business days of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents, as well as cosmetic issues, with a future version release.

**Response and Resolution Targets may differ by product or business need*

Incident Escalation

If Tyler is unable to resolve any priority level 1 or 2 defect as listed above or the priority of an issue has elevated since initiation, you may escalate the incident to the appropriate resource, as outlined by each product support team. The corresponding resource will meet with you and any Tyler staff to establish a mutually agreeable plan for addressing the defect.

Remote Support Tool

Some support calls may require further analysis of the Client's database, processes or setup to diagnose a problem or to assist with a question. Tyler will, at its discretion, use an industry-standard remote support tool. Tyler's support team must have the ability to quickly connect to the Client's system and view the site's setup, diagnose problems, or assist with screen navigation. More information about the remote support tool Tyler uses is available upon request.

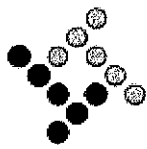
Exhibit 2

2023 Invoice

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INVOICE FOLLOWS ON NEXT PAGE

Attachment: 3759 original contract (RES-2023-42 : Tyler Technologies (MUNIS) Licensing and Support Agreement CRS #3759)



tyler
technologies

Remittance:
Tyler Technologies, Inc
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

13.F.1.a

Invoice No	Date	Page
045-399415	12/01/2022	1 of 1

Questions:

Tyler Technologies- ERP & Schools
Phone: 1-800-772-2260 Press 2, then 1
Email: ar@tylertech.com



Bill To: TOWN OF AMHERST
ATTN: MICHELLE BELLECOSE
5583 MAIN STREET
WILLIAMSVILLE, NY 14221

Ship To: TOWN OF AMHERST
ATTN: MICHELLE BELLECOSE
5583 MAIN STREET
WILLIAMSVILLE, NY 14221

Cust No.-BillTo-ShipTo	Ord No	PO Number	Currency	Terms	Due Date
1010 - MAIN - MAIN	181435		USD	NET30	12/31/2022

Date	Description	Units	Rate	Extended Price
Contract No.: AMHERST, NY				
	SUPPORT & UPDATE LICENSING - ACCTG/GL/BUDGET/AP	1	32,031.62	32,031.6
	Maintenance: Start: 01/Jan/2023, End: 31/Dec/2023			
	SUPPORT & UPDATE LICENSING - MUNIS OFFICE	1	6,606.54	6,606.5
	Maintenance: Start: 01/Jan/2023, End: 31/Dec/2023			
	SUPPORT & UPDATE LICENSING - PAYROLL	1	13,213.04	13,213.0
	Maintenance: Start: 01/Jan/2023, End: 31/Dec/2023			
	SUPPORT & UPDATE LICENSING - PURCHASE ORDERS	1	9,609.66	9,609.6
	Maintenance: Start: 01/Jan/2023, End: 31/Dec/2023			
	TYLER FORM PROCESSING SUPPORT	1	5,561.58	5,561.5
	Maintenance: Start: 01/Jan/2023, End: 31/Dec/2023			
	GUI SUPPORT	30	60.00	1,800.0
	Maintenance: Start: 01/Jan/2023, End: 31/Dec/2023			
	TYLER SYSTEM MANAGEMENT SERVICES SUPPORT	1	18,055.86	18,055.8
	Maintenance: Start: 01/Jan/2023, End: 31/Dec/2023			

RECEIVED

NOV 23 2022

TOWN OF AMHERST
COMPTROLLER'S DEPT.

ATTENTION

Order your checks and forms from
Tyler Business Forms at 877-749-2090 or
tylerbusinessforms.com to guarantee
100% compliance with your software.

Subtotal	86,878.30
Sales Tax	0.00
Invoice Total	86,878.30

Packet Pg. 123

Attachment: 3759 original contract (RES-2023-42 : Tyler Technologies (MUNIS) Licensing and Support Agreement CRS #3759)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 26937

RESOLUTION 2023-43

ADOPTED

Investment Policy

WHEREAS the Town of Amherst has an investment policy, and

WHEREAS GML Section 39 requires adoption of an investment policy, and

WHEREAS the policy should be reviewed at least annually, and

NOW THEREFORE BE IT RESOLVED that the attached Investment Policy be re-adopted by the Town of Amherst.

1/3/2023

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

FINANCIAL IMPACT:

N/A

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



TOWN OF AMHERST
OFFICE OF TOWN COMPTROLLER
 5583 MAIN STREET
 WILLIAMSVILLE, NEW YORK 14221
 (716) 631-7005
 www.amherst.ny.us

Daryl C. Bramer
 Town Comptroller
 dbramer@amherst.ny.us

INVESTMENT AND DEPOSIT POLICY FOR THE TOWN OF AMHERST

I. SCOPE

This policy applies to all monies and other financial resources available for investment and/or deposit on behalf of the Town of Amherst.

II. OBJECTIVES

The primary objectives of the Town of Amherst's investment activities are, in priority order,

- (a) To conform with all applicable federal, state and other legal requirements (legal);
- (b) To adequately safeguard principal (safety);
- (c) To provide sufficient liquidity to meet all operating requirements (liquidity);
- (d) To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The Town Board's responsibility for administration of the investment and deposit program is delegated to the Town Comptroller or, in the absence of such position, the Director of Finance and/or Town Supervisor, to act in accordance with applicable provisions of law, including, but not limited to, applicable provisions of the New York General Municipal Law and the New York Local Finance Law. Such administration shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base of records incorporating description and amounts of investments, the funds for which they are held, transaction dates and other relevant information, including the sale or dispositions and amounts realized.

Attachment: Investment Policy (RES-2023-43 : Investment Policy)

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Amherst to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investments, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions, and shall at all times act in compliance with the Town's Code of Ethics.

V. DIVERSIFICATION

It is the policy of the Town of Amherst to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling, as deemed appropriate with the objectives of this policy.

VI. INTERNAL CONTROLS

It is the policy of the Town of Amherst for all monies collected by any cash generation department to deposit those funds at minimum on a weekly basis.

The Town Comptroller or Director of Finance and/or Town Supervisor is responsible for establishing and maintain an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. SECURING DEPOSITS AND INVESTMENTS

In accordance with the provisions of the General Municipal Law Section ("§") 10, all deposits of the Town of Amherst, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By pledge of “eligible securities” with an aggregate “market value” as provided by GML §10, equal to the aggregate amount of deposits from the categories designated in Appendix A of this policy, or
2. By an eligible “irrevocable letter of credit” issued by a qualified bank other than the bank with the deposits in favor of the Town of Amherst for a term not to exceed 90 days with an aggregate value equal to 100% of the aggregate amount of the deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements, or
3. By an eligible surety bond payable to the Town of Amherst for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

VIII. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure Town of Amherst deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Town of Amherst to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Town of Amherst, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Amherst or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of the custodian for, the Town of Amherst, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Town of Amherst a perfected interest in the securities.

IX. PERMITTED INVESTMENTS

As authorized by General Municipal Law § 11, the Town of Amherst authorizes the Town Comptroller to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- (a) Special time deposit accounts;
- (b) Certificates of Deposit;
- (c) Obligations of the United States of America such as Treasury Bills (T-Bill);
- (d) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- (e) Obligations of the State of New York;
- (f) Obligations pursuant to LFL § 24.00 or 25.00 (Taxable Anticipation Notes and Revenue Anticipation Notes) by any municipality, school district or district corporation other than the Town of Amherst that are approved by the State Comptroller.
- (g) Obligations of this local government, but only with any monies in a reserve fund established pursuant to GML.

All investment obligations shall be payable or redeemable at the option of the Town of Amherst within such times as the proceeds will be needed to meet expenditures for purposes for which monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Amherst within two years of the date of purchase.

X. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Town of Amherst shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the Town of Amherst conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Amherst. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Town Comptroller is responsible for evaluating the financial

position and maintaining a listing of proposed depositaries, trading partners and custodians.

XI. PURCHASE OF INVESTMENTS

The Town Comptroller or Director of Finance and/or Town Supervisor is authorized to contract for the purchase of investments:

1. Directly including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all of the requirements set forth by law, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Town Board.

All purchased obligations, unless registered or inscribed in the name of the Town of Amherst shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Amherst by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law §10(3)(a).

The custodial agreement shall provide that securities held by the bank or trust company, as an agent of and custodian for, the Town of Amherst, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Town of Amherst a perfected interest in the securities.

The Town Comptroller or Director of Finance/Town Supervisor, where authorized, can direct the bank or trust company to authorize the bank or trust company to deposit, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at times, the ownership of such evidences of investments, and they shall be, when held in possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust

company pursuant to a written custodial agreement as set forth in General Municipal Law §10(3)(a). When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

XII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- (a) All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- (b) Agreements should be for short periods of time (no more than 30 days).
- (c) Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- (d) Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- (e) No substitution of securities will be allowed.
- (f) The custodian shall be a party other than the trading partner.

APPENDIX A SCHEDULE OF ELIGIBLE SECURITIES

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance guaranty.
- (iii) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligation of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.

- (iv) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (v) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vi) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (vii) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under limitations established by bank regulatory agencies.
- (viii) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of no longer than 60 days from the date they are pledged.
- (ix) Zero coupon obligations of the United States government marketed as "Treasury strips".

RES 2020-928

RES 2022-48



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 26956

RESOLUTION 2023-44

ADOPTED

Budget Transfers and Amendments

For January 3, 2023 Town Board Agenda

To: Town Board
 From: Office of Town Comptroller
 Date: 12/28/2022
 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:

N2151.4000 TON-1st Time Homebuyer \$20,000
 N2152.4000 TON-HOME Rental Sub \$260,000
Requested per Department.

TO:

N2251.4000 TON-1st Time Homebuyer \$20,000
 N2252.4000 TON-HOME Rental Sub \$260,000

A3120.2200 Police - Passenger Vehicles \$36,615.00 A3120.9000 Interfund Transfers \$36,615.00
To transfer funds from Police operating budget into KP2209. See budget amendment for KP2209.

BUDGET TRANSFERS - 2023

FROM:

TO:

BUDGET AMENDMENTS - 2022

INCREASE:

N2223.02785 CDBG & Vg. - PI \$170.00
To recognize Community Development program income from 169 Hillcrest, Amherst.

N2250.02785 Tonawanda HOME- PI \$30,453.30
 N2253.02785 Tonawanda Admin- PI \$3,383.70
To recognize Community Development program income from 178 Northwood, Tonawanda.

KP1834.02770 Bailey Ave- Other Rev \$250.00
 KP1834.05031 Interfund Transfer \$371.28
To close KP account- Acquisition of 4220 Bailey Ave.

N1042.05002 Home PI - Health Ins. Contr. \$1,902.96
To record 3rd Quarter employee health insurance contribution.

N1042.05002 Home PI - Health Ins. Contr. \$1,902.96
To record 4th Quarter employee health insurance contribution.

N2225.02785 Amherst HOME Rental- PI \$2,237.58

To reclassify Community Development program income from 52 Garden Williamsville.

INCREASE:

N2223.4000 Contractual \$170.00

N2250.4000 Contractual \$30,453.30
 N2253.4003 Admin \$3,383.70

KP1834.2130 Computer Equip \$621.28

N1042.8050 Health Ins. \$1,902.96

N1042.8050 Health Ins. \$1,902.96

N2225.1000 Personal Svcs \$2,078.57
 N2225.8030 FICA \$159.01

N2225.02785 Amherst HOME Rental- PI \$1,968.13

N2225.1000 Personal Svcs \$1,828.27

N2225.8030 FICA \$139.86

To reclassify Community Development program income from 172 Meadow, Williamsville.

KP2209.05031 APD Vehicles - Interfund Transfer \$36,615.00 KP2209.2000 Passenger Vehicles \$36,615.00

To record budget amendment for funds transfer from Police operating budget. See budget transfer.

N2255.02785 Amherst HOME Rental- PI \$22,087.37

N2255.4000 Contractual \$22,087.37

N2254.02785 Amherst Home Admin- PI \$2,454.15

N2254.4003 10 % Admin \$2,454.15

To recognize Community Development program income from 1684 Eggert Road, Amherst.

BUDGET AMENDMENTS - 2022

DECREASE:

DECREASE:

N2255.02785 Amherst HOME Rental- PI \$2,237.58

N2255.1000 Personal Svcs \$2,078.57

N2255.8030 FICA \$159.01

To reclassify Community Development program income from 52 Garden Williamsville.

N2255.02785 Amherst HOME Rental- PI \$1,968.13

N2255.1000 Personal Svcs \$1,828.27

N2255.8030 FICA \$139.86

To reclassify Community Development program income from 172 Meadow, Williamsville.

BUDGET AMENDMENTS - 2023

INCREASE:

INCREASE:

A7145.03089 Youth Leadership- State Grant \$48,279.00

A7145.1000 Personal Svcs \$48,729.00

To record 2023 NYS Grant for Youth Development.

1/3/2023

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

FINANCIAL IMPACT:

See Descriptions.

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 26715

RESOLUTION 2023-45

ADOPTED

Award Bid #2022032 - Steel and Aluminum - CRS #3710 & 3711

WHEREAS, the Contract Compliance and Administration Department received bids on October 27, 2022 for Bid #2022032 - Steel and Aluminum; and

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

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Stanley Steel Service (CRS #3710), and Upstate Steel, Inc. (CRS #3711) as outlined on the attached bid tabulation form; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contracts with the above referenced vendors.

1/3/2023

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

FINANCIAL IMPACT:

Town Wide - Various Accounts - Amount TBD

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

Bid #2022032 - Steel and Aluminum			
	Low Bid	Stanley Steel	Upstate Steel
Item No.	CATALOG NO/DESCRIPTION	Unit Price	Unit Price
	20 FT LONG HOT ROLLED FLAT ROLLED ANGLE STOCK		
1	1/8 IN X 3/4 IN	\$9.00	\$9.50
2	1/8 IN X 1 IN	\$13.00	\$13.25
3	1/8 IN X 2 IN	\$25.00	\$19.90
4	1/8 IN X 3 IN	\$38.00	\$31.15
5	1/8 IN X 4 IN	\$50.00	\$43.30
6	1/8 IN X 5 IN	\$63.00	\$54.10
7	1/8 IN X 6 IN	\$75.00	\$66.90
8	1/4 IN X 1 IN	\$18.00	\$17.70
9	1/4 IN X 2 IN	\$36.00	\$30.90
10	1/4 IN X 3 IN	\$58.00	\$50.40
11	1/4 IN X 4 IN	\$75.00	\$68.00
12	1/4 IN X 5 IN	\$92.00	\$85.00
13	1/4 IN X 6 IN	\$111.00	\$92.70
14	1/2 IN X 1 IN	\$48.00	\$36.20
15	1/2 IN X 1 1/2 IN	\$56.00	\$44.75
16	1/2 IN X 2 IN	\$74.00	\$68.00
17	1/2 IN X 3 IN	\$111.00	\$98.05
18	1/2 IN X 4 IN	\$145.00	\$148.80
19	1/2 IN X 5 IN	\$186.00	\$167.70
20	1/2 IN X 6 IN	\$222.00	\$185.00
21	5/8 IN X 2 IN	\$100.00	\$90.55
22	3/4 IN X 2 IN	\$111.00	\$99.35
23	1 IN X 2 IN	\$150.00	\$168.00
24	3/8 IN X 1 1/4 IN	\$36.00	\$40.00
25	3/8 IN X 1 1/2 IN	\$44.00	\$42.00
26	3/4 X 6 IN	\$333.00	\$370.00
27	1 IN X 6 IN	\$444.00	\$503.90
	HOT ROLLED SQUARES 20 FT. LONG		
28	1/2 IN	\$20.00	\$16.50
29	5/8 IN	\$31.00	\$32.80
30	3/4 IN	\$44.00	\$35.30
31	1 IN	\$77.00	\$62.70
32	5/16 IN	See Notes \$16.00	No Bid
	20 FT LONG HOT ROLLED ANGLE		
33	1/8 IN X 1 IN X 1 IN	\$20.00	\$15.60
34	1/8 IN X 1 1/2 IN X 1 1/2 IN	\$30.00	\$22.50
35	1/8 IN X 2 IN X 2 IN	\$39.00	\$29.80
36	3/16 IN X 3 1/2 IN X 3 1/2 IN	See Notes \$135.00	No Bid
37	1/4 IN X 1 IN X 1 IN	\$35.00	\$30.60
38	1/4 IN X 1 1/2 IN X 1 11/2 IN	\$55.00	\$43.20
39	1/4 IN X 2 IN X 2 IN	\$75.00	\$58.10
40	1/4 IN X 3 1/2 IN X 3 1/2 IN	\$135.00	\$120.50

Attachment: Bid Tab Steel & Aluminum (RES-2023-45 : Award Bid #2022032 - Steel and Aluminum - CRS #3710 & 3711)

Item No.	CATALOG NO/DESCRIPTION	Unit Price	Unit Price
41	3/8 IN X 2 IN X 2 IN	\$111.00	\$90.30
42	3/8 IN X 2 1/2 IN X 2 1/2 IN	\$136.00	\$110.40
43	3/8 IN X 3 IN X 2 IN	\$136.00	\$145.00
44	1/2 IN X 2 IN X 2 IN	See Notes \$111.00	No Bid
45	1/2 IN X 3 1/2 IN X 3 1/2 IN	\$260.00	\$239.25
46	5/8 IN X 4 IN X 6 IN	\$560.00	\$490.00
47	3/4 IN X 4 IN X 6 IN	\$750.00	\$475.00
	20 FT HOT ROLLED ROUNDS		
48	1/4 IN	\$7.00	\$8.50
49	3/16 IN	See Notes \$5.00	No Bid
50	3/8 IN	\$16.00	\$11.05
51	1/2 IN	\$20.00	\$12.50
52	5/8 IN	\$33.00	\$23.60
53	3/4 IN	\$46.00	\$28.50
54	7/8 IN	\$63.00	\$37.70
55	1 IN	\$80.00	\$53.40
56	1 1/8 IN	\$140.00	\$76.50
57	1 1/4 IN	\$125.00	\$90.00
58	1 1/2 IN	\$181.00	\$135.90
59	1 5/8 IN	\$286.00	No Bid
60	1 3/4 IN	\$250.00	\$202.00
61	2 IN	\$323.00	\$238.50
62	3/8 IN- 4140 alloy c.f.	See Notes \$16.00	No Bid
63	5/16 IN	\$10.00	\$8.50
	20 FT LONG HOT ROLLED CHANNEL		
64	1 IN X 1/2 IN X 1/8 IN	\$35.00	\$20.80
65	2 IN X 1 IN X 3/16 IN	\$80.00	\$60.25
66	3 IN X .170 IN X 1.410 IN	\$95.00	See Notes \$73.50
67	4 IN X .184 IN X 1.584 IN	\$125.00	See Notes \$96.80
68	5 IN X .190 IN X 1.750 IN	\$156.00	See Notes \$133.95
69	6 IN X .200 IN X 1.920 IN	\$190.00	See Notes \$155.50
70	8 IN X .220 IN X 2.260 IN	\$270.00	See Notes \$215.00
71	10 IN X .240 IN X 2.60 IN	\$355.00	See Notes \$294.00
	24 FT LONG HOT ROLLED SQUARE TUBING		
72	3/4 IN x 11	\$75.00	\$41.70
73	1 IN x 11	\$45.00	\$47.50
74	1 1/4 IN x 11	\$58.00	\$66.70
75	1 1/2 IN x 11	\$80.00	\$81.50
76	2 IN x 1/4 IN	\$190.00	\$111.30
77	6 IN x 1/4 IN	\$663.00	\$533.50
78	8 IN x 1/4 IN	\$900.00	\$730.00
79	8 IN x 1/2 IN	\$1,700.00	\$1,360.00

Item No.	CATALOG NO/DESCRIPTION	Unit Price	Unit Price
	4 FT X 8 FT HOT ROLLED SHEET		
80	1/16 IN	\$120.00	\$75.00
81	1/8 IN	\$235.00	\$165.00
82	3/16 IN	\$272.00	\$255.00
83	1/4 IN	\$370.00	\$295.00
84	3/8 IN	\$550.00	\$545.00
85	1/2 IN	\$725.00	\$618.50
	20 FT COLD ROLLED ROUNDS		
86	1/2 IN	\$20.00	No Bid
87	9/16 IN	See Notes \$16.00	No Bid
88	5/8 IN	\$33.00	No Bid
89	3/4 IN	\$46.00	No Bid
90	7/8 IN	\$63.00	No Bid
91	1 IN	\$80.00	No Bid
92	1 1/2 IN	\$180.00	No Bid
	EXPANDED METAL 4FT X 8 FT SHEET		
93	REGULAR STYLE 3/4 #9 OPENINGS .688 IN X 1.569 IN	\$190.00	No Bid
94	FLATTENED STYLE 3/4 #9 OPENINGS .563 IN X 1.688 IN	\$190.00	\$135.00
95	ALUMINUM REGULAR STYLE 1/2 # .081	\$300.00	No Bid
	20 FT GRADE 60 REBAR		
96	BAR #5 5/8 IN /.625	\$32.00	No Bid
97	BAR #4 1/2 IN /.500	\$20.00	No Bid
98	BAR #6 3/4 IN / .750	\$46.00	No Bid
	STEEL DIAMOND TREAD PLATE 4 FT X 8 FT SHEET		
99	1/8 IN	\$240.00	See Notes \$390.00
100	1/4 IN	\$545.00	See Notes \$795.00
101	3/8 IN	\$740.00	See Notes \$895.00
	12 FT LONG ALUMINUM DIAMOND GRIP 4 FT X 8 FT HOT GRATING		
102	7 IN X .080 IN X 2 IN	\$200.00	No Bid
	4 FT X 8 FT GALVANIZED SHEETS		
103	20 GAUGE	\$130.00	No Bid
104	22 GAUGE	\$100.00	No Bid
	12 FT STAINLESS ROUND		
105	1 IN	\$215.00	No Bid
106	1/2 IN	\$60.00	No Bid
	24 FT RECTANGULAR TUBING		
107	6 IN X 4 IN X 1/2 WALL	\$1,030.00	\$760.00

Item No.	CATALOG NO/DESCRIPTION	Unit Price	Unit Price
	20 FT RANDOM STOCK ANGLE STAINLESS		
108	¼ IN X 2 IN X 2 IN	\$390.00	No Bid
	12 FT LONG NON -GALVANIZED SIGN POST TUBING		
	<u>NOTE: TUBES MUST TELESCOPE INTO NEXT LARGER SIZES</u>		
	OUTSIDE DIMENSION GAUGE DIAMETER SPACING		
109	1 3/4 IN 12 7/16 IN 1 IN ON CENTER	\$333.00	No Bid
110	2 IN 12 7/16 IN 1 IN ON CENTER	\$333.00	No Bid
	12 FT LONG COLD ROLLED FLAT STOCK		
111	1/8 IN X 3/4 IN	\$15.00	No Bid
112	1/8 IN X 1 IN	\$17.00	No Bid
113	1/8 IN X 2 IN	\$31.00	No Bid
114	1/8 IN X 3 IN	\$50.00	No Bid
115	1/8 IN X 4 IN	\$66.00	No Bid
116	1/8 IN X 5 IN	\$90.00	No Bid
117	1/8IN X 6 IN	\$96.00	No Bid
118	1/4 IN X 1 IN	\$33.00	No Bid
119	1/4 IN X 2 IN	\$62.00	No Bid
120	1/4 IN X 3 IN	\$96.00	No Bid
121	1/4 IN X 4 IN	\$130.00	No Bid
122	1/4 IN X 5 IN	\$160.00	No Bid
123	1/4 IN X 6 IN	\$190.00	No Bid
124	1/2 IN X 1 IN	\$61.00	No Bid
125	1/2 IN X 1.5 IN	\$96.00	No Bid
126	1/2 IN X 2 IN	\$126.00	No Bid
127	1/2 IN X 3 IN	\$190.00	No Bid
128	1/2 IN X 4 IN	\$250.00	No Bid
129	1/2 IN X 5 IN	\$308.00	No Bid
130	1/2 IN X 6 IN	\$370.00	No Bid
131	5/8 IN X 2 IN	\$155.00	No Bid
132	3/4 IN X 2 IN	\$186.00	No Bid
133	1 IN X 2 IN	\$252.00	No Bid
134	3/8 IN X 1.25 IN	\$60.00	No Bid
135	3/8 IN X 1.5 IN	\$70.00	No Bid
136	3/4 IN X 6 IN	\$466.00	No Bid
137	1 IN X 6 IN	\$616.00	No Bid
	SEAMLESS SQUARE TUBING		
138	1" X ¼"	No Bid	No Bid
139	1" X ½"	No Bid	No Bid
140	1" X ¾"	No Bid	No Bid
141	2"	No Bid	No Bid
142	2" X ¼"	No Bid	No Bid
143	2" X ½"	No Bid	No Bid
144	10GA. OR 1/8" WALL THICKNESS 3/8" ROD (ALLOY 4140 C.F. STEEL)	No Bid	No Bid

Item No.	CATALOG NO/DESCRIPTION	Unit Price	Unit Price
	NOT LISTED ITEMS PRICED ON A PER POUND BASIS		
145	MISC. NOT LISTED STEEL COST PER POUND	\$1.25 Per Pound	No Bid
146	MISC. NOT LISTED ALUMINUM COST PER POUND	\$5.00 Per Pound	No Bid
NOTES:			
Stanley Steel: Item #32 - quoting CR 1018-12' in place of requested HR; Item #36: Quoting 1/4" in place of requested 3/16"; Item #44: quoting 3/8" in place of requested 1/2"; Item #49: Quoting id8 Cr-12' in place of requested HR; Item #62: quoting 12' length in place of requested 20' length; Item #87: quoting 12' length in place of requested 20' length;			
Upstate Steel: *\$500 minimum order.			
Item #66: 4.1#; Item #67: 5.4#; Item #68: 6.7#; Item #69: 8.2#; Item #70: 11.5#; Item #71: 15.3#; Item #93: 48 x 96; Item #99: x 48 x 120; Item #100 x 48 x 96; Item #101 x 48 x 120;			
Upstate Steel - could not provide the required documentation for award and are therefore deemed unresponsive.			

Attachment: Bid Tab Steel & Aluminum (RES-2023-45 : Award Bid #2022032 - Steel and Aluminum - CRS #3710 & 3711)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 26774

RESOLUTION 2023-46

ADOPTED

Award RFP #202207 - State & Federal Government Relations Services - CRS #3747

WHEREAS, the Contract Compliance and Administration Department received proposals on November 10, 2022 for RFP #202207 State and Federal Government Relations Services; and

WHEREAS, the RFP process resulted in responses from three (3) vendors, as per the attached scoring sheet;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this RFP to Masiello Martucci & Associates; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with Masiello Martucci & Associates.

1/3/2023

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

FINANCIAL IMPACT:

A1210-4110 \$60,000

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

RFP #202207 - State & Federal Government Relations Services
RFP Analysis Sheet

Raw Score is rated on a scale of 1-10

Description	Percentage (Weight)	Bolton St. Johns		Masiello, Martucci & Associates		Upstate Strategic Advisors LLC	
		Raw Score	Weighted	Raw Score	Weighted	Raw Score	Weighted
Experience & Qualifications, demonstrated ability to fulfill the requirements of the proposal, resume of key members of the team, references and other factors which the Town considers relevant.	60	8.50	51.00	10.00	60.00	6.00	36.00
Proposed Fee, including all expenses, hourly staff rates, payment terms, contract terms and conditions, and options. All proposals must be based on an annual retainer.	40	9.00	36.00	9.00	36.00	10.00	40.00
TOTAL EVALUATION	100		87.00		96.00		76.00


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 26781

RESOLUTION 2023-47

ADOPTED

Award Bid #2022035 - Sweeper Parts - CRS #3749, 3750 & 3751

WHEREAS, the Contract Compliance and Administration Department received bids on November 17, 2022 for Bid #2022035 Sweeper Parts; and

WHEREAS, the bid process resulted in responses from three (3) vendors, as per the attached bid tabulation form;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to Valley Fab & Equipment, Inc. (CRS #3749), Laclede Equipment, Inc. (CRS #3750) and Joe Johnson Equipment (CRS #3751); and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contracts with the above referenced vendors.

1/3/2023

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

FINANCIAL IMPACT:

C8163-4240 and D5130-4240 - Amount TBD

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

Bid #2022035 - Sweeper Parts

Low Bid

Item No.	CATALOG NO/DESCRIPTION	Lacal Equipment % Off Manufacturer's List Price	Valley Fab % Off Manufacturer's List Price	Joe Johnson % Off Manufacturer's List Price
1	Leach Compactor/Packer Parts – All Models	NO BID	NO BID	0%
2	ODB Model LCT6000 Leaf Machine Parts	35%	NO BID	NO BID
3	Tarco/Tarrant/Loughberry Parts – All Models	5%	5%	NO BID
4	Keystone All Pro 460 Strip Brooms (Per Box) – NO EXCEPTIONS	5%	NO BID	35%
5	Keystone All Pro #411 Center Sweep Mandrel for Elgin Eagle Sweeper - NO EXCEPTIONS	5%	NO BID	35%
6	Keystone All Pro #410 Center Sweep Mandrel for Elgin Pelican Sweeper – NO EXCEPTIONS	5%	NO BID	35%
7	Keystone All Pro 466 Strip Brooms (Per Box) – NO EXCEPTIONS	5%	NO BID	35%
8	Sweeper Side Brooms Filled with 21 Steel Strands of Spring Wire, Nuts in Plastic Segments, 5 Segments per box to fit Elgin Sweepers. NOTE: Oil coated or oil tempered wire are acceptable.	5%	NO BID	35%
9	Elgin Sweeper Parts	35%	NO BID	0%
10	Rockford Sweeper Parts	NO BID	NO BID	NO BID
11	Superior Sweeper Parts	NO BID	NO BID	NO BID
12	Tennant Sweeper Parts	NO BID	NO BID	NO BID
13	Tymco Sweeper Parts	35%	NO BID	NO BID
No Additional Charges Will Be Allowed				

Attachment: Bid Analysis 2022035 Sweeper Parts (RES-2023-47 : Award Bid #2022035 - Sweeper Parts - CRS #3749, 3750 & 3751)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 26913

RESOLUTION 2023-48

ADOPTED

Award Bid #2022037 - Ferric Chloride - CRS #3788

WHEREAS, the Contract Compliance and Administration Department received bids on December 22, 2022 for Bid #2022037 Ferric Chloride; and

WHEREAS, the bid process resulted in responses from three vendors, as per the attached bid tabulation form;

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Contract Compliance and Administration Department to award this bid to PVS Technologies, Inc.; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract with PVS Technologies, Inc.

1/3/2023

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

FINANCIAL IMPACT:

G9916-4800; Amount TBD.

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

Bid #2022037 Ferric Chloride									
Low Bidder			Kemira Water Solutions		PVS Technologies		Slack Chemical		
ITEM #	QTY	U/M	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	256,197	Dry Lb.	Ferric Chloride Solution (per specifications) Cost per pound as Iron (Fe) (dry weight)	\$1.90	\$486,774.30	\$1.73	\$443,220.81	No Bid	No Bid
			Specify name of product being offered below:	Kemira PIX-III		Liquid Ferric Chloride - Drinking Water Grade			
			*The estimated quantity listed above is for bidding purposes only. Actual amounts will vary.						
			No Additional Charges Will Be Allowed						
Notes: Slack Chemical submitted the bid spec with a "No Bid" and requested a copy of the bid tab. PVS Technologies attached specification for their product with their bid.									


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 26867

RESOLUTION 2023-49

ADOPTED

Extend Bid #2016050 - Town Wide Fire Alarm Inspection Svc - CRS #3780 (Orig. CRS/CMS #0/1218)

WHEREAS, Kepco Alarm, Inc. has agreed to extend their contract for Bid #2016050 Town Wide Fire Alarm Inspection Service, CRS #3780 (Original CRS/CMS #0/1218);

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves a one-year extension of the contract with Kepco Alarm, Inc. for the period January 1, 2023 through December 31, 2023; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract extension with Kepco Alarm, Inc.

1/3/2023

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

FINANCIAL IMPACT:

Town Wide - Various - Amount TBD

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

**TOWN OF
AMHERST**
Eric County, New York

SUPERVISOR
Brian J. Kulpa
716-631-7032



**DEPUTY
SUPERVISOR/COUNCILMEMBER**
Jacqualine Berger

COUNCILMEMBERS
Deborah Bruch Bucki, RN, PhD
Shawn Lavin
Michael Szukala

EXTENSION AGREEMENT

Kepco Alarm, Inc. agrees to hold prices and extend the current contract with the Town of Amherst for Town Wide Fire Alarm Inspection Service, Bid #2016050 (CRS/CMS #0/1218).

This contract shall be dated January 1, 2023 through December 31, ~~2024~~ **2023**

ml
Initial

Agreed to and Accepted by:

Agreed to and Accepted by:

Kepco Alarm, Inc.

TOWN OF AMHERST

By: *Brian J. Kulpa*
Signature

By: _____
Brian J. Kulpa, Supervisor

Michael Koepfel
Printed Name

Date: _____

President
Title

Date: *11/16/22*


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 26950

RESOLUTION 2023-50

ADOPTED

Extend Contract with Modern Disposal Services, Inc. for Municipal Solid Waste Services - CRS #3799

WHEREAS, an RFP was issued in 2016 for Municipal Solid Waste Services and a contract was awarded to Modern Disposal Services, Inc. for the period January 1, 2017 through December 31, 2021; and

WHEREAS, the contract included a provision for a 5-year extension, the details of which are attached;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the 5-year extension with Modern Disposal Services, Inc. for the period January 1, 2022 through December 31, 2026; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the Amended Agreement for Municipal Solid Waste Collection, Hauling and Disposal; and

BE IT FURTHER RESOLVED, that approval is subject to successful completion of the Contract Routing System.

1/3/2023

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

FINANCIAL IMPACT:

C8161-4110; Amount TBD

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

**AMENDED AGREEMENT FOR MUNICIPAL SOLID WASTE
COLLECTION, HAULING AND DISPOSAL RECYCLING AGREEMENT**

This Amended Agreement made the 22nd day of December 2022, by and between the Town of Amherst (Town), a municipal corporation organizing and existing of the laws of the State of New York, with offices at 5583 Main Street, Williamsville, New York 14221 and Modern Disposal Services, Inc. (Modern), a New York corporation with offices located at 4746 Model City Road, P.O. Box 209, Model City, New York 14107.

WHEREAS, the Town Board of the Town of Amherst adopted a resolution on November 1, 2016, Resolution No. 2016-1193, and awarded a contract for its solid waste, yard waste and recyclables to Modern (Disposal Agreement);

WHEREAS, the term of the Disposal Agreement commenced on January 1, 2017, and ended per its terms on December 31, 2021;

WHEREAS, the parties wish to extend that Disposal Agreement, as amended herein, for an additional period of time to run through December 31, 2026; and,

NOW, THEREFORE, the Town and Modern, in consideration for the mutual covenants and promises contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree to amend the Disposal Agreement dated November 1, 2016 (Agreement) as follows:

1. Price

The Paragraph 4 of the Disposal Agreement is hereby amended as follows:

The Town shall pay Modern for the following services described below:

a. Collection and Hauling of Solid Waste

From January 1, 2022 through December 31, 2023, Modern shall provide for the collection and hauling of solid waste, trash, garbage and yard waste to a licensed facility for the first year price of \$92.29 per unit. From January 1, 2023 through December 31, 2026, the per unit rate charged for collection and hauling of recyclables to a licensed facility will be subject to increase using the WSTCPI published by the United States Department of Labor. The unit cost for collection and hauling of recyclables to a licensed facility will be increased using the baseline rate charged in August of the prior year. The WSTCPI used will be added to the 2022 unit price to establish the 2023 unit price. Any increase in cost will have a maximum price cap of 2.5% annually.

b. Disposal of Solid Waste

For providing solid waste disposal to a licensed facility for the years 2022 through 2026, Modern shall provide the services as follows:

Cost per ton for 2022 - \$37.75
 Cost per ton for 2023 - \$38.25
 Cost per ton for 2024 - \$38.75
 Cost per ton for 2025 - \$39.25
 Cost per ton for 2026 - \$39.75

c. Collection and Hauling of Recyclables

For collection and hauling of recyclables to a licensed facility, the price for calendar year 2022 shall be \$50.19 per unit. From January 1, 2023 through December 31, 2026 the per unit rate charged for collection and hauling of recyclables to a licensed facility will be subject to increase using the WSTCPI published by the United States Department of Labor. The unit cost for collection and hauling of recyclables to a licensed facility will be increased using the baseline rate charged in August of the prior year. The WSTCPI used will be added to the

2022 unit price to establish the 2023 unit price. Any increase in cost will have a maximum price cap of 2.5% annually.

d. The price for processing of recyclables will be \$83.00 per ton. All other terms of the agreement related to processing of recyclables shall remain the same.

e. Modern will provide two (2) 8 cubic yard dumpsters or similarly sized dumpsters to the Town of Amherst for the purpose of providing an opportunity for non-participating residential housing complexes and or underserved residents to participate in single stream recycling currently offered to residents in the garbage district of the Town of Amherst. These dumpsters will be provided free of charge to the Town for the duration of this agreement and all material from these containers will be processed with all other residential recycling collected in the Town of Amherst.

2. Bulk Collection

No Changes.

3. Access to Electronic Monitoring

Modern will supply the Town's Office of Refuse Control with access to its GPS tracking software, and its SLACK messenger service and radio communications, if available. All costs associated with each technology will be borne by Modern only.

4. After June 1, 2023, no private trash totes will be allowed to be used for garbage disposal by Town residents.

5. Customer Service Reports

a. At the conclusion of each month following the execution of this Agreement, the Town's Senior Refuse Control Officer (SRCO) along with applicable Town staff members and Modern's Residential Collection Management Division will meet to discuss all operational matters outlined in the attached framework. Minutes of each meeting will be created by and preserved during the term of this Agreement using a specialized meeting app that only participants will have access to and all participants will have the ability to see meeting items, operational issues, and action plans for further review.

b. The SRCO and Modern have developed standard operating guidelines (SOG) for determining service failure complaints and categories. In the event that any complaint remains unsolved for the defined period of ninety (90) days or the span of three (3) monthly meetings, the matter will then be brought to the attention of the Town Supervisor, Town Attorney, Modern Disposal's CEO, and their legal team for conflict acceleration.

c. At the conclusion of each quarter, the Town will prepare a written, detailed report outlining all customer service failures/complaints during that quarter which shall be categorized as either minor, moderate, or severe and said report will be forwarded to Modern by email to those persons designated by Modern for review and comment.

d. At least (5) days prior to the monthly meeting between the SRCO and Modern, the Town will have the right to submit a Request for Remedy identifying failures/complaints.

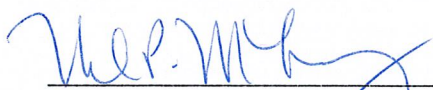
e. Modern will have the right to forward a written objection to the aforementioned failures/complaints or the Request for Remedy to the Town. .

e. **Resolution of Modern's Objections.** Modern and the Town shall attempt to resolve any dispute arising out of or relating to disputes over service failures/complaints or detailed in the

Request for Remedy through negotiations between the Town Supervisor and Modern's CEO who shall confer to resolve the aforementioned issue(s) within five (5) business days. If the matter is not resolved by negotiation between the parties within three (3) business days of the initial conference the Request for Remedy will be submitted to the Amherst Chamber of Commerce which shall designate a person who is a member or officer to act as a single arbitrator for final resolution with the arbitrator's power and function limited to determining whether the complaint(s) constitute a service failure by Modern and a remedy shall be set pursuant to a separate agreement between Modern, the Town, and the Amherst Chamber of Commerce. In the event no separate agreement is reached, then the remedy will be in the sole discretion of the Amherst Chamber of Commerce arbitrator. By agreeing to arbitration, both the Town and Modern waive the right to resolve any such disputes through a trial by jury or judge or by an administrative proceeding. The arbitrator selected shall not have the power to determine any issue other than whether the disputed service failure/complaint is factually justified and the appropriate remedy. Any costs and fees, excluding the parties' respective attorneys' fees, associated with arbitration shall be split 50/50 basis between the Town and Modern. The arbitration hearing shall commence within fifteen (15) business days of the selection of the arbitrator, unless the parties otherwise agree to a different time. The arbitrator shall render his/her decision, in writing, to the Town Attorney and the attorney for Modern within ten (10) business days of the conclusion of the arbitration hearing. Nothing in this clause is intended to prevent either Modern or the Town from obtaining an injunctive relief in the Supreme Court, Erie County to prevent irreparable harm pending the commencement and/or conclusion of the dispute resolution process.

6. Unless amended herein, all other terms and conditions of the prior Agreement shall continue in existence.

By:



Michael P. McNerney, CEO
Modern Disposal Services, Inc.

By:

Brian J. Kulpa, Supervisor
Town of Amherst


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Engineering Services
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26957

RESOLUTION 2023-51
ADOPTED

National Grid Power Corporation Service Proposal and Grant of Easement Mathewson/McCarthy Little League Fieldhouse Improvements CRS #3794

As the replacement concession/restroom building at the above facility requires the relocation of an electric power pole in order to service the new building, we are requesting the Town Board to authorize the Supervisor to execute the attached Grant of Easement and Electric Service Proposal 30560775 in order to upgrade the electrical service at the above location in the amount of \$28,709.43.

The funds for this proposed work are available from bond account KP2207.4972. May we have your approval for execution of the attached easement and electrical service upgrade proposal? This request is pending the successful completion of the contract review procedure. Thank you for considering this request.

1/3/2023

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

FINANCIAL IMPACT:

\$28,709.43; KP2207-4972

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



December 19, 2022

Town of Amherst
Attn Brian Armstrong – Engineering Dept
1100 N Forest Rd
Williamsville NY 14221

**Re: Electric Service Proposal 30560775
1995 Wehrle Dr, Williamsville NY 14221**

Enclosed please find an Electric Service Proposal for a customer requested relocation of National Grid facilities at 2021 Wehrle Dr, Williamsville NY 14221.

This project falls under PSC No. 220 Tariff Rule 28.2. Rule 28.2 requires that the customer pay all costs associated with the project. Under this rule, there is an estimated cost to you in the amount of \$28,709.43.

If this Proposal is acceptable, please sign and return this letter. Upon receipt of your acceptance, you will be billed under separate cover in the amount of \$28,709.43. This estimate is valid for 90 days from the date of this letter.

This work will be scheduled upon receipt of this signed proposal, payment of invoice, and completion of all responsibilities as outlined in the attached proposal.

The breakdown of these estimated charges are as follows:

Labor, Expenses, & Fringes	\$9,263.94
Materials & Handling	\$4,498.57
Transportation	\$2,642.70
Overheads	\$3,700.00
Sub-Total	\$28,709.43
Taxes	\$0.00
Total Estimate Charges	\$28,709.43

Pursuant to PSC No. 220, you are responsible for the actual costs of this project. Upon project completion, costs will be reconciled to actual costs. The Company will subsequently bill you if our costs run over the invoiced amount or refund the difference if costs run below the invoiced amount. You are responsible for all invoiced amounts.

Should you have any questions, please contact me at 781-907-4607.

Sincerely,

David Norwood
Customer Connections
National Grid

I ACCEPT AND AGREE TO BE BOUND BY THE TERMS OF THIS PROPOSAL:

Print Name: _____

Title:
(if applicable) _____

Signature: _____

Date: _____

By signing this agreement, the signatory represents and warrants that he or she is duly authorized and has legal capacity to execute, deliver, and bind the party to this agreement.

ELECTRIC SERVICE PROPOSAL 30560775

Matthewson-McCarthy
1995 Wehrle Dr, Williamsville NY 14221

Service Work Request:	30560775
Customer's Contribution:	\$28,709.43
Billing Party:	Town of Amherst
Customer's Responsibilities:	➤ Return signed Proposal cover letter, if accepted ➤ Provide all necessary right-of-way easements ➤ Notify National Grid if any changes in the Billing Party occur ➤ Payment in full, upon receipt of invoice ➤ Provide copy of Tax-Exempt Certificate (if applicable)
National Grid Responsibilities:	Customer requested relocation of National Grid facilities
Construction Lead Time:	Approximately 4-6 weeks will be necessary for construction. Upon receipt of payments, permits, right-of-way and the signed Agreement, this project will be added to National Grid's construction schedule. Note: Payment must be made upon receipt of invoice. The correct mailing address for payments will be noted on the invoice you receive.
Customer Communications Update:	If a progress report is needed during construction, including the expected date for the Owners project completion, the expected completion date for the utility's work, and confirmation of the expected date for the service connection of permanent power, please contact the Company Job Owner at the number listed below.
Remarks:	This Proposal is based upon projected cost and rate schedule provisions in effect at the date of this proposal and will be withdrawn if not accepted within 90 days of the date of this Proposal. This proposal and all attached documentation are proprietary property of National Grid and can only be used for its intended purpose and shall not otherwise be disclosed.
Prepared By:	<i>David Norwood</i> Customer Connections 781-907-4607

GRANT OF EASEMENT

TOWN OF AMHERST, NEW YORK, having a mailing address of 5583 Main Street, Williamsville, New York 14221 (hereinafter referred to as “Grantor”), for consideration of One Dollar (\$1.00), and/or other valuable consideration paid, the receipt and sufficiency of which are hereby acknowledged under seal, hereby grants to **NIAGARA MOHAWK POWER CORPORATION**, a New York corporation, having an address at 144 Kensington Avenue, Buffalo, New York, 14214 (hereinafter referred to as “Grantee”), for Grantee and its lessees, licensees, successors, and assigns, the perpetual right and easement as described in Section 1 below (the “Easement”) in, under, through, over, across, and upon the Grantor’s land, as described in Section 2 below (the “Grantor’s Land”).

Section 1 – Description of the Easement. The “Easement” granted by the Grantor to the Grantee consists of a perpetual easement and right-of-way, with the right, privilege, and authority to:

a. Construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at its pleasure, remove any poles or lines of poles, supporting structures, cables, crossarms, overhead and underground wires, guys, guy stubs, insulators, transformers, braces, fittings, foundations, anchors, lateral service lines, communications facilities, and other fixtures and appurtenances (collectively, the “Facilities”), which the Grantee shall require now and from time to time, for the transmission and distribution of high and low voltage electric current and for the transmission of intelligence and communication purposes, by any means, whether now existing or hereafter devised, for public or private use, in, upon, over, under, and across that portion of the Grantor’s Land described in Section 3 below (the “Easement Area”), and the highways abutting or running through the Grantor’s Land, and to renew, replace, add to, and otherwise change the Facilities and each and every part thereof and the location thereof within the Easement Area, and utilize the Facilities within the Easement Area for the purpose of providing service to the Grantor and others;

b. From time to time, without further payment therefor, clear and keep cleared, that portion of Grantor’s Land described in Section 3 below (the “Trimming Easement Area”) of any and all trees, limbs, branches, roots or vegetation and trim and remove danger trees adjacent to the Easement Area that, in the opinion of the Grantee may jeopardize the integrity of the Grantee’s electric distribution facilities; Grantee shall follow accepted arboricultural standards which may require Grantor to make pruning cuts closer to the tree stems, outside the 10-foot easement area.

c. Excavate or change the grade of the Grantor’s Land as is reasonable, necessary, and proper for any and all purposes described in this Section 1; provided, however, that the Grantee will, upon completion of its work, backfill and restore any excavated areas to reasonably the same condition as existed prior to such excavation; and

d. Pass and repass along the Easement Area to and from the adjoining lands and pass and repass over, across, and upon the Grantor’s Land to and from the Easement Area, and construct, reconstruct, relocate, use, and maintain such footbridges, causeways, and ways of access, if any, thereon, as is reasonable and necessary in order to exercise to the fullest extent of the Easement.

Section 2 – Description of Grantor’s Land. The “Grantor’s Land” is described in a certain Deed recorded in the Erie County Clerk’s Office on November 29, 1973 in Liber 8115 of Deeds at Page 583 and consists of land described as being part of Tax Parcel No. **81.02-3-5.1** of the Town of Amherst, County of Erie, State of New York, commonly known as **1995 Wehrle Drive**.

Section 3 – Location of the Easement Area. The “Easement Area” shall consist of a portion of the Grantor’s Land twenty feet (20’) in width throughout its extent, the centerline of the Easement Area being the centerline of the Facilities. The general location of the Easement Area is shown on the sketch entitled Exhibit A, which sketch is attached hereto and recorded herewith, copies of which are in the possession of the Grantor and the Grantees. The final and definitive location(s) of the Easement Area shall become established by and upon the final installation and erection of the Facilities by the Grantees in substantial compliance with Exhibit A hereto. The “Trimming Easement Area” shall be a strip of land measured ten (10) feet from the outermost electric conductor on each side of the line.

Section 4 – Facilities Ownership. It is agreed that the Facilities shall remain the property of the Grantee, its successors and assigns.

Section 5 – General Provisions. The Grantor, for itself, its heirs, legal representatives, successors, and assigns, hereby covenants and agrees with the Grantee that no act will be permitted within the Easement Area which is inconsistent with the Easement hereby granted; no buildings or structures, or replacements thereof or additions thereto, swimming pools, or obstructions will be erected or constructed above or below grade within the Easement Area; no trees shall be grown, cultivated, or harvested, and no excavating, mining, or blasting shall be undertaken within the Easement Area without the prior written

54-E-

consent of the Grantee; the Easement shall not be modified nor the Easement Area relocated by the Grantor without the Grantee's prior written consent; the present grade or ground level of the Easement Area will not be changed by excavation or filling.

The Grantee, its successors and assigns, are hereby expressly given and granted the right to assign this Easement, or any part thereof, or interest therein, and the same shall be divisible between or among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full right, privilege, and authority herein granted, to be owned and enjoyed either in common or severally. This Grant of Easement shall at all times be deemed to be and shall be a continuing covenant running with the Grantor's Land and shall inure to and be binding upon the successors, heirs, legal representatives, and assigns of the parties named in this Grant of Easement.

IN WITNESS WHEREOF, the Grantor has duly executed this Grant of Easement under seal this _____ day of _____, 2022.

TOWN OF AMHERST, NEW YORK

By: _____ (sign here)

Print Name: _____

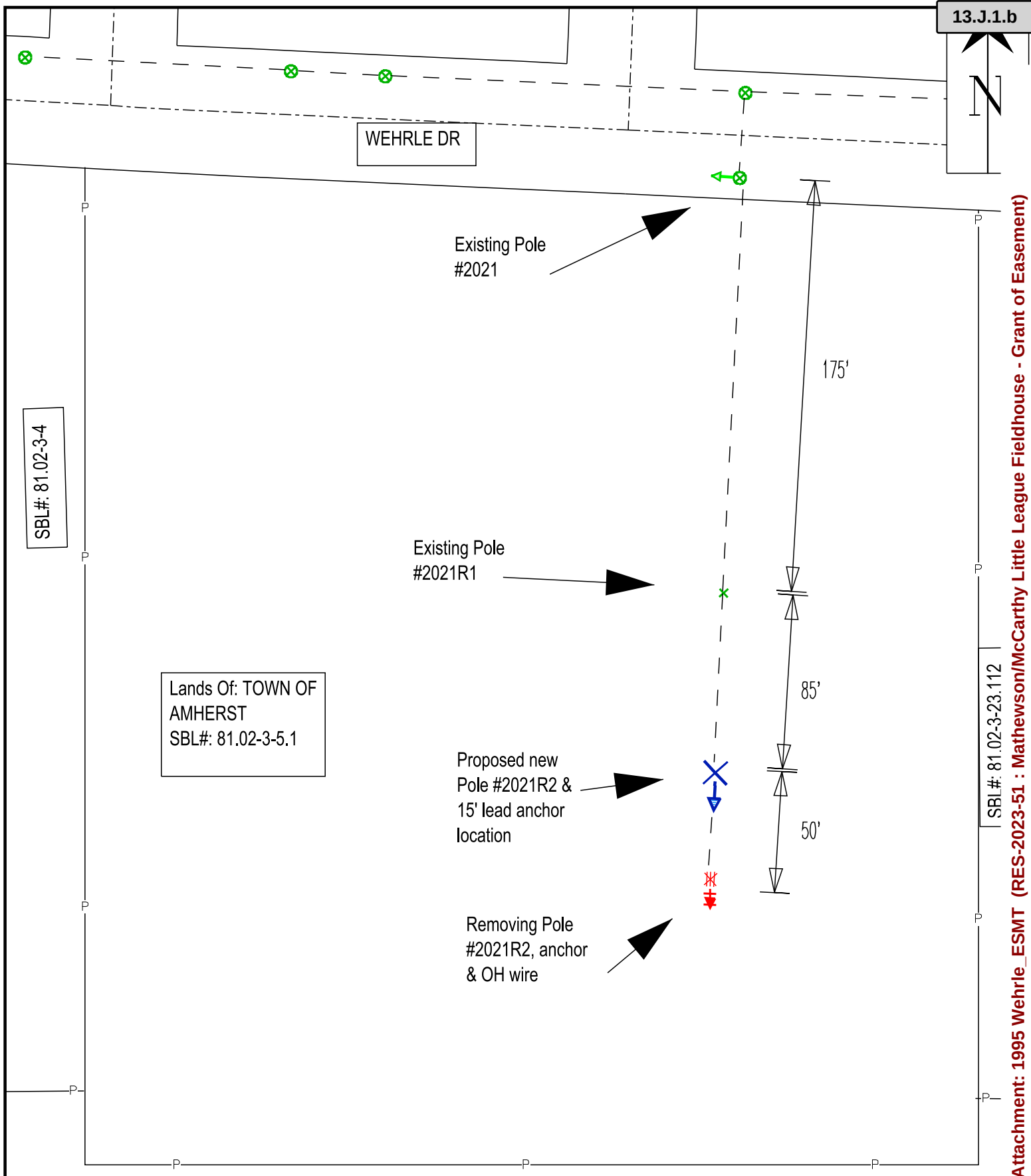
Print Title: _____

STATE OF _____ :
COUNTY OF _____ §:
:

On this _____ day of _____, in the year 2022, before me, the undersigned, personally appeared _____, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

Attachment: 1995 Wehrle_ESMT (RES-2023-51 : Mathewson/McCarthy Little League Fieldhouse - Grant of Easement)



Attachment: 1995 Wehrle_ESMT (RES-2023-51 : Mathewson/McCarthy Little League Fieldhouse - Grant of Easement)

EASEMENT #:	EASEMENT SKETCH - EXHIBIT A	NOT TO SCALE
DESIGNER: Stone, Robert DATE: — WORK ORDER #: 01-22-30560775	DEVELOPMENT NAME and LOCATION 1995 WEHRLE DR COUNTY OF: ERIE CITY/TOWN OF: AMHERST	nationalgrid 13.J.1.b


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Engineering Services
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26958 A

RESOLUTION 2023-52
ADOPTED

Postage Machine Rental Contract Amendment Quadient, Inc. CRS – 3784/3445

The Engineering Department-Water Pollution Control Facility is requesting that the Town Board authorize the Supervisor to re-sign the attached 3-year agreement for a postage meter rental through Quadient, Inc. The original contract was approved on 10/17/22 with Resolution 2022-1019, but the vendor wouldn't approve the contract with the auto-renewal clause crossed out. A new agreement letter was signed by the vendor and needs to be signed by the Town in order to move forward. The cost for rental will be \$17.55 monthly, billed quarterly, for 36-months which will total \$631.80. This agreement will be effective from 10/17/22 date of Town Board approval to 10/21/2025.

Funding is available in G9916-4925.

This has successfully completed the contract review process.

Thank you for considering this request.

1/3/2023

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

FINANCIAL IMPACT:

G9916-4925; \$631.80

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/17/22 07:00 PM
 Department: Engineering
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26575

RESOLUTION 2022-1019

ADOPTED

Postage Machine Rental - Quadient, Inc. CRS No. 3445

The Engineering Department-Water Pollution Control Facility is requesting that the Town Board authorize the Supervisor to sign the attached 3-year agreement for a postage meter rental through Quadient, Inc. The cost for rental will be \$17.55 monthly, billed quarterly, for 36-months which will total \$631.80. This agreement will be effective from date of Town Board approval to 10/21/2025.

This request has successfully completed the contract review process.

Funds will be available in G9916-4925.

Thank you for considering this request.

10/17/2022

Consent

FINANCIAL IMPACT:

\$631.80; G9916-4925

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

Attachment: RES-2022-1019 (RES-2023-52 : Postage Machine Rental Contract Amendment)

AGREEMENT

Let this document stand as an Agreement between Quadient, Inc. and the Town of Amherst permitting the Town of Amherst to enter into a 36-month rental agreement for a mail machine according to the attached proposal, covering the dates 10/22/2022-10/21/2025. The term of this contract will be from date of Town Board approval by the Town of Amherst through October 21, 2025. Notwithstanding any other provision in the Postage Meter Renewal Agreement, this agreement shall terminate on October 21, 2025. There shall be no automatic renewal period.

Agreed to and Accepted by:

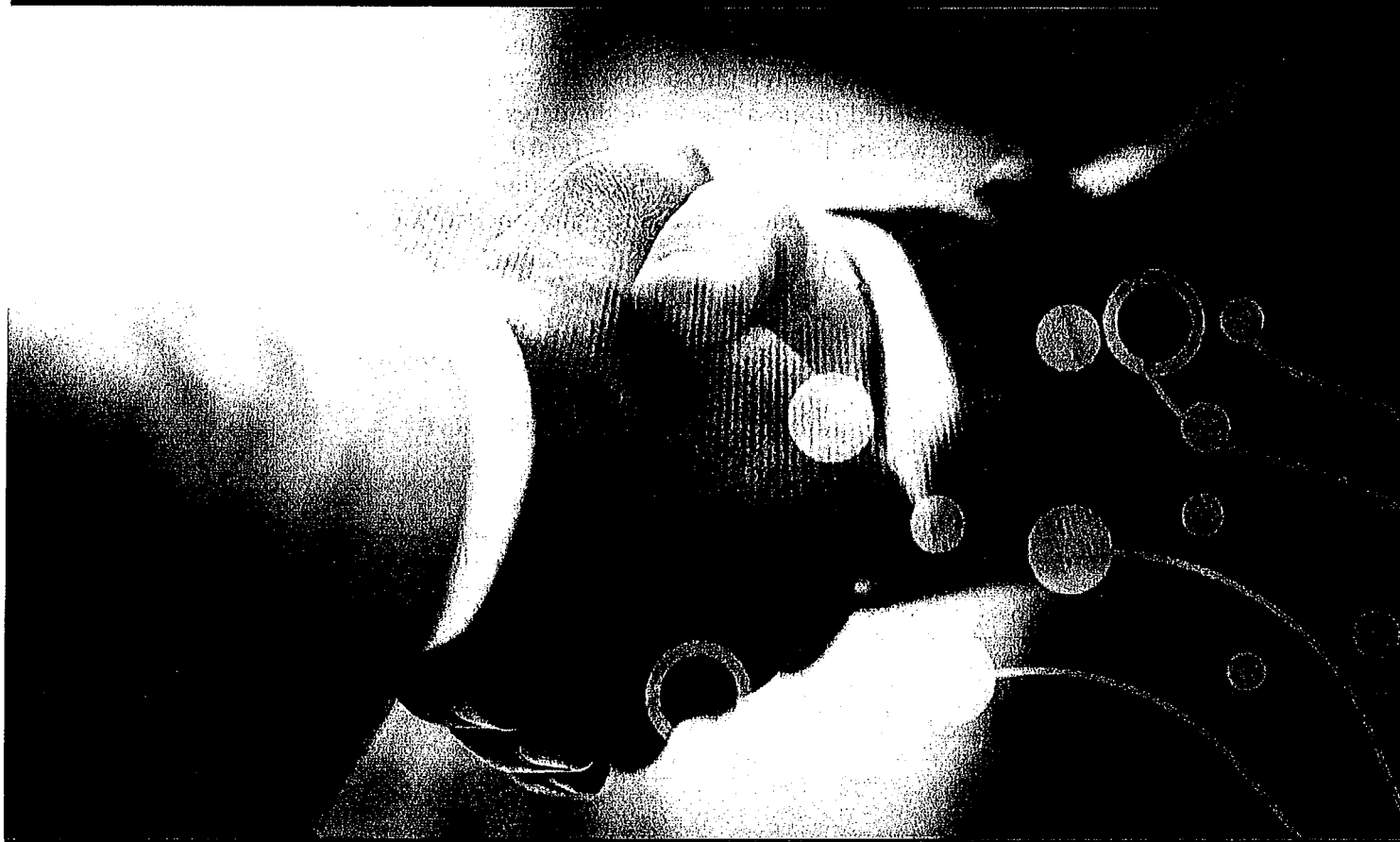
QUADIENT, INC.

By: John Tartaro
 Signature
John Tartaro
 Printed name
Deputy CFO
 Title
 Date: 12/9/2022

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
 Brian J. Kulpa
 Supervisor
 Date: _____



Quadient Proposal for TOWN OF AMHERST WASTEWATER TREATMENT FACILITY

Prepared for:

Crystal Russell

crussell@amherst.ny.us

TOWN OF AMHERST WASTEWATER TREATMENT FACILITY

Prepared by:

Christina Chavers

c.chavers@quadient.com 203-301-3429 Ext.

Quadient, Inc.

Attachment: Quadient Agreement (RES-2023-52 : Postage Machine Rental Contract Amendment)





478 Wheelers Farms Road
Milford, CT 06461
203.301.3400

Overview

Dear Crystal Russell,

You're so close to renewing your **QuadientIS280** postage meter! All that's left to do is...

1. Review the form below.
2. E-sign it to send it back to me today.

Once received, your account will be all set.

Thanks for taking the time to speak with me. We appreciate your business.

Sincerely,

Christina Chavers

c.chavers@quadient.com

203-301-3429 Ext.

***Please Note: Any changes, addition, or modifications to the agreement must be accompanied by the signers initials.

If the address or company name on the form needs to be adjusted, please contact me before you sign and I will send you an updated copy.***

Statement of Confidentiality

This proposal and supporting materials contain confidential and proprietary business information of Quadient, Inc. These materials may be printed or photocopied for use in evaluating the proposed project, but are not to be shared with other parties.



Postage Meter Rental Renewal Agreement

Product: Quadient IS280

Offer Includes

Products:

Service Products: Depot Maintenance

EasyLink: (Quadient Postage Funding and LAN required) ☐

Billing Information

Billing CSN#: 31116678

Company Name: TOWN OF AMHERST WASTEWATER TREATMENT FACILITY

DBA:

Address: 455 Tonawanda Creek Rd
AMHERST, NY 14228

Contact: Crystal Russell

Phone: (716) 691-9771 Fax:

Email: crussell@amherst.ny.us

Office: 6410 - Lineage - Buffalo

Main Post Office / Mail Drop:

Post Office ZIP Code:

Agreement Information

Date Sent: 7/25/2022

Offer Valid Until:

Contract #: 598876

Renewing Meter S/N: 13805352

Payment Information and Schedule

Billing Frequency: Quarterly

Monthly Payment: \$17.55 (Plus applicable taxes)

Renewal Term: 36

Installation Address

Company Name: TOWN OF AMHERST WASTEWATER TREATMENT FACILITY

Address: 455 Tonawanda Creek Rd
AMHERST, NY 14228

Contact: Crystal Russell

Phone: (716) 691-9771 Fax:

Email: crussell@amherst.ny.us

Office#: 6410 - Lineage - Buffalo

Main Post Office / Mail Drop Off:

Post Office ZIP Code:

Postage Meter Funding

Postage Funding Option: PrePay

Use my POC/TMS Account #: ☒

My POC/TMS Account#: 98610443

Existing customers who currently fund the Postage account by ACH Debit will not be converted to a Postage Funding Account unless initiated here:

Approval & Terms

This Renewal Agreement modifies your existing Postage Meter Rental Agreement ("Rental Agreement"), referenced by the Contract Number above, between Quadient, Inc. and Customer. Except as otherwise provided herein, the terms of the existing Rental Agreement shall continue in full force and effect. In the event of a conflict between the existing Rental Agreement and this Renewal Agreement, the provisions of this Renewal Agreement shall control. This Renewal Agreement becomes effective upon the expiration of the current term of your Rental Agreement. Customer agrees that this Renewal Agreement is NON-CANCELABLE for the Number of Months set forth above ("Renewal Term"). After the expiration of the Renewal Term, this Agreement shall automatically renew on a month-to-month basis (each a "Renewal Period"). Customer may terminate this Renewal Agreement at the end of the Renewal Term or at the end of any Renewal Period by notifying Quadient, Inc. in writing of its desire to terminate no later than thirty (30) days prior to the expiration of the Renewal Term or any future Renewal Period.

Name:

Title:

Date:

Authorized Signature:

Christina Chavers: cchavers@quadiant.com PH: 203-301-3429 Ext. FAX: 203-301-2692
Quadient, Inc. 478 Wheelers Farms Road, Milford, CT 06461

Attachment: Quadient Agreement (RES-2023-52 : Postage Machine Rental Contract Amendment)



FEDERAL ID NO. 94-2388882
 478 Wheelers Farm Rd
 Milford CT 06461
 Tel: 203-301-3400
 Fax: 203-301-2600

April 11th, 2022

Town of Amherst Wastewater Treatment Facility
 Customer Number: 31116678
 Contract #: 598876

Equipment Location:
 455 Tonawanda Creek Rd
 Amherst NY 14228-1230

<u>Service #</u>	<u>Equipment</u>	<u>Coverage Dates</u>	<u>Price</u>
Equipment Rental	IS280- 13805352	7/22/2022 to 10/21/2022	\$52.65
Equipment Rental	IS280- 13805352	10/22/2022 to 10/21/2025	\$631.80

Billing Frequency- Quarterly -Total: \$684.45 + Applicable Taxes

Send updated purchase orders to:
Quadiant, Inc.
 478 Wheelers Farms Rd
 Milford CT 06461
us.customerpurchaseorders@quadiant.com

Remit payments to:
Quadiant, Inc.
 Dept 3689
 PO Box 123689
 Dallas, TX 75312-3689

Attn: Government Department
us.government@quadiant.com

Russell, Crystal

From: Chavers, Christina <c.chavers@quadiant.com>
Sent: Monday, August 15, 2022 12:20 PM
To: Russell, Crystal
Subject: RE: Reminder to sign document "TOWN OF AMHERST WASTEWATER TREATMENT FACILITY IS280Renewal_Meter_Agreement_072522206.1219.22"

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.
 Good Afternoon –



Your rate is actually lower than the Gov't pricing so we are honoring that.

Christina

From: Russell, Crystal <crussell@amherst.ny.us>
Sent: Monday, August 15, 2022 10:37 AM
To: Chavers, Christina <c.chavers@quadiant.com>
Subject: [External Email] RE: Reminder to sign document "TOWN OF AMHERST WASTEWATER TREATMENT FACILITY IS280Renewal_Meter_Agreement_072522206.1219.22"

Hi Christina,

Is the pricing for our rental according to NYSOGS contract pricing?

If we were to update our machine, what models and pricing are available to us?

Thank you,

Crystal Russell
 Town of Amherst WPCF, Accounts Payable
 455 Tonawanda Creek Road
 Amherst, NY 14228
 P: 716.691.9771 ext. 8010
 F: 716.691.4496
crussell@amherst.ny.us

From: Christina Chavers <docs@quadiant.com>
Sent: Sunday, August 14, 2022 1:40 PM
To: Russell, Crystal <crussell@amherst.ny.us>
Subject: Reminder to sign document "TOWN OF AMHERST WASTEWATER TREATMENT FACILITY IS280Renewal_Meter_Agreement_072522206.1219.22"

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.

The document sent by Christina Chavers is awaiting your signature. To review and sign the document, please follow the link below Open the document via %(user_document_url)s.

Group 22812 Award 22941
Mailing Machines, Scales, Folders, Inserters, Meter Rental, and Other Items

Quadient, Inc.
Contract No.: PC67336
AUGUST 2021

Item Number	Description	Unit Price	Quantity	Total Price
IDSX-6KIT	WTS-P TCS6 Scanner Bundle: Includes WTS-P Zebra TCS6 Scanner with camera, power supply, styluses, charging cable, and protective boot. Wi-Fi, ethernet and Cellular (CDMA and GSM) Capable. THIS PACKAGE INCLUDES THE REQUIRED MOBILE SOFTWARE LICENSE (IDSMBSLIC-N).	\$3,099.00	18.26%	\$2,533.12
IDSX-SSLOTCRAD	WTS-P TCS1/56 5-Port Charging Cradle. The Cradle charges scanners with or without protective boot. Wi-Fi and Ethernet. Note: Does not fit TCS5 handhelds.	\$1,360.00	18.24%	\$1,111.94
IDSX-CRADLE	WTS-P TCS1/56 Single USB Cradle	\$398.00	18.34%	\$325.01
IDSX-STYLUS3PK	WTS-P TCS1/56 Stylus 3 pack	\$60.00	18.33%	\$49.00
IDSX-WALLCHAR	WTS-P TCS1/56 Power Supply/wall charger	\$34.00	17.65%	\$28.00
IDSXBT3-600-N	MCS7 Battery 3600 MAH	\$139.00	17.99%	\$113.99
IDSXWS-N	Wireless Barcode Scanner	\$949.00	19.75%	\$761.57
IDSX-E-N	WTS-P XE Software Package: Includes 1 client license. This means 1 person can be logged onto the WTS-P site at a time. You can have as many username /password combinations as desired, but can only have 1 person logged on at a time. up to 5 additional client licenses with WTS-P XE. Max number of concurrent logins = 10.			
IDSXETKAO10	WTS-P XE Turnkey & 64bit Desktop PC Win 10: Includes Win10 64bit PC, keyboard, mouse, monitor, WTS-P XE software and 1 license			
IDSXETKWIN10	WTS-P XE Turnkey & 64bit Desktop PC Win 10: Includes Win10 64bit PC, keyboard, mouse, monitor, WTS-P XE software and 1 license			
IDSX-EUGENT-N	WTS-P XE to WTS-P Enterprise software upgrade			
IDSX-EUG-N	WTS-P Base to WTS-P XE software upgrade			
IM16	Letter Opener			
IM-210	Omation 210 Envelope opener - Ideal for processing 200 to 2000 pieces per day, proven milling-cutter technology, self-leader and complete edges to edge cutting			
IM30	3-Sided Letter Opener, includes catch tray			
IM-3068	Omation 306 Envelope opener			
IM-306BATCER	Batcher Option for 306 (Factory or Field Installed)			
IM-306INKET	Omation 306 Envelope opener with High Speed Inlet Printer			
IM-306JUSORTBIN	Omation 306S Envelope opener with Sorter, High Speed Inlet Printer and Sort Bin			
IM-306JUSORTBINBAT	Omation 306S Envelope opener with Sorter, High Speed Inlet Printer, Sort Bin and Batcher			
IM-306JUSORTCONV	Omation 306S Envelope opener with Sorter, High Speed Inlet Printer and Conveyor			
IM-306JUSORTCONVBAT	Omation 306S Envelope opener with Sorter, High Speed Inlet Printer, Conveyor and Batcher			
IM-306SUSORTBIN	Omation 306S Envelope opener with Sorter and Sort Bin			
IM-306SUSORTCONV	Omation 306S Envelope opener with Sorter and Conveyor			
IM35	IM35 MK II Extractor			
IM-410	Omation 410 Envelope opener - w/integrated ink jet printer and new job creation interface. Ideal for processing 200 to 2000 pieces of mixed mail per day, self-adjusting feeder and adjustable cut depth settings.	\$10,699.00	10.00%	\$9,629.10
IS7-80SHWPS	IS-280 Base w/5lb Scale - LICENSE ONLY	\$740.00	35.00%	\$481.00
IS330 Meter & Base Combo with 2 lb WP with ISSP10	Model IS330 Meter & Base Combo with 2 lb WP with ISSP10	\$46.95	0.00%	\$46.95
IS330 Meter & Base Combo with 2 lb WP with ISSP20	Model IS330 Meter & Base Combo with 2 lb WP with ISSP20	\$56.95	0.00%	\$56.95
IS330 Meter & Base Combo with 2 lb WP with ISSP30	Model IS330 Meter & Base Combo with 2 lb WP with ISSP30	\$56.95	0.00%	\$56.95
IS330 Meter & Base Combo with 5 lb WP & Moistener with ISSP10	Model IS330 Meter & Base Combo with 5 lb WP & Moistener with ISSP10	\$59.95	0.00%	\$59.95
IS330 Meter & Base Combo with 5 lb WP & Moistener with ISSP20	Model IS330 Meter & Base Combo with 5 lb WP & Moistener with ISSP20	\$69.95	0.00%	\$69.95
IS330 Meter & Base Combo with 5 lb WP & Moistener with ISSP30	Model IS330 Meter & Base Combo with 5 lb WP & Moistener with ISSP30	\$69.59	0.00%	\$69.59


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Engineering Services
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26960

RESOLUTION 2023-53
ADOPTED

WPCF Building #7 Vertical Turbine Pump #2 Rebuild - Change Order No. 2 Corrosion Products and Equipment, Inc. CRS #3800

We are requesting the Town Board approve the above referenced Change Order No. 2, which calls for an \$870.12 increase in the contract price to have VTP#2 Building 7 rebuilt and put back in service. This work is complete. The project's revised contract price will be \$81,342.99. This Change Order will cover a minimal cost increase associated with the contractor to complete the rebuild and the reinstallation of the VTP#2 150 hp pump and motor.

As shown on the Change Order, the original authorized contract amount is \$74,901.00 for VTP#2. This was increased by \$5,571.87 covered by Change Order #1. This additional amount covered new parts and labor to rebuild the electric motor and was arrived at per items 4 and 5 of the contract. The costs were for transporting, disassembling, testing, inspecting, cleaning, and treating reused components. Costs were also incurred to purchase and install new rolling elements of the non-reversing ratchet mechanism, dress with oil all surfaces and dynamically balancing rotor and bearing carrier. Costs are also for furnishing and installing upper thrust and lower guide bearings and spring loaded grease mechanism and fitting. The motor was reassembled and final inspection performed. The motor was painted, reinstalled and a vibration analysis performed. All work is completed and VTP #2 is currently in use. The contractor is requesting an additional \$870.12 that was required for the completion of the above work and is covered in this Change Order #2.

May we have your approval to award to Corrosion Products and Equipment, Inc. the above referenced Change Order? Funding is available from account KP 2030-4972. This request is pending the successful completion of the contract review process. Thank you for considering this request.

1/3/2023

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

FINANCIAL IMPACT:

KP2030-4972; \$870.12

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

Change OrderPROJECT: *(Name, address and Project File No.)*

CHANGE ORDER: # 2

DATE: 12/23/2022

WPCF: Building 7-Vertical Turbine Pump#2 Rebuild– General Contract

Project No. 2022.001A

TO CONTRACTOR: *(Name and address)***Corrosion Products & Equipment, Inc.**

110 Elmgrove Park

Rochester, NY 14624

The Contract is changed as follows:

(Include, where applicable, any undisputed amount attributable to previously executed construction Change Directives)

1. The Contract sum is being increased to account for a minimal cost increase for the necessary motor rebuild. The original pump rebuild amount authorized under the current contract is \$74,901.00. The net contract increase to perform the additional work was covered in Change Order #1 and was \$5,571.87. The actual cost to perform this work per the most recent invoice from the contractor requires the contract amount to be increase by \$870.12. This Change Order covers the cost increase.
2. All other terms and conditions remain the same.

The original Not-to-Exceed (Contract Sum) was: \$ 74,901.00The net change by previously authorized Change Orders: \$ 5,571.87The Contract Sum prior to this Change Order was: \$ 80,472.87

The Contract Sum will be increased by this Change Order in the amount of

[Additional cost to perform the additional required work for 150 hp motor rebuild]: \$ 870.12The new (Contract Sum) including this Change Order will be: \$ 81,342.99The date of Contract Completion as of the date of this Change Order is: January 25, 2023

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

NOT VALID UNTIL SIGNED BY THE ENGINEER, CONTRACTOR AND OWNER._____
ENGINEER *(Firm name)*_____
ADDRESS_____
BY *(Signature)*_____
*(Typed name)*_____
DATECorrosion Products & Equip Inc._____
CONTRACTOR *(Firm name)*110 Elmgrove Park
Rochester, NY 14624_____
ADDRESS_____
BY *(Signature)*_____
*(Typed name)*_____
DATETown of Amherst_____
OWNER *(Firm name)*5583 Main Street
Williamsville, NY 14221_____
ADDRESS_____
BY *(Signature)*Brian J. Kulpa_____
*(Typed name)*_____
DATE

Corrosion Products & Equipment

110 Elmgrove Park
Rochester, NY 14624-1359
US
585-247-3030

INVOICE	
30074846	
Invoice Date	Page
10/25/2022	1 of 2
ORDER NUMBER	
10042749	

Reference #:

Bill To:

Town of Amherst
Wastewater Treatment Plant
Amherst, NY 14228
USA

Ship To:

Town of Amherst
Water Pollution Control Facility
Tonawanda Creek Road
Amherst, NY 14228
USA

Customer ID: 334529

Project Ref:

PO Number	Term Description	Net Due Date		
22210265	Net 30	11/24/2022		

Order Date	Pick Ticket No	Primary Salesrep Name	Taker
	20076972	Pasquale Occhiuto	BARBARAPIETRZYKOWSKI

Quantities					Item ID	Pricing	Unit	Extended
Ordered	Shipped	Remaining	UOM	Unit Size	Item Description	UOM	Price	Price
						Unit Size		

Carrier:

Tracking #:

*****Service Item*****

1.00 1.00 0.00 EA BS SERVICE EA 1.0000 81,342.99

Serial Number: NY22-104

1.0 Service

Item 1 Transport Existing Spare PE \$15,570
Item 2 Disassemble Existing Peer \$25,429
Item 3A Install On-Site Rebuilt SP \$21,642
Item 4 Related Parts & Material \$5,642.72 cost x
1.1= \$6,206.99
Item 5 Hourly Service Rate 119 hours x \$105=
\$12,495

*** REPRINT ***



Packet Pg. 174

Document ID: 30074846

Attachment: VTP#2-CPE-Final Invoice -Amherst 30074846 - 12.23.22 (RES-2023-53 : WPCF Building #7 Vertical Turbine Pump #2 Rebuild -

Corrosion Products & Equipment

110 Elmgrove Park
Rochester, NY 14624-1359
US
585-247-3030

INVOICE	
30074846	
Invoice Date	Page
10/25/2022	2 of 2
ORDER NUMBER	
10042749	

Reference #:

Quantities					Item ID	Pricing	Unit	Extended
Ordered	Shipped	Remaining	UOM	Unit Size	Item Description	UOM	Price	Price
				Disp.		Unit Size		

Total Lines: 1

SUB-TOTAL: 81,342.99

TAX: 0.00

AMOUNT DUE: 81,342.99

U.S. Dollars

Remit to Address: Corrosion Products, Inc.
17 Powder Hill Road
Lincoln, RI 02865
Wells Fargo Bank Account #: 4716004965
ACH Routing: 121000248
Wire Routing: 121000248

FOB: Origin

*** REPRINT ***



Packet Pg. 175

Document ID: 30074846

Attachment: VTP#2-CPE-Final Invoice -Amherst 30074846 - 12.23.22 (RES-2023-53 : WPCF Building #7 Vertical Turbine Pump #2 Rebuild -



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Finance

Initiated by: **Lynda Juul**
 Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 26927

RESOLUTION 2023-54

ADOPTED

Approve Procurement Policy and Contract Management Policy

WHEREAS, Amherst Town Code Section 4-17 requires the Department of Contract Compliance and Administration to establish and maintain the Town's Procurement Policy and Contract Management Policy; and

WHEREAS, these policies have been reviewed by the Contract Compliance and Administration Department;

NOW, THEREFORE, BE IT RESOLVED, the attached Procurement Policy and Contract Management Policy are hereby adopted as the official Town policies.

1/3/2023

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

FINANCIAL IMPACT:

N/A

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



PROCUREMENT POLICY

TOWN OF AMHERST

NEW YORK

January 2023

Adopted 1/3/2023, Resolution 2023-xx

TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
Purpose.....	2
Authority & Duties	2
Annual Review.....	2
General Procurement Categories	3
Laws Governing Procurement	4
1) NYS GML §103.....	4
A) Purchase Contract v. Public Works Contract.....	4
B) Aggregation.....	4
2) NYS GML §104-b	5
3) Exemptions	5
A) Preferred Sources	5
B) State Contracts, Certain Federal Contracts – GML §104	5
C) County Contracts – GML §103(3).....	6
D) Piggybacking.....	6
Local Procurement Chart	7
Local Procurement Requirements.....	8
1) Purchase Contracts Under \$5,000 / Public Works Contracts Under \$7,500	8
2) Emergency Purchases	8
3) Sole Source	9
4) Professional Services	9
5) True Leases	10
6) Insurance	10
7) Second Hand Equipment.....	10
Required Documentation	10
MWBE Requirements	10
Purchase of Vehicles/Equipment	10
Appendix A – Municipal Officials Responsible for Purchasing Decisions.....	11
Appendix B – Emergency Purchase Documentation.....	12
Appendix C – Verbal Quote Sheet.....	14

PURPOSE

The purpose of the procurement policy is to safeguard the taxpayers of the Town of Amherst by assuring that competition is sought in a reasonable, cost-effective manner for all procurements where practical and required by NYS General Municipal Law (GML) §103. Goods and services that are not subject to competitive bidding by NYS law must be procured in a manner that assures the prudent and economical use of public funding, facilitates the acquisition of goods and services of the highest quality at the lowest possible cost, and guards against favoritism, improvidence, extravagance, fraud and corruption (GML §104-b).

This policy supersedes any and all prior procurement policies, procedures and Town Board resolutions regarding procurement. All future Town Board resolutions that affect this policy must include revisions to the policy for simultaneous approval.

AUTHORITY AND DUTIES

Principal Procurement Official

Except as otherwise provided herein, the Director of Contract Compliance shall serve as the principal public procurement official for the Town of Amherst, and shall be responsible for the oversight of the procurement of supplies, services, equipment, and public works projects in accordance with this policy, as well as oversight of the auction/disposal of surplus supplies and equipment.

Departmental Authority

Department Heads (or their designee) have the authority to perform the purchasing function for their department. A listing of municipal officials responsible for purchasing decisions is attached in Appendix A. If a Department Head has designated an employee in their department to assist with purchasing, a listing of such employees should be given to the Contract Compliance and Administration Department. Contract Compliance should be notified when this list is modified.

ANNUAL REVIEW

This policy shall be reviewed on an annual basis, and placed on the agenda for approval by the Amherst Town Board at their Reorganization meeting, held in January of each year.

The Director of Contract Compliance shall be responsible for initiating the annual review process. Comments concerning the policies and procedures shall be solicited from officers of the Town involved in the procurement process prior to the submittal to the Town Board.

GENERAL PROCUREMENT CATEGORIES

Most procurements generally fit into one of the categories listed in the following table. This table identifies whether these categories are within the requirements of General Municipal Law (GML) Section 103, or within local procurement policies and procedures required by GML Section 104-b.

See Town of Amherst Local Procurement Chart on page 7.

	Subject to Competitive Bidding (Section 103)	Local Policies and Procedures (Section 104-b)
Purchase Contracts and Contracts for Public Work if No Other Exception Applies		
Purchase Contracts – In excess of the \$20,000 Threshold	X	
Purchase Contracts – Below the \$20,000 Threshold		X
Contracts for Public Work – In excess of the \$35,000 Threshold	X	
Contracts for Public Work – Below the \$35,000 Threshold		X
Procurements Exempt from the Requirements of section 103 and the Quotations/Proposals Requirement of section 104-b		
Preferred Sources (State Finance Law, section 162; Correction Law, sections 184, 186)		X
State Contracts; certain Federal contracts (GML, section 104)		X
County Contracts (GML, section 103[3])		X
Additional exemptions provided for in local policies and procedures (e.g., “piggybacking” on certain other government contracts in accordance with the prerequisites in GML, section 103 [16]); other local exemptions).		X
Procurements Exempt from section 103		
Emergency (GML, section 103 [4])		X
Sole Source		X
Professional Service		X
True Leases		X
Insurance		X
Surplus/Second-hand Materials, Supplies, Equipment from Certain Other Governments (GML, section 103 [6])		X

LAWS GOVERNING PROCUREMENT

NYS law allows various methods of procurement to be available to municipalities.

1. NYS GML §103

GML §103 requires advertisement for sealed bids for all contracts for public work involving an expenditure of more than \$35,000 and all purchase contracts involving an expenditure of more than \$20,000. Such contracts shall be awarded to the lowest responsible bidder, provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) may be awarded on the basis of best value, as defined in State Finance Law §163. Chapter 40 of the Amherst Town Code allows purchasing using Best Value for piggyback contracts only. See the Amherst Town Code for more information.

A) Purchase Contract v. Public Works Contract

The Office of the State Comptroller has issued opinions that the term “purchase contract” applies to the procurement of commodities (e.g. equipment, materials, supplies and some services), while the term “contract for public work” applies to contracts for services, labor and construction. A public works contract is defined as an improvement to a public facility in which the majority of the costs are labor. In many instances, contracts involve both goods and services, and it is difficult to determine which bid limit to apply. Each procurement must be reviewed on a case-by-case basis and a determination made as to what kind of contract is involved. As a general rule, if the contract involves a substantial amount of labor such that it is the focal point and the acquisition of materials is incidental, it will be considered a contract for public work. Conversely, if services or labor is only minimal or incidental to the acquisition of goods, it is considered a purchase contract. For example, a contract for interior painting of a building involves both material (paint) and labor (painting). In most instances, the labor component of the contract will be predominant making it a contract for public work. In contrast, replacing a boiler or furnace, while involving both equipment (the boiler) and labor (installation) will, in most instances, consist primarily of a charge for the equipment, making it a purchase contract. The purchaser or initiating department should make this determination. If you are unsure, please contact Contract Compliance and Administration for assistance.

B) Aggregation

In determining thresholds, consideration must be taken as to the aggregate amount reasonably expected to be expended for “all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase”, whether from a single vendor or multiple vendors. Please note this is a rolling period and should be reviewed each time a purchase is made. Past history should also be taken into consideration when evaluating annual costs associated with the purchase of a commodity or service. If the bid limit is anticipated to be exceeded, competitive bidding shall be used. The Director of Contract Compliance shall determine aggregation rules and application to the annual value of a commodity based on the best information available at that time. If it is determined that a procurement is required that was not initially included in an aggregated contract, the item(s) may be quoted using one of the methods below and the item(s) must be included in the next bid or contract for that commodity or group of items.

2. NYS GML §104-b

GML §104-b states that goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. It requires, among other things, that the governing board of every political subdivision adopts, by resolution, internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to competitive bidding requirements of GML §103 or any other general, special or local law, and that the policies and procedures be reviewed on an annual basis.

3. EXEMPTIONS

A) Preferred Sources

In some situations, municipalities are required to purchase certain goods and services from providers having “preferred source” status, in order to achieve “special social and economic goals”. These purchases are not subject to competitive procurement requirements. Preferred sources include: Correctional Industries Program of the Dept. of Corrections and Community Supervisions (Corcraft); approved qualified, nonprofit agencies for the blind; approved special employment programs for mentally ill persons; approved qualified charitable nonprofit agencies for other severely disabled persons; and certain approved qualified veteran’s workshops. An assessment of preferred vendor availability should be made before a commodity or service is considered for competitive bidding or alternative procurement procedures. More information can be found at the NYS Office of General Services (OGS).

B) State Contracts, Certain Federal Contracts – GML §104

Certain State contracts are made available to local governments and school districts through the New York State Office of General Services (OGS). Purchases may be made at the same prices, under the same terms as the State. The majority of State contracts can be used as soon as they are awarded. Orders are placed directly with the contractors listed, using a purchase order.

Departments must follow the recommended procedures for State agencies for each contract (e.g. if over \$50,000, multiple quotes should be obtained; requirement to use mini-bids in certain instances; etc.).

Departments are able and encouraged to negotiate a lower price from the NYS OGS contract holder. In addition, pursuant to State Finance Law §163(3)(a)(v), OGS centralized commodities contracts that contain a clause known as “OGS or Less” may allow an agency to obtain needed commodities from a non-contract vendor in order to take advantage of non-contract savings that may develop in the marketplace. The contractor holding the State contract must first be given an opportunity to meet the lower price. Please see NYS Procurement guidelines or contact Contract Compliance and Administration for assistance.

Federal contracts may be used from certain Federal General Service Administration (GSA) contracts. These include information technology and telecommunications items; certain equipment and activities through the US Department of Defense; alarm and signal systems; firefighting and rescue equipment;

law enforcement and security equipment; certain products and services to facilitate recovery from major disasters; etc. For purchases of \$3,000 or more, you must follow Federal Acquisition Regulations, which require competitive pricing among the GSA contractors. This can be accomplished by using eBuy on the GSA site. Please see Federal procurement guidelines.

C) County Contracts – GML §103(3)

GML §103(3) expressly permits a political subdivision to make purchases of materials, equipment or supplies, or to contract for services other than those subject to Article 9 of the Labor Law, when available, through the county in which the political subdivision or district is located or through any county within the state subject to the rules established pursuant to Subdivision 2 of Section 408-a of the County Law. Prior to making such purchases or contracts, the officer, board or agency shall consider whether such contracts will result in cost savings after all factors, including charges for service, material, and delivery, have been considered.

D) Piggybacking

Local governments may “piggyback” on contracts that have been extended to local governments and school districts by certain other governments. Use of these contracts constitutes an exception to the competitive bidding and offering requirements of the law. This exemption authorizes political subdivisions to purchase apparatus, materials, equipment or supplies, and to contract for services related to the installation, maintenance, or repair of these items, through the use of contracts let by the United States or any agency thereof, any State or any other political subdivision or district therein. Three prerequisites must be met:

- 1) The contract must have been let by the United States or any other agency thereof, any state or any other political subdivision or district therein. Therefore, there must be an underlying contract let by one of the listed governmental entities. Contracts developed for use by local governments that are let by private parties and not by the United States or any agency thereof, any state or any other political subdivision or district therein, would not fall within the exception.

The phrase “any state or other political subdivision or district therein” clearly includes other states, and political subdivisions in other states, as well as New York State political subdivisions. Therefore, in addition to the current competitive bidding exception for certain purchases through contracts of New York State counties (County Law §408-a; GML §103[3]), local governments may also purchase through qualifying contracts let by other New York State political subdivisions under this exception.

- 2) The contract must have been made available for use by other governmental entities. This means that the other governmental entity has taken steps to make its contract available for New York local governments. In general, this would occur by inclusion in the contract let by the other entity of a clause extending the terms and conditions of the contract to other governmental entities. Unilateral offers by vendors to extend contract pricing and other terms and conditions would not fall within the exception.
- 3) The contract must have been let in a manner that constitutes competitive bidding “consistent with state law.” The purchasing local government would need to obtain background information on the procedures used to let the contract and, as necessary, consult with its counsel, to determine whether this prerequisite is met.

LOCAL PROCUREMENT CHART

The following procurement requirements shall apply to all Town of Amherst purchases.

	Verbal Quotes		Written Quotes			Bid	RFP/ RFQ	Other
	1	2	1	2	3			
Purchase Contracts								
\$5,000 or less	X							
\$5,001 - \$10,000				X				
\$10,001 - \$20,000					X			
Over \$20,000 (GML §103)						X		
IT & Consumer Electronics**								X
Public Works Contracts								
\$7,500 or less	X							
\$7,501 - \$15,000				X				
\$15,001 - \$35,000					X			
Over \$35,000 (GML 103)						X		
Emergency								X
Sole Source								X
Professional Services								
\$20,000 or less (requires TB approval)			X					
Over \$20,000							X	
True Leases			X					
Insurance					X			
Second Hand Equipment								
\$20,000 or less	X							
Over \$20,000 (from other gov. only)								X

***All information technology (IT) related products (hardware and software) and consumer electronics in an amount over \$500 require the written approval of the Director of Information Technology (or designee) for suitability and compatibility with existing or planned IT infrastructure, in addition to the Purchase Contracts requirements above. Documentation of approval should be submitted to the Comptroller's Office with purchase orders. Police or SCADA networks are excluded from this requirement.*

LOCAL PROCUREMENT REQUIREMENTS

Every purchase shall be made using the requirements in the Town of Amherst Procurement Chart. Each purchase must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known, or can reasonably be expected, that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year.

When bidding is not required under GML §103, all goods and services will be secured by use of written requests for proposals/qualifications, written quotations, verbal quotations, or any other method that assures the goods will be purchased at the lowest price and that favoritism will be avoided.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement, so long as the good faith effort has been made.

Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offer. The documentation will include an explanation of how the award will achieve the savings or how the offer was not responsible. A determination that the offer is not responsible shall be made by the purchasing department in conjunction with Contract Compliance.

Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types or procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances, it may not be in the best interests of the Town of Amherst to solicit quotations or document the basis for not accepting the lowest bid:

1) Purchase Contracts Under \$5,000 / Public Works Contracts Under \$7,500

The time and documentation required to purchase through this policy may be costlier than the item itself and may therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de Minimis contracts would be awarded based on favoritism. However, this does not relieve the individual making the purchase from responsibility for monitoring other sources of the same product.

2) Emergency Purchases

Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

There are three basic statutory criteria to be met in order to fall within this exception. These are: 1) that 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 in 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.

There are certain emergency occurrences which may be foreseeable. In these instances, each department should, one time per year, solicit bids from appropriate providers to be selected to be the exclusive “on call” provider for recurring emergencies.

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.

The department head must make every reasonable attempt to obtain approval from the Supervisor prior to making the purchase. An Emergency Purchase Documentation Form must be completed to document the emergency purchase (see Exhibit B). This form must be submitted to the Town Board at the first work session following the date of the Emergency purchase. The Town Board, as soon as reasonably possible after notification, shall pass a resolution affirming the need for the purchase.

3) **Sole Source**

There is no requirement for competitive bidding when a good or service is available only from one possible source. To qualify as a sole source exception, the acquisition must be in the public interest and available only from one source, for which there is no equivalent. To service the public interest, there must be unique benefits as compared to a different good or service, and no other good or service would provide substantially similar benefits. The cost must be reasonable when considering the benefit. The sole source exception cannot be used simply because it is anticipated that only one bid will be submitted. Use of a sole source vendor requires Town Board approval.

4) **Professional Services**

This applies to professional services or services requiring a special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgement, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

Professional services up to \$20,000 require approval by the Town Board, but do not require an RFP or RFQ process. In determining whether a service fits into this category, the Town Board shall take into consideration the following guidelines: a) whether the services are subject to State licensing or testing requirements; b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps, and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant or auditor; investment management services; appraisal services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

Professional services over \$20,000 must be solicited and evaluated using a Request for Proposals (RFP) or Request for Qualifications (RFQ). RFPs typically use cost as one factor in the evaluation process. RFQs typically require that pricing be submitted in a separate sealed envelope. Proposers are then evaluated based on their qualifications only, and pricing is negotiated after the preferred vendor is selected.

5) **True Leases**

Competitive bidding is not required when leasing real property or equipment. However, the lease must be an actual lease and a contract may not be called a lease to circumvent the competitive bidding process. In addition, the exception is not allowable for a lease-purchase agreement, in which the item being leased will be owned by the municipality at the end of the lease term.

6) **Insurance**

The purchase of insurance is exempt from bidding requirements. However, it is in the best interest of the taxpayers to solicit multiple quotations prior to binding insurance.

7) **Second Hand Equipment**

If alternate proposals are required, the Town may be precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product. Each piece of equipment shall be treated as an individual purchase, and aggregation shall not apply. Purchases of an individual piece of equipment with a cost over \$20,000 may only be obtained from another governmental entity, unless formally bid.

REQUIRED DOCUMENTATION

Documentation is required of each action taken in connection with procurement. This includes Town Board resolutions, memoranda, written quotes, telephone logs (for verbal quotes), requests for proposals, proposals, contracts (i.e. copies of State/County contracts), and any other appropriate form of documentation. See Appendix C, Verbal Quote Sheet, which can be used for documentation. If there is any question on what form of documentation is required, the Contract Compliance and Administration Department should be consulted.

MWBE REQUIREMENTS

Chapter 32 of the Town Code defines the requirement for the commitment of the Town of Amherst MBE/WBE Utilization Commitment Act for expenditures over \$50,000 for purchase contracts, and over \$100,000 for public works contracts. Please see the Town Code for more information.

PURCHASE OF VEHICLES/EQUIPMENT

Purchases of passenger vehicles (A/C #2200), trucks/tractors (A/C #2250) and other equipment (A/C #2600) shall be placed on the Town Board agenda for approval prior to purchase.

APPENDIX A

MUNICIPAL OFFICIALS RESPONSIBLE FOR PURCHASING DECISIONS

Assessor's Office	Emily Murphy
Attorney's Office	Martin Polowy
Building Department.....	Mark Berke
Building Maintenance.....	Daniel Rizzo
Central Fire Alarm	James Koeppel
Comptroller's Office	Daryl Bramer
Councilmembers	Jacqueline Berger
Emergency Services & Safety	James Zymanek
Engineering	Jeffrey Burroughs
Finance	Lynda Juul
Highway.....	Patrick Lucey
Human Resources	Robert McCarthy
Planning	Daniel Howard
Police.....	Scott Chamberlin
Contract Compliance & Administration	Lynda Juul
Senior Services.....	Melissa Abel
Supervisor's Office	Brian Kulpa
Town Clerk	Francina Spoth
Town Court	Maria Hughes
Youth & Recreation	Mary-Diana Pouli

APPENDIX B

EMERGENCY PURCHASE DOCUMENTATION

(SEE FOLLOWING PAGE)

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 Supervisor's 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. Date you received approval from the Supervisor: _____ Supervisor's Initials: _____
3. Date of Town Board work session where Board is notified: _____
4. Amount of Emergency Purchase. Please provide a detailed listing of items purchased and the cost of each (attach additional detail if necessary): _____

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: _____

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: _____

8. Department Head Signature: _____ Date: _____

CC: Town Board, Town Attorney, Contract Compliance & Administration

For Contract Compliance & Administration Use Only

Date of Town Board Resolution: _____ Emergency Purchase Tracking/Res #:

APPENDIX C

VERBAL QUOTE SHEET

(SEE FOLLOWING PAGE)



Town of Amherst

5583 Main Street
Williamsville, NY 14221

Verbal Quote Sheet

Product Description: _____

Quote #1 Date: ____/____/____ Vendor Name: _____

Contact Name: _____ Phone _____

Email: _____ **COST: \$** _____

Notes: _____

Quote #2 Date: ____/____/____ Vendor Name: _____

Contact Name: _____ Phone _____

Email: _____ **COST: \$** _____

Notes: _____

Quote #3 Date: ____/____/____ Vendor Name: _____

Contact Name: _____ Phone _____

Email: _____ **COST: \$** _____

Notes: _____

Quotes obtained by: _____

Department: _____



CONTRACT ADMINISTRATION POLICY

TOWN OF AMHERST NEW YORK

January 2023

Adopted 1/3/2023, Resolution 2023-xx

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
Purpose.....	3
Signature Requirements	3
Amherst Contract Management System (ACMS)	3
Contract Terms.....	5
1) Start/End Dates	
2) Auto-Renewal Clauses	
3) Effective Date	
4) Extensions	
5) Short-Term Extensions	
6) Ownership Changes	
Purchases Subject to Competitive Bidding.....	6
Purchases Not Subject to Competitive Bidding.....	7
NYS OGS Purchases.....	7
Purchases from Erie County Contract.....	8
Piggyback Purchases / Cooperative Agreements.....	9
Contracts Under \$5,000	10
Modifications to Contracts.....	11
1) Contract Amendments	
2) Contract Change Orders	
3) Contract Extensions	
4) Term Contracts / Task Orders	
Insurance Requirements.....	12
Prevailing Wage.....	12
Sole Source Purchases	13
Emergency Purchases	13
Withdrawal of Contracts	13

Appendix A – Town of Amherst Agreements	14
1) NYS OGS	
2) Erie County Contract	
3) Piggyback / Cooperative Agreement	
Appendix B – Addendums.....	18
Appendix C – Sample Prevailing Wage Schedule.....	19
Appendix D – Iran Divestment Certification Form	20
Appendix E – Insurance Matrix.....	22
Appendix F – Sample Certificate of Liability (Acord 25).....	24
1) Procurement	
2) Service Agreement	
3) Consultant	
4) Contractor	
5) High Level Contractor	
Appendix G – Sample Certificate of Workers Compensation.....	25
Appendix H – Sample Proof of NYS Disability Insurance	26

TOWN OF AMHERST **CONTRACT MANAGEMENT POLICY**

PURPOSE

The purpose of this policy is to advise Town of Amherst department heads and other department personnel of Town contract administration procedures that should be followed. Adherence to the procedures outlined in this policy will allow contracts to be administered properly, and to smoothly and efficiently complete the contract routing process.

SIGNATURE REQUIREMENTS

Pursuant to Town Law §64, only the Supervisor has the authority to enter into a contract, after obtaining Town Board approval, and must be the signatory on all contracts. This includes ALL contracts that require a signature. The only exception to this is for Contracts under \$5,000, as outlined below. ALL contracts should be routed through the Amherst Contract Management System (ACMS).

AMHERST CONTRACT MANAGEMENT SYSTEM (ACMS)

The Town IT Department, in conjunction with the Contract Compliance and Administration Department, developed the Amherst Contract Management System (ACMS). The purpose of the system is to route all Town contracts electronically to streamline the approval process and allow employees to view the status of Town contracts at any point during that process. There are two sides to the system – the Contract Routing System (CRS) and the Contract Management System (CMS). Contracts are entered into CRS, and automatically move over to CMS once routing approval is complete and the contract has been approved by the Town Board.

Contracts are entered into the system by the initiating department or by Contract Compliance for items that require bids, RFPs or RFQs. The following information is required to be entered into CRS:

- The type of contract (general contract, piggyback, professional services, etc.)
- Whether the contract is Town-wide (for use by any Town department) or pertains to an individual department
- Requested Town Board meeting date for placement on agenda
- Start and end dates (these should be included for all contracts)
- Whether the contract allows for extensions, and if so, how many, and the length of each
- Org, Object, and amount of the contract (for budgetary approval)
- Whether prevailing wage applies, and if so, the link to the prevailing wage schedule must be uploaded into CRS

Contracts are reviewed and approved as outlined below. Each step of the process may take several days, depending on the schedules of each department. In order for contracts to receive full approval prior to the agenda deadline, all documentation should be entered into ACMS one to two weeks prior to that deadline. Each reviewing department shall review in a timely manner to ensure contracts are processed as efficiently as possible.

- Contract Compliance shall review for compliance with General Municipal Law, applicable Federal and State Laws, the Town's Procurement Policy, and to ensure that all required paperwork has been included in the submittal
- Comptroller shall review for compliance with the Town budget and sufficiency of information related to the audit of claims
- Attorney shall review for legal requirements and insurance

Once all the appropriate documentation is uploaded into CRS, each reviewing department will be notified, and will review the contract in the routing system. The originating department is notified via system emails at each step of the process. Once fully approved, the system notifies the originating department that the contract can be placed on the Town Board agenda. The originating department is responsible for uploading the contract to the agenda for Town Board approval.

If there is an issue with the proposed contract during the process and the contract cannot be approved, the contract is rejected by the applicable reviewing department and a note is entered into CRS identifying the reason for the rejection. An email is generated through CRS to both the initiating department and Contract Compliance notifying those parties that additional information is required. The appropriate party can then respond to the issue, upload additional documentation (if necessary) and resubmit for approval. Once a contract has received all approvals in CRS, a resolution must be placed on the Town Board agenda by the originating department for approval. All correspondence related to the contract should be done within ACMS.

The CRS # must be included in all Town Board resolutions, both in the header and in the body of the resolution. For a contract extension, amendment, change order, etc., the original CRS # should also be included in the resolution. Once approved by the Town Board, the initiating department sends three original contracts, signed by the vendor, to the Attorney's office. The Attorney's office has the contracts signed by the Supervisor, marks the contract as signed in CRS, and the contract then moves from the contract routing side of the system (CRS) to the management side of the system (CMS). The fully executed contract is then scanned into CMS by the Attorney's Office. The applicable departments are notified by an email from CMS when this has happened, and the contract is then available for use. Initiating departments must then go into CMS to enter insurance documents, insurance expiration dates, and start and end dates for the contract. It is the initiating department's responsibility to monitor these expiration dates, obtain updated insurance certificates, and enter them into CMS. Two sets of the original contract are sent back to the initiating department. The third set goes to the Town Clerk's Office where it is kept as an official Town record. The originating department then sends one fully executed contract to the vendor, and keeps the other for its records.

Contracts should not be placed on the Town Board agenda until they have received all CRS approvals, unless **absolutely necessary**. Placement on the agenda prior to completion of routing

makes contracts more difficult to track to ensure timely completion of all requirements. If a contract **must** be placed on the agenda prior to completion of contract routing due to time sensitivity, the resolution must state “pending successful completion of the contract routing system”, and must also include an explanation of the time sensitivity and state the reason the contract routing system process was not completed prior to the meeting; this is required as per the Amherst Town Board Rules of Order. Purchases should not be made under the contract until the contract has completed routing and a valid contract has been signed by the Supervisor and uploaded into CMS. Initiating Departments are notified by an email from CMS when this has happened.

CONTRACT TERMS

1) Start/End Dates

Almost all contracts should include start/end dates, and the dates should be entered into CRS. In limited situations, a contract may not have start/end dates. If this is the case, dates should be entered into ACMS for notification purposes. The start date should represent the date the contract was approved by the Town Board, unless stated otherwise in the contract. The appropriate end date should be entered into ACMS.

The following types of contracts may not have start/end dates:

- Professional services contracts related to a specific project
- Construction contracts
- Telephone and utility contracts
- Inter-municipal agreements
- Certain lease agreements

In these cases, start/end dates should still be entered in ACMS to trigger review of the contracts in future years. Please consult with Contract Compliance or the Town Attorney if you have questions.

2) Auto-Renewal Clauses

Auto-renewal clauses should not be included in any contracts. If there are existing contracts with auto-renewal clauses, they should be reviewed and modified as soon as practical, to remove references to auto-renewal.

3) Effective Date

Contracts shall be effective as of the date of Town Board approval. However, the contract must have successfully completed contract routing system and all insurance must be in place prior to use. Note: If the vendor is coming on the premises for anything other than simple delivery, the department having the work completed must have a fully executed contract in their possession prior to anyone coming on site. This is to ensure that insurance is in effect, as some certificates of

insurance state “as per written contract”. If the contract is not fully executed, the insurance is essentially not in place, and the Town is not protected.

4) **Extensions**

Contracts may be extended twice for a term equivalent to the initial term of the contract (i.e. a 3-year contract can have two 3-year extensions). The terms of the contract must remain the same during the extension period as in the original contract, unless the contract states otherwise. The allowance for extensions should be built into the bid or RFP, when desired.

5) **Short-Term Extensions**

Short-term extensions are allowable provided wording is included in the original contract. Suggested wording is as follows: “In the event a replacement contract has not been issued, this Contract may be extended unilaterally by the Town for an additional period of up to one month, upon notice to the Vendor with the same terms and conditions as the original Contract including, but not limited to, quantities (prorated for such one-month extension), prices, and delivery requirements. With the concurrence of the Vendor, the extension may be for a period of up to three months in lieu of one month. However, this extension terminates should a replacement contract be issued in the interim.”

Existing contracts that do not have extension clauses may be extended upon agreement by both the Town and the Vendor. Wording in the Addendum must state that the contract is extended as of the first date the previous contract expired (i.e. if the contract expired on December 31, the extension should be effective as of January 1).

All extensions must be routed through ACMS and approved by the Town Board.

6) **Ownership Changes**

From time to time, a company’s ownership may change. The new company may assume the existing contract provided all terms remain the same. Such changes should be processed through ACMS, as insurance and other pertinent items may change. This is done by entering an amendment to the original contract. The following items should be included in the amendment: Written notification of the change of ownership (reassignment letter) and willingness to abide by the terms of the original contract, an addendum, the Iran Divestment form, and updated certificates of insurance. Once the Town Board has approved the contract, the IT Department should be notified to change the name of the company in ACMS; the name will be entered as “*New Company Name* (formerly *Old Company Name*)”. Please reference the original contracts CRS# in the new resolution.

PURCHASES SUBJECT TO COMPETITIVE BIDDING

Departments should work with the Contract Compliance Department to develop a bid specification. Contract Compliance will ensure that the bid is properly noticed in the Town’s

newspaper of record through use of a legal notice. All bids are to be submitted to the Contract Compliance Department and will be opened on the advertised date and time. The Supervisor approves bid-opening dates for town-wide bids in writing. Departmental bids must have the bid opening date approved by the Town Board via resolution prior to bidding. Any vendor contacting individual departments with questions that arise during the bid process **must** be referred to the Contract Compliance Department so that responses may be generated through an addendum that is communicated with all potential bidders. If this does not happen and some bidders are given information that others are not, the bid may need to be thrown out and rebid, which causes purchasing delays. Bids are also posted electronically on BidNet Direct (bidnetdirect.com), a government bid website, by the Contract Compliance Department. In order to ensure as much competition as possible, it is the policy of the Town of Amherst that the bid holders list not be released until after the bid opening. The bid opening will be completed by the Contract Compliance Department. All bids must be publicly opened and read aloud.

Sealed bids done through the Highway Department or Engineering Department will be opened at Town Hall by the Contract Compliance and Administration Department or the Supervisor's Office. Signed contracts, including bid amounts, must be entered into ACMS so they are accessible town-wide. A CRS# should be obtained and should be referenced in the Town Board resolution awarding the contract.

The following information should be entered into CRS:

- The original complete bid specification
- The bid tabulation
- The submission by the vendor/contractor being awarded the bid including the Addendum, Non-Collusive Bidding Certification and Iran Divestment Certification
- Certificates of insurance including workers compensation and NYS disability

PURCHASES NOT SUBJECT TO COMPETITIVE BIDDING

Purchases for goods and services under the competitive bidding threshold may or may not involve a contract. Any legally binding document must be approved by the Town Board and signed by the Supervisor prior to being used for purchasing. If a purchase does not involve a contract, and the proper procurement procedures have been followed, the purchase may be made. All documentation required under the Procurement Policy must be submitted with the PO/Invoice for payment. This includes verbal and written quotes.

NYS OGS PURCHASES

Purchases may be made under NYS OGS contract without going through a formal Town bid or RFP process. In some cases, NYS does requires that purchases are made using a mini-bid process (typical for vehicles) or bid/RFP process (typical for some computer equipment) through OGS awarded vendors only. If this is required, it will be shown on the OGS website under the contract in a file named "How to Use". All information related to OGS purchases is on the NYS OGS website – <https://ogs.ny.gov/procurement>. This site is open to the public, and all current contracts

are available for viewing. Purchasers are encouraged to negotiate a price lower than state bid when possible; please see the Town of Amherst Procurement Policy regarding OGS or Less. All NYS OGS procedures must be followed when purchasing through OGS. Please contact the Contract Compliance Department if you have questions.

1) Commodity Purchases with “Simple” Delivery

Commodity purchases through NYS OGS that do not require the vendor to come onto Town property outside of a simple delivery can be made with a PO. There is no contract paperwork necessary, and nothing needs to be routed through ACMS. Town Board approval is not required, unless the purchase is for equipment, and as long as there is sufficient budget funding available. Information from the NYS OGS contract showing the pricing of items purchased must be included when the PO is submitted to the Comptroller’s Office so that the claim (voucher) can be audited.

2) Commodity Purchases with “Extensive” Delivery Requirements

Some deliveries are more extensive, and require the same paperwork as vendors who are doing physical work (see below). If you are unsure, please check with Contract Compliance. These types of vendors include, but are not limited to, the following:

- Fuel delivery
- Salt delivery
- Vehicle delivery via flatbed
- Any delivery utilizing heavy equipment (crane, high lift, etc.)

3) Purchases that Include Physical Work

For vendors that come onto Town property to do physical work, the following are required:

- Town of Amherst Agreement for Participation in New York State Contract
- Addendum to Contract
- Prevailing Wage Schedule from NYSDOL (if applicable) – must include a link to the schedule
- Acord 25 Certificate of Liability Insurance, naming the Town of Amherst as additional insured, including any endorsements
- C-105.2 Proof of Workers Compensation Insurance (or waiver)
- Original contract between the vendor and OGS (used to confirm pricing upon audit of invoices) – this should include all terms and pricing information

Samples of most of the above documents are included in the appendices to this policy.

PURCHASES FROM COUNTY CONTRACT

Purchases made using County contracts can also be used without going through a formal Town bid or RFP process. These purchases are typically made from Erie County contracts, but can be

made from other counties as well. Information on Erie County contracts can be found on the Erie County website at <http://www2.erie.gov/purchasing/index.php?q=available-contracts>. Unfortunately, only the award information is published on the County website, and not the entire contract. In order to obtain the entire contract, the department wishing to use the contract must go down to the Erie County Purchasing Department to obtain copies. The entire County contract, along with the bid tab, is required by the Comptroller's Office in order to audit the claim (voucher). *Please note: Erie County contracts have certain MWBE and other legal requirements that are not necessarily required by the Town; this is addressed in the Town Addendum.*

1) **Commodity Purchases with "Simple" Delivery**

Commodity purchases through Erie County that do not require the vendor to come onto Town property outside of a simple delivery can be made with a PO. There is no contract paperwork necessary, and nothing needs to be routed through ACMS. Information from the County contract showing the pricing of items purchased must be included when the PO is submitted to the Comptroller's Office so that the claim (voucher) can be audited.

2) **Commodity Purchases with "Extensive" Delivery Requirements**

Some "deliveries" are more extensive, and require the same paperwork as vendors who are doing physical work (see below). If you are unsure, please check with Contract Compliance. These types of vendors include, but are not limited to, the following:

- Fuel delivery
- Salt delivery
- Vehicle delivery via flatbed
- Any delivery utilizing heavy equipment (crane, high lift, etc.)

3) **Purchases that Include Physical Work**

For vendors that come onto Town property to do physical work, the following are required:

- Town of Amherst Agreement for Participation in Erie County Contract
- Addendum to Contract
- Prevailing Wage Schedule from NYSDOL (if applicable) – must include a link to the schedule
- Iran Divestment Certification
- Acord 25 Certificate of Liability Insurance, naming the Town of Amherst as additional insured, including any endorsements
- C-105.2 Proof of Workers Compensation Insurance (or waiver)
- Original contract between the vendor and Erie County (used to confirm pricing upon audit of invoices) – this should include all terms and pricing information

Samples of most of the above documents are included in the appendices to this policy.

PIGGYBACK PURCHASES/COOPERATIVE AGREEMENTS

Purchases using the Piggyback Law (GML §103-16) may be made off contracts issued through other municipalities or with Cooperative Agreements (Omnia Partners, Sourcewell, etc.). The contract must be let either to the lowest responsible bidder or on the basis of best value, provided that the local municipality has authorized the use of Best Value (which the Town of Amherst has for contracts let by the US, any agency of the US, or any state or political subdivision or district thereof). Because of this requirement, piggyback contracts may not be used for RFPs. Additionally, NYS OSC has determined that piggyback contracts can only be used for purchase contracts, and not for contracts for public work (which are primarily labor). If you have questions regarding a specific piggyback contract, please contact Contract Compliance. *Please note: piggyback contracts may have certain MWBE and other legal requirements that are not necessarily required by the Town; this is addressed in the Town Addendum.*

All piggyback purchases require the following documentation:

- Town of Amherst Agreement for Participation in Piggyback Contract
- Addendum to Contract
- Prevailing Wage Schedule from NYSDOL (if applicable) – must include a link to the schedule
- Iran Divestment Act Certification
- Acord 25 Certificate of Liability Insurance, naming the Town of Amherst as additional insured (see sample certificate attached to this Policy), including any endorsements
- C-105.2 Proof of Workers Compensation Insurance (or waiver)
- Original bid document from the governmental agency, which must include piggyback language (language that allows other municipal entities to use the contract)
- Original contract between the vendor and agency holding the contract (used to confirm pricing upon audit of claims) – this should include all terms and pricing information
- Cost-benefit analysis comparing piggyback contract pricing to other pricing, which shows that the piggyback contract is beneficial to the Town. As per the piggyback law: “This analysis should be used to demonstrate whether “piggybacking” is cost effective and should consider all pertinent cost factors, including any potential savings on the administrative expense that would be incurred if the local government initiated its own competitive bidding or best value process.” A simple tabulation showing the piggyback cost v. cost under another procurement method is acceptable as the cost-benefit analysis. Please contact Contract Compliance and Administration if you have questions.

Samples of most of the above documents are included in the appendices to this policy.

CONTRACTS UNDER \$5,000

Town Board adopted resolutions 2017-206, 2017-691 and 2017-946 related to purchases under \$5,000. The effect of these resolutions is summarized below.

The Supervisor is authorized to sign contracts, proposals, quotes, estimates, agreements, and leases for the one time purchase of equipment, goods, supplies, and personal services in an amount of less than Five Thousand Dollars (\$5,000), so long as GML §103(1) is complied with as to aggregation, without obtaining prior approval of the Town Board. Contracts under \$5,000 should be routed in ACMS for review as to proper insurance, prevailing wage requirements, potential aggregation, duplication, etc. ACMS review goes through the normal procedure, but Town Board review and approval is not required.

MODIFICATIONS TO CONTRACTS

All modifications to contracts, with the exception of term task orders, must be entered into ACMS and go through the normal routing and Town Board approval process. This is done by going into the original contract and entering an extension. Term task orders must be entered into ACMS, but go through a modified routing process; they do not need to be placed on a Town Board agenda for approval.

When modifications to contracts are placed on the Town Board agenda for approval, the original contract's CRS or CMS # must be put in the resolution, along with the justification for the modification. This will allow all departments to more easily reference the original contract.

1) Contract Amendments

Contract amendments must be entered into ACMS through the process described above, and go through the normal routing process. Amendments must be approved by the Town Board and signed by the Supervisor.

The following documentation is required for contract amendments:

- Amendment agreement or proposal (varies based on the contract and type of purchase)

2) Contract Change Orders

Contract change orders must be entered into ACMS through the process described above, and go through the normal routing process. Change orders must be approved by the Town Board and signed by the Supervisor.

The following documentation is required for contract amendments:

- Change order documentation (varies based on the contract and type of purchase)

3) Contract Extensions

Contract extensions must be entered into ACMS through the process described above, and go through the normal routing process. If multiple vendors have been awarded a contract, all must agree to accept the extension or the contract must be re-bid. Change orders must be approved by the Town Board and signed by the Supervisor.

Contract extensions should be processed and approved prior to the expiration of the original contract. If a contract must be extended after it has expired, the following wording should be included in the extension paperwork: “the contract which expired on (*date*) is hereby being extended for a term of (*description of term*), following the same terms and conditions as the original contract”. The new contract term should begin the day after the previous contract ended, to allow for continuity. The original contract’s CRS# should be stated in the resolution approving the extension.

The following documentation is required for contract amendments:

- Extension paperwork (varies based on the contract and type of purchase)

4) **Term Contracts / Task Orders**

Term contracts are contracts that cover a specified period of time, but are not related to a specific project. These tend to occur with attorneys, engineers, planners, grant writers, and in certain other situations. Term contracts are executed for a set term, and require task orders for each specific job/project they are used for. The initial contract should be entered into ACMS and complete routing, and each task order related to a job/project should be entered into ACMS as a Term Task Order through the process described above.

Term task orders must complete routing before being used, but do not require Town Board approval. The term task order is entered by the department, and reviewed by the Comptroller for budget compliance. As with the normal CRS process, term task orders shall be reviewed in a timely manner. Once approved by the Comptroller, the task order should be sent to the Supervisor’s Office in triplicate for signature by the Supervisor. The ACMS email received notifying the originating department that the contract has been approved must be attached to the contracts as the cover page. Once signed, the document is marked as approved in ACMS by the originating department. The fully executed document is then scanned into ACMS by the originating department, the department retains two originals, and the third original is given to the Clerk’s Office.

The following documentation is required for term contracts:

- Cover Sheet (Planning), and any other documents required/listed on the cover sheet
- Term contract documentation or project proposal

INSURANCE REQUIREMENTS

Proof of insurance is required for all contracts, unless the purchase is for goods only, and the vendor is not coming on to Town property at all, or the goods are simply being delivered by the vendor or a 3rd party delivery service. In all other instances, insurance is required according to the insurance matrix attached to this policy. Any endorsements must be included with the Acord 25.

PREVAILING WAGE

All work performed on Town property requires prevailing wage to be paid. Prevailing wage schedules should be obtained by the department responsible for the contract for all jobs requiring that prevailing wage be reported to the Town, and a link to the schedule entered into ACMS. This is required for the contract to begin routing. Requests are made through an online application on the New York State Department of labor (NYS DOL) website:

<https://www.labor.ny.gov/workerprotection/publicwork/PWReqforOWS.shtm>

Departments are also responsible for reporting to NYS DOL as follows:

- When a contract is awarded, the Notice of Award form PW16 should be filled out and submitted to NYS DOL
- When the contract is complete, or if it has been cancelled, the Notice of Completion/Cancellation of Contract form PW200 should be filled out and submitted to NYS DOL

If you have any questions regarding prevailing wage, please contact Contract Compliance.

SOLE SOURCE PURCHASES

Sole source purchases are those that can only be obtained from one source. Written documentation regarding sole source procurement must be obtained and approved by Contract Compliance, and entered into CRS when the contract is routed. The Town Board must approve the vendor as sole source by resolution in conjunction with the contract approval. A contract must be in place outlining the terms of the purchase agreement; this will also assist in Comptroller review and approval of claims (vouchers).

EMERGENCY PURCHASES

Emergency purchases are allowable with approval from the Supervisor. In most cases, the circumstances surrounding emergency purchases typically do not allow enough time to put a contract in place. A proposal should be obtained from the vendor prior to the purchase or work being performed. When the PO/voucher is submitted to the Comptroller's Office, the proposal and Emergency Purchase Form (signed by the Supervisor) should be attached. Town Board approval is required at the first Town Board meeting following the purchase authorization. If a signed contract is obtained, it should be routed through ACMS. A note should be placed in the comment section indicating that it was an emergency purchase.

See the Procurement Policy for additional information regarding emergency purchases.

WITHDRAWAL OF CONTRACTS

If a contract has been entered into ACMS and needs to be withdrawn prior to completion of routing, the initiating department should submit a request to the IT Department, and copy the Contract Compliance Department. Once Contract Compliance approves the withdrawal, IT will mark the contract as withdrawn.

APPENDIX A

Town of Amherst Agreements

NYS OGS Contract

Erie County Contract

Piggyback / Cooperative Contract

Please see following pages

TOWN OF AMHERST AGREEMENT PARTICIPATION IN NYS OGS CONTRACT

Let this document stand as an agreement between (Vendor Name) and the Town of Amherst, permitting the Town of Amherst to participate in the (Contract Name) with (Vendor Name) under the New York State Office of General Services Contract (Contract Number), for the contract term (start date) through (end date).

Agreed to and Accepted by:

(VENDOR NAME)

By: _____
Signature

Printed Name

Title

Date: _____

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa, Supervisor

Date: _____

TOWN OF AMHERST AGREEMENT PARTICIPATION IN ERIE COUNTY CONTRACT

Let this document stand as an agreement between (Vendor Name) and the Town of Amherst, permitting the Town of Amherst to participate in the (Contract Name) with (Vendor Name) under the Erie County Bid Contract (Contract Number), for the contract term (start date) through (end date).

Agreed to and Accepted by:

(VENDOR NAME)

By: _____
Signature

Printed Name

Title

Date: _____

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa, Supervisor

Date: _____

TOWN OF AMHERST AGREEMENT PARTICIPATION IN PIGGYBACK / COOPERATIVE CONTRACT

Let this document stand as an agreement between (Vendor Name) and the Town of Amherst, permitting the Town of Amherst to participate in the (Contract Name) with (Vendor Name) under Contract (Contract Number), for the contract term (start date) through (end date). The original contract was bid out by (municipality or cooperative contract name).

Agreed to and Accepted by:

(VENDOR NAME)

By: _____
Signature

Printed Name

Title

Date: _____

Agreed to and Accepted by:

TOWN OF AMHERST

By: _____
Brian J. Kulpa, Supervisor

Date: _____

APPENDIX B

Addendums

Minor Construction and Maintenance

Major Construction and Maintenance

Vendor On-Site – Minor

Vendor On-Site – Major

Vendor Not on Site

Professional Services Consultant – Minor

Professional Services Consultant – Major

Please see Town Intranet

The Addenda listed are the current forms to be used and are available on the Contract Compliance page of the Town Intranet. These Addenda coincide with the Insurance Matrix in Appendix E.

The Insurance Matrix, Addenda, and sample Certificates of Insurance are subject to change by the Town Attorney.

The most current versions will be kept up to date on the Intranet.

APPENDIX C

Sample Prevailing Wage Schedule

New York  State		State Agencies	Search all of NY.gov																						
New York State Department of Labor Prevailing Wage																									
Unemployment Benefits	Career Services	Business Services	Worker Protection																						
			Forms and Publications																						
Wage Schedule · Submit Notice Of Award · Submit Notice Of Project Completion																									
PRC#: 2019015126		Acceptance Status: Accepted Article 8																							
Type of Contracting Agency: Town																									
Contracting Agency		Send Reply To																							
Town of Amherst New York Thomas Barillari Technical Services Officer 500 John James Audubon Parkway Amherst NY 14228 (716) 939-1227 tbarillari@apdny.org																									
Project Information																									
<table border="0"> <tr> <td>Project Title</td> <td>Access Control at Police</td> </tr> <tr> <td>Description of Work</td> <td>Adding access control to doors at Police HQ</td> </tr> <tr> <td>Contract Id No.</td> <td>Y6264</td> </tr> <tr> <td>Project Locations(s)</td> <td>Police HQ</td> </tr> <tr> <td>Route No / Street Address</td> <td>500 John James Audubon Parkway</td> </tr> <tr> <td>Village / City</td> <td>Amherst</td> </tr> <tr> <td>Town</td> <td>Amherst</td> </tr> <tr> <td>State / Zip</td> <td>NY 14228</td> </tr> <tr> <td>Nature of Project</td> <td>Other New Construction (Explain)</td> </tr> <tr> <td>Approximate Bid Date</td> <td>12/03/2019</td> </tr> <tr> <td>Checked Occupation(s)</td> <td>Construction (Building, Heavy & Highway, Sewer, Water, Tunnel)</td> </tr> </table>				Project Title	Access Control at Police	Description of Work	Adding access control to doors at Police HQ	Contract Id No.	Y6264	Project Locations(s)	Police HQ	Route No / Street Address	500 John James Audubon Parkway	Village / City	Amherst	Town	Amherst	State / Zip	NY 14228	Nature of Project	Other New Construction (Explain)	Approximate Bid Date	12/03/2019	Checked Occupation(s)	Construction (Building, Heavy & Highway, Sewer, Water, Tunnel)
Project Title	Access Control at Police																								
Description of Work	Adding access control to doors at Police HQ																								
Contract Id No.	Y6264																								
Project Locations(s)	Police HQ																								
Route No / Street Address	500 John James Audubon Parkway																								
Village / City	Amherst																								
Town	Amherst																								
State / Zip	NY 14228																								
Nature of Project	Other New Construction (Explain)																								
Approximate Bid Date	12/03/2019																								
Checked Occupation(s)	Construction (Building, Heavy & Highway, Sewer, Water, Tunnel)																								
Applicable Counties																									
Erie																									

APPENDIX D
Iran Divestment Certification Form

Please see following page

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: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

Sworn To Before Me This

_____ Day of _____, 20__

Notary Public

APPENDIX E
Insurance Matrix

Please see following page

INSTRUCTIONS FOR TOWN OF AMHERST STANDARD INSURANCE CERTIFICATE

- I. Insurance shall be procured and certificates delivered before commencement of work or delivery of merchandise or equipment.
- II. **CERTIFICATES OF INSURANCE**
- A. Shall be made to the "Town of Amherst, 5583 Main St, Williamsville, NY 14221"
- B. Coverage must comply with all specifications of the contract.
- C. Must be executed by an insurance company, agency or broker, which is licensed by the Insurance Department of the State of New York. If executed by a broker, notarized copy of authorization to bind or certify coverage must be attached.
- III. Forward the completed certificate to: Town of Amherst, (Department or Division) responsible for entering into the agreement for construction, purchase, lease or service.
- IV. Minimum coverage with limits are as follows:

Vendor Classification	A Major Construction and Maintenance	B Minor Construction and Maintenance	C Vendor on Site - Minor	D Vendor on Site - Major	E Vendor not on site	F Professional Services Consultant - Minor	G Professional Services Consultant - Major
Commercial Gen. Liab.(CGL)	\$1,000,000 per occ.	\$1,000,000	\$1,000,000 CSL	\$1,000,000 CSL	N/A	\$1,000,000 CSL	\$1,000,000 CSL
General Aggregate	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	N/A	\$2,000,000	\$2,000,000
Products Completed Operations Liability	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	N/A	\$2,000,000	\$2,000,000
Blanket Broad Form Contractual Liability	INCLUDE	INCLUDE		INCLUDE		INCLUDE	INCLUDE
Contractual Liability	INCLUDE	INCLUDE	INCLUDE	INCLUDE	N/A	INCLUDE	INCLUDE
Broad Form P.D.	INCLUDE	INCLUDE	INCLUDE			INCLUDE	
X.C.U. (explosion, collapse, Underground)	INCLUDE	INCLUDE	INCLUDE				
Liquor Law					N/A	INCLUDE	
Auto Liab.	\$1,000,000 CSL	\$1,000,000	N/A	\$1,000,000 CSL	N/A	\$1,000,000 CSL	\$1,000,000 CSL
Owned	INCLUDE	INCLUDE		INCLUDE		INCLUDE	INCLUDE
Hired	INCLUDE	INCLUDE		INCLUDE		INCLUDE	INCLUDE
Non-Owned	INCLUDE	INCLUDE		INCLUDE		INCLUDE	INCLUDE
Excess/Umbrella Liab.	\$5,000,000	\$2,000,000	N/A	\$5,000,000		\$2,000,000	\$5,000,000
Worker's Compensation & Employer's Liability	STATUTORY		STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY
Disability Benefits	STATUTORY		STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY
Professional Liability				\$5,000,000			
Town of Amherst, To Be Named Additional Insured	Comp. Gen. Liab., Auto Liab., & Excess		Broad Form Vendors May Be Required	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess

- V. Construction contracts require excess Umbrella Liability limits of \$5,000,000.
- VI. Coverage must be provided on a primary-noncontributory bases.
- VII. Designated Construction Project General Aggregate Limit Per Project Endorsement CG 25 03 is required.
- VIII. In the event the concessionaire is required to have a N.Y.S. license to dispense alcoholic beverages an endorsement for liquor liability is required.
- IX. Waiver of Subrogation: Required on all lines unless noted
- X. Transportation of people in buses, vans or station wagons requires \$5,000,000 excess liability.
- XI. Workers Compensation: State Workers' Compensation/Disability Benefits Law. Use Applicable Certificates Below:

Workers Compensation Forms	
CE-200	Exemption
C105.2	Commercial Insurer
SI-12	Self-Insurer
GSI-105.2	Group Self Insured
U-26.3	New York State Insurance Fund

DBL (Disability Benefits Law) Forms	
CE-200	Exemption
DB-120.1	Insurers
DB-155	Self-Insured

- XII. The "ACCORD" form certificate may be used in place of the Town of Amherst Standard Insurance Certificate, provided that all of the above referenced requirements are incorporated into the "ACCORD" form certificate.

Sample Certificate of Liability Insurance (Acord 25)

Packet Pg. 218

APPENDIX G

Sample Certificate of Workers Compensation

 Workers' Compensation Board		CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE	
1a. Legal Name & Address of Insured (use street address only) GP LAND AND CARPET CORP 5905 Lake Road South Brockport, NY 14420 <i>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</i> <i>Town of Amherst</i> <i>Building Maintenance Dept</i> <i>5538 Main St</i>		1b. Business Telephone Number of Insured (585)391-3969 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1d. Federal Employer Identification Number of Insured or Social Security Number 166330058	
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst Building Maintenance Dept 5538 Main St Williamsville, NY 14221		3a. Name of Insurance Carrier Selective Insurance of South Carolina 3b. Policy Number of Entity Listed in Box "1a" WC9056002 3c. Policy effective period 12/31/2018 to 12/31/2019 3d. The Proprietor, Partners or Executive Officers are ☐ Included. (Only check box if all partners/officers included) ☐ all excluded or certain partners/officers excluded	

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

Will the carrier notify the certificate holder within 10 days of a policy being cancelled for non-payment of premium or within 30 days if cancelled for any other reason or if the insured is otherwise eliminated from the coverage indicated on this certificate prior to the end of the policy effective period? ☐ Yes ☒ No

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: David S. Boyce
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: David S. Boyce 01/04/2019
(Signature) (Date)

Title: President - CEO

Telephone Number of authorized representative or licensed agent of insurance carrier: 1-888-229-6151

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

C-105.2 (9-15)

www.wcb.ny.gov

APPENDIX H

Sample Certificate of NYS Disability Insurance

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
CERTIFICATE OF INSURANCE COVERAGE UNDER THE NYS DISABILITY BENEFITS LAW

PART 1. To be completed by Disability Benefits Carrier or Licensed Insurance Agent of that Carrier	
1a. Legal Name and Address of Insured (Use street address only)	1b. Business Telephone Number of Insured 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1d. Federal Employer Identification Number of Insured or Social Security Number
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) State University of New York Room 302 1400 Washington Avenue Albany, NY 12222	3a. Name of Insurance Carrier 3b. Policy Number of entity listed in box "1a": 3c. Policy effective period: _____ to _____
4. Policy covers: a. ☐ All of the employer's employees eligible under the New York Disability Benefits Law b. ☐ Only the following class or classes of the employer's employees: Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability Benefits insurance coverage as described above Date Signed _____ By _____ (Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier) Telephone Number _____ Title _____ IMPORTANT: If box "4a" is checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder. If box "4b" is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the Disability Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, 20 Park Street, Albany, New York 12207.	
PART 2. To be completed by NYS Workers' Compensation Board (Only if box "4b" of Part 1 has been checked)	
State Of New York Workers' Compensation Board	
According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability Benefits Law with respect to all of his/her employees Date Signed _____ By _____ (Signature of NYS Workers' Compensation Board Employee) Telephone Number _____ Title _____	

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

DB-120.1 (5-06)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26963

RESOLUTION 2023-55

ADOPTED

Supervising Tax Clerk/Town Clerk

Please appoint a Supervising Tax Clerk to the Town Clerk's Office. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 4, 2023, at an annual salary of \$44,406, Grade 7, Step D for Ashley Brownson.

1/3/2023

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

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26949

RESOLUTION 2023-56

ADOPTED

Police Officer/Police Department (3 Positions)

Please appoint three (3) Police Officers to the Police Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII (c). Effective January 9, 2023 at an annual salary of \$65,246 for Colton Probst, Nicholas Guzdek and An Banh.

Contingent upon successful completion of all pre-employment requirements and Erie County Civil Service Rules and Regulations.

Replacing employees due to retirements.

1/3/2023

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

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26948

RESOLUTION 2023-57

ADOPTED

Public Safety Dispatcher/Police Department

Please appoint a Public Safety Dispatcher to the Police Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective January 4, 2023 at an annual salary of \$49,206, Grade 13, Step A for Melissa Guzman.

Replacing an employee who is retiring.

1/3/2023

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

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26961

RESOLUTION 2023-58

ADOPTED

General Crew Chief/Youth & Recreation

Please appoint a General Crew Chief to the Youth & Recreation Department. Permanent, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective January 4, 2023 at an annual salary of \$64,951, Grade 18, Step B for James Whitehead.

This is a promotion for an employee currently serving as a Working Crew Chief.

1/3/2023

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

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26939

RESOLUTION 2023-59

ADOPTED

Recreation Attendant - PT/Youth & Recreation (4 Positions)

Recreation Attendant - PT/Youth & Recreation (4 Positions), Effective January 4, 2023, Temporary, \$15.00 ph, Step 1 for Robert Chan, Teddi Hayes, Sabrina Steiner & Grace Dudek.

1/3/2023

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

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26940

RESOLUTION 2023-60
ADOPTED

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective January 4, 2023, Temporary, \$15.50 ph, Step 1 for Peter Fiorella.

1/3/2023

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

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26941

RESOLUTION 2023-61
ADOPTED

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective January 4, 2023, Temporary, \$16.50 ph, Step 1 for Jenna Reilley.

1/3/2023

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

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26942

RESOLUTION 2023-62
ADOPTED

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective January 4, 2023, Temporary, \$17.10 ph, Step 3 for Jaclyn Brant.

1/3/2023

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

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26943

RESOLUTION 2023-63
ADOPTED

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective January 4, 2023, Temporary, \$18.00 ph, Step 6 for Michael Frysz.

1/3/2023

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

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Police
 Initiated by: **Scott Chamberlin**
 Co-Sponsored by:

DOC ID: 26946

RESOLUTION 2023-64
ADOPTED

2023 Safety Education Trust Fund

TOWN BOARD AGENDA ITEM: JANUARY 3, 2023

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: 2023 Safety Education Trust Account

Kindly adopt a resolution authorizing the approval to spend up to \$1,600.00 in 2023 from the Safety Education Trust Account (T4012). Safety Education expenses include, but are not limited to, training, materials, books, films and office supplies. The Safety Education Program provides many services to the community, Pre-K to College, and awareness programs. This trust and agency account is capable of accepting designated donations for the continuation of the Safety Education Program.

Thank you.

SPC:msl

C: Tim Koller, Deputy Town Clerk (**Agenda Item: January 3, 2023**)

1/3/2023

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

FINANCIAL IMPACT:

Spend up to \$1,600.00 from T4012

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Police
 Initiated by: **Scott Chamberlin**
 Co-Sponsored by:

DOC ID: 26947

RESOLUTION 2023-65
ADOPTED

2023 Asset Forfeiture Trust Account

TOWN BOARD AGENDA ITEM: JANUARY 3, 2023

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: 2023 Asset Forfeiture Trust Account

Kindly adopt a resolution authorizing the approval to spend up to \$50,000.00 from T2917 Asset Forfeiture Trust Account. This account is federally regulated by instituted guidelines regarding the expenditure of funds.

Thank you.

SPC:msl

C: Tim Koller, Deputy Town Clerk (**Agenda Item: January 3, 2023**)

1/3/2023

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

FINANCIAL IMPACT:

Spend up to \$50,000.00 from T2917

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Senior Services
 Initiated by: **Melissa Abel**
 Co-Sponsored by:

DOC ID: 26924

RESOLUTION 2023-66
ADOPTED

Request to Use Trust and Agency Funds Account T2100

We respectfully request Town Board permission to authorize the Supervisor to approve the request to spend up to \$5000.00 in Trust and Agency Funds-Account T2100.

1/3/2023

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

FINANCIAL IMPACT:

Up to \$5000.00

T2100

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



Brian J. Kulpa
Supervisor, Town of Amherst

Melissa Abel
Executive Director, Senior Center

Town of Amherst Center for Senior Services

Town Board Agenda Item for Tuesday, January 3, 2023

TO: The Honorable Amherst Town Board
Brian Kulpa, Town Supervisor
Councilmembers:
Jacqualine Berger, Deputy Supervisor
Deborah Bruch Bucki, R.N., Ph.D
Shawn Lavin
Michael Szukala

FROM : Melissa Abel, Director, Amherst Senior Services

SUBJECT : Request to use Trust and Agency Funds- Account T2100

DATE: December 16, 2022

I am requesting approval to spend up to a total of \$5000.00 in Trust and Agency Funds, Account T2100. These funds were donated to the Senior Center to be used for volunteer and program supplies, cards for members who are ill, decorations, caregiver support material, special events, etc., to benefit the Senior Center.

Please contact me directly should you have any questions or concerns.

Thank you.

Melissa Abel

Cc : Daryl Bramer, Comptroller, Town of Amherst
Chris Papst, Amherst Senior Services


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Youth & Recreation
 Initiated by: **Mary Diana Pouli**
 Co-Sponsored by:

DOC ID: 26922

RESOLUTION 2023-67
ADOPTED

Authorization to Pay Vendor - Bison Billiards

WHEREAS, the Amherst Town Board approved CRS #3373 with Bison Billiards to re-felt pool tables at the Amherst Senior Center and the Harlem Road Community Center, and

WHEREAS, once the coverings on the table at the Harlem Road Community Center were removed, it was discovered that the rubber bumpers were disintegrating, and

WHEREAS, at that point, it was impossible to re-felt the table without additional work and materials, and

WHEREAS, the table is in otherwise good condition and will be usable for a number of years to come, and

WHEREAS, the cost for the additional work was deemed reasonable in light of previous repairs and was authorized by staff,

NOW THEREFORE, BE IT RESOLVED that the Amherst Town Board approves the payment of purchase order #22116533 to Bison Billiards in the amount of \$300.00.

1/3/2023

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

FINANCIAL IMPACT:

A 7145.4290: \$300.00

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Youth & Recreation
 Initiated by: **Mary Diana Pouli**
 Co-Sponsored by:

DOC ID: 26916

RESOLUTION 2023-68
ADOPTED

2023 Golf Fees

Set rates for 2023 at the Audubon and Par 3 golf courses as per the attached chart.

1/3/2023

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

FINANCIAL IMPACT:

TBD

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

Audubon Golf Course
2023 In-Season Rates

<u>Weekday Rates</u>	PUBLIC		<i>RESIDENT CARD</i>	
	<i>Walk</i>	<i>Ride</i>	<i>Walk</i>	<i>Ride</i>
Mon-Fri Open - 4pm	\$25	\$40	\$20	\$35
Mon-Fri 4pm - Close	\$20	\$35	\$15	\$30
9 Holes	\$17	\$27	\$14.50	\$24.50
League 9	\$15	\$22	NA	NA

<u>Weekend Rates</u>				
Sat, Sun, Hol Open - 4pm	\$29	\$44	\$24	\$39
Sat, Sun, Hol 4pm - Close	\$23	\$38	\$18	\$33
9 Holes	\$18	\$28	\$15.50	\$25.50

Resident Advantage Card Discount = \$5 on 18 and \$2.50 on 9

<u>Par 3</u>				
7 Day	\$13		\$10	

Season Passes - Green Fee Only		Notes
Annual Passholder - 7 Day	\$699	\$599 for Resident Renewal
Annual Passholder Senior (60+) - Weekday	\$499	\$399 for Resident Renewal
Annual Passholder Junior (-17) - Weekday	\$399	
Resident Advantage Card - \$29		Same \$5 off 18 and \$2.50 off 9
Carts \$15 for 18 Holes		Same for 2023
Carts \$10 for 9 Holes		
*Cart Fees are inclusive of tax		

Audubon Golf Course
2022 In-Season Rates

<u>Weekday Rates</u>	PUBLIC		<i>RESIDENT CARD</i>	
	<i>Walk</i>	<i>Ride</i>	<i>Walk</i>	<i>Ride</i>
Mon-Fri Open - 4pm	\$24	\$39	\$19	\$34
Mon-Fri 4pm - Close	\$20	\$35	\$15	\$30
9 Holes	\$17	\$27	\$14.50	\$24.50
League 9	\$15	\$22	NA	NA

<u>Weekend Rates</u>				
Sat, Sun, Hol Open - 4pm	\$26	\$41	\$21	\$36
Sat, Sun, Hol 4pm - Close	\$22	\$37	\$17	\$32
9 Holes	\$18	\$28	\$15.50	\$25.50

Resident Advantage Card Discount = \$5 on 18 and \$2.50 on 9

<u>Par 3</u>				
7 Day	\$12		\$10	

Season Passes - Green Fee Only		Notes
Annual Passholder - 7 Day	\$599	\$549 for Renewal
Annual Passholder Senior (60+) - Weekday	\$399	\$349 for Renewal
Annual Passholder Junior (-17) - Weekday	\$399	
Resident Advantage Card - \$29		Same \$5 off 18 and \$2.50 off 9
Carts \$15 for 18 Holes		
Carts \$10 for 9 Holes		
*Cart Fees are inclusive of tax		


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Youth & Recreation
 Initiated by: **Mary Diana Pouli**
 Co-Sponsored by:

DOC ID: 26917

RESOLUTION 2023-69
ADOPTED

Persmission to Spend T-Account Funds

Authorize the expenditure of up to \$5,000.00 in T-Account funds by the Youth & Recreation Department in 2023.

1/3/2023

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

FINANCIAL IMPACT:

T 2505.4002 up to \$5,000.00

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



TOWN OF AMHERST YOUTH & RECREATION DEPARTMENT

ERIE COUNTY, NEW YORK

Northtown Center at Amherst
1615 Amherst Manor Drive
Williamsville, NY 14221
(716) 631-7132
Fax (716) 626-9087
www.amherst.ny.us

BRIAN J. KULPA
Supervisor

JACQUALINE G. BERGER
Deputy Supervisor

MARY-DIANA POULI, Executive Director

MARK FORDEN
Chairperson, Youth Board

TIMOTHY GARDNER
Chairperson, Rec Commission

Date: 16 December 2022

To: Members of the Amherst Town Board

From: Mary-Diana Pouli, Executive Director

Re: Expenditures from T 2505.4002

The Youth & Recreation Department respectfully requests approval to spend up to \$5,000.00 from T account 2505.4002 in 2023. This is money that was either raised by volunteers or donated from civic groups to be used for items not included in our approved town budget. Typical expenses include small tokens of appreciation for volunteers, incentives for program participants, and snacks for end-of-program parties and staff trainings.

Thank you for your consideration of this request.

Attachment: T-Account Expenditure Approval (RES-2023-69 : Permission to Spend T-Account Funds)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Youth & Recreation
 Initiated by: **Mary Diana Pouli**
 Co-Sponsored by:

DOC ID: 26918

RESOLUTION 2023-70

ADOPTED

Permission to Spend T-Account Funds

WHEREAS, account T 2107 has been created for expenses that qualify as parkland alienation, and

WHEREAS, the Amherst Youth & Recreation Department was asked to decommission fields and facilities at the Audubon Recreation Complex as part of the sale agreement to Bones & Guts LLC, and

WHEREAS, the Amherst Youth & Recreation Department was asked to create new fields and facilities to replace those which had been decommissioned, and

WHEREAS, as part of this process, the Youth & Recreation Department will incur expenses that are not included in its 2023 budget, and

WHEREAS, the Supervisor, Finance Director, Comptroller and Town Attorney believe it appropriate to use this account to cover those expenses, and

WHEREAS, this should be the last year that these expenses are necessary, as work on these projects is nearing completion or in some cases, has been completed,

NOW THEREFORE BE IT RESOLVED, that the Amherst Town Board authorizes the use of funds in T 2017 to cover expenses incurred in decommissioning the Audubon Recreation Complex and re-establishing those services elsewhere, upon approval of those expenses by the Finance Director and Comptroller.

1/3/2023

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

FINANCIAL IMPACT:

T 2107.4001 - amount TBD

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Youth & Recreation
 Initiated by: **Mary Diana Pouli**
 Co-Sponsored by:

DOC ID: 26938

RESOLUTION 2023-71
ADOPTED

Permission to Auction

Authorize the Youth & Recreation Department to auction the following outdated equipment:

- Advantage 1200 Extractor MPE-1200, serial #9053031
- Windsor Compass Restroom Cleaner, serial #10070560000527

1/3/2023

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

FINANCIAL IMPACT:

Revenue TBD

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



Amherst Town Board

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

15.1

Francina J. Spoth
Town Clerk

Meeting: 01/03/23 07:00 PM
Department: Town Clerk
DOC ID: 26910

COMMUNICATION 2023-1

REFERRED

Notice of Claim: Kyle E. Witul Vs. Town of Amherst

1/3/2023

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

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

In the Matter of the Claim or

KYLE E. WITUL
Claimant

V.

NOTICE OF CLAIM

AMHERST, NEW YORK
Defendant

PLEASE TAKE NOTICE that KYLE E. WITUL, pursuant §50-b of the general Municipal Law, does hereby make claim against defendant, Amherst, New York, and in support of such claim does state the following:

1. My address is [REDACTED]
2. This claim arises from the acts or omissions of the defendant. Details as follows.

That on September 21st, 2022, concerning permit #PP-2022-2073, I was instructed by the town inspector assigned to me by the town of Amherst, to drill 6 ¼" holes into a pipe the inspector believed to be a storm drain. That pipe was not a storm drain, but a gas line owned by National Fuel Gas Distribution Corporation. After drilling that hole, I called National

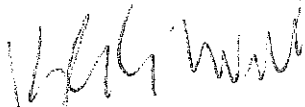
'22 DEC 14 PM3:55

Attachment: DOC121522-12152022104329 (COM-2023-1 : Notice of Claim: Kyle E. Witul Vs. Town of Amherst)

Fuel Gas Distribution Corporation to inform them of the leak. The company repaired the leak and then billed me for the repairs for a total of \$9,943.54.

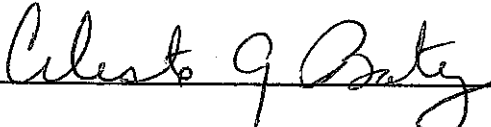
3. Upon information and belief, the negligence and carelessness of the defendant's directions was improper, dangerous, and life threatening.
4. Claimant claims damages pursuant to General Law Section 50-e.
5. In addition to the bill received by National Fuel Gas Distribution Corporation, the claimant will seek an attorney if necessary,

WHEREFORE, claimant requests that the claim be allowed and paid for by the defendant Amherst, NY in a sum pursuant to General Municipal Law Section 50-e.



 Kyle E. Witul

Sworn to before me this 14th
 Day of December, 2022



STATE OF NEW YORK)
 COUNTY OF ERIE) SS:

Celeste G. Baty NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01BA6191963 Qualified in ERIE Commission Expires August 25th, 2024
--

Attachment: DOC121522-12152022104329 (COM-2023-1 : Notice of Claim: Kyle E. Witul Vs. Town of Amherst)



Amherst Town Board

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

Francina J. Spoth
Town Clerk

Meeting: 01/03/23 07:00 PM
Department: Town Clerk
DOC ID: 26912

15.2

COMMUNICATION 2023-2

REFERRED

Notice of Claim: New York Schools Insurance Reciprocal A/S/O Sweet Home CSD Vs. Town of Amherst

1/3/2023

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

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



Leadership • Innovation • Commitment

December 9, 2022

Town of Amherst
Town Clerk
5583 Main Street
Amherst, NY 14221

RE: Request for Payment
OUR INSURED: Sweet Home CSD
OUR CLAIM #: SWH-2022-005-001
Date of Loss: 10/03/2022
YOUR INSURED: Town of Amherst
Loss Location: 282 Bucyrus Dr. Amherst, NY 14228

To Whom It May Concern,

Please take this as a formal notice of subrogation rights with regard to the above captioned claim. We have reimbursed our insured for damages sustained as a result of the referenced loss. This is a notification that we intend to recover the amount we paid.

We ask that you not settle the claim with our insured without protecting our recovery rights. Please see attached **Payment Summary** for additional details.

PAYMENT SUMMARY

'22 DEC 16 AM 8:49

Vehicle Damages Paid \$ 3,684.26
Deductible \$ 500.00

Total Payment requested \$ 4,184.26

- Make your check payable to **New York Schools Insurance Reciprocal as subrogee of Sweet Home CSD**
- Provide claim number **SWH-2022-005-001** on your check
- **TIN #: 11-2971880**
- Send payment to:

NEW YORK SCHOOLS INSURANCE RECIPROCAL

333 EARLE OVINGTON BOULEVARD | SUITE 905 | UNIONDALE, NEW YORK 11553
516.393.2320 | FAX 516.393.2331 | WWW.NYSIR.ORG

Attachment: DOC121622-12162022092313 (COM-2023-2 : Notice of Claim: New York Schools Insurance Reciprocal A/S/O Sweet Home CSD Vs.



Leadership • Innovation • Commitment

New York Schools Insurance Reciprocal
P.O. Box 521
Glenwood Landing, NY 11547

Any payment less than the full amount that has been requested will not satisfy our claim. We will not waive our legal right to enforce collection of the remaining unpaid balance unless we provide you with a written release.

If you have any questions, please contact me at the number below.

Very truly yours,

Stephanie Simmons
Claims Examiner
516-750-3955
SSimmons@nysir.org

NEW YORK SCHOOLS INSURANCE RECIPROCAL

333 EARLE OVINGTON BOULEVARD | SUITE 905 | UNIONDALE, NEW YORK 11553
516.393.2320 | FAX 516.393.2331 | WWW.NYSIR.ORG



Amherst Town Board

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

Francina J. Spoth
Town Clerk

Meeting: 01/03/23 07:00 PM
Department: Town Clerk
DOC ID: 26931

15.3

COMMUNICATION 2023-3

REFERRED

Notice of Claim: Sheila Goldberg Vs. Town of Amherst

1/3/2023

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

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

Notice of Claim Form
Town of Amherst
Town Clerk's Office
5583 Main Street, Amherst, NY 14221
(716) 631-7021

'22 DEC 20 AM 11:24

This form must be filed within 90-days of the incident

Name Sheila Goldberg Attorney (if any) _____
 Address [REDACTED] Address _____
 City/State [REDACTED] City/State _____
 Phone [REDACTED] Phone _____

CLAIM

Date of Occurrence Oct Nov 11-2022 Approximate Time 11:00

Location of Incident (be specific) Main Entrance Town of Amherst

Manner in which claim arose: fell out of Main Entrance
door - fractured bones in left hand

Items damaged or Personal injuries sustained: _____

fractured bones in left hand -

Amount of Claim: \$ unknown

Sheila Goldberg
 Signature of Claimant

Signature witnessed by me this

20 day of December, 2022

Ashley Brownson
 Signature of Notary

ASHLEY BROWNSON
 NOTARY PUBLIC STATE OF NEW YORK
 ERIE COUNTY
 LIC. #01BR6412341
 COMM. EXP. 12/28/2022

Packet Pg. 248

Attachment: DOC122022-12202022133006 (COM-2023-3 : Notice of Claim: Sheila Goldberg Vs. Town of Amherst)



Amherst Town Board

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

15.4

Francina J. Spoth
Town Clerk

Meeting: 01/03/23 07:00 PM
Department: Town Clerk
DOC ID: 26959

COMMUNICATION 2023-4

REFERRED

Notice of Claim: Danielle Malcher Vs. Town of Amherst

1/3/2023

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

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

Notice of Claim Form
Town of Amherst
Town Clerk's Office
5583 Main Street, Amherst, NY 14221
(716) 631-7021

This form must be filed within 90-days of the incident

Name DANIELLE MALCHER Attorney (if any) _____

Address [REDACTED] Address _____

City/State AMHERST NY 14226 City/State _____

Phone [REDACTED] Phone _____

'22 DEC 21 PM 1:56

CLAIM [REDACTED] cell

Date of Occurrence 10.22.2022 Approximate Time MORNING

Location of Incident (be specific) Tire fire by my street following
blow on my car make it damage
and I have estimate from my garage shop

Manner in which claim arose: I am retired and my SS
is not over 700 monthly others I can not
pay deductible 5000 my prepayment insur

Items damaged or Personal injuries sustained: my car Honda Civic 2019

[REDACTED] 4DSD TN [REDACTED]

ALL STATE [REDACTED] picture are available

Amount of Claim: \$ 2568.40

Danielle Malcher
 Signature of Claimant

Signature witnessed by me this

21st day of December, 20 22

Marie Hopkins
 Signature of Notary

MARIE HOPKINS
 No. 01HO6348405
 Notary Public, State of New York
 Qualified in Erie County
 My Commission Expires 09/26/2024



Amherst Town Board

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

15.5

Francina J. Spoth
Town Clerk

Meeting: 01/03/23 07:00 PM
Department: Town Clerk
DOC ID: 26870

COMMUNICATION 2023-5

REFERRED

Summons and Complaint: Midfirst Bank Vs. Town of Amherst Et Al.

1/3/2023

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

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

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE-----X
MIDFIRST BANKSUMMONS

Plaintiff,

vs

KATHERINE A O'BRIEN, DAVID P.
O'BRIEN, TOWN OF AMHERST, ON
BEHALF OF AMHERST- CHEEKTOWAGA-
TONAWANDA HOME CONSORTIUM,
PEOPLE OF THE STATE OF NEW YORK,
NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE, NEW YORK
STATE DEPARTMENT OF LABOR,
UNEMPLOYMENT INSURANCE DIVISION,
COMMISSIONER OF THE ERIE COUNTY
DEPARTMENMT OF SOCIAL SERVICES,
STATE OF NEW YORK, SHAWN
WOODWARD, DEBRA SMITH, KENNETH
PACYON, FRANK LELONEK, KENNEY
SHELTON LIPTAK NOWAK LLP, FIVE
STAR BANK

MORTGAGED PREMISES:
231 Windermere Boulevard
Amherst, NY 14226

JOHN DOE (Those unknown tenants, occupants,
persons or corporations or their heirs,
distributees, executors, administrators, trustees,
guardians, assignees, creditors or successors
claiming an interest in the mortgaged premises.)

Defendant(s).
-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in the above captioned action and to serve a copy of your Answer on the Plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State. The United States of America, if designated as a Defendant in this action, may answer or appear within sixty (60) days of service hereof. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

NOTICEYOU ARE IN DANGER OF LOSING YOUR HOME

Attachment: DOC120922-12092022094359 (COM-2023-5 : Summons and Complaint: Midfirst Bank Vs. Town of Amherst Et Al.)

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property.

Sending a payment to your mortgage company will not stop this foreclosure action.

YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.

Erie County is designated as the place of trial. The basis of venue is the location of the mortgaged premises foreclosed herein.

DATED: November 17, 2022

/s/ Ashley M Pascuzzi
Ashley M Pascuzzi, Esq.
Gross Polowy, LLC
Attorneys for Plaintiff
1775 Wehrle Drive, Suite 100
Williamsville, NY 14221
Tel.: (716) 204-1700

Attachment: DOC120922-12092022094359 (COM-2023-5 : Summons and Complaint: Midfirst Bank Vs. Town of Amherst Et Al.)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE-----X
MIDFIRST BANKCOMPLAINT

Plaintiff,

vs

MORTGAGED PREMISES:
231 Windermere Boulevard
Amherst, NY 14226

KATHERINE A O'BRIEN, DAVID P.
O'BRIEN, TOWN OF AMHERST, ON
BEHALF OF AMHERST- CHEEKTOWAGA-
TONAWANDA HOME CONSORTIUM,
PEOPLE OF THE STATE OF NEW YORK,
NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE, NEW YORK
STATE DEPARTMENT OF LABOR,
UNEMPLOYMENT INSURANCE DIVISION,
COMMISSIONER OF THE ERIE COUNTY
DEPARTMENMT OF SOCIAL SERVICES,
STATE OF NEW YORK, SHAWN
WOODWARD, DEBRA SMITH, KENNETH
PACYON, FRANK LELONEK, KENNEY
SHELTON LIPTAK NOWAK LLP, FIVE
STAR BANK

JOHN DOE (Those unknown tenants, occupants,
persons or corporations or their heirs,
distributees, executors, administrators, trustees,
guardians, assignees, creditors or successors
claiming an interest in the mortgaged premises.)

Defendant(s).
-----X

The Plaintiff by its attorneys, Gross Polowy, LLC, for its complaint against the Defendant(s)
alleges upon information and belief as follows:

1. Plaintiff, MIDFIRST BANK is a Federally Chartered Savings Association organized and existing under the laws of the United States of America and the owner and holder of the subject note and mortgage or has been delegated authority to institute this mortgage foreclosure action by the owner and holder of the subject note and mortgage and has the right to foreclose. Attached here as Schedule A is a copy of the original note.

2. On or about January 13, 1999, Katherine A O'Brien and David P. O'Brien executed and delivered a note whereby Katherine A O'Brien and David P. O'Brien promised to pay the sum of \$45,976.00 plus interest on the unpaid amount due. The terms of the note were further modified.

Attachment: DOC120922-12092022094359 (COM-2023-5 : Summons and Complaint: Midfirst Bank Vs. Town of Amherst Et Al.)

3. As security for the payment of the note Katherine A O'Brien and David P. O'Brien duly executed and delivered a mortgage, in the amount of \$45,976.00 which was recorded as follows.

Recording Date: January 13, 1999
Book 12822/Page 8859
Office of the Erie County Clerk

The mortgage was subsequently assigned to Mortgage Electronic Registration Systems, Inc..

The mortgage was subsequently assigned to MidFirst Bank.

Said Mortgage was subsequently modified by a Loan Modification Agreement executed by Katherine A O'Brien and David P. O'Brien on August 12, 2008 and recorded September 23, 2008 in Book 13420, Page 7626 in the Office of the Erie County Clerk.

4. The mortgaged property is known as 231 Windemere Boulevard, Amherst, NY 14226. The tax map designation is Section 79.23 Block 6 Lot 2. Plaintiff is foreclosing the land, buildings, and other improvements located on the property. The property is more fully described in Schedule B attached to this complaint.

5. At the time the note and mortgage were executed and delivered Katherine A O'Brien and David P. O'Brien was/were in title to the property. On June 1st, 2017 Katherine A O'Brien and David P. O'Brien transferred the property to David P. O'Brien who is listed on Schedule C as the current owner of the property.

6. Katherine A O'Brien and David P. O'Brien failed to comply with the conditions of the note and mortgage by not making the payment that was due on July 1, 2022 and subsequent payments.

7. There is now due and owing on the note and mortgage the following amounts:

Principal Balance: \$36,366.51
Interest Rate: 7.25%
Date Interest Accrues from: June 1, 2022

Together with accrued late charges, monies advanced for taxes, assessments, insurance, securing, inspections, posting of notices, maintenance and preservation of the property.

8. In order to protect the value of the property and its rights in the property, the Plaintiff may have to pay additional taxes, assessments, water charges, insurance premiums and other charges and the costs, allowances, expenses of sale, and reasonable attorney's fees for the foreclosure. Plaintiff requests that any amount it pays, together with interest, be included in the total amount due.

9. The defendant(s) may have an interest encumbering the property, which is either subordinate to Plaintiff's mortgage, or paid in full, equitably subordinated, or adverse to Plaintiff's mortgage. The interest of each defendant is set forth in "Schedule C" of this complaint.

10. The interest or lien of the United States of America, the State, City or local government entity is set forth in "Schedule D" of this complaint.

11. Plaintiff has complied with sections 1304 and 1306 of the Real Property Actions and Proceedings Law and with all provisions of section 595-a of the Banking Law and any rules or regulations promulgated there under, and, if applicable, sections 6-l or 6-m of the Banking law.

12. No separate pending action was brought to recover any part of the mortgage debt or if any such action is pending final judgment for Plaintiff was not rendered and it is the intent of the Plaintiff to discontinue it.

WHEREFORE, PLAINTIFF DEMANDS:

- a. Judgment accelerating the maturity of the debt and determining the amount due Plaintiff for principal, interest, late charges, taxes, assessments, insurance, maintenance and preservation of the property and other similar charges, together with costs, allowances, expenses of sale, reasonable attorney's fees, all with interest, pursuant to the terms of the Note and Mortgage.
- b. That the property be sold at auction to the highest bidder in accordance with the referee's terms of sale.
- c. That the interest of the defendant(s) and all persons claiming by or through them be foreclosed and their title, right, claim, lien, interest or equity of redemption to the property be forever extinguished.
- d. That out of the sale proceeds, the Plaintiff be paid the amounts due for principal, interest, late charges, taxes, assessments, insurance, securing, inspections, posting of notices, maintenance and preservation of the property, and other similar charges, together with court costs, allowances, expenses of sale, and reasonable attorney's fees, all with interest.
- e. That the property be sold in as is condition and subject to the facts an inspection or accurate survey of the property would disclose, covenants, restrictions, easements and public utility agreements of record, building and zoning ordinances and violations, and the equity of redemption of the United States of America.
- f. That Plaintiff may purchase the property at the sale.
- g. That a receiver be appointed for the property, if requested by Plaintiff.
- h. That a deficiency judgment against Katherine A O'Brien and David P. O'Brien, to the extent allowable by law, for the amount that remains due after distribution of the sale proceeds, unless the debt was discharged in a bankruptcy or is otherwise uncollectable, be granted if requested by Plaintiff.

- i. That if the Plaintiff possesses other liens against the property, they not merge with the mortgage being foreclosed and that Plaintiff, as a subordinate lien holder, be allowed to share in any surplus proceeds resulting from the sale.
- j. That the Court award Plaintiff additional relief that is just, equitable and proper.

DATED: November 17, 2022

/s/ Ashley M Pascuzzi
Ashley M Pascuzzi, Esq.
Gross Polowy, LLC
1775 Wehrle Drive, Suite 100
Williamsville, NY 14221

Attachment: DOC120922-12092022094359 (COM-2023-5 : Summons and Complaint: Midfirst Bank 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: 01/03/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 26967

RESOLUTION 2023-72

ADOPTED

Amherst Veterans Committee Appointments

Suspension to Town Board Agenda Item January 3, 2023

TO: Amherst Town Board

FROM: Jacqueline Berger, Councilmember

DATE: January 3, 2023

RE: Amherst Veterans Committee Appointments

WHEREAS, the Amherst Veterans Committee (Veterans Committee or AVC) was formed to honor Amherst Veterans as a valuable community resource through education and recognition; and

WHEREAS, the Veterans Committee is instrumental organizing the Honoring Ceremony to honor the veterans whose names has been submitted to be forever engrave on the Amherst Veterans Memorial Wall located within Amherst State Park; and

WHEREAS, the AVC meets monthly in public session, has a maximum roster of fifteen (15), and currently has a board of seven (7) members; and

WHEREAS, the ACVC currently has a Board of six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Richard J. Herrmann, member, with term that expires 12-31-2023
 Dan Howard, member, with a term that expires 12-31-2023
 Thomas F. Hurley, II, member, with a term that expires 12-31-2023
 John G. Medwid, member, with a term that expires 12-31-2023
 Joe Orzechowski, member, with a term that expires 12-31-2023
 Mary Wood, member, with a term that expires 12-31-2023; and

WHEREAS, Frank Barone, Judy McConvey, Eugene Sibick, Mark Dudas, and Mark Hayward, all veterans, have expressed interest in serving on the AVC.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoints Frank Barone, Judy McConvey, Eugene Sibick, Mark Dudas, and Mark Hayward to the Amherst Veterans Committee for a term of two (2) years, to conclude December 31, 2024.

1/3/2023

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

FINANCIAL IMPACT:

n/a

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/03/23 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 26968

RESOLUTION 2023-73

ADOPTED

2023 IRS Standard Mileage Rate

Suspension to Town Board Agenda Item January 3, 2023

TO: Amherst Town Board
FROM: Jacqueline Berger, Councilmember
DATE: January 3, 2023
RE: 2023 IRS Standard Mileage Rate

The Internal Revenue Service announced Friday, December 30, 2022 an increase in the standard mileage rates for 2023. Taxpayers may use the standard rates to calculate the deductible costs of operating an automobile for business and other purposes.

The 2023 standard mileage rates for business miles driven to be \$0.655 cents per mile.

This is an increase from 2022 rate of \$0.03

Please set this as the Town's rate for 2023.

1/3/2023

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

FINANCIAL IMPACT:

Funding in various departments budgets.

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