



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

Monday, January 6, 2025

7:00 PM

Amherst Municipal Building

I. IN MEMORY

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on January 6, 2025 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Shawn Lavin	Town of Amherst	Deputy Supervisor	Present	
Jacqueline Berger	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Present	
Angela Marinucci	Town of Amherst	Councilmember	Present	
Francina J. Spoth	Town of Amherst	Town Clerk	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Lynda Juul	Town of Amherst	Director of Finance	Present	
Samuel A. Alba	Town of Amherst	Interim Town Attorney	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Robert McCarthy	Town of Amherst	Director of Human Resources	Present	

V. MINUTES APPROVAL

1. Monday, December 16, 2024

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

VI. PROCLAMATIONS AND ANNOUNCEMENTS

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

VIII. REORGANIZATION

1. Resolution 2025-1

2025 Re-Appointment of Deputy Supervisor

BE IT RESOLVED that Shawn A. Lavin be re-appointed as Deputy Supervisor.

RESULT:	NO VOTE REQUIRED
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2. Resolution 2025-2

Town Justice Appointment

WHEREAS, one of the current Town Justices has resigned effective December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED, that Jeffrey E. Marion be appointed Town Justice for the remainder of the current term in effect through December 31, 2025, at an annual salary of \$102,000, plus a Substance Abuse Court Stipend of \$25,000, effective immediately.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. Resolution 2025-3**Re-Appointment of Parliamentarian 2025**

BE IT RESOLVED that Sam A. Alba be appointed to the position of Parliamentarian for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

4. Resolution 2025-4**Liaisons to Boards & Committees and Departments 2025**

BE IT RESOLVED that Town Board Liaisons to Boards & Committees and Departments be set for 2025 as shown on the attached.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

5. Resolution 2025-5**Re-Appointment of Energy Manager 2025**

BE IT RESOLVED that Mark Berke be re-appointed as the Town's Energy Manager for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

6. Resolution 2025-6

Re-Appointment of Affirmative Action Officer 2025

BE IT RESOLVED that Robert McCarthy be re-appointed as Affirmative Action Officer for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

7. Resolution 2025-7

Re-Appointment of Fair Housing Officer 2025

BE IT RESOLVED that Laurie Stillwell be re-appointed as Fair Housing Officer and be directed to report annually for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

8. Resolution 2025-8**Re-Appointment of Town Historian 2025**

BE IT RESOLVED that Village of Williamsville Historical Society and Buffalo Niagara Heritage Village be re-appointed as Town Historian for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

9. Resolution 2025-9**Representation of Town of Amherst at the Association of Erie County Governments 2025**

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.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

10. Resolution 2025-10**Representation of Town of Amherst at Annual Meeting of the Association of Towns 2025**

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 Jacqueline Berger, Councilmember Michael Szukala, Elizabeth Burakowski, Dennis Powers, Joseph McMahon and Emily Melski be authorized to attend the Annual Meeting.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

11. Resolution 2025-11

Designation of Official Town Newspaper 2025

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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

12. Resolution 2025-12

Designation of Official Town Depositories 2025

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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

13. Resolution 2025-13

Check Signing 2025

BE IT RESOLVED that the Comptroller will counter sign all checks with the Supervisor, and that the Director of Finance will sign when the Comptroller or Supervisor is unavailable;

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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

14. Resolution 2025-14

Payment of Department Expense Accounts 2025

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.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

15. Resolution 2025-15**Approve Town Officials' Blanket Bond 2025**

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.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

16. Resolution 2025-16**2025 Office Hours and Standard Workday Hours**

BE IT RESOLVED that the office hours and the standard workday hours be set as follows for 2025:

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
8:00 a.m. to 4:00 p.m., Monday to Friday, for Community Development
8:00 a.m. to 4:00 p.m., Monday to Friday, for Contract Compliance / Finance
8:30 a.m. to 4:30 p.m., Monday to Friday, for Economic Development
8:00 a.m. to 4:00 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 2:30 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
8:00 a.m. to 4:00 p.m., Monday to Friday, for Planning Department
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
8:30 a.m. to 4:30 p.m., Monday to Friday, for Town Board Offices
8:30 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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

17. Resolution 2025-17**Set 2025 Holiday Schedule**

BE IT RESOLVED that the 2025 holiday schedule be approved as shown on the attached list.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

18. Resolution 2025-18**Set Salaries for Town Employees and Civil Service Employees 2025**

BE IT RESOLVED that 2025 salaries for Town employees and Civil Service employees be set pursuant to the approved 2025 budget and negotiated contracts.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

19. Resolution 2025-19**Set Salaries for Exempt Employees 2025**

BE IT RESOLVED that 2025 salaries for Exempt Employees Non-Department Heads be set as shown on the attached.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

20. Resolution 2025-20**Set Salaries for Department Heads and Assistant Department Heads
2025**

BE IT RESOLVED that 2025 salaries for Department Heads and Assistant Department Heads be set as shown on the attached.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

21. Resolution 2025-21**2025 Town Board Meeting Dates**

BE IT RESOLVED that the attached schedule of Town Board and Work Session meeting dates be adopted for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

22. Resolution 2025-22**2025 Amherst Traffic Safety Board Meeting Dates**

BE IT RESOLVED that the attached schedule of 2025 Amherst Traffic Safety Board meeting dates be adopted.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

23. Resolution 2025-23**2025 Design Advisory Board Meeting Dates**

BE IT RESOLVED that the attached schedule of 2025 Design Advisory Board meeting dates be adopted.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

24. Resolution 2025-24**2025 Planning Board Meeting Dates**

BE IT RESOLVED that the attached schedule of 2025 Planning Board meeting dates be adopted.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

25. Resolution 2025-25**2025 Amherst Historic Preservation Commission Meeting Dates**

BE IT RESOLVED that the attached schedule of 2025 Amherst Historic Preservation Commission meeting dates be adopted.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

26. Resolution 2025-26

Re-Appointment of A.D.A. (Americans with Disabilities Act) Coordinators 2025

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 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

27. Resolution 2025-27

Budget Calendar - Fiscal Year 2026

BE IT RESOLVED that the Budget Calendar - Fiscal Year 2026 be approved as shown on the attached document.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

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**3. Amherst Community Diversity Commission****4. Amherst Conservation Advisory Council****5. Amherst Government Financial Advisory Board**

Membership is full.

6. Amherst Industrial Development Agency

Membership is full.

7. Amherst Veterans Committee

Supervisor Kulpa reappoints Eugene Sibick for a term to expire December 31, 2026.
Councilmember Berger appoints Irving Seller for a term to expire December 31, 2026.
Councilmember Marinucci appoints Patrick Conner and Nathan Sull for a term to expire December 31, 2026.

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

Membership is full.

10. Board of Electrician Examiners

Membership is full.

11. Board of Ethics

Membership is full.

12. Board of Plumbing and Drainage Examiners

Membership is full.

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

Membership is full.

15. Employee Suggestion Review Committee

16. Energy Conservation Citizens Advisory Committee

17. Freedom of Information Law (FOIL) Board

18. Glen Park Joint Board

19. Historic Preservation Commission

Membership is full.

20. Information Technology Advisory Committee

21. Library Board of Trustees

Membership is full.

22. Minority / Woman Owned Business

23. Open Government Advisory Board

24. Planning Board

Membership is full.

25. Recreation Commission

26. Recycling and Waste Committee

27. Senior Services Advisory Board

28. Traffic Safety Board

Membership is full.

29. Youth Board

Adult vacancies (6), Youth vacancies (0)

30. Zoning Board of Appeals

X. PUBLIC EXPRESSION

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

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

7:08 PM.

The following speakers addressed the Town Board:

Chris Drongosky, Mill St - residents being more involved

John Trabert, 234 Mt Vernon Rd - proposed new youth center

Matt Plunkett, 299 Northhill Dr - proposed new youth center

Dennis Hoban, 216 California Dr - proposed new youth center & Royal Park project

Dave Howard, 194 Roycroft Blvd - Royal Park project

Tom Frank, Main St - Resolution 2025-25

Don Smith, 201 N Long St - Town's spending & purchasing

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was closed at 7:30 PM.

XI. CONSENT AGENDA

There is no Consent Agenda for this meeting.

XII. COUNCILMEMBER RESOLUTIONS

A. SUPERVISOR KULPA:

1. Resolution 2025-28

Travel Approval for Supervisor Training

BE IT RESOLVED that permission be granted for Supervisor Brian J. Kulpa to attend a training for Municipal Leaders at a total cost of \$2,751.60 (details of training sent to TB in email for review).

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2. Resolution 2025-29

Planning Board Appointments 2025

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:

Michael J. Chmiel, Esq., Chairman, term expires 12/31/2025;
John B. Davis, Member, term expires 12/31/2030;
Harbinder Singh Gill, Member, term expires 12/31/2029;
Carrie Kahn, Member, term expires 12/31/2028;
BrittanyLee Penberthy, Member, term expires 12/31/2027;
Joseph P. Raffaele, Jr., Member, term expires 12/31/2026; and

WHEREAS, Jonathan O'Rourke has expressed interest in serving on the Planning Board.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoint Jonathan O'Rourke to the Amherst Planning Board for a term to conclude December 31, 2031.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. Resolution 2025-30

Design Advisory Board Appointment 2025

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

Duncan M. Black, Vice-Chairman, term expires 12/31/2026;
Marissa Colucci, Member, term expires 12/31/2028;
Tracy Conhiser-Uy, Member, term expires 12/31/2025;
Peter M. Talty, Jr., Member, term expires 12/31/2027; and

WHEREAS, John O'Rourke has expressed interest in serving on the Design Advisory Board.

NOW, BE IT RESOLVED that the Amherst Town Board appoint John O'Rourke to the Design Advisory Board for a 5-year term to end December 31, 2029.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

B. DEPUTY SUPERVISOR LAVIN:

1. Resolution 2025-31

Amherst Senior Center Advisory Board Appointments

WHEREAS, the purpose of the Amherst Senior Center Advisory Board is to support the Mission of the Town of Amherst Department of Senior Services; to advocate for services to support older adults and caregivers and appropriate funding for current and future programming; to foster communication between the Town and the community regarding issues, trends, and public policy affecting older adults; to support and sponsor appropriate program development; and to advise and consult with the Amherst Town Board regarding issues related to senior citizens; and

WHEREAS, the Amherst Senior Center Advisory Board meets a minimum of 6 times a year; and

WHEREAS, The Amherst Senior Center Advisory Board shall consist of a minimum of 7 appointed members, with a maximum of 11 appointed members; each appointed by a majority of the Amherst Town Board, who shall serve a term of 2 years and may be appointed for two additional two year terms; and

WHEREAS, the Amherst Senior Center Advisory Board currently has a Board of Five members, who shall continue to serve until their term of appointment expires, as follows:

Aaron Carlson, Member, Term expires 12/31/2025
Gary Henry, Member, Term expires 12/31/2025
Carol Roy, Member, Representatives Council President
Melissa Abel, Senior Center Director

WHEREAS, the Chairperson is appointed by the Director of Senior Services; and

WHEREAS, Jim Bardot has been selected by the Director of Senior Services, to serve as Senior Center Advisory Board Chairperson for the Term to expire 12/31/24 and is interested in serving another 2 year term; and

WHEREAS, in addition to appointed members, the following individuals shall serve in ex-officio capacity:

The Honorable Shawn Lavin, Liaison to Senior Services
Mary-Diana Pouli, Executive Director, Town of Amherst Youth & Recreation
Assistant Police Chief Michael Camilleri
Amherst Town Justice Ann Nichols and

WHEREAS, Reverend Susan Frawley and Julie Whitbeck-Lewinski, each have served on the Amherst Senior Center Advisory Board and has expressed interest in serving another 2 year term.

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Town Board reappoint Jim Bardot, Reverend Susan Frawley, and Julie Whitbeck-Lewinski to the Amherst Senior Center Advisory Board for a term to conclude December 31, 2026.

1/6/2025

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

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

C. COUNCILMEMBER BERGER:

1. Resolution 2025-32

Zoning Board of Appeals Re-Appointments 2025

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:

Brian Bray, Chairman, term expires 12/31/2026;
Erik A. Goergen, Member, term expires 12/31/2028;
Ellen Parker, Member, term expires 12/31/2027;
Kelly J. Philips, Member, 12/31/2025; and

WHEREAS, Ronald Shubert has expressed interest in serving another term.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board re-appoint Ronald Shubert as Vice Chairman to the Zoning Board of Appeals for a term to conclude December 31, 2029.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2. Resolution 2025-33

Amherst Conservation Advisory Council Appointments 2025

WHEREAS, the Amherst Conservation Advisory Council (ACAC) provides advice to the Amherst Town Board and Planning Board regarding land use concerns such as environmental, open space and conservation issues. It is responsible, with the assistance of the Town Planning Department, for creating and maintaining the Open space Index, including a map showing environmental quality and conservation issues related to rezoning and development proposals submitted for Town approval; and

WHEREAS, the ACAC meets regularly in public session, has a roster maximum of nine (9), and currently has two (2) members; and

WHEREAS, Alan Blackburn and Dave Copeland have expressed interest in serving on the ACAC;

BE IT RESOLVED, that the Amherst Town Board re-appoint Alan Blackburn and Dave Copeland to the Amherst Conservation Advisory Council for a term to conclude December 31, 2026.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

D. COUNCILMEMBER SZUKALA:

1. Resolution 2025-34

Amherst Recycling & Waste Committee Appointments 2025

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 nine (9) members, who shall continue to serve until their term of appointment expires, as follows:

John Szalasny, Vice Chair, term expires 12/31/2025;
Kim Ferullo, Member, term expires 12/31/2027;
Mary Fisher, Member, term expires 12/31/2027;
John Hannon, Member, term expires 12/31/2025;
Judy Hendee, Member, term expires 12/31/2025;
Kim Luangpakdy, Member, term expires 12/31/2027;

Diana Manus, Member, term expires 12/31/2027;
Eustace Mendez, Member, term expires 12/31/2026;
Megan Reddish, Member, term expires 12/31/2025; 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, Steve Floss will serve in the capacity of a resource person (O) to the Committee till his term has concluded.

WHEREAS, Don Kuhn and Jean Neff have served on the Recycling & Waste Committee and have expressed interest in serving another three-year term; and

WHEREAS, Joshua Wilcox has expressed interest in serving on the R&W Committee;

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Town Board re-appoint Don Kuhn and Jean Neff and appoint Joshua Wilcox to the Amherst Recycling & Waste Committee, each for terms to conclude on December 31, 2027.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

E. COUNCILMEMBER MARINUCCI:

1. Resolution 2025-35

Appointments to Historic Preservation Commission 2025

WHEREAS, the Town of Amherst created a Historic Preservation Commission (HPC) 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 six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Jeffery Amplement, Member, term expires 12/31/2026;
Norman J. Hirschey, Member, term expires 12/31/2025;

Jennifer Kensy, Member, term expires 12/31/2025;
Mary Lou Mancuso, Member, term expires 12/31/2026;
Hallie Wright, Member, term expires 12/31/2027;
Catherine Waterman-Kulpa, term expires 12/31/2026; and

WHEREAS, Brian Swartz 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 re-appoint Brian Swartz to the Amherst Historic Preservation Commission for a term ending December 31, 2028.

1/6/2025

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

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

2. Resolution 2025-36

Amherst Committee on Disabilities (CoD) Appointments 2025

WHEREAS, the Amherst Committee on Disabilities (CoD) was established through Local Law Chapter 14A of Amherst Town Code by the Amherst Town Board October 1, 2007; and

WHEREAS, the CoD will study and offer suggestions and recommendations to improve compliance of the Town of Amherst with the goals and objectives of the Federal Americans with Disabilities Act, and to consider any other issues relevant to and important to disabled town residents; and

WHEREAS, the Committee on Disabilities will occasionally host events to educate the community about disabilities and handicaps community members may be challenged with; and

WHEREAS, the CoD has a maximum roster of fifteen (15) members and will serve (2) year terms; and

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

Luci Miranda, Member, term expires 12/31/2026;
Jamie Mobberly, Member, term expires 12/31/2026;
Barbara Robertson, Member, term expires 12/31/2026;
Thomas Roetzer, Member, term expires 12/31/2026;
David Whalen, Member, term expires 12/31/2026; and

WHEREAS, Erica Rodman and Chong Cheng have expressed interest in serving another term on the Amherst Committee on Disabilities; and

WHEREAS, Lindsey Cassick, Frances Knab, Jamie Sheldon, and Jeffery Zeplowitz have expressed interest in serving on the Committee on Disabilities;

BE IT RESOLVED, that the Amherst Town Board re-appoint Erica Rodman and Chong Cheng for a second term to conclude December 31, 2027;

BE IT FURTHER RESOLVED, that the Town Board appoint Lindsey Cassick, Frances Knab, Jamie Sheldon, and Jeffery Zeplowitz to the Amherst Committee on Disabilities for a term to conclude December 31, 2027.

1/6/2025

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

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

3. Resolution 2025-37

Amherst Community Diversity Commission Appointments 2025

WHEREAS, the purpose of the Amherst Community Diversity Commission (ACDC) is to enhance and increase cooperation, understanding, and dialogue among residents of diverse cultural, religious, socio-economic and racial backgrounds, and to promote inclusion throughout the town; and

WHEREAS, the Commission will study the demographics of Amherst, promote town-wide events that foster cultural awareness, increase minority participation on governmental boards, committees and in the town's workplace, and facilitate meetings designed to promote a better understanding of who Amherst is as a community; and

WHEREAS, the Amherst Community Diversity Commission generally meets on the second Tuesday of the month, with the exception of July, August and December; and

WHEREAS, the ACDC has a maximum roster of fifteen (15) members, with the Supervisor and each Councilmember personally appointing up to three individual members who shall serve four (4) year term; and

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

Zhen Liu, Secretary, term expires 12/31/2025;
Cynthia Bass, Member, term expires 12/31/2025;

Yanhong Baranski, Member, term expires 12/31/2025;
 Della Gray-Hailey, Member, term expires 12/31/2025;
 Annette Herrman, Member, term expires 12/31/2025;
 Anne Rohrer, Member, term expires 12/31/2025;
 Purnima Mohan, Member, term expires 12/31/2025; and

WHEREAS, the Members of the Commission 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, Gul Rahman, Heidi Nicklaus Lefebvre and Dr. Mohammed Khan have expressed interest in being re-appointed to the ACDC with a term to expire 12-31-2028, and Dr. Mohan Devgun has agreed to serve as Chair, with term to expire 12-31-2025;

BE IT RESOLVED, that the Amherst Town Board appoint Gul Rahman, Heidi Nicklaus Lefebvre, Dr. Mohammed Khan, and Dr. Devgun Mohan to the Amherst Community Diversity Commission, each for terms to conclude as stated above.

1/6/2025

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

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

4. Resolution 2025-38

Youth Board Appointments 2025

WHEREAS, the Amherst Youth Board (Youth Board) 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 are appointed by the Amherst Town Board for three-year terms and participate in decisions affecting programming, policies, funding and public relations for youth programs and services.

WHEREAS, the Youth Board also relies on the efforts and contributions of citizen volunteers in its programs. Many different volunteer opportunities are available, and may be tailored to individual needs; and

WHEREAS, the Youth Board currently has a Board of 7 members, who shall continue to serve a three (3) year term as follows:

Danielle Alba, Member, term expires 12/31/2025
 Kristine Arcadi, Member, term expires 12/31/2026

Dawn Cwierley, Member, term expires 12/31/2026
Salil Karkhanis, Member, term expires 12/31/2026
Krista Krause, Member, term expires 12/31/2025
Kristy Lindner, Member, term expires 12/31/2025
Anagha Menon, Member, term expires 12/31/2025; and

WHEREAS, Rose Mary Buscaglia has expressed an interest in serving another term on the Amherst Youth Board; and

WHEREAS, Indraja Sujith has expressed an interest in serving on the Amherst Youth Board.

BE IT RESOLVED, that Rose Mary Buscaglia be re-appointed as an adult member of the Youth Board by the Amherst Town Board for a term to end December 31, 2027; and

BE IT FURTHER RESOLVED, that as recommended by the Director of Youth & Recreation, Indraja Sujith be appointed as a youth member of the Youth Board by the Amherst Town Board for a term to end December 31, 2027.

1/6/2025

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

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

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. TOWN ATTORNEY:

1. Resolution 2025-39

Senior Center Capital Improvements (Bond Resolution - \$300,000)

AGENDA ITEM : JANUARY 6th, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 30, 2024

RE: Senior Center Capital Improvements
2025-2030 C.I.P. – Project F-6
Bond Resolution - \$300,000

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

- (1) Adopt the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department; and
- (2) Adopt the attached bond resolution authorizing the issuance of \$300,000.00 in serial bonds for the above-referenced Town improvement.

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

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

Thank you.

SAA:nmb

Attachments

c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item – January 6, 2025**)
 Daryl C. Bramer, Comptroller (*w/attachments*)
 Lynda Juul, Director of Finance (*w/attachments*)
 Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
 Dan Howard, Director of Planning (*w/attachments*)
 Sean Pellow, Project Manager (*w/attachments*)
 Daniel J. Rizzo, Project Manager (*w/attachments*)
 Anne Dafchik, AIA, NCARB, Architect (*w/attachments*)

1/6/2025

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

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

2. Resolution 2025-40

Settlement of Article 7 Matter - Walgreens / Sheridan-Millersport Partnership V. Town of Amherst

AGENDA ITEM : JANUARY 6, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 31, 2024

**RE: Settlement of Article 7 Matter
Walgreens Eastern Co., Inc. / Sheridan-Millersport
Partnership v. Town of Amherst**

Kindly adopt a resolution authorizing the following:

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

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item : January 6, 2025**)
Emily Murphy, Town Assessor

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. Resolution 2025-41

**Settlement of Article 7 Matter - Transit Valley Country Club V. Town
of Amherst**

AGENDA ITEM : JANUARY 6, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 31, 2024

**RE: Settlement of Article 7 Matter
Transit Valley Country Club v. Town of Amherst**

Kindly adopt a resolution authorizing the following:

- (1) Settlement of the above matter as detailed in the attached Stipulation of

Settlement and Order; and

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

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item : January 6, 2025**)
Emily Murphy, Town Assessor

RESULT:	WITHDRAWN
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4. Resolution 2025-42

Settlement of Article 7 Matter - Kohl's Illinois, Inc. V. Town of Amherst

AGENDA ITEM : JANUARY 6, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 30, 2024

RE: Settlement of Article 7 Matter
Kohl's Illinois, Inc. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

(2) Authorizing Interim Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation and Agreement as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item : January 6, 2025**)
Emily Murphy, Town Assessor

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

5. Resolution 2025-43

Host Community Agreement for Solar Energy System - New Road Solar 1, LLC (CRS #5278)

AGENDA ITEM : JANUARY 6TH, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 31, 2024

RE: Host Community Agreement For Solar Energy System
New Road Solar 1, LLC (CRS #5278)

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

RESOLVED, the Town Board hereby authorizes the Supervisor to execute the attached agreement with New Road Solar 1, LLC for the above-referenced property pending successful completion of the Contract Routing System (CRS).

Thank you.

SAA:nmb

Attachment

c: Tim Koller, Deputy Town Clerk (**Agenda Item : January 6, 2025**)

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

B. TOWN CLERK:**1. Resolution 2025-44****New Firefighter for Getzville Fire Company**

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

Mckenna Nicholls
2915 N Forest Rd
Getzville, NY 14068

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

C. ASSESSOR:**D. BUILDING/BUILDING MAINTENANCE:****1. Resolution 2025-45****NFBOA 2025 Educational Conference**

Requesting Town Board approval to allow 19 Code Enforcement Officers to attend the 2025 NFBOA Educational Conference held at the Buffalo/Niagara Marriott Hotel, 1340 Millersport Highway, Amherst, NY 14221 on January 27-29, 2025. Educational in-service training is a state requirement.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2. Resolution 2025-46

Edmunds Govtech CRS ID #5270

Please authorize the Supervisor to sign the contract between the Town of Amherst and Edmunds GovTec (formally BAS) located at 301 Tilton Rd., Northfield, NJ 08225. Subject to completion of the contract routing process.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. Resolution 2025-47

FLBOA 2025 Conference

Requesting Town Board approval to allow 9 Code Enforcement Officers to attend the 2025 FLBOA Educational Conference held at the RIT INN & CONFERENCE CENTER, 5257 West Henrietta Road, Henrietta, NY 14467 on March 10-12, 2025. Educational in-service training is a state requirement.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2025-48

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.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2. Resolution 2025-49

2025 IRS Standard Mileage Rate

The Internal Revenue Service announced December 19, 2024 an increase in the standard mileage rates for 2025. Taxpayers may use the standard rates to calculate the deductible costs of operating an automobile for business purposes. These rates apply to fully-electric and hybrid-electric automobiles as well as gasoline and diesel-powered vehicles.

The 2025 standard mileage rate for business miles driven is \$0.70 cents per mile.

This is an increase of \$0.03 per mile from the 2024 rate.

Please set this as the Town's mileage rate for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. Resolution 2025-50

Use of Opioid Settlement Funds

WHEREAS, Resolution 2023-484 established Trust Account T4035 Opioid Settlement,

WHEREAS, Trust Accounts requires Town Board Approval to spend funds,

WHEREAS, transportation issues are a barrier for many participants in Drug Court,

WHEREAS, Schedule C Approved Uses, Section B, (1) and Section B (6) approves transportation as an acceptable use,

WHEREAS, the Amherst Town Court will administer and provide transportation, such as bus passes for recovery services for treatment of Opioid Use Disorder (OUD), Drug Court appointments and connection to community based services,

BE IT FURTHER RESOLVED, The Town Board approves the transfer of \$14,710 from the Trust account T4035 into A1113 Opioid Settlements to fund this service.

2025 Budget Amendment - Increase:

A1113.05031 Opioid Settlements - Interfund Transfers \$14,710

A1113.4110 Opioid Settlements - Contractual \$14,170

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

4. Resolution 2025-51

Budget Transfers and Amendments

For January, 6 2025 Town Board Agenda

To: Town Board
 From: Office of Town Comptroller
 Date: 12/31/2024
 Re: Various Department Budget Transfers / Amendments

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

BUDGET TRANSFERS – 2024

FROM:

TO:

BUDGET AMENDMENTS – 2024

INCREASE:

INCREASE:

N2423.02785 CDBG & VG- PI \$7,909.95
 N2430.02785 CDBG P/R- PI \$1,977.49

N2423.4000 Contractual \$7,909.95
 N2430.1000 Personal Svcs \$1,836.96
 N2430.8030 FICA \$140.53

To recognize Community Development program income from 1435 N. French, Amherst.

KP2226.04589 Federal Emergency AID \$5,041.00

KP2226.4971 Design \$5,041.00

To recognize ARPA funding for Westside Interceptor Diversion Facility.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

G. CONTRACT COMPLIANCE:

1. Resolution 2025-52

Extension of RFP #202006 Prescription Drug Administration - CRS #5253

WHEREAS Pharmacy Benefit Dimensions has agreed to extend RFP #202006 for Prescription Drug Administration (Original CRS #2251); and

WHEREAS, the extension has been reviewed by the Town's Employee Benefit Consultant, the HR Director, the Director of Finance and the Comptroller, and found to be beneficial to the Town;

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves a two-year extension of the contract with The Guardian Life Insurance Company of America through December 31, 2026; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract extension with Pharmacy Benefit Dimensions.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2. Resolution 2025-53

Amendment to Bid #2022029 Town Wide HVAC - CRS #5274

WHEREAS, the Contract Compliance and Administration Department awarded Bid #2022029 for Town Wide HVAC on October 17, 2022 (RES-2022-1016) to NOCO Heating and Cooling; and

WHEREAS, the Building Maintenance Department is requesting that 30 S. Cayuga be added to the contract, as per the attached proposal, as the Town did not own the building at the time of the original bid, so it was not included in the bid;

NOW, THEREFORE, BE IT RESOLVED, The Town Board approves the amendment to the Town Wide HVAC contract with NOCO Heating and Cooling; and

BE IT FURTHER RESOLVED, the Supervisor is authorized to sign the contract amendment.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. Resolution 2025-54

**Award Bid #2024051 Senior Center Dishwasher & Scrap Collector -
CRS #5275**

WHEREAS, the Contract Compliance and Administration Department received bids on December 19, 2024 for Senior Center Dishwasher & Scrap Collector; and

WHEREAS, the bid process resulted in responses from five (5) 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 B&W Supply Co.; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with B&W Supply Co.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that the Senior Center is currently without a dishwasher & scrap collector.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

H. COURT:

I. ECONOMIC DEVELOPMENT:

J. EMERGENCY SERVICES:

K. ENGINEERING SERVICES:

L. FINANCE:

1. Resolution 2025-55

Adopt Procurement Policy & Contract Administration 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;

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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

M. HIGHWAY**N. HUMAN RESOURCES:****1. Resolution 2025-56****Assistant Wastewater Treatment Plant Chemist/Engineering-Plant
#16**

Please appoint an Assistant Wastewater Treatment Plant Chemist to the Engineering/Plant #16 Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 7, 2025 at an annual salary of \$59,956.30, Grade 15, Step B for Deanna Winkowski.

This is a promotion for an employee currently serving as Sr. Laboratory Technician (Environmental Chemistry).

Replacing an employee who will be retiring.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2. Resolution 2025-57**Police Officer/Police Department**

Please appoint a Police Officer 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 7, 2025 at an annual salary of \$69,522 for Justin Barnack. Contingent upon successful completion of all pre-employment requirements and Erie County Civil Service Rules and Regulations.

Replacing an employee who retired.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. Resolution 2025-58

Wastewater Treatment Plant Operator-Trainee/Eng.Plant #16

Please appoint a Wastewater Treatment Plant Operator-Trainee to the Engineering Department/Plant #16. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 7, 2025 at an hourly rate of \$24.26, Grade IV, Step 1 for Eric Considine.

Contingent upon completing all pre-employment requirements.

Please authorize a six (6) month residency waiver.

Replacing an employee that retired.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

4. Resolution 2025-59

Wastewater Treatment Plant Operator - Trainee/Eng. Plant #16

Please appoint a Wastewater Treatment Plant Operator-Trainee to the Engineering Department/Plant #16. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 7, 2025 at an hourly rate of \$24.26, Grade IV, Step 1 for Derrick Palmisano.

Contingent upon completing all pre-employment requirements.

Replacing an employee who retired.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

5. Resolution 2025-60

Sr. Deputy Town Attorney/Town Attorney's Office

Please appoint a Sr. Deputy Town Attorney to the Town Attorney's Office. Permanent, effective January 7, 2025 at an annual salary of \$101,822.13, Grade 1, Step B of the 2025 Exempt Non-Department Head Salary Schedule for Sebastine Odiata.

Replacing an employee who resigned.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

6. Resolution 2025-61

Recreation Attendant - PT (4 Positions)/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation (4 Positions) effective January 7, 2025, Temporary, \$15.50 ph, Step 1 for Evan Korte, Peter Sidey, Jenna Doerfler & Teisha Mcelfresh.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

7. Resolution 2025-62**Recreation Attendant - PT/Youth & Recreation**

Recreation Attendant - PT/Youth & Recreation, Effective January 7, 2025, Temporary, \$16.60 ph, Step 3 for Cathleen Moores.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

8. Resolution 2025-63**Senior Program Coordinator (Senior Services)/Senior Services Department**

Please appoint a Senior Program Coordinator (Senior Services) to the Senior Services Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 7, 2025 at an annual salary of \$63,446, Grade 13, Step E for Tammy Jacobs.

This is a promotion for an employee currently serving as a Program Coordinator (Senior Services).

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

9. Resolution 2025-64**Clerk Typist/Youth & Recreation**

Please appoint a Clerk Typist to the Youth & Recreation Department, Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective January 8, 2025 at an annual salary of \$30,528, Grade 2, Step A for Rita Felschow.

Contingent upon completing all pre-employment requirements.

Replacing an employee who transferred to another department.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

O. INFORMATION TECHNOLOGY:

P. PLANNING:

Q. POLICE:

1. Resolution 2025-65**Purchase of 3D Forensic Scanner Designation of Sole Source Vendor
Keystone Precision Solutions (CRS #5244)**

TOWN BOARD AGENDA: JANUARY 6, 2025

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

**RE: Purchase of 3D Forensic Scanner
Designation of Sole Source Vendor
Keystone Precision Solutions (CRS #5244)**

Kindly adopt a resolution authorizing the Supervisor to execute the attached purchase agreement between the Town of Amherst (Police) and Keystone Precision Solutions, with regard to the above-entitled matter and also to establish this vendor as a Sole Source vendor for this product. This agreement has successfully completed the Contract Routing Process.

Thank you.

SPC: msl

Attachment

C: Tim Koller, Deputy Town Clerk (*Agenda Item: January 6, 2025*)

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2. Resolution 2025-66**APD HQ Employee Stairwell Flooring Removal & Replacement GP
Flooring Solutions (CRS #5262)****TOWN BOARD AGENDA: JANUARY 6, 2025**

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

**RE: APD HQ Employee Stairwell Flooring Removal & Replacement
GP Flooring Solutions (CRS #5262)**

Kindly adopt a resolution authorizing the Supervisor to adopt and execute an agreement between the Town of Amherst (Police) and GP Flooring Solutions (CRS #5262)

with regard to the above-entitled matter. This agreement has successfully completed the Contract Routing Process.

Thank you.

SPC:msl

Attachment

C: Tim Koller, Deputy Town Clerk (**Agenda Item: January 6, 2025**)

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. Resolution 2025-67

2025 APD Safety Education & Community Policing Trust & Agency Account

TOWN BOARD AGENDA: JANUARY 6, 2025

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: 2025 APD Safety Education & Community Policing Trust & Agency Account

Kindly adopt a resolution authorizing the approval to spend up to \$5,100.00 in 2025 from the APD Safety Education & Community Policing Trust & Agency Account (T4012). Expenses allowed from this account include, but are not limited to, educational and awareness programs that serve the community as a whole as well as assists with funding of the APD Community Policing events held throughout the year. This trust and agency account is capable of accepting donations for the continuation of the programs it funds.

Thank you.

SPC:msl

C: Tim Koller, Deputy Town Clerk (**Agenda Item: January 6, 2025**)

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

4. Resolution 2025-68

2025 Asset Forfeiture Trust & Agency Account

TOWN BOARD AGENDA: JANUARY 6, 2025

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: 2025 Asset Forfeiture Trust & Agency Account

Kindly adopt a resolution authorizing the approval to spend up to \$60,000.00 in 2025 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 6, 2025**)

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

R. SENIOR SERVICES:**S. SEWER/PLANT 16:****T. YOUTH AND RECREATION:****1. Resolution 2025-69****Authorization to Spend T-Account Funds**

Authorize the expenditure of up to \$20,000.00 from T2998.4002 for the purchase of memory trees and related accessories in 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2. Resolution 2025-70**Authorization to Spend T-Account Funds**

Authorize the expenditure of up to \$5,000.00 from T2505.4002 for the purchase of small tokens of appreciation for volunteers, incentives for program participants, and snacks for end-of-program parties and staff training's in 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. Resolution 2025-71**Advertising Contract (AYCC) - CRS #5246**

Authorize the Supervisor to sign a contract between the Town of Amherst (Youth & Recreation Department) and Bee Group Newspapers for advertising for the Amherst Youth & Community Coalition for 2025, pending successful completion of the contract routing process.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

XIV. UNFINISHED BUSINESS**XV. COMMUNICATIONS****XVI. PUBLIC IMPROVEMENT PERMITS****XVII. PUBLIC EXPRESSION #2**

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

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was opened at 7:37 PM.

The following speakers addressed the Town Board:

Don Smith, 201 N Long St - Daemen grant for Royal Park

Chris Drongosky, Mill St - golf fees

John Trabert, 234 Mt Vernon Rd - Eggert vs N. Bailey community center

Matt Plunkett, 299 Northhill Dr - Resolution 2025-35 & migrants

Tom Frank, Main St - Ellicott Creek Trailway

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Berger and unanimously approved 5-0. Public Expression was closed at 7:50 PM.

XVIII. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Councilmember Berger and unanimously approved 5-0. The Town Board meeting of January 6, 2025 was adjourned at 7:50 PM.

**Amherst Town Board**

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

Francina J. Spoth
Town Clerk

Meeting: 01/06/25 07:00 PM
Department: Supervisor
Initiated by: **Brian J. Kulpa**
Co-Sponsored by:

DOC ID: 29850

RESOLUTION 2025-1**NO VOTE REQUIRED**

2025 Re-Appointment of Deputy Supervisor

BE IT RESOLVED that Shawn A. Lavin be re-appointed as Deputy Supervisor.

FINANCIAL IMPACT:

included in 2025 Budget

RESULT: NO VOTE REQUIRED



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29892

RESOLUTION 2025-2

ADOPTED

Town Justice Appointment

WHEREAS, one of the current Town Justices has resigned effective December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED, that Jeffrey E. Marion be appointed Town Justice for the remainder of the current term in effect through December 31, 2025, at an annual salary of \$102,000, plus a Substance Abuse Court Stipend of \$25,000, effective immediately.

1/6/2025

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

FINANCIAL IMPACT:

per 2025 Town Budget

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29835

RESOLUTION 2025-3
ADOPTED

Re-Appointment of Parliamentarian 2025

BE IT RESOLVED that Sam A. Alba be appointed to the position of Parliamentarian for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29852

RESOLUTION 2025-4

ADOPTED

Liaisons to Boards & Committees and Departments 2025

BE IT RESOLVED that Town Board Liaisons to Boards & Committees and Departments be set for 2025 as shown on the attached.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2025 BOARD & COMMITTEE LIAISONS

Board / Committee	Brian Kulpa	Jacqueline Berger	Angela Marinucci	Shawn Lavin	Michael Szukala	Francina Spoth
9/11 Commemoration Committee						X
Amherst Committee on Disabilities			X			
Amherst Community Diversity Commission			X			
Amherst Conservation Advisory Council		X				
Amherst Fire Chiefs' Association					X	
Amherst Industrial Development Agency		X				
Amherst Government Financial Advisory Board					X	
Amherst Veterans Committee				X		
Arts and Culture in Public Places Board		X				
Board of Assessment Review	X					
Board of Electrician Examiners					X	
Board of Ethics				X		
Board of Plumbing and Drainage Examiners					X	
Climate Smart Community Task Force		X				
Design Advisory Board				X		
Employee Suggestion Program Merit Award Board			X			
Employee Suggestion Review Committee			X			
Energy Conservation Citizen Advisory Committee		X				
Erie County Industrial Development Agency ECIDA	X					
FOIL Board					X	
Glen Park Joint Board			X			
Historic Preservation Commission			X			
Information Technology Advisory Committee				X		
Library Board of Trustees		X				
Minority/Women Owned Business in Amherst		X				
Open Government Advisory Board					X	
Planning Board		X				
Plumbing and Drainage Board					X	
Records Management Advisory Board						X
Recreation Commission		X				
Recycling and Waste Committee					X	
Senior Services Advisory Board				X		
Traffic Safety Board					X	
Tree Board				X		
Youth Board			X			
Zoning Board of Appeals		X				

2025 DEPARTMENT LIAISONS

Board / Committee	Brian Kulpa	Jacqueline Berger	Angela Marinucci	Shawn Lavin	Michael Szukala
Assessor	X				
Attorney			X		
Building				X	
Central Fire Alarm					X
Comptroller					X
Contract Compliance & Administration	X				
Economic Development	X				
Emergency Services & Safety	X				
Engineering					X
Facilities	X				
Finance	X				
Highway/Refuse		X			
Human Resources		X			
Information Technology				X	
Library		X			
Planning		X			
Police					X
Senior Services				X	
Sewer Divison/Wastewater Treatment Facility		X			
Town Clerk		X			
Town Court				X	
Youth & Recreation Department		X	X		



Amherst Town Board

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Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29833

RESOLUTION 2025-5

ADOPTED

Re-Appointment of Energy Manager 2025

BE IT RESOLVED that Mark Berke be re-appointed as the Town's Energy Manager for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

5583 Main Street
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Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29832

RESOLUTION 2025-6

ADOPTED

Re-Appointment of Affirmative Action Officer 2025

BE IT RESOLVED that Robert McCarthy be re-appointed as Affirmative Action Officer for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

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

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29834

RESOLUTION 2025-7
ADOPTED

Re-Appointment of Fair Housing Officer 2025

BE IT RESOLVED that Laurie Stillwell be re-appointed as Fair Housing Officer and be directed to report annually for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

5583 Main Street
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Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29836

RESOLUTION 2025-8

ADOPTED

Re-Appointment of Town Historian 2025

BE IT RESOLVED that Village of Williamsville Historical Society and Buffalo Niagara Heritage Village be re-appointed as Town Historian for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29838

RESOLUTION 2025-9

ADOPTED

Representation of Town of Amherst at the Association of Erie County Governments 2025

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.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29837

RESOLUTION 2025-10

ADOPTED

Representation of Town of Amherst at Annual Meeting of the Association of Towns 2025

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 Jacqueline Berger, Councilmember Michael Szukala, Elizabeth Burakowski, Dennis Powers, Joseph McMahon and Emily Melski be authorized to attend the Annual Meeting.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29829

RESOLUTION 2025-11

ADOPTED

Designation of Official Town Newspaper 2025

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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

5583 Main Street
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Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29849

RESOLUTION 2025-12
ADOPTED

Designation of Official Town Depositories 2025

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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29816

RESOLUTION 2025-13

ADOPTED

Check Signing 2025

BE IT RESOLVED that the Comptroller will counter sign all checks with the Supervisor, and that the Director of Finance will sign when the Comptroller or Supervisor is unavailable;

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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29830

RESOLUTION 2025-14
ADOPTED

Payment of Department Expense Accounts 2025

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.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29828

RESOLUTION 2025-15

ADOPTED

Approve Town Officials' Blanket Bond 2025

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.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29843

RESOLUTION 2025-16

ADOPTED

2025 Office Hours and Standard Workday Hours

BE IT RESOLVED that the office hours and the standard workday hours be set as follows for 2025:

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
 8:00 a.m. to 4:00 p.m., Monday to Friday, for Community Development
 8:00 a.m. to 4:00 p.m., Monday to Friday, for Contract Compliance / Finance
 8:30 a.m. to 4:30 p.m., Monday to Friday, for Economic Development
 8:00 a.m. to 4:00 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 2:30 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
 8:00 a.m. to 4:00 p.m., Monday to Friday, for Planning Department
 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
 8:30 a.m. to 4:30 p.m., Monday to Friday, for Town Board Offices
 8:30 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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29839

RESOLUTION 2025-17
ADOPTED

Set 2025 Holiday Schedule

BE IT RESOLVED that the 2025 holiday schedule be approved as shown on the attached list.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

TOWN OF AMHERST
HOLIDAY SCHEDULE FOR 2025

Monday	January 20	M. L. King, Jr. Day
Wednesday	February 12	Lincoln's Birthday *
Monday	February 17	Washington's Birthday
Friday	April 18	Good Friday
Monday	May 26	Memorial Day
Thursday	June 19	Juneteenth
Friday	July 4	Independence Day
Monday	September 1	Labor Day
Monday	October 13	Columbus Day
Tuesday	November 4	Election Day **
Tuesday	November 11	Veterans Day
Thursday	November 27	Thanksgiving Day
Friday	November 28	Day after Thanksgiving ***
Thursday	December 25	Christmas Day
Thursday	January 1, 2026	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: HOLIDAY 2025 (RES-2025-17 : Set 2025 Holiday Schedule)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29842

RESOLUTION 2025-18
ADOPTED

Set Salaries for Town Employees and Civil Service Employees 2025

BE IT RESOLVED that 2025 salaries for Town employees and Civil Service employees be set pursuant to the approved 2025 budget and negotiated contracts.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29841

RESOLUTION 2025-19

ADOPTED

Set Salaries for Exempt Employees 2025

BE IT RESOLVED that 2025 salaries for Exempt Employees Non-Department Heads be set as shown on the attached.

1/6/2025

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

FINANCIAL IMPACT:

Per Schedule

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

EXEMPT SALARIES 2025 Non - Department Heads	
Class Title	2025 Salary
Deputy Town Clerk - Legal	132,992.00
Sr. Development Specialist - Legal	135,984.32
Sr. Deputy Town Attorney	101,822.13
Sr. Deputy Town Attorney	Vacant
Architect	130,065.53
Architect	103,858.90
WWTP Superintendent	Vacant
Asst. WWTP Superintendent (Maintenance) ¹	120,395.83
Project Manager - Construction	110,395.83
Project Manager - Construction	91,754.94
Project Manager - Construction	89,517.01
Purchasing Agent	99,534.80
Clerk to Town Justice	99,534.80
Exec. Asst. to the Supervisor	96,870.85
Program Supervisor (Y&R)	83,942.40
Supervising Paralegal	86,016.75
Deputy Town Attorney	Vacant
Sr. Paralegal	84,330.15
Deputy Town Attorney - PT	36,540.00
Executive Secretary, HR	84,330.15
Deputy Town Clerk ²	90,163.77
Deputy Town Clerk ³	83,830.88
Asst. to the Chief of Police	76,663.77
Contracts Technician - HWY	73,330.88
Sr. Secretary, HR	76,663.77
Executive Secretary, Council	76,663.77
Legal Secretary	62,164.59
Court Analyst ⁴	75,464.11
Assistant to Town Clerk	62,164.59
Secretary, Prosecutor	61,311.89
Secretary, HR	Vacant
¹ Includes \$10,000 Stipend	
² Includes \$13,500 Stipend	
³ Includes \$10,500 Stipend	
⁴ Includes \$8,000 Stipend	

Attachment: Set Salaries for Exempt Employees - 2025 (RES-2025-19 : Set Salaries for Exempt Employees 2025)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29840

RESOLUTION 2025-20

ADOPTED

Set Salaries for Department Heads and Assistant Department Heads 2025

BE IT RESOLVED that 2025 salaries for Department Heads and Assistant Department Heads be set as shown on the attached.

1/6/2025

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

FINANCIAL IMPACT:

Per Schedule

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

EXEMPT SALARIES 2025	
Department Heads & Assistant Department Heads	
Class Title	2025 Salary
Town Attorney	150,328.30
Town Comptroller	152,583.22
Director of Human Resources ¹	167,583.22
Director of Finance	152,583.22
Town Assessor ²	131,829.19
Town Engineer ³	155,861.38
Commissioner of Buildings ⁴	147,437.41
Planning Director	138,242.77
Director of Economic Development	Vacant
Director of Youth & Recreation	130,998.28
Director of IT	130,998.28
Engineering Services Administrator ⁵	150,998.28
Chief of Staff	110,594.22
Director of Senior Services	113,912.04
Deputy Town Comptroller	117,329.40
Sr. Rec Specialist/Ice Facility Mgr ⁶	130,412.04
Assistant Town Engineer	110,594.22
Deputy Youth & Rec Director	Vacant
Assistant Planning Director ⁷	117,646.26
Director of Emergency Services & Safety	102,663.22
Senior Fire Dispatcher	104,203.18
Deputy Hwy Superintendent	96,769.94
1 Budgeted Salary includes \$15,000 Stipend	
2 Budgeted Salary includes \$7500 Stipend	
3 Budgeted Salary includes \$7000 Stipend	
4 Budgeted Salary includes \$20,000 Stipend	
5 Budgeted Salary includes \$20,000 Stipend	
6 Budgeted Salary includes \$16,500 Stipend	
7 Budgeted Salary includes \$6,000 ZEO Stipend	

Attachment: Set Salaries for Dept Heads - 2025 (RES-2025-20 : Set Salaries for Department Heads and Assistant Department Heads 2025)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29844

RESOLUTION 2025-21

ADOPTED

2025 Town Board Meeting Dates

BE IT RESOLVED that the attached schedule of Town Board and Work Session meeting dates be adopted for 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

2025 Proposed Town Board Meeting Dates

Date	Work Session Time	Town Board Meeting Time
Tuesday, January 21	4:00pm	7:00pm
Monday, February 3	4:00pm	7:00pm
Monday, February 24	4:00pm	7:00pm
Monday, March 10	4:00pm	7:00pm
Monday, March 24	4:00pm	7:00pm
Monday, April 7	4:00 pm	7:00 pm
Monday, April 28	4:00pm	7:00pm
Monday, May 12	4:00pm	7:00pm
Tuesday, May 27	4:00pm	7:00pm
Monday, June 9	---	3:00pm
Monday, June 23	4:00pm	7:00pm
Monday, July 7	---	3:00pm
Monday, July 21	4:00pm	7:00pm
Monday, August 4	---	3:00pm
Monday, August 18	4:00pm	7:00pm
Tuesday, September 2	4:00pm	7:00pm
Monday, September 15	4:00pm	7:00pm
Tuesday, September 30	4:00pm	7:00pm
Tuesday, October 14	4:00pm	7:00pm - Budget Public Hearing & Board Meeting
Friday, October 24	---	10:00am - Budget Public Hearing at Senior Center
Monday, October 27	4:00pm	7:00pm - Budget Public Hearing & Board Meeting
Monday, November 10	4:00pm	7:00pm
Monday, December 1	---	3:00pm
Monday, December 15	4:00pm	7:00pm
Monday, January 5, 2026	---	7:00pm - Reorganization

Attachment: TB meeting dates (RES-2025-21 : 2025 Town Board Meeting Dates)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Councilmembers
 Initiated by: **Michael Szukala**
 Co-Sponsored by:

DOC ID: 29846

RESOLUTION 2025-22

ADOPTED

2025 Amherst Traffic Safety Board Meeting Dates

BE IT RESOLVED that the attached schedule of 2025 Amherst Traffic Safety Board meeting dates be adopted.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

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

NICHOLAS ALTERIO
KEVIN CANTWELL
MAXWELL KAHN
FRANCES KNAB
DANIEL J. RIDER, P.E.
HELAINÉ SANDERS
CYNTHIA SELDEN

DEPT. LIAISONS

SCOTT MARSHALL
Planning

CAPT. CHARLES PERSONS
Police

PRENEVAU, WILLIAM
Building

AL SPOTH
Highway

2025 MEETING DATES

AMHERST TRAFFIC SAFETY BOARD

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

*January 15, 2025

February 5, 2025

March 5, 2025

April 2, 2025

May 7, 2025

*June 11, 2025

July - No meeting

August 6, 2025

September 3, 2025

*October 8, 2025

November 5, 2025

December 3, 2025

Attachment: 2025 ATSB Meeting Dates (RES-2025-22 : 2025 Amherst Traffic Safety Board Meeting Dates)

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29847

RESOLUTION 2025-23
ADOPTED

2025 Design Advisory Board Meeting Dates

BE IT RESOLVED that the attached schedule of 2025 Design Advisory Board meeting dates be adopted.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

Draft

Proposed Schedule of Design Advisory Board Meetings in 2025

Please note the following for the Design Advisory Board (“DAB”) 2025 schedule:

- A pre-application meeting is required with the Planning Department before a submittal for the Planning Board (“PB”) will be accepted. An appointment is required.
- On-time submission does not necessarily guarantee a place on the next month’s agenda. After staff review, you will be notified if your project has been placed on the agenda.
- Participation in preliminary design reviews are not currently required but are encouraged. Below is the latest a preliminary design review application will be accepted for a given meeting.

DAB Design Review Meeting	Associated Planning Board Meeting
<i>Thursdays</i>	<i>Thursdays</i>
12/12/2024	1/16/2025
1/23/2025	2/20/2025
2/27/2025	3/20/2025
3/27/2025	4/17/2025
4/24/2025	5/15/2025
5/22/2025	6/26/2025
No June meeting	No July meeting
7/24/2025	8/21/2025
8/28/2025	9/18/2025
9/25/2025	10/16/2025
10/23/2025	11/20/2025
No November meeting	No December meeting
12/11/2025	1/15/2026
1/22/2026	2/19/2026

**Date on an irregular day due to holiday*

Attachment: Draft_DAB Calendar 2025 (RES-2025-23 : 2025 Design Advisory Board Meeting Dates)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29848

RESOLUTION 2025-24

ADOPTED

2025 Planning Board Meeting Dates

BE IT RESOLVED that the attached schedule of 2025 Planning Board meeting dates be adopted.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

DRAFT

2025

Schedule of Planning Board Meetings

Note:

1. A pre-application meeting is required with the Planning Department before a submittal will be accepted. Submissions will not be accepted at a pre-application meeting.
2. **A submittal appointment is required.** When scheduling an appointment, please let the Planning Department know how many petitions you are intending to submit. At least one-half hour per submittal is required.
3. On-time submission does not necessarily guarantee a place on the next month's agenda. You will be notified before the meeting if your project has been placed on the agenda.

<u>Submittal Date</u> <u>Monday 3 pm</u>	<u>Planning Board Meeting</u> <u>Thursday 6:30 pm</u>
11/25/2024	1/16/2025
12/16/2024	2/20/2025
1/21/2025 (Tuesday)	3/20/2025
2/18/2025 (Tuesday)	4/17/2025
3/24/2025	5/15/2025
4/21/2025	6/26/205
	No July meeting
6/23/2025	08/21/2025
7/14/2025	09/18/2025
8/18/2025	10/16/2025
9/22/2025	11/20/2025
	No December meeting
11/24/2025	01/15/2026
12/15/2025	2/19/2026

Attachment: draft PB Calendar 2025 (RES-2025-24 : 2025 Planning Board Meeting Dates)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29845

RESOLUTION 2025-25

ADOPTED

2025 Amherst Historic Preservation Commission Meeting Dates

BE IT RESOLVED that the attached schedule of 2025 Amherst Historic Preservation Commission meeting dates be adopted.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel Ulatowski, AI
Assistant Planning Dire

2025 Draft - Schedule of Historic Preservation Commission Meetings

Submittal Date Tuesday 3:00 pm

12/24/2024
01/21/2025
02/18/2025
03/18/2025
04/22/2025
05/20/2025

No July meeting

07/22/2025
08/19/2025
09/30/2025
10/28/2025
11/18/2025
12/23/2025

Historic Preservation Meeting Tuesday 7:00 pm

1/30/2025
02/11/2025
03/11/2025
04/08/2025
5/6/2025
06/10/2025

No July meeting

08/12/2025
09/09/2025
10/7/2025
11/4/2025
12/09/2025
TBD

Attachment: HPC_Draft_Calendar_2025 (RES-2025-25 : 2025 Amherst Historic Preservation Commission Meeting Dates)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29831

RESOLUTION 2025-26

ADOPTED

Re-Appointment of A.D.A. (Americans with Disabilities Act) Coordinators 2025

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 2025.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29851

RESOLUTION 2025-27

ADOPTED

Budget Calendar - Fiscal Year 2026

BE IT RESOLVED that the Budget Calendar - Fiscal Year 2026 be approved as shown on the attached document.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

Town of Amherst
Budget Calendar - Fiscal Year 2026
For Adoption at 1/6/2025 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 6
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	
Meetings with Department Heads to discuss Benefit Basis Budget & Operating Budget Requests			July 1- August 15
Meetings with Fire Protection Districts to discuss Benefit Basis Budgets			August 15-31
Review of Benefit Basis Budgets and Operating Budgets by Budget Officer (Supervisor), Director of Finance, and Comptroller			August 1- September 30
Budget Officer files Benefit Basis (Special District) Budgets with Town Clerk (No later than September 15)			September 15

Attachment: 2026 BUDGET CALENDAR (RES-2025-27 : Budget Calendar - Fiscal Year 2026)

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
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
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>			September 30 (Tuesday)
Setting of Elected Officers' Salaries by Town Board Resolution (First Regular October TB Meeting)			September 30 (Tuesday)
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 on Preliminary Budget)</i>			October 1-21
Town Clerk to publish Notice of 1 st Public Hearing on (Tentative) Budget, including Elected Officials' Salaries <i>(Must be published 5 days prior to PH)</i>			October 8
1st Public Hearing on (Tentative) Budget (Per LL 2-2024 Transparency in Budget Process, three (3) public hearings to be held on budget)			October 14 (Tuesday)

Attachment: 2026 BUDGET CALENDAR (RES-2025-27 : Budget Calendar - Fiscal Year 2026)

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
Town Clerk to publish Notice of 2 nd Public Hearing on (Tentative) Budget, including Elected Officials' Salaries <i>(Must be published 5 days prior to PH)</i>			October 15
2nd Public Hearing on (Tentative) Budget <i>(Per LL 2-2024 Transparency in Budget Process, three (3) public hearings to be held on budget, including one at the Senior Center or other such location designated by the Town Board and at a time convenient for older adults)</i>			October 24 (Friday) 10:00am Amherst Senior Center
Town Clerk to publish Notice of 3 rd Public Hearing on (Preliminary) Budget including Elected Officials' Salaries <i>(Must be published 5 days prior to PH)</i>			October 22
3 rd Public 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 27
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 or Preliminary Budget with approved revisions becomes the final budget for the following year)</i>			October 27 or November 10
Summary Pages for Sewer, Drainage and Water given to Assessor to calculate rates (Assessor)			ASAP After Budget Adoption

Attachment: 2026 BUDGET CALENDAR (RES-2025-27 : Budget Calendar - Fiscal Year 2026)

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
Assessment files for the 2024 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: 2026 BUDGET CALENDAR (RES-2025-27 : Budget Calendar - Fiscal Year 2026)

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

Notes:

Tentative Budget: The budget filed by the Budget Officer (Supervisor) with the Town Clerk.

Preliminary Budget: The Tentative budget, as revised by the Town Board. If no changes are made, the Tentative budget becomes the Preliminary budget.


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29895

RESOLUTION 2025-28
ADOPTED

Travel Approval for Supervisor Training

BE IT RESOLVED that permission be granted for Supervisor Brian J. Kulpa to attend a training for Municipal Leaders at a total cost of \$2,751.60 (details of training sent to TB in email for review).

1/6/2025

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

FINANCIAL IMPACT:

in 2025 budget

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

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

- ☐ Travel in New York State and under \$750 - Department Head Approval
- ☐ Travel in New York State \$750 and over - Department Head Approval and Town Board Approval
- ☒ Travel out of New York State - Department Head Approval and Town Board Approval

NAME	Employee #	Department	Phone Number
Brian Kulpa	9040	Supervisor	631-7032

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
		Washington, D.C.	Training for Municipal Leaders

Expenses

Transportation:
Mileage @ \$0.67
Tolls
Parking
Local Transportation (bus/taxi)
Plane/Rail/Bus \$488.97
Lodging:
3 (1) \$330 + (2) \$199
Meals:
IRS Per Diem Per Day:
1st & Last Day of Travel @ 75%
Breakfasts @ \$
Lunches @ \$
Dinners @ \$
Incidentals @ \$
Registration/Conference Fee
Other
Subtotal
Contingency - 10% of subtotal or \$200
TOTAL

Estimated	Budget A/C #	Actual
\$ 60	A1220 4040	
\$500	A1220 4040	
\$828	A1220 4040	
\$ 392	A1220 4040	
\$138	A1220 4040	
\$375	A1220 4120	
\$2,293.00 -		N/A
229.30 -		N/A
\$2,751.60 -		

Request Approved By:

BK

Department Head Signature

12/31/2024

Date

Town Board :

Town Board Resolution & Date

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

Employee Signature

Date

Print Employee Name

Reimbursement Approved By:

Department Head Signature

Date

Complete Shaded Area
For Expense Reimbursement

Attachment: BK Travel 2025 (RES-2025-28 : Travel Approval for Supervisor Training)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29821

RESOLUTION 2025-29

ADOPTED

Planning Board Appointments 2025

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:

Michael J. Chmiel, Esq., Chairman, term expires 12/31/2025;
 John B. Davis, Member, term expires 12/31/2030;
 Harbinder Singh Gill, Member, term expires 12/31/2029;
 Carrie Kahn, Member, term expires 12/31/2028;
 BrittanyLee Penberthy, Member, term expires 12/31/2027;
 Joseph P. Raffaele, Jr., Member, term expires 12/31/2026; and

WHEREAS, Jonathan O'Rourke has expressed interest in serving on the Planning Board.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board appoint Jonathan O'Rourke to the Amherst Planning Board for a term to conclude December 31, 2031.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 29822

RESOLUTION 2025-30

ADOPTED

Design Advisory Board Appointment 2025

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

Duncan M. Black, Vice-Chairman, term expires 12/31/2026;
 Marissa Colucci, Member, term expires 12/31/2028;
 Tracy Conhiser-Uy, Member, term expires 12/31/2025;
 Peter M. Talty, Jr., Member, term expires 12/31/2027; and

WHEREAS, John O'Rourke has expressed interest in serving on the Design Advisory Board.

NOW, BE IT RESOLVED that the Amherst Town Board appoint John O'Rourke to the Design Advisory Board for a 5-year term to end December 31, 2029.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Councilmembers
 Initiated by: **Shawn Lavin**
 Co-Sponsored by:

DOC ID: 29819

RESOLUTION 2025-31

ADOPTED

Amherst Senior Center Advisory Board Appointments

WHEREAS, the purpose of the Amherst Senior Center Advisory Board is to support the Mission of the Town of Amherst Department of Senior Services; to advocate for services to support older adults and caregivers and appropriate funding for current and future programming; to foster communication between the Town and the community regarding issues, trends, and public policy affecting older adults; to support and sponsor appropriate program development; and to advise and consult with the Amherst Town Board regarding issues related to senior citizens; and

WHEREAS, the Amherst Senior Center Advisory Board meets a minimum of 6 times a year; and

WHEREAS, The Amherst Senior Center Advisory Board shall consist of a minimum of 7 appointed members, with a maximum of 11 appointed members; each appointed by a majority of the Amherst Town Board, who shall serve a term of 2 years and may be appointed for two additional two year terms; and

WHEREAS, the Amherst Senior Center Advisory Board currently has a Board of Five members, who shall continue to serve until their term of appointment expires, as follows:

Aaron Carlson, Member, Term expires 12/31/2025
 Gary Henry, Member, Term expires 12/31/2025
 Carol Roy, Member, Representatives Council President
 Melissa Abel, Senior Center Director

WHEREAS, the Chairperson is appointed by the Director of Senior Services; and

WHEREAS, Jim Bardot has been selected by the Director of Senior Services, to serve as Senior Center Advisory Board Chairperson for the Term to expire 12/31/24 and is interested in serving another 2 year term; and

WHEREAS, in addition to appointed members, the following individuals shall serve in ex-officio capacity:

The Honorable Shawn Lavin, Liaison to Senior Services
 Mary-Diana Pouli, Executive Director, Town of Amherst Youth & Recreation
 Assistant Police Chief Michael Camilleri
 Amherst Town Justice Ann Nichols and

WHEREAS, Reverend Susan Frawley and Julie Whitbeck-Lewinski, each have served on the Amherst Senior Center Advisory Board and has expressed interest in serving another 2 year term.

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Town Board reappoint Jim Bardot, Reverend Susan Frawley, and Julie Whitbeck-Lewinski to the Amherst Senior Center Advisory Board for a term to conclude December 31, 2026.

1/6/2025

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Councilmembers
 Initiated by: **Jacqueline Berger**
 Co-Sponsored by:

DOC ID: 29820

RESOLUTION 2025-32

ADOPTED

Zoning Board of Appeals Re-Appointments 2025

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:

Brian Bray, Chairman, term expires 12/31/2026;
 Erik A. Goergen, Member, term expires 12/31/2028;
 Ellen Parker, Member, term expires 12/31/2027;
 Kelly J. Philips, Member, 12/31/2025; and

WHEREAS, Ronald Shubert has expressed interest in serving another term.

NOW, THEREFORE, BE IT RESOLVED that the Amherst Town Board re-appoint Ronald Shubert as Vice Chairman to the Zoning Board of Appeals for a term to conclude December 31, 2029.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Councilmembers
 Initiated by: **Jacqueline Berger**
 Co-Sponsored by:

DOC ID: 29856

RESOLUTION 2025-33
ADOPTED

Amherst Conservation Advisory Council Appointments 2025

WHEREAS, the Amherst Conservation Advisory Council (ACAC) provides advice to the Amherst Town Board and Planning Board regarding land use concerns such as environmental, open space and conservation issues. It is responsible, with the assistance of the Town Planning Department, for creating and maintaining the Open space Index, including a map showing environmental quality and conservation issues related to rezoning and development proposals submitted for Town approval; and

WHEREAS, the ACAC meets regularly in public session, has a roster maximum of nine (9), and currently has two (2) members; and

WHEREAS, Alan Blackburn and Dave Copeland have expressed interest in serving on the ACAC;

BE IT RESOLVED, that the Amherst Town Board re-appoint Alan Blackburn and Dave Copeland to the Amherst Conservation Advisory Council for a term to conclude December 31, 2026.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Councilmembers
 Initiated by: **Michael Szukala**
 Co-Sponsored by:

DOC ID: 29858

RESOLUTION 2025-34

ADOPTED

Amherst Recycling & Waste Committee Appointments 2025

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 nine (9) members, who shall continue to serve until their term of appointment expires, as follows:

John Szalasny, Vice Chair, term expires 12/31/2025;
 Kim Ferullo, Member, term expires 12/31/2027;
 Mary Fisher, Member, term expires 12/31/2027;
 John Hannon, Member, term expires 12/31/2025;
 Judy Hendee, Member, term expires 12/31/2025;
 Kim Luangpakdy, Member, term expires 12/31/2027;
 Diana Manus, Member, term expires 12/31/2027;
 Eustace Mendez, Member, term expires 12/31/2026;
 Megan Reddish, Member, term expires 12/31/2025; 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, Steve Floss will serve in the capacity of a resource person (O) to the Committee till his term has concluded.

WHEREAS, Don Kuhn and Jean Neff have served on the Recycling & Waste Committee and have expressed interest in serving another three-year term; and

WHEREAS, Joshua Wilcox has expressed interest in serving on the R&W Committee;

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Town Board re-appoint Don Kuhn and Jean Neff and appoint Joshua Wilcox to the Amherst Recycling & Waste Committee, each for terms to conclude on December 31, 2027.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Councilmembers
 Initiated by: **Angela Marinucci**
 Co-Sponsored by:

DOC ID: 29823

RESOLUTION 2025-35

ADOPTED

Appointments to Historic Preservation Commission 2025

WHEREAS, the Town of Amherst created a Historic Preservation Commission (HPC) 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 six (6) members, who shall continue to serve until their term of appointment expires, as follows:

Jeffery Amplement, Member, term expires 12/31/2026;
 Norman J. Hirschey, Member, term expires 12/31/2025;
 Jennifer Kensy, Member, term expires 12/31/2025;
 Mary Lou Mancuso, Member, term expires 12/31/2026;
 Hallie Wright, Member, term expires 12/31/2027;
 Catherine Waterman-Kulpa, term expires 12/31/2026; and

WHEREAS, Brian Swartz 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 re-appoint Brian Swartz to the Amherst Historic Preservation Commission for a term ending December 31, 2028.

1/6/2025

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Councilmembers
 Initiated by: **Angela Marinucci**
 Co-Sponsored by:

DOC ID: 29854

RESOLUTION 2025-36

ADOPTED

Amherst Committee on Disabilities (CoD) Appointments 2025

WHEREAS, the Amherst Committee on Disabilities (CoD) was established through Local Law Chapter 14A of Amherst Town Code by the Amherst Town Board October 1, 2007; and

WHEREAS, the CoD will study and offer suggestions and recommendations to improve compliance of the Town of Amherst with the goals and objectives of the Federal Americans with Disabilities Act, and to consider any other issues relevant to and important to disabled town residents; and

WHEREAS, the Committee on Disabilities will occasionally host events to educate the community about disabilities and handicaps community members may be challenged with; and

WHEREAS, the CoD has a maximum roster of fifteen (15) members and will serve (2) year terms; and

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

Luci Miranda, Member, term expires 12/31/2026;
 Jamie Mobberly, Member, term expires 12/31/2026;
 Barbara Robertson, Member, term expires 12/31/2026;
 Thomas Roetzer, Member, term expires 12/31/2026;
 David Whalen, Member, term expires 12/31/2026; and

WHEREAS, Erica Rodman and Chong Cheng have expressed interest in serving another term on the Amherst Committee on Disabilities; and

WHEREAS, Lindsey Cassick, Frances Knab, Jamie Sheldon, and Jeffery Zeplowitz have expressed interest in serving on the Committee on Disabilities;

BE IT RESOLVED, that the Amherst Town Board re-appoint Erica Rodman and Chong Cheng for a second term to conclude December 31, 2027;

BE IT FURTHER RESOLVED, that the Town Board appoint Lindsey Cassick, Frances Knab, Jamie Sheldon, and Jeffery Zeplowitz to the Amherst Committee on Disabilities for a term to conclude December 31, 2027.

1/6/2025

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Councilmembers
 Initiated by: **Angela Marinucci**
 Co-Sponsored by:

DOC ID: 29855

RESOLUTION 2025-37

ADOPTED

Amherst Community Diversity Commission Appointments 2025

WHEREAS, the purpose of the Amherst Community Diversity Commission (ACDC) is to enhance and increase cooperation, understanding, and dialogue among residents of diverse cultural, religious, socio-economic and racial backgrounds, and to promote inclusion throughout the town; and

WHEREAS, the Commission will study the demographics of Amherst, promote town-wide events that foster cultural awareness, increase minority participation on governmental boards, committees and in the town's workplace, and facilitate meetings designed to promote a better understanding of who Amherst is as a community; and

WHEREAS, the Amherst Community Diversity Commission generally meets on the second Tuesday of the month, with the exception of July, August and December; and

WHEREAS, the ACDC has a maximum roster of fifteen (15) members, with the Supervisor and each Councilmember personally appointing up to three individual members who shall serve four (4) year term; and

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

Zhen Liu, Secretary, term expires 12/31/2025;
 Cynthia Bass, Member, term expires 12/31/2025;
 Yanhong Baranski, Member, term expires 12/31/2025;
 Della Gray-Hailey, Member, term expires 12/31/2025;
 Annette Herrman, Member, term expires 12/31/2025;
 Anne Rohrer, Member, term expires 12/31/2025;
 Purnima Mohan, Member, term expires 12/31/2025; and

WHEREAS, the Members of the Commission 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, Gul Rahman, Heidi Nicklaus Lefebvre and Dr. Mohammed Khan have expressed interest in being re-appointed to the ACDC with a term to expire 12-31-2028, and Dr. Mohan Devgun has agreed to serve as Chair, with term to expire 12-31-2025;

BE IT RESOLVED, that the Amherst Town Board appoint Gul Rahman, Heidi Nicklaus Lefebvre, Dr. Mohammed Khan, and Dr. Devgun Mohan to the Amherst Community Diversity Commission, each for terms to conclude as stated above.

1/6/2025

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Councilmembers
 Initiated by: **Angela Marinucci**
 Co-Sponsored by:

DOC ID: 29857

RESOLUTION 2025-38

ADOPTED

Youth Board Appointments 2025

WHEREAS, the Amherst Youth Board (Youth Board) 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 are appointed by the Amherst Town Board for three-year terms and participate in decisions affecting programming, policies, funding and public relations for youth programs and services.

WHEREAS, the Youth Board also relies on the efforts and contributions of citizen volunteers in its programs. Many different volunteer opportunities are available, and may be tailored to individual needs; and

WHEREAS, the Youth Board currently has a Board of 7 members, who shall continue to serve a three (3) year term as follows:

Danielle Alba, Member, term expires 12/31/2025
 Kristine Arcadi, Member, term expires 12/31/2026
 Dawn Cwierley, Member, term expires 12/31/2026
 Salil Karkhanis, Member, term expires 12/31/2026
 Krista Krause, Member, term expires 12/31/2025
 Kristy Lindner, Member, term expires 12/31/2025
 Anagha Menon, Member, term expires 12/31/2025; and

WHEREAS, Rose Mary Buscaglia has expressed an interest in serving another term on the Amherst Youth Board; and

WHEREAS, Indraja Sujith has expressed an interest in serving on the Amherst Youth Board.

BE IT RESOLVED, that Rose Mary Buscaglia be re-appointed as an adult member of the Youth Board by the Amherst Town Board for a term to end December 31, 2027; and

BE IT FURTHER RESOLVED, that as recommended by the Director of Youth & Recreation, Indraja Sujith be appointed as a youth member of the Youth Board by the Amherst Town Board for a term to end December 31, 2027.

1/6/2025

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A. Alba**
 Co-Sponsored by:

DOC ID: 29876

RESOLUTION 2025-39

ROLL CALL VOTE (ADOPTED)

Senior Center Capital Improvements (Bond Resolution - \$300,000)

AGENDA ITEM : JANUARY 6th, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 30, 2024

**RE: Senior Center Capital Improvements
 2025-2030 C.I.P. – Project F-6
 Bond Resolution - \$300,000**

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

- (1) Adopt the attached SEQR determination for the above project as determined by the Town of Amherst Planning Department; and
- (2) Adopt the attached bond resolution authorizing the issuance of \$300,000.00 in serial bonds for the above-referenced Town improvement.

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

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

Thank you.

SAA:nmb

Attachments

c: Tim Koller, Deputy Town Clerk (*w/attachments*, **Agenda Item – January 6, 2025**)
 Daryl C. Bramer, Comptroller (*w/attachments*)
 Lynda Juul, Director of Finance (*w/attachments*)
 Dale Ulatowski, AICP, Assistant Planning Director/ZEO (*w/attachments*)
 Dan Howard, Director of Planning (*w/attachments*)
 Sean Pellow, Project Manager (*w/attachments*)
 Daniel J. Rizzo, Project Manager (*w/attachments*)
 Anne Dafchik, AIA, NCARB, Architect (*w/attachments*)

1/6/2025

A motion to adopt the SEQR determination was made by Supervisor Kulpa, seconded by

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

FINANCIAL IMPACT:

Bond Resolution - \$300,000

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



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, AI
Planning Director

Daniel J. Ulatowski, AI
Assistant Planning Dire

MEMORANDUM

December 23, 2024

TO: Sean Pellow, Director of Facilities

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

RE: SEQR Classification – Senior Center Capital Improvements
2025-2030 C.I.P. Project F-6

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II Action under the provisions of SEQR according to Part 617.5(c)(1). Therefore, no further environmental review is required.

Please contact our office if you have any questions.

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_II_Actions_(PJ-2015-001)\12_23_2024_F-6_Senior Center Capital Improvements.docx

cc: Samuel Alba, Esq., Town Attorney
Daniel Howard, Planning Director

EXTRACT OF MINUTES
Meeting of the Town Board of the
Town of Amherst, in the
County of Erie, New York
January 6, 2025

* * *

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on January 6, 2025.

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

Board members: Jacqueline Berger, Councilwoman
Angela Marinucci, Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

There were absent:

Also present: Francina J. Spoth, Town Clerk

* * *

_____ offered the following resolution and moved its
adoption:

Attachment: CertBondReso (RES-2025-39 : Senior Center Capital Improvements (Bond Resolution - \$300,000))

BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JANUARY 6, 2025, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWN SENIOR CENTER, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$300,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$300,000 TO FINANCE SAID APPROPRIATION.

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

Section 1. The Town of Amherst, in the County of Erie, New York (herein called the “Town”), is hereby authorized to finance the construction of improvements to the Town Senior Center, as described in the map, plan and report dated January 2025, prepared by the Town Facilities Department (2025-2030 Capital Improvement Program Project F-6). The estimated total maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the aggregate principal amount of \$300,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said objects or purposes as set forth in section 1 hereof.

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

(a) The period of probable usefulness applicable to the specific object or purpose for which said \$300,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 12(a)(2) of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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

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

TOWN OF AMHERST. NEW YORK

PLEASE TAKE NOTICE that on January 6, 2025, the Town Board of the Town of Amherst, in the County of Erie, New York, adopted a bond resolution entitled:

“BOND RESOLUTION OF THE TOWN OF AMHERST, NEW YORK, ADOPTED JANUARY 6, 2025, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWN SENIOR CENTER, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$300,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$300,000 TO FINANCE SAID APPROPRIATION,”

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

FIRST: AUTHORIZING said Town is authorized to finance the construction of improvements to the Town Senior Center, as described in the map, plan and report dated January 2025, prepared by the Town Facilities Department (2025-2030 Capital Improvement Program Project F-6); STATING the estimated total maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$300,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$300,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$300,000 pursuant to the Local Finance Law of the State of New York to finance said appropriation;

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

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

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

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

DATED: January 6, 2025

FRANCINA J. SPOTH,
Town Clerk

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

* * *

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

AYES:

NOES:

The resolution was declared adopted.

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Amherst duly called and held on January 6, 2025, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this _____ day of January, 2025.

(SEAL)

Town Clerk

Attachment: CertBondReso (RES-2025-39 : Senior Center Capital Improvements (Bond Resolution - \$300,000))


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A. Alba**
 Co-Sponsored by:

DOC ID: 29870

RESOLUTION 2025-40
ADOPTED

Settlement of Article 7 Matter - Walgreens / Sheridan-Millersport Partnership V. Town of Amherst

AGENDA ITEM : JANUARY 6, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 31, 2024

RE: Settlement of Article 7 Matter
 Walgreens Eastern Co., Inc. / Sheridan-Millersport
 Partnership v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item : January 6, 2025**)
 Emily Murphy, Town Assessor

1/6/2025

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

FINANCIAL IMPACT:

Assessment

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

Our File #6329-U

At a Special Term of the Supreme Court, State of New York, County of Erie, held at Buffalo, New York, on the ____ day of _____, 2024.

P R E S E N T

Hon. Edward A. Pace
Justice

-----X
In the Matter of the Application of:

WALGREEN EASTERN CO., INC. / SHERIDAN-
MILLERSPORT PARTNERSHIP,

Petitioner,

-against-

THE ASSESSOR AND THE BOARD OF
ASSESSMENT REVIEW OF THE TOWN OF
AMHERST

Respondents,

SWEET HOME CENTRAL SCHOOL DISTRICT
OF AMHERST AND TONAWANDA

Respondent-Intervenor,

For Review of a Tax Assessment Under
Article 7 of the Real Property Tax Law.

-----X

CONSENT ORDER

Index # 810209/2024

Proceedings having been brought by WALGREEN EASTERN CO., INC. / SHERIDAN – MILLERSPORT PARTNERSHIP, the Petitioner herein, to review the assessments by the Respondents for the purpose of taxation upon certain parcels of real property, known as 3605 Sheridan Drive, Amherst, New York, Tax Map ID: 67.12-2-4.1, for Assessment Year 2024 (“24/25”) the Petitioner herein by their attorneys, FORCHELLI DEEGAN TERRANA, LLP, and the Respondents, Town of Amherst, by their attorney, SAMUEL ALBA, ESQ. and Respondent-Intervenor Sweet Home Central School District, by their attorney GROSS SHUMAN P.C,

Attachment: 2024 Draft Consent Order (6329-U) (RES-2025-40 : Settlement of Article 7 Matter - Walgreens / Sheridan-Millersport Partnership V.

having entered into this agreement settling the above-captioned proceedings, which Stipulation is to be filed herewith and due deliberation having been had,

NOW, on motion of FORCHELLI DEEGAN TERRANA, LLP, attorneys for the Petitioner, it is

ORDERED, DIRECTED and AGREED that the 2024 ("24/25") assessment remains unchanged, with no refunds being due to petitioner.

ORDERED, DIRECTED and AGREED that the assessments of the Petitioner's real property upon the assessment roll of the Town of Amherst be corrected and reduced to read as follows:

Tax Map ID: 67.12-2-4.1:

<u>Tax Year</u>	<u>Original Assessed Valuation</u>	<u>Amount of Reduction AV</u>	<u>Final (Settlement) Assessed Valuation</u>
2025 ("25/26")	\$5,030,000	\$930,000	\$4,100,000

ORDERED, DIRECTED and AGREED that the assessment for this property shall be set at \$4,100,000 for tax years 2026 ("26/27"), 2027 ("27/28") and 2028 ("28/29") with the provisions of Section 727 of the Real Property Tax to apply to said tax years, except that if there is a revaluation or update, the fair market value of the subject property cannot exceed \$4,100,000.

ORDERED, DIRECTED and AGREED that Petitioner will not file a petition for the review of the assessment of the subject property for assessment years 2025 ("25/26"), 2026 ("26/27"), 2027 ("27/28") and 2028 ("28/29") if the assessed value for these tax years shall be \$4,100,000, or in the event of a reval or update, the fair market value does not exceed \$4,100,000.

ORDERED, DIRECTED and AGREED that if a Court Order implementing this Stipulation is not filed in time to permit the assessment on Petitioner's property on the 2025,

2026, 2027 or 2028 Assessment Rolls to be revised before any tax bills are issued, Petitioner shall pay taxes based upon the unrevised assessment and shall thereafter be entitled to a refund, within 60 days of Petitioner's service of the Court Order on the taxing authority, of taxes paid on the difference in value between the unrevised assessment and the revised assessment. No interest shall be due to Petitioner if the refund is paid within 60 days.

ORDERED, DIRECTED and AGREED that upon compliance with the terms of this Order, the above captioned proceedings be, and the same hereby are discontinued without costs to either party as against the other.

ORDERED, DIRECTED and AGREED that this agreement may be executed in counterparts.

Date:

E N T E R:

J.S.C.

Entry of the foregoing Order
is hereby consented to:

BY: NICOLE S. FORCHELI, ESQ.
Forchelli Deegan Terrana, LLP
Attorneys for Petitioner
333 Earle Ovington Boulevard, Suite 1010
Uniondale, New York 11553
NForchelli@ForchelliLaw.com

BY: SAMUEL A. ALBA, ESQ.
Town Attorney
Town of Amherst
5583 Main Street
Williamsville, NY 14221
salba@amherst.ny.us

BY: JOHN K. ROTTARIS, ESQ.
Gross Shuman P.C.
Attorneys for Intervenor-Respondent
465 Main Street, Suite 600
Buffalo, NY 14203
jrottaris@gross-shuman.com



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A. Alba**
 Co-Sponsored by:

DOC ID: 29871

RESOLUTION 2025-41

WITHDRAWN

Settlement of Article 7 Matter - Transit Valley Country Club V. Town of Amherst

AGENDA ITEM : JANUARY 6, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 31, 2024

RE: Settlement of Article 7 Matter
 Transit Valley Country Club v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

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

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item : January 6, 2025**)
 Emily Murphy, Town Assessor

FINANCIAL IMPACT:

Assessment

RESULT: WITHDRAWN

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

TRANSIT VALLEY COUNTRY CLUB INC.,

Petitioner,

vs.

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

Respondents.

**STIPULATION OF
SETTLEMENT AND
ORDER**

Index Nos.: 811152/2024
809351/2023

WHEREAS, Petitioner Transit Valley Country Club Inc. (hereinafter, the “Petitioner”), having duly and timely commenced the above-captioned proceedings pursuant to Real Property Tax Law Article 7 by and through its attorneys, Goldberg Segalla LLP (Marc W. Brown, Esq.), against Respondents the Assessor for the Town of Amherst, the Board of Assessment Review for the Town of Amherst, and the Town of Amherst, New York (collectively, the “Respondents”), to review the assessments on real properties owned by the Petitioner that are, for the 2023/24 assessment roll year at issue, located at 8920 Transit Road (SBL # 42.04-2-2.1), and for the 2024/25 assessment roll year at issue, located at 8920 Transit Road (SBL # 42.04-2-2.1), 8980 Transit Road (SBL # 42.04-1-43), and 8990 Transit Road (SBL # 42.04-1-42) (hereinafter, the “Subject Properties”); and

WHEREAS, Respondents appeared by and through their attorneys, Amherst Town Attorney (Samuel A. Alba, Esq., of counsel); and

WHEREAS, Intervenor-Respondent Williamsville Central School District appeared by and through its attorneys, Hodgson Russ LLP (Michael B. Risan, Esq., of counsel); and

WHEREAS, Intervenor-Respondent County of Erie appeared by and through its attorneys, Lippes Mathias LLP (Margaret A. Hurley, Esq., of counsel); and

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

WHEREAS, the Parties have entered into extensive settlement negotiations and have agreed that settlement is in their best interests in order to avoid the cost of further litigation, among other things with respect to the Subject Property; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the Parties propose to settle and resolve their differences upon the terms and conditions set forth in this Stipulation of Settlement and Order:

1. The Subject Property is located in the Town of Amherst, Williamsville Central School District, and County of Erie taxing and assessing jurisdictions and their special and other districts (e.g., sewer, fire, and library districts, for instance). There is no applicable village taxing unit.

2. The general ratio of assessed values of real property to full values of real property in the Town of Amherst for the tax year 2023/24 was 62% and for the tax year 2024/25 was 100%.

3. The original assessments on the Subject Properties for the 2023 year at issue, and the reduced settlement assessments on the Subject Properties is as follows:

Parcel Numbers and Addresses	Original 2023 Assessments	Final 2023 Settlement Assessments
8920 Transit Road 42.04-2-2.1	\$4,150,000	\$3,216,500
8980 Transit Road 42.04-1-43	\$41,200	\$41,200
8990 Transit Road 42.04-1-42	\$28,300	\$28,300

4. The original assessment on 8920 Transit Road (SBL # 42.04-2-2.1) for the 2024 year at issue, and the reduced settlement assessment on the property is as follows:

Parcel Numbers and Addresses	Original 2024 Assessments	Final 2024 Settlement Assessments
8920 Transit Road 42.04-2-2.1	\$6,750,000	\$5,300,000

5. The Assessor and all other relevant officers and authorities of the relevant taxing jurisdictions are hereby authorized to make and correct the assessment as outlined above on the appropriate books and records of each such jurisdiction, and in the event of overpayment, refund the overpayment within 60 days by official checks payable to “Transit Valley Country Club Inc.”, and mailed to Goldberg Segalla LLP, Marc W. Brown, Esq., 665 Main Street, Buffalo, New York 14203-1425 accompanied by a calculation sheet or in the event that any tax payment has not been paid, issue corrected tax bills that reflect the assessments for the Subject Properties with a copy of the corrected tax bills sent to Petitioner’s attorneys and paid without interest or penalty if paid within 60 days of receipt of corrected tax bill.

6. In the event that any tax payment(s) based on the 2024 assessment roll is currently due and owing, Petitioner will have up to 30 days following the service of notice of entry of this Stipulation of Settlement and Order to satisfy their payment(s) without any late penalties or interest.

7. The Parties acknowledged and agree that the aforementioned reduced assessments are fair, equitable, proper, and just.

8. Real Property Tax Law Section 727 shall apply to this settlement to the Subject Properties’ assessments at the levels stated above in paragraph 4 for property tax assessment rolls established by the Assessor/Assessing Unit in and for the assessment roll years 2025, 2026 and

2027 notwithstanding any town-wide revaluation or reassessment, even if done annually.

9. This action shall be discontinued, with prejudice, upon entry of this Stipulation of Settlement and Order. Petitioner shall have the right to seek specific enforcement of the terms of this Stipulation of Settlement and Order and to otherwise enforce this Stipulation of Settlement and Order by whatever means provided by law.

10. This Stipulation of Settlement and Order shall be considered the Parties' entire understanding and agreement between and among them, and a full settlement of the tax certiorari without costs or disbursements awarded to or against any of the Parties upon their compliance with the terms of the Stipulation of Settlement and Order.

11. There shall be no modification of this Stipulation of Settlement and Order except by a subsequent writing signed by the authorized representatives of the Parties herein, and "So Ordered" by the Court.

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

13. If any provision of this Stipulation of Settlement and Order shall be determined to be invalid, illegal, null, or void, or unenforceable to any extent, the reminder of this Stipulation shall remain in effect to the fullest extent of the law.

14. This Court shall retain jurisdiction over this matter for the purposes of enforcing the terms of this Stipulation of Settlement and Order.

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

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

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

Dated: December__, 2024
Buffalo, New York

GOLDBERG SEGALLA LLP

By: _____
Marc W. Brown
Attorneys for Petitioner
665 Main Street
Buffalo, New York 14203-1425
Telephone No.: (716) 566-5400
E-Mail: mwbrown@goldbergsegalla.com

Dated: December__, 2024
Buffalo, New York

HODGSON RUSS LLP

By: _____
Michael B. Risman
Attorneys for Intervenor-Respondent
Williamsville Central School District
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202-4040
Telephone No.: (716) 848-1291
E-Mail: mrisman@hodgsonruss.com

Dated: December__, 2024
Amherst, New York

TOWN OF AMHERST ATTORNEY'S
OFFICE

By: _____
Samuel A. Alba
Attorney for Respondents
Town of Amherst
5583 Main Street
Williamsville, New York 14221
Telephone No.: (716) 631-7030
E-Mail: salba@amherst.ny.us

Dated: December__, 2024
Buffalo, New York

LIPPES MATHIAS LLP

By: _____
Margaret A. Hurley
Attorneys for Intervenor-Respondent
County of Erie
50 Fountain Plaza, Suite 1700
Buffalo, New York 14202
Telephone No.: (716) 853-5100
E-Mail: mhurley@lippes.com

SO ORDERED AND ENTERED THIS ____ DAY OF DECEMBER, 2024.

By: _____
HON. RAYMOND WALTER, J.S.C.


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A. Alba**
 Co-Sponsored by:

DOC ID: 29879

RESOLUTION 2025-42
ADOPTED

Settlement of Article 7 Matter - Kohl's Illinois, Inc. V. Town of Amherst

AGENDA ITEM : JANUARY 6, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 30, 2024

RE: Settlement of Article 7 Matter
 Kohl's Illinois, Inc. v. Town of Amherst

Kindly adopt a resolution authorizing the following:

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

(2) Authorizing Interim Town Attorney Samuel A. Alba, Esq. to sign the attached Stipulation and Agreement as the Attorney for the Respondent, Town of Amherst.

Thank you.

SAA:rms

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item : January 6, 2025**)
 Emily Murphy, Town Assessor

1/6/2025

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

FINANCIAL IMPACT:

Assessment

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

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

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

BY

KOHL'S ILLINOIS INC.,

Petitioner,

v.

THE TOWN OF AMHERST,
THE BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF AMHERST, COUNTY OF ERIE,

**STIPULATION &
AGREEMENT**

Index No.: 811186/2024

Respondents,

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT
OF AMHERST, NEW YORK,

Intervenor-Respondent,

FOR REVIEW OF THE 2024-25 TAX ASSESSMENT
ROLL OF CERTAIN REAL PROPERTY IN THE
SAID TOWN OF AMHERST, NEW YORK

The above entitled proceedings involving tax assessment review for the premises known as Kohl's, located at 8500 Transit Road, Amherst, New York and bearing S.B.L. No. 57.09-8-1.2 for the tax assessment roll year 2024 having progressed for judicial intervention, and negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney for the Town of Amherst, Attorney for the Intervenor, Williamsville Central School District and the Attorney for the Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for imposition of

taxes assessed by the County of Erie, Town of Amherst, and the Williamsville Central School District, it is hereby:

FIRST: **STIPULATED AND AGREED**, that the above-entitled proceedings for the tax assessment review for the tax assessment roll year 2024-25 be and hereby are settled as set forth in this stipulation; and be it further,

SECOND: **STIPULATED AND AGREED**, that assessed value shall be reduced from 10,030,000 to 8,800,000 for the tax assessment roll year 2024; and be it further,

THIRD: **STIPULATED AND AGREED**, that said Petitioner in any instrument or agreement transferring all of the subject property therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof; and be it further,

FOURTH: **STIPULATED AND AGREED**, that the school district refund as a result of the 2024 tax assessment roll year is hereby waived; and be it further,

FIFTH: **STIPULATED AND AGREED**, that this Court shall retain jurisdiction over this proceeding pending the expiration of this annexed Stipulation, and that all applications to enforce any or all of the terms of the Stipulation shall be brought before this Court; and be it further,

SIXTH: **STIPULATED AND AGREED**, that the provisions of Section 727 of the Real Property Tax Law shall apply to this Order for the assessment roll years 2025, 2026 and 2027; and be it further,

SEVENTH: **STIPULATED AND AGREED**, that these proceedings are discontinued with prejudice, without costs or disbursements against either party.

Samuel A. Alba, Esq.
Attorney for Respondent
Town of Amherst

Dated:

Daniel P. Zazzali, Esq.
Attorney for Petitioner
Kohl's Illinois Inc.

Dated:

Michael B. Risan, Esq.
Attorney for Intervenor-Respondent
Williamsville Central School District

Dated:

Attachment: Kohls Stipulation and Agreement (RES-2025-42 : Settlement of Article 7 Matter - Kohl's Illinois, Inc. V. Town of Amherst)

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

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

BY

KOHL'S ILLINOIS INC.,

Petitioner,

v.

THE TOWN OF AMHERST,
THE BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF AMHERST, COUNTY OF ERIE,

**STIPULATION &
AGREEMENT**

Index No.: 811186/2024

Respondents,

WILLIAMSVILLE CENTRAL SCHOOL DISTRICT
OF AMHERST, NEW YORK,

Intervenor-Respondent,

FOR REVIEW OF THE 2024-25 TAX ASSESSMENT
ROLL OF CERTAIN REAL PROPERTY IN THE
SAID TOWN OF AMHERST, NEW YORK

The above entitled proceedings involving tax assessment review for the premises known as Kohl's, located at 8500 Transit Road, Amherst, New York and bearing S.B.L. No. 57.09-8-1.2 for the tax assessment roll year 2024 having progressed with judicial intervention, and negotiations for settlement having been conducted and said settlement having been approved and recommended by the Town Attorney for the Town of Amherst, Attorney for the Intervenor, Williamsville Central School District, and the Attorney for the Petitioner, and it further appearing that the assessment of premises in the Town of Amherst provides the basis for

Attachment: Kohls Stipulation and Agreement (RES-2025-42 : Settlement of Article 7 Matter - Kohl's Illinois, Inc. V. Town of Amherst)

imposition of taxes assessed by the County of Erie, Town of Amherst, and the Williamsville Central School District, it is hereby:

ORDERED, that the above-entitled proceedings for the tax assessment review for the tax assessment roll year 2024-25 be and hereby are settled as set forth in this stipulation, and it is further,

ORDERED, that assessed value shall be reduced from 10,030,000 to 8,800,000 for the tax assessment roll year 2024; and be it further,

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

ORDERED, that this Court shall retain jurisdiction over this proceeding pending the expiration of this annexed Stipulation, and that all applications to enforce any or all of the terms of the Stipulation shall be brought before this Court, and be it further,

ORDERED, that the provisions of Section 727 of the Real Property Tax Law shall apply to this Order for the assessment roll years 2025, 2026 and 2027; and be it further,

ORDERED, that these proceedings are discontinued with prejudice, without costs or disbursements against either party.

Dated:



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Town Attorney
 Initiated by: **Samuel A. Alba**
 Co-Sponsored by:

DOC ID: 29889

RESOLUTION 2025-43

ADOPTED

Host Community Agreement for Solar Energy System - New Road Solar 1, LLC (CRS #5278)

AGENDA ITEM : JANUARY 6TH, 2025

TO: Town Board

FROM: Samuel A. Alba, Esq., Interim Town Attorney

DATE: December 31, 2024

**RE: Host Community Agreement For Solar Energy System
 New Road Solar 1, LLC (CRS #5278)**

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

RESOLVED, the Town Board hereby authorizes the Supervisor to execute the attached agreement with New Road Solar 1, LLC for the above-referenced property pending successful completion of the Contract Routing System (CRS).

Thank you.

SAA:nmb
 Attachment
 c: Tim Koller, Deputy Town Clerk (**Agenda Item : January 6, 2025**)

1/6/2025

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

FINANCIAL IMPACT:

Account TBD : One-time payment of \$40,000.00. Note : Please reference comment section : ct

The payment of Forty Thousand and 00/100 dollars (\$40,000.00), shall be paid on the earlier of the date Owner received a formal letter of acceptance from National Grid for interconnection for the Project (the "Commercial Operation Date") or eighteen (18) months from the date of the Town Board's approval of the special use permit. Owner shall notify the Town in writing within 30 days of the Commercial Operation Date.

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

HOST COMMUNITY AGREEMENT FOR SOLAR ENERGY SYSTEM

THIS AGREEMENT FOR A HOST COMMUNITY AGREEMENT (the "Agreement"), effective as of 2025, is by and between New Road Solar 1, LLC (the "Owner"), with a principal place of business located at 1 Washington Place, Troy NY 12180 and the Town of Amherst, a municipal corporation duly established with a principal place of business located at 5583 Main St, Williamsville, NY 14221 (the "Town", and collectively with the Owner, the "Parties").

RECITALS

WHEREAS, the Owner has submitted an application to build and operate a "Solar Energy System" as defined in the Town of Amherst Code (the "Project") with an expected combined nameplate capacity of approximately 5 Megawatts AC on portions of such parcel of land located at 800-850 New Road in the Town of Amherst, currently identified as SBL #16.00-2-14.1 & 16.00-2-14.2, (the "Property"); and

WHEREAS, the Town has indicated its intent to require a Host Community Agreement with the owner, in which the owner (or any successor Owner of the Project) will make a one-time contribution to the Town, as hereinafter defined; and

NOW THEREFORE, in consideration of the mutual covenants and promises as set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the Owner hereby agree as follows:

1. **Incorporation of Recitals.** All of the foregoing recital paragraphs set forth above in this Agreement are herein incorporated by reference as if set forth at length.
2. **Host Community Payment.** The Owner or its assignees commit to certain efforts that will support the operation of the Town as it relates to the Project, as follows.
 - a. Purpose: The payments made under this Agreement shall be used to benefit the public in a manner to be determined by the Town Board.
 - b. Donation: For the purposes stated herein the Owner will make a one-time payment of Forty Thousand and 00/100 dollars (\$40,000.00), as defined below. The Town shall use these funds to mitigate impacts associated with the Project identified in SEQR or provide an environmental benefit to the Town.
 - c. Term: The payment of Forty Thousand and 00/100 dollars (\$40,000.00), shall be paid on the earlier of the date Owner receives a formal letter of acceptance from National Grid for interconnection for the Project (the "Commercial Operation Date") or eighteen (18) months from the date of the Town Board's approval of the special use permit. Owner shall notify the Town in writing within 30 days of the Commercial Operation Date.
3. **Binding Effect.** This Agreement shall be binding upon the parties and their successors and assigns.
4. **Notice.** Any notice contemplated under this Agreement shall be deemed to have been given if the same shall be provided, in writing, to the other party, and shall be delivered personally, deposited in the United States Mail by registered or certified mail, return receipt requested, postage prepaid, or sent by any nationally recognized delivery service and addressed as set forth

below:

If to the Town:
 Supervisor
 Town of Amherst
 5583 Main Street
 Williamsville, NY 14221

If to the Owner:

New Road Solar 1, LLC
 1 Washington Place
 Troy, NY 12180

5. **Severability.** If any article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this Agreement shall be and remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.
6. **Effect of Agreement.** None of the parties to this Agreement shall use this Agreement or the terms hereof as an admission against another party during or subsequent to the term hereof, except in a legal proceeding seeking to enforce this Agreement or asserting breach thereof.
7. **Governing Law.** This Agreement will be made and interpreted in accordance with the laws of the State of New York. Both Parties each consent to the jurisdiction of the New York Courts in and for the County in which the Project is located regarding any and all matters, including interpretation or enforcement of this Agreement or any of its provisions. Accordingly, any litigation arising hereunder shall be brought solely in such courts.
8. **Counterparts.** This Agreement may be executed simultaneously in multiple counterparts, each of which shall be deemed an original, but all of which taken together shall constitute but one and the same instrument.
9. **Miscellaneous.** The parties do not intend to create and nothing contained in this Agreement shall be construed as creating, a joint venture arrangement, or partnership between Town.

Nothing in this Agreement expressed or implied, is intended or shall be construed to confer upon or give to any person, firm, corporation, or legal entity, other than the parties any rights, remedies, or other benefits under or by reason of this Agreement.

[Remainder of page intentionally left blank]

Signature page to Host Community Agreement for Solar Energy System New Road Solar 1, LLC & Town of Amherst

Executed by the undersigned as of the day and year first written above, each of whom represents that it is fully and duly authorized to act on behalf of and bind its principals.

NEW ROAD SOLAR 1, LLC

By: _____

Title: _____

Date: _____

TOWN OF AMHERST

By: _____

Title: _____

Date: _____


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 29817

RESOLUTION 2025-44
ADOPTED

New Firefighter for Getzville Fire Company

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

Mckenna Nicholls
 2915 N Forest Rd
 Getzville, NY 14068

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

TOWN OF AMHERST
VOLUNTEER FIRE DEPARTMENT MEMBERSHIP
RESIDENCY VERIFICATION FORM

Applicant Name: McKenna Nicholls

Applicant Home Address: 2915 N Forest Rd

Under penalty of perjury I, McKenna Nicholls affirm I am an
applicant to be a member of the, Getzville Fire Co. (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: McKenna Nicholls

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: B. W. Pelt

Title: CORPORATE SECRETARY

Date: 12-17-2024

Submit this completed form to:
Amherst Town Clerk
5583 Main Street
Williamsville, NY 14221

Attachment: DOC121824-12182024105529 (RES-2025-44 : New Firefighter for Getzville Fire Company)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Building/Building Maintenance
 Initiated by: **Mark S. Berke**
 Co-Sponsored by:

DOC ID: 29805

RESOLUTION 2025-45

ADOPTED

NFBOA 2025 Educational Conference

Requesting Town Board approval to allow 19 Code Enforcement Officers to attend the 2025 NFBOA Educational Conference held at the Buffalo/Niagara Marriott Hotel, 1340 Millersport Highway, Amherst, NY 14221 on January 27-29, 2025. Educational in-service training is a state requirement.

1/6/2025

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

FINANCIAL IMPACT:

B3620 4120 \$5700.00 Conference Charge

B3620 4010 \$1500.00 Annual Membership Dues

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Building/Building Maintenance
 Initiated by: **Mark S. Berke**
 Co-Sponsored by:

DOC ID: 29806 A

RESOLUTION 2025-46
ADOPTED
Edmunds Govtech CRS ID #5270

Please authorize the Supervisor to sign the contract between the Town of Amherst and Edmunds GovTec (formally BAS) located at 301 Tilton Rd., Northfield, NJ 08225. Subject to completion of the contract routing process.

1/6/2025

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

FINANCIAL IMPACT:

B3620 4110 \$36,245.24

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

October 1, 2024

Dear Customer:

Thank you for your continued commitment and investment in EGT software systems (MCSJ, BAS, Logics, & MSI). Your partnership and loyalty are integral to our ability to deliver top-notch products and the highest levels of support in the software and local government worlds.

EGT has been on a journey of growth and investment, focusing on enhancing our teams, software products, infrastructure, and the support we provide to our valued customers. This sustained effort has fortified our foundation, placing us in the best position to serve you for decades to come.

In light of the current economic landscape, numerous companies across various sectors have grappled with substantial increases in their operational costs, prompting adjustments to their end-user prices. During this time, EGT has diligently optimized our efficiencies and controlled our cost structures to shield our customers from the direct impact of significant economic fluctuations. However, in support of the long-term health, security, and ability to continue to provide the best products and support in the United States, this year there will be a 5% increase on all modules.

For your convenience, we have attached your corresponding invoice to this letter. We kindly request that you submit a purchase order for the amount indicated on the enclosed invoice(s).

If you have any inquiries regarding your invoice or the payment process, please do not hesitate to reach out to us at AR@EdmundsGovTech.com.

Thank you once again for your continued partnership and trust in EGT.

Best regards,

Edmunds GovTech

2025 Software Maintenance Schedule
IPS - \$26,787.44 - 2/1/2025-1/31/2026
IPS Workflow Automation - \$5,406.11 - 2/1/2025-1/31/2026
IPS Web Portal - \$4,051.69 - 2/1/2025-1/31/2026
Tax Collection - \$8,404.36 - 1/1/2025-12/31/2025
Clerk - \$5,627.91 - 5/1/2025-4/30/2026
Clerk Online Dog - \$357.70 - 5/1/2025-4/30/2026

301 Tilton Road, Northfield, NJ 08225
www.EdmundsGovTech.com | 609.645.7333 | AR@EdmundsGovTech.com

Attachment: EDMUNDS GOVTECH (RES-2025-46 : Edmunds Govtech CRS ID #5270)

EXHIBIT "1"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:

Edmunds GovTech Inc.

Signature:

[Signature]

Print Name:

Richard Feoy

Title:

Sr VP

Date:

4/16/24

Revised 4.201

Attachment: EDMUNDS GOVTECH (RES-2025-46 : Edmunds Govtech CRS ID #5270)

Consultant Major Exposure Addendum to Contract

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.
2. No rules, requirements or customs of any society or association of professional Consultants or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.
3. To the fullest extent permitted by law, Consultant shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Consultant its officers, agents, sub-Consultants, and/or employees as well as the negligence, active or passive, of the Consultant, its officers, agents, sub-Consultants, and/or employees.
4. Consultant shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.
 - (a) Workers' Compensation Insurance: Consultant shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.
 - (b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Consultant shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than \$1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and \$2,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least \$5,000,000.00.
 - (c) Consultant shall furnish the above insurances, including sub-Consultants' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.
 - (d) Consultant shall ensure all its sub-Consultants, if any, have obtained all the above insurances and shall also assure that any policy procured by any sub-

Consultant or sub-sub Consultant shall name the Town as an additional insured on a primary and non-contributory basis.

5. Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible as and no later than three (3) days after the date of such accident.

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

7. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Consultant shall, among other things, fully comply with:

- (a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
- (b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
- (c) Affirmative action as required by the Labor Law.
- (d) Prevention of dust hazard required by Labor Law Section 222-a.
- (e) Preference in employment of persons required by Labor Law Section 222.
- (f) Eight-hour workday as required by Labor Law Section 220(2).
- (g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
- (h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

8. The Consultant, in accordance with its status as an independent Consultant, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.
10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

Edmunds GovTech Inc

Print Name of Company

By: 

Signature

Richard Foy

Printed name

Date: 12/16/24

Agreed to and Accepted by:

Town of Amherst

By: _____

Brian J. Kulpa, Supervisor

Date: _____

Attachment: EDMUNDS GOVTECH (RES-2025-46 : Edmunds Govtech CRS ID #5270)


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Building/Building Maintenance
 Initiated by: **Mark S. Berke**
 Co-Sponsored by:

DOC ID: 29824

RESOLUTION 2025-47
ADOPTED

FLBOA 2025 Conference

Requesting Town Board approval to allow 9 Code Enforcement Officers to attend the 2025 FLBOA Educational Conference held at the RIT INN & CONFERENCE CENTER, 5257 West Henrietta Road, Henrietta, NY 14467 on March 10-12, 2025. Educational in-service training is a state requirement.

1/6/2025

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

FINANCIAL IMPACT:

B3620 4120 \$3,600.00

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 29867

RESOLUTION 2025-48

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.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



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.

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 depositories, 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

RES 2023-43

RES 2024-35



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 29868

RESOLUTION 2025-49

ADOPTED

2025 IRS Standard Mileage Rate

The Internal Revenue Service announced December 19, 2024 an increase in the standard mileage rates for 2025. Taxpayers may use the standard rates to calculate the deductible costs of operating an automobile for business purposes. These rates apply to fully-electric and hybrid-electric automobiles as well as gasoline and diesel-powered vehicles.

The 2025 standard mileage rate for business miles driven is \$0.70 cents per mile.

This is an increase of \$0.03 per mile from the 2024 rate.

Please set this as the Town's mileage rate for 2025.

1/6/2025

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

FINANCIAL IMPACT:

Funding in various departments budgets.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 29869

RESOLUTION 2025-50

ADOPTED

Use of Opioid Settlement Funds

WHEREAS, Resolution 2023-484 established Trust Account T4035 Opioid Settlement,

WHEREAS, Trust Accounts requires Town Board Approval to spend funds,

WHEREAS, transportation issues are a barrier for many participants in Drug Court,

WHEREAS, Schedule C Approved Uses, Section B, (1) and Section B (6) approves transportation as an acceptable use,

WHEREAS, the Amherst Town Court will administer and provide transportation, such as bus passes for recovery services for treatment of Opioid Use Disorder (OUD), Drug Court appointments and connection to community based services,

BE IT FURTHER RESOLVED, The Town Board approves the transfer of \$14,710 from the Trust account T4035 into A1113 Opioid Settlements to fund this service.

2025 Budget Amendment - Increase:

A1113.05031 Opioid Settlements - Interfund Transfers \$14,710

A1113.4110 Opioid Settlements - Contractual \$14,170

1/6/2025

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

FINANCIAL IMPACT:

Transfer from T4035 Opioid Settlement Funds.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 29874

RESOLUTION 2025-51

ADOPTED

Budget Transfers and Amendments

For January, 6 2025 Town Board Agenda

To: Town Board
 From: Office of Town Comptroller
 Date: 12/31/2024
 Re: Various Department Budget Transfers / Amendments

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

BUDGET TRANSFERS – 2024

FROM:

TO:

BUDGET AMENDMENTS – 2024

INCREASE:

INCREASE:

N2423.02785 CDBG & VG- PI \$7,909.95
 N2430.02785 CDBG P/R- PI \$1,977.49

N2423.4000 Contractual \$7,909.95
 N2430.1000 Personal Svcs \$1,836.96
 N2430.8030 FICA \$140.53

To recognize Community Development program income from 1435 N. French, Amherst.

KP2226.04589 Federal Emergency AID \$5,041.00

KP2226.4971 Design \$5,041.00

To recognize ARPA funding for Westside Interceptor Diversion Facility.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**
 Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29767

RESOLUTION 2025-52
ADOPTED

Extension of RFP #202006 Prescription Drug Administration - CRS #5253

WHEREAS Pharmacy Benefit Dimensions has agreed to extend RFP #202006 for Prescription Drug Administration (Original CRS #2251); and

WHEREAS, the extension has been reviewed by the Town's Employee Benefit Consultant, the HR Director, the Director of Finance and the Comptroller, and found to be beneficial to the Town;

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves a two-year extension of the contract with The Guardian Life Insurance Company of America through December 31, 2026; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to sign the contract extension with Pharmacy Benefit Dimensions.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

3. The first paragraph of Section 10 of the Agreement shall be deleted and replaced with the following.

a. [REDACTED]. Thereafter, this Agreement shall automatically be renewed for an additional one (1) year term unless and until any party hereto shall notify the other party in writing, not less than ninety (90) days prior to the expiration of the term, that said party elects for this Agreement to terminate at the end of the term. [REDACTED]

4. The following language shall be added as new section (K) to the end of Section 11

Miscellaneous:

a. **“(K) Gag Clause Prohibition Attestation Services:** The Employee Retirement Income Security Act Section 724, the Internal Revenue Code Section 9824, and the Public Health Service Act Section 2799-A-9(a)(1) (collectively the “CAA Transparency Provisions”) prohibit group health plans from entering into an agreement with a health care provider, network, or other service provider that includes “gag clauses” that directly or indirectly restrict the group health plan from: (1) making available provider-specific cost and quality of care information or data to a variety of third parties, including, but not limited to, plan participants, referring health care providers, and individuals who are eligible to become plan participants; (2) electronically accessing de-identified claims and encounter information for plan participants in accordance with a variety of data protection laws, rules and regulations; and (3) sharing information or data set forth in subdivisions (1) or (2) in this section to their business associates, as defined in the Health Insurance Portability and Accountability Act’s Privacy Rule, in accordance with a variety of data protection laws, rules, and regulations. The CAA Transparency Provisions also require group health plans to submit a Gag Clause Prohibition Attestation (“Attestation”) to the U.S. Departments of Labor, Treasury, and Health and Human Services (collectively the “Departments”) electronically using the Departments’ online portal by December 31st of each year, beginning on December 31, 2023. In furtherance of Sponsor’s compliance with the CAA Transparency Provisions, PBD agrees that its agreements with Pharmacies and Third Party/Chain Pharmacies or other service providers do not include such gag clauses. PBD agrees to submit the Gag Clause Prohibition Attestation on behalf of Sponsor to the U.S. Departments by December 31st of each year, beginning with December 31, 2023.”

5. Exhibit A of the Agreement shall be deleted in its entirety and replaced with the attached Exhibit A. [REDACTED]

6. All other terms and conditions of the Agreement not previously mentioned or amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment on the dates set forth below.

INDEPENDENT HEALTH’S PHARMACY BENEFIT DIMENSIONS, LLC

By: _____

Name: _____

Date: _____

Title: _____

TOWN OF AMHERST

By: _____

Name: _____

Date: _____

Title: _____

EXHIBIT A
PHARMACY ADMINISTRATIVE SERVICES PRICING FEE SCHEDULE

TOWN OF AMHERST

Category – Discounts and Dispensing Fees	YEAR 1	YEAR 2	YEAR 3	YEAR 4
Retail Pharmacy Network -				
Administrative fee per claim**				
Guaranteed Dispensing fee per Rx				
A. Retail Brand	████	████	████	████
B. Retail Brand 84 Days of Supply or greater	████	████	████	████
C. Retail Generic *	████	████	████	████
D. Generic 84 Days of Supply or greater*	████	████	████	████
E. Compounded drugs	████	████	████	████
F. OTC	████	████	████	████
Discount Guarantee (% off posted Medispan AWP of actual package size dispensed)				
A. Brand medications	████	████	████	████
B. Brand 84 days of Supply or greater	██	██	██	██
C. Generic Rate *	████	████	████	████
D. Generic 84 Days of Supply or greater*	████	████	████	██
E. Compounded drugs	████	████	████	████
F. OTC	████	████	████	████

Attachment: Town of Amherst ASA 2nd Amendment.2024.01.01 REDACTED (RES-2025-52 : Extension of RFP #202006 Prescription Drug

Category – Discounts and Dispensing Fees	YEAR 1	YEAR 2	YEAR 3	YEAR 4
Mail Order (Claims>= 84 Day supply)				
Administrative fee per claim** - Mail Order				
Guaranteed Dispensing fee per Rx				
A. Brand	■	■	■	■
B. Generic	■	■	■	■
C. Compounded drugs	■	■	■	■
D. OTC	■	■	■	■
E. Specialty	■	■	■	■
Discount Guarantee (% off posted Medispan AWP of actual package size dispensed)				
A. Brand medications - (guaranteed discount)	■	■	■	■
B. Generic - (guaranteed discount) *	■	■	■	■
C. Compounded drugs - (guaranteed discount)	■	■	■	■
D. OTC (guaranteed discount)	■	■	■	■
E. Specialty Brand - (guaranteed discount)	■	■	■	■
F. Specialty Generic - (guaranteed discount)	■	■	■	■

Category – Rebates	YEAR 1	YEAR 2	YEAR 3	YEAR
Minimum Guaranteed Rebate for each Brand Retail	■	■	■	■
Minimum Guaranteed Rebate for each Brand Retail Rx 84 Day Supply or greater	■	■	■	■
Minimum Guaranteed Rebate for each Mail Brand Rx	■	■	■	■
Minimum Guaranteed Rebate for each Specialty Brand Rx, Mail	■	■	■	■
Total percentage of eligible rebates to the Client	■	■	■	■

Other Services and Fees	
Account Management and Client Servicing	[REDACTED]
Standard Formulary Management and Administration	[REDACTED]
Custom Formulary Management	[REDACTED]
Custom Formulary Maintenance	[REDACTED]
Subrogation Claim Processing	[REDACTED]
1st Level Appeals Management	[REDACTED]
2nd Level Appeals Management (Fiduciary Responsibility)	[REDACTED]
External Appeal Management (Fiduciary Responsibility)	[REDACTED]
Paper Claim Processing	[REDACTED]
E-Transaction Fee (e.g. e-prescribing, medication histories, etc.)	[REDACTED]
Clinical Authorization Fee	[REDACTED]
Standard Pharmacy Performance Reports	[REDACTED]
Standard Audits of Claim Data by Account	[REDACTED]
New Member Welcome Kits * Initial new member kits included in administrative fees.	[REDACTED]
ID Cards - Initial ID Cards included in administrative fees.	[REDACTED]
Pharmacy Directory Printing (other than chain listing)	[REDACTED]
Reports: Management Reports including Specialty Pharmacy	[REDACTED]
Ad-Hoc Report Requests	[REDACTED]
Electronic Access to Reporting	[REDACTED]
Eligibility Processing	[REDACTED]
Member Education Mailings & Self-Funded EOBs	[REDACTED]
Clinical Management Programs	[REDACTED]
Step Therapy	[REDACTED]
Prior Authorization	[REDACTED]
Quantity Limits, Maximum Daily Dose etc.	[REDACTED]
Concurrent and Retrospective Drug Utilization Reviews (DUR) including Opioid Management	[REDACTED]
Banking Arrangement Setup	[REDACTED]
Formulary Booklets for Members	[REDACTED]
Language or Literacy Translation of Documents	[REDACTED]

Specialty Copay Assistance Program	[REDACTED]
Retro-Eligibility Claims Recovery	[REDACTED]
Pharmacy Claims Audits	[REDACTED]
Creditable Coverage Determination	[REDACTED]
Creditable Coverage Letters and Mailing	[REDACTED]
Retail, Mail Order, and Specialty Pharmacy Network Administration	[REDACTED]
Pharmacy Help Desk and Standard Toll-Free Number for Pharmacist	[REDACTED]
Member Servicing and Standard Toll-Free number with Translation Services Available	[REDACTED]
Shared Pharmacy/Medical Benefit Administration & External Files Transfers Including but not limited to set-up and file transfers	[REDACTED]
Fraud, Waste and Abuse Programs	[REDACTED]
Specialty Pharmacy Management and Clinical Programs	[REDACTED]
Prescription Drug Cost Lookup Tool	[REDACTED]
e-PA Processing	[REDACTED]

[REDACTED]

[REDACTED]

1. [REDACTED]

2. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

[REDACTED]

[REDACTED]


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**
 Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29862

RESOLUTION 2025-53
ADOPTED

Amendment to Bid #2022029 Town Wide HVAC - CRS #5274

WHEREAS, the Contract Compliance and Administration Department awarded Bid #2022029 for Town Wide HVAC on October 17, 2022 (RES-2022-1016) to NOCO Heating and Cooling; and

WHEREAS, the Building Maintenance Department is requesting that 30 S. Cayuga be added to the contract, as per the attached proposal, as the Town did not own the building at the time of the original bid, so it was not included in the bid;

NOW, THEREFORE, BE IT RESOLVED, The Town Board approves the amendment to the Town Wide HVAC contract with NOCO Heating and Cooling; and

BE IT FURTHER RESOLVED, the Supervisor is authorized to sign the contract amendment.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci

**TOWN OF
AMHERST**
Erie County, New York

SUPERVISOR
Brian J. Kulpa
716-631-7032



**DEPUTY
SUPERVISOR/COUNCILMEMBER**
Shawn Lavin

COUNCILMEMBERS
Jacqueline Berger
Angela Marinucci
Michael Szukala

AGREEMENT

Let this document stand as an Agreement between NOCO Heating and Cooling and the Town of Amherst permitting the Town of Amherst to add the services for 30 S. Cayuga, Williamsville, NY 14221, as stated on the attached NOCO Heating and Cooling proposal to Bid #2022029 Town Wide HVAC (CRS ID #3648).

By: _____

Signature

MAH ANDERSON
Printed name

Date: _____

12/23/24

By: _____

Brian J. Kulpa, Supervisor

Date: _____

Attachment: Signed Amendment Packet (RES-2025-53 : Amendment to Bid #2022029 Town Wide HVAC - CRS #5274)



Commercial HVAC Maintenance Proposal

30 S. Cayuga RTU's

Contact

Dan Rizzo

716-358-5555

Project Location

30 S. Cayuga

Buffalo, NY 14221

NOCO Mechanical

Matt Anderson

(716) 553-6794

manderson@noco.com

www.noco.com

December 18th, 2024

Estimate Details

Proposal to provide annual maintenance for the HVAC equipment at 30 S. Cayuga, Buffalo NY 14221.

Scope of Work

Annual (4x per year) Preventative Maintenance

- Lock out all units
- Provide all manufacturer recommended seasonal maintenance on 2 ea. Carrier RTU's
 - Furnish and replace all filters at each visit
- Check Fan systems (wiring, motor mounts, housing, impeller wheels) for proper function
- Inspect drain pans, heat exchangers, motors and clean and adjust as necessary
- Inspect heating coil, clean as required
- Check for leaks (water, gas, flue, condensate)
- Check and clean ignition and flame sensors
- Verify wiring and connections are secure
- Provide reporting after each visit, for your records

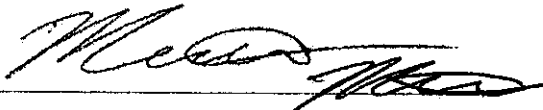
Total Quarterly Cost - \$388.07

Total Annual Cost - \$1,552.30

Authorization:

By execution below the parties hereto agree to all of the terms and conditions contained herein, including the Purchase Order Terms and Conditions attached hereto. This Contract, including the Purchase Order Terms and Conditions and each Purchase Order issued by Contractor and accepted or deemed accepted by Owner, contains the entire agreement of the parties and there are no other promises or conditions in any other agreement, whether oral or written, concerning the subject matter of this Contract.

By



By

Name

Matt Anderson

Name

Title

Director of NOCO Mechanical

Title

Date

12/18/2024

Date

Notes

- NY State sales tax not included, as applicable
- All permit fees included, as applicable
- Two Year workmanship warranty included
- Excluded from this bid are:
 - Additional equipment/material purchases not defined in the scope
 - Costs and work arising from "Acts of God"
 - Costs associated with increasing utility supply to site
 - Costs associated with structural engineering (can be quoted separately)
 - Costs associated with landing line voltage at the RTUs or fans
 - Costs and delays associated with building inspector permitting
 - Hazardous material removal
 - Costs associated with unforeseen/concealed site conditions
 - Overtime / off-hours work
 - Warranties for work not performed by NOCO

Purchase Order Terms and Conditions

CONTRACT DOCUMENTS: The "Contract Documents" shall consist of this Purchase Order, a Proposal, and any and all drawings, plans, specifications, appendices, addenda, amendments, and change orders thereto, all of which are incorporated herein and made a part hereof. "Customer" shall mean the party acknowledging the front side of this Purchase Order; "NOCO" shall mean NOCO Mechanical, a wholly owned subsidiary of NOCO, LLC, its affiliates, successors, or assigns.

ACCEPTANCE: This Purchase Order constitutes an offer by NOCO to Customer upon the terms and conditions stated herein and shall become a binding contract upon such terms and conditions upon receipt of written acknowledgment and/or furnishing of Products/Services by NOCO. The terms and conditions contained in this Purchase Order shall not be changed, modified, or otherwise altered, and each delivery of Products/Services by NOCO shall be deemed to be in accordance with these terms and conditions, unless any such change, modification, or alteration is set forth in a written instrument signed by an authorized representative of Customer.

PRICE; PAYMENT: The Products/Services ordered hereby shall be furnished at the price specified. If no price is specified, NOCO agrees, by acceptance of this Purchase Order, to furnish such Products/Services at the current prevailing market price for such Products/Services whichever is higher. Purchaser shall pay NOCO for actual Products/Services furnished at the rate specified in the Purchase Order. Customer shall pay for any out-of-pocket expenses only if such reimbursement is provided for in the specified Purchase Order, only on the basis specifically provided therein.

WARRANTY: NOCO warrants its labor for a period of one year from the date of installation pursuant to this Purchase Order, together with the Manufacturer's warranty on parts and equipment. NOCO further warrants that shall be in accordance with the Contract Documents, the products and services shall be free from defects in

material and/or workmanship, and merchantable. NOCO does not warranty claims or damages arising from storms, fires, electrical surges, physical destruction, intentional client misconduct, and/or other acts of God.

CHANGE ORDERS: NOCO reserves the right, upon notice to the Customer after issuance of this Purchase Order at any time, to make changes to this Purchase Order due to unforeseen conditions that increase or change the labor and or equipment necessary to complete the scope of work. If any such changes cause an increase or decrease in the cost of or time required for performance, an equitable adjustment shall be made to the price or the delivery schedule or both. If NOCO claims any change increases the price, such claim shall be made in writing and Customer agrees to execute such change order in a timely manner.

COMPLIANCE WITH LAWS: NOCO represents that in the furnishing of Products/Services pursuant to this Contract, it has and will comply with all federal, state, and local laws, rules, standards, and regulations applicable thereto, and that any Products/Services furnished comply with all such laws, rules, standards, and regulations.

FORCE MAJEURE: In the event of fires, flood, strikes, lockouts, or other labor unrest, accident, war, riots, acts of governmental authorities, or other similar causes beyond NOCO's control and affecting its use of the Products/Services specified herein, NOCO reserves the right, without liability, to defer installation of the Products/Services ordered, or to cancel this Contract. In the event NOCO incurs any loss on account of the cancellation of this Contract, a reasonable adjustment shall be negotiated. If NOCO claims any such loss, such claim shall be made in writing within thirty days of cancellation or shall be deemed to have waived any such claim.

GOVERNING LAW; VENUE: This Contract shall be interpreted under and governed by the laws of the State of New York, without regard to any conflict of law principles. Any action or proceeding arising out of this Contract shall have as its venue a court located in Erie County, New York, and Owner consents to the personal jurisdiction of any such court. Customer specifically waives its rights to a Jury trial.

INSURANCE: Prior to furnishing any Products/Services, NOCO shall procure and maintain in force for the duration of its work, workers' compensation insurance, employer's liability insurance, automobile liability coverage in an amount not less than \$1,000,000.00 combined bodily injury and property damage, comprehensive general liability insurance in an amount not less than \$1,000,000.00 per single occurrence, or \$2,000,000.00 in the aggregate, excess and/or umbrella insurance coverage in an amount not less than \$5,000,000.00. The Customer and all of its related entities shall be named as additional insureds on all of these policies, except for any workers' compensation policies. A certificate of insurance on an approved form, together with a complete copy of the policy and all endorsements thereto, shall be delivered at the request of the Customer. All such policies must provide that they may not be terminated, nor may coverage be reduced except after thirty (30) days' prior written notice to the Customer.

INDEMNIFICATION: To the fullest extent permitted by law, Customer shall indemnify, hold harmless, and defend NOCO, its agents, employees, and representatives, or any of them from and against any and all liabilities, penalties, costs, losses, damages, claims, demands, and expenses, including but not limited to attorneys' fees, costs, and expenses (whether incurred as the result of a third-party claim or to enforce this provision), arising out of or in any way related to NOCO's Products/Services pursuant to this Contract. The customer's indemnification obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity that otherwise would exist under the law of New York State. The Customer specifically warrants that this indemnification includes New York Sates Scaffold Law.

CONFLICT: In the event of a conflict between the terms of the Contract Documents and any other agreement exchanged between the parties, the terms of the Contract Documents shall apply.


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Contract Compliance
 Initiated by: **Lynda Juul**
 Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29863

RESOLUTION 2025-54
ADOPTED

Award Bid #2024051 Senior Center Dishwasher & Scrap Collector - CRS #5275

WHEREAS, the Contract Compliance and Administration Department received bids on December 19, 2024 for Senior Center Dishwasher & Scrap Collector; and

WHEREAS, the bid process resulted in responses from five (5) 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 B&W Supply Co.; and

BE IT FURTHER RESOLVED, The Town Board authorizes the Supervisor to sign the contract with B&W Supply Co.; and

BE IT FURTHER RESOLVED, that approval is pending successful completion of the Contract Routing System due to the fact that the Senior Center is currently without a dishwasher & scrap collector.

1/6/2025

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

FINANCIAL IMPACT:

Total \$36,486.59, split as follows: N2066.4000 - \$31,843.42 / N2437.4000 - \$4,643.17

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

Bid #2024051 Senior Center Dishwasher & Scrap Collector								
Low Bid			Vendor	Joseph Flihan Co.	Technology International	Chefs Depot	B & W Supply	HRI Commercial Food Service
ITEM No.	QTY.	U/M	CATALOG NO/DESCRIPTION					
1	1	Each	Furnish & Install Jackson Rackstar 44CE Dishwasher (or equivalent)	\$35,700.00	\$33,000.00	\$33,462.31	\$27,098.58	\$33,130.00
2	1	Each	Furnish & Install Salvajor S914 Scrap Collector (or equivalent)	\$12,900.00	\$9,900.00	\$16,018.00	\$9,388.01	\$11,310.00
					\$4,900.00			
			Total Bid	\$48,600.00	\$47,800.00	\$49,480.31	\$36,486.59	\$44,440.00
			NO ADDITIONAL CHARGES WILL BE CONSIDERED					
NOTES:								
Second & Broad Street Sales Corp. DBA Joseph Flihan Co. - referenced NYS Contract PC68659								
Technology International - Added additional line item noted "Installation and removal charges" \$4,900.								
B & W Supply - Bid packet shows overall pricing of \$34,486.59 but should be \$36,486.59. Vendor confirmed \$36,486.59 is correct.								



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM

Department: Finance

Initiated by: **Lynda Juul**

Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 29803

RESOLUTION 2025-55

ADOPTED

Adopt Procurement Policy & Contract Administration 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;

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

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



PROCUREMENT POLICY

TOWN OF AMHERST

NEW YORK

January 2025

Adopted 1/6/2025, Resolution 2025-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 Finance 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 Finance 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 Finance 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								
\$50,000 or less (requires TB approval)			X					
Over \$50,000							X	
True Leases			X					
Insurance					X			
Second Hand Equipment								
\$20,000 or less	X							
Over \$20,000 (from other gov. only) (OSC Opinion 89-13)								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 \$50,000 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 \$50,000 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 (OSC Opinion 89-13).

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	Sam Alba
Building Department.....	Mark Berke
Building Maintenance.....	Mark Berke
Central Fire Alarm	Thomas Merrill
Comptroller’s Office	Daryl Bramer
Contract Compliance & Administration	Lynda Juul
Councilmembers	Deputy Supervisor
Economic Development.....	Emily Melski
Emergency Services & Safety	Brandon Peters
Engineering Services	Brian Armstrong
Finance.....	Lynda Juul
Highway.....	Steven Floss
Human Resources	Robert McCarthy
Information Technology	David Willer
Planning	Daniel Howard
Police.....	Scott Chamberlin
Senior Services.....	Melissa Abel
Supervisor’s Office	Brian Kulpa
Town Clerk	Francina Spoth
Town Court	Kimberly Kern
Water Pollution Control Facility / Sewer Maintenance	Jeffrey Burroughs
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 meeting 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 2025

Adopted 1/6/2025, Resolution 2025-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.....	10
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.....	13
Sole Source Purchases	13
Emergency Purchases	13
Withdrawal of Contracts	14

Appendix A – Town of Amherst Agreements	15
1) NYS OGS	
2) Erie County Contract	
3) Piggyback / Cooperative Agreement	
Appendix B – Addendums.....	19
Appendix C – Sample Prevailing Wage Schedule.....	20
Appendix D – Iran Divestment Certification Form	21
Appendix E – Insurance Matrix.....	23
Appendix F – Sample Certificate of Liability (Acord 25).....	25
1) Procurement	
2) Service Agreement	
3) Consultant	
4) Contractor	
5) High Level Contractor	
Appendix G – Sample Certificate of Workers Compensation.....	26
Appendix H – Sample Proof of NYS Disability Insurance	27

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 typically 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, subject to Town Board approval. Wording in the extension 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 bids in writing. Departmental bids must have the bid opening date approved by Contract Compliance prior to publishing the legal notice. Approval for the bid opening date will then be requested of the Supervisor through the Contract Compliance

Department. 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. 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 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 budgetary 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. When applicable include reference to New York State OGS Contract
- Addendum to Contract
- Prevailing Wage Schedule from NYSDOL (if applicable) – must include a link to the schedule
- Acord Certificate of Liability Insurance, naming the Town of Amherst as additional insured, including any endorsements
- Proof of Workers Compensation Insurance C-105.2, SI-12 GSI-15.2 or U-26.3 (or exemption documentation)
- Proof of NYS Disability- DBL-120.1 or DB-055 (or exemption documentation)
- 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, and further information is available on the Town Intranet.

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
- Acor Certificate of Liability Insurance, naming the Town of Amherst as additional insured, including any endorsements
- Proof of Workers Compensation Insurance C-105.2, SI-12 GSI-15.2 or U-26.3 (or exemption documentation)
- Proof of NYS Disability- DBL-120.1 or DB-055 (or exemption documentation)
-
- 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
- Proof of Workers Compensation Insurance C-105.2, SI-12 GSI-15.2 or U-26.3 (or exemption documentation)
- Proof of NYS Disability- DBL-120.1 or DB-055 (or exemption documentation)
- 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 Certificate.

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. An addendum and insurance must be obtained if physical work is 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 notification 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. The Emergency Purchase Documentation Form should be entered into ACMS.

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	Home																						
Wage Schedule · Submit Notice Of Award · Submit Notice Of Project Completion																								
PRC#: 2019015126 Type of Contracting Agency: Town Acceptance Status: Accepted Article 8																								
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 style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">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 Location(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 Location(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 Location(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: _____

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. 223

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: 01/06/25 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 29798

RESOLUTION 2025-56

ADOPTED

Assistant Wastewater Treatment Plant Chemist/Engineering-Plant #16

Please appoint an Assistant Wastewater Treatment Plant Chemist to the Engineering/Plant #16 Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 7, 2025 at an annual salary of \$59,956.30, Grade 15, Step B for Deanna Winkowski.

This is a promotion for an employee currently serving as Sr. Laboratory Technician (Environmental Chemistry).

Replacing an employee who will be retiring.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 29859

RESOLUTION 2025-57

ADOPTED

Police Officer/Police Department

Please appoint a Police Officer 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 7, 2025 at an annual salary of \$69,522 for Justin Barnack. Contingent upon successful completion of all pre-employment requirements and Erie County Civil Service Rules and Regulations.

Replacing an employee who retired.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 29860

RESOLUTION 2025-58
ADOPTED

Wastewater Treatment Plant Operator-Trainee/Eng.Plant #16

Please appoint a Wastewater Treatment Plant Operator-Trainee to the Engineering Department/Plant #16. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 7, 2025 at an hourly rate of \$24.26, Grade IV, Step 1 for Eric Considine.

Contingent upon completing all pre-employment requirements.

Please authorize a six (6) month residency waiver.

Replacing an employee that retired.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 29861

RESOLUTION 2025-59

ADOPTED

Wastewater Treatment Plant Operator - Trainee/Eng. Plant #16

Please appoint a Wastewater Treatment Plant Operator-Trainee to the Engineering Department/Plant #16. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 7, 2025 at an hourly rate of \$24.26, Grade IV, Step 1 for Derrick Palmisano.

Contingent upon completing all pre-employment requirements.

Replacing an employee who retired.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 29864

RESOLUTION 2025-60
ADOPTED

Sr. Deputy Town Attorney/Town Attorney's Office

Please appoint a Sr. Deputy Town Attorney to the Town Attorney's Office. Permanent, effective January 7, 2025 at an annual salary of \$101,822.13, Grade 1, Step B of the 2025 Exempt Non-Department Head Salary Schedule for Sebastine Odiata.

Replacing an employee who resigned.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 29865

RESOLUTION 2025-61

ADOPTED

Recreation Attendant - PT (4 Positions)/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation (4 Positions) effective January 7, 2025, Temporary, \$15.50 ph, Step 1 for Evan Korte, Peter Sidey, Jenna Doerfler & Teisha Mcelfresh.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 29866

RESOLUTION 2025-62
ADOPTED

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective January 7, 2025, Temporary, \$16.60 ph, Step 3 for Cathleen Moores.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 29872

RESOLUTION 2025-63

ADOPTED

Senior Program Coordinator (Senior Services)/Senior Services Department

Please appoint a Senior Program Coordinator (Senior Services) to the Senior Services Department. Provisional, pending satisfactory completion of a Civil Service Examination. Effective January 7, 2025 at an annual salary of \$63,446, Grade 13, Step E for Tammy Jacobs.

This is a promotion for an employee currently serving as a Program Coordinator (Senior Services).

1/6/2025

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, Lavin, Berger, Szukala, Marinucci



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 29873

RESOLUTION 2025-64

ADOPTED

Clerk Typist/Youth & Recreation

Please appoint a Clerk Typist to the Youth & Recreation Department, Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective January 8, 2025 at an annual salary of \$30,528, Grade 2, Step A for Rita Felschow.

Contingent upon completing all pre-employment requirements.

Replacing an employee who transferred to another department.

1/6/2025

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, Lavin, Berger, Szukala, Marinucci


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Police
 Initiated by: **Scott Chamberlin**
 Co-Sponsored by:

DOC ID: 29878

RESOLUTION 2025-65
ADOPTED

Purchase of 3D Forensic Scanner Designation of Sole Source Vendor Keystone Precision Solutions (CRS #5244)

TOWN BOARD AGENDA: JANUARY 6, 2025

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

**RE: Purchase of 3D Forensic Scanner
 Designation of Sole Source Vendor
 Keystone Precision Solutions (CRS #5244)**

Kindly adopt a resolution authorizing the Supervisor to execute the attached purchase agreement between the Town of Amherst (Police) and Keystone Precision Solutions, with regard to the above-entitled matter and also to establish this vendor as a Sole Source vendor for this product. This agreement has successfully completed the Contract Routing Process.

Thank you.

SPC: msl

Attachment

C: Tim Koller, Deputy Town Clerk (*Agenda Item: January 6, 2025*)

1/6/2025

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

FINANCIAL IMPACT:

Grant Funding

KP2411 .2450: \$67,113.90

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



Quotation
#ORD-36753/3

1670 E. Race Street
Allentown, PA 18109
Phone - 800-833-9250
Fax - 610-266-3240

QUOTE NUMBER: ORD-36753/3
QUOTE DATE: 12/03/2024
EXPIRE DATE: 01/31/2025
SALESPERSON: 0072
ENTERED BY:
CUSTOMER NUMBER: 00-0020438

JOB NAME: X9 updated

CUSTOMER INFO:

Amherst Police Department
500 John James Audubon Pkwy
Amherst, NY 14228

KEYSTONE CONTACT:

Jeff Quay
jqay@keypre.com

PHONE: 716 689-1331

FAX:

CONFIRM TO: Steven Heim

SHIP VIA

F.O.B.

TERMS

Net 30 with Credit Approval

ITEM NUMBER	UNIT	Quantity	PRICE	AMOUNT
X910001GEO		1.00	19,800.00	19,800.00
Trimble X9 Instrument Pack, Configurable			List Price: 22,000.00	
Components				
X9CFG001150		1.00	25,560.00	25,560.00
Trimble X9 Premium - Perpetual Configuration			List Price: 28,400.00	
Components				
X9T10XACC01		1.00	6,970.50	6,970.50
Trimble X9 T10x Tablet Accessory Kit			List Price: 7,745.00	
Components				
1010700001		1.00	630.00	630.00
Dual Battery Charger with Power Supply and Power Cord (North America) Used with MGIS R2 GNSS Receivers R8s			List Price: 700.00	
Contents of kit:				
- 1 x dual slot charger with power supply and region specific power cord				
- 2 x Battery slot inserts for charging R10 batteries				
Components				
121718BLKGEO		1.00	207.90	207.90
USB C Vehicle Charger			List Price: 231.00	
Components				
EWFORTFCSTOCK		3.00	520.00	1,560.00
TPP - Software - Trimble Forensics Capture (12m expiration)			List Price: 520.00	
Components				
FORPERSPTOCAP		1.00	495.00	495.00
Upgrade Perspective to Trimble Forensics Capture W/ X7 Module data collector			List Price: 550.00	



Quotation
#ORD-36753/3

1670 E. Race Street
Allentown, PA 18109
Phone - 800-833-9250
Fax - 610-266-3240

QUOTE NUMBER: ORD-36753/3
QUOTE DATE: 12/03/2024
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JOB NAME: X9 updated

CUSTOMER INFO:

Amherst Police Department
500 John James Audubon Pkwy
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FAX:

CONFIRM TO: Steven Heim

SHIP VIA

F.O.B.

TERMS

Net 30 with Credit Approval

ITEM NUMBER	UNIT	Quantity	PRICE	AMOUNT
software				
Components				
EWLSSCAN		1.00	2,083.50	2,083.50
TPP - Hardware - X9 Laser Scanner			List Price: 2,315.00	
Components				
EWLSTABSTOCK		1.00	355.50	355.50
TPP - Hardware - Survey Trimble T10X Tablet (12m expiration)			List Price: 395.00	
Components				
FOR030312NR		1.00	247.50	247.50
Trimble Forensics Reveal (ONE YEAR SUBSCRIPTION) (INCLUDES POINT CLOUD + ORTHOPHOTO)			List Price: 275.00	
Delivered via Trimble Virtual Warehouse				
Must provide complete customer contact info including email.				
1 subscription for 3 years				
Components				
FOR06ONSITE		24.00	250.00	6,000.00
Trimble Forensics Onsite Training (Per hour)			List Price: 250.00	
Onsite training is provided to a max. of 15 seats per course. Each course is instructed by Certified Trimble Forensics trainer				
Components				
PERCORE		1.00	3,204.00	3,204.00
Trimble Perspective Software - Perpetual Core License.			List Price: 3,560.00	
Components				

Attachment: ContractforCRSRouting (RES-2025-65 : Keystone Precision Solutions: Purchase of 3D Forensic Scanner (CRS#5244))



Quotation
#ORD-36753/3

1670 E. Race Street
Allentown, PA 18109
Phone - 800-833-9250
Fax - 610-266-3240

QUOTE NUMBER: ORD-36753/3
QUOTE DATE: 12/03/2024
EXPIRE DATE: 01/31/2025
SALESPERSON: 0072
ENTERED BY:
CUSTOMER NUMBER: 00-0020438

JOB NAME: X9 updated

CUSTOMER INFO:

Amherst Police Department
500 John James Audubon Pkwy
Amherst, NY 14228

KEYSTONE CONTACT:

Jeff Quay
jqquay@keypre.com

PHONE: 716 689-1331

FAX:

CONFIRM TO: Steven Heim

SHIP VIA

F.O.B.

TERMS

Net 30 with Credit Approval

ITEM NUMBER

UNIT

Quantity

PRICE

AMOUNT

NET ORDER: 67,113

SHIPPING & HANDLING AND SALES TAX WILL BE
CALCULATED AT THE TIME OF THE ORDER.

SHIPPING & HANDLING:

QUOTE TOTAL:

Packet Pg. 238

Attachment: ContractforCRSRouting (RES-2025-65 : Keystone Precision Solutions: Purchase of 3D Forensic Scanner (CRS#5244))

Quotation

Order Placement Procedures

☐

Complete and Sign this Quotation

Sign this quotation and return via mail or facsimile before the expiration date: All quotations over a customers credit limit are subject to credit approval.

☐

Complete Lease Agreement

If this order is to be leased, complete the lease agreement sent to you, following the enclosed instructions. Order fulfillment will start after the lease is approved. Please note that due to fluctuations in interest rates, leasing terms cannot be guaranteed, contact House Account to lock-in rates.

☐

Down Payment

If order requires a deposit, please send payment with the original signed quotation.

☐

Credit Card Payment

If you would like to pay with a credit card, please contact the Main Office at 1-800-833-9250

Quotation Approval

Sales Representative

X _____
Approved By (Signature)

Approved By (Name)

Date

ORD-36753/3

Quote Number

1/31/2025 12:00:00PM

Valid until

Quote# ORD-36753/3

Client Representative

X _____
Approved By (Signature)

Approved By (Name)

Date

Purchase Order Number

**** Restocking charge of 15% on returned goods. ****

Attachment: ContractforCRSRouting (RES-2025-65 : Keystone Precision Solutions: Purchase of 3D Forensic Scanner (CRS#5244))

Addendum to Contract VENDOR ON SITE Minor

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.
2. No rules, requirements or customs of any society or association of professional Vendors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.
3. To the fullest extent permitted by law, Vendor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Vendor its officers, agents, sub-Vendors, and/or employees as well as the negligence, active or passive, of the Vendor, its officers, agents, sub-Vendors, and/or employees.
4. Vendor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same and such insurance has been approved by the Town.
 - (a) **Workers' Compensation Insurance:** Vendor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.
 - (b) **General Liability, Professional (if applicable) Liability and Property Damage Insurance:** Vendor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than \$1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and \$2,000,000.00 aggregate.
 - (c) Vendor shall furnish the above insurances, including sub-Vendors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.
 - (d) Vendor shall ensure all its sub-Vendors, if any, have obtained all the above insurances and shall also assure that any policy procured by any sub-Vendor or sub-sub-Vendor shall name the Town as an additional insured on a primary and non-contributory basis.

5. Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible as and no later than three (3) days after the date of such accident.

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

7. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Vendor shall, among other things, fully comply with:

- (a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
- (b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
- (c) Affirmative action as required by the Labor Law.
- (d) Prevention of dust hazard required by Labor Law Section 222-a.
- (e) Preference in employment of persons required by Labor Law Section 222.
- (f) Eight-hour workday as required by Labor Law Section 220(2).
- (g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
- (h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

8. The Vendor, in accordance with its status as an independent Vendor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules,

regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

KeyCorp Corporation

KEYSTONE PRECISION SOLUTIONS

Print Name of Company

By:

Signature

CHARLES KUCZYNSKI

Printed name

Date:

12/10/24

Agreed to and Accepted by:

Town of Amherst

By:

Brian J. Kulpa, Supervisor

Date:

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.

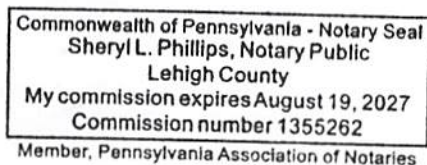
By submitting a response to this solicitation, or by assuming the responsibility under a Contract/Lease awarded hereunder, Bidder/Contractor/Vendor (or any assignee) certifies that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list.

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: KNIEL CORP DBA: KEYSTONE PRECISION SOLUTIONS
 Signature: [Signature]
 Print Name: CHARLES KUCZYNSKI
 Title: EXECUTIVE VICE PRESIDENT
 Date: 12/10/24



Sworn To Before Me This

10th Day of December, 2024

[Signature]
 Notary Public



Trimble Inc.
10368 Westmoor Drive
Westminster, CO 80021
USA

May 2022,

RE: Trimble Forensics Sole Source Distributor

To Whom it May Concern:

Keystone Precision Solutions is an Authorized Trimble Dealer and is the sole source distributor able to provide and sell Trimble Forensics solutions within New York State.

Please feel free to contact me with any questions

Keegan Kinney

A handwritten signature in blue ink, appearing to read "Keegan Kinney", written over a light blue horizontal line.

Channel Manager
Trimble Inc.
(250) 574-0188
keegan_kinney@trimble.com

Attachment: ContractforCRSRouting (RES-2025-65 : Keystone Precision Solutions: Purchase of 3D Forensic Scanner (CRS#5244))



Trimble Inc.
10368 Westmoor Drive
Westminster, CO 80021
USA

June 6, 2024

To Whom it May Concern:

This letter is to confirm that the Trimble Forensics X9 solution and equipment being offered provides functionality and capabilities unique to Trimble.

The Trimble X9 Scanner is controlled using the T10x tablet with the Trimble Forensics Capture software. These solutions offer unique patented technology and workflows proprietary to Trimble.

- Real-time onscene data registration
- Auto calibration and diagnostic reporting for every scan
- Automatic survey grade self-leveling accuracy
- An ingress protection rating of IP55 for dust and water protection
- Single shot data capture ability for reference and validation purposes
- Ability to capture data from typically hard to scan objects like black vehicles

The equipment and solutions being referenced are only available through authorized Trimble Forensics partners or distributors.

Please feel free to contact me with any questions

Keegan Kinney

A handwritten signature in blue ink, appearing to read "Keegan Kinney", with a long horizontal stroke extending to the right.

Channel Manager
Trimble Inc.
(250) 574-0188
keegan_kinney@trimble.com

Attachment: ContractforCRSRouting (RES-2025-65 : Keystone Precision Solutions: Purchase of 3D Forensic Scanner (CRS#5244))



CERTIFICATE OF LIABILITY INSURANCE

13.Q.1.a
DATE (M/D/Y)
12/10/2024

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

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

PRODUCER Arbor Insurance Group Inc. 3435 Winchester Rd Suite 305 Allentown PA 18104	CONTACT NAME: Emily Lynn Allwein, CISR PHONE (A/C, No, Ext): (610) 437-3340 FAX (A/C, No): (610) 770-9318 E-MAIL ADDRESS: eallwein@arborig.com
INSURED KMEL Corp, DBA: Keystone Precision Solutions 1670 E Race St Allentown PA 18109	INSURER(S) AFFORDING COVERAGE INSURER A: Charter Oak Fire Insurance Company (The) NAIC # 25615 INSURER B: Travelers Property Casualty Company of America 25674 INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** 24-25 Master Cert No Prof **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☒ LOC OTHER:	Y	Y	ZLP-61N34918-24-I5	11/30/2024	11/30/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY	Y	Y	BA-4R744403-24-I5-G	11/30/2024	11/30/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	☒ UMBRELLA LIAB ☒ EXCESS LIAB DED ☒ RETENTION \$ 10,000	Y	Y	CUP-4R763189-24-I5	11/30/2024	11/30/2025	EACH OCCURRENCE \$ 8,000,000 AGGREGATE \$ 8,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y	N/A	Y	UB-4R753971-24-I5-G	11/30/2024	11/30/2025 ☒ PER STATUTE E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

Town of Amherst is included as an additional insured. Coverage applies on a Primary and Non-Contributory Basis for ongoing and completed operations when such status is required under written contract and allowed under local law.

CERTIFICATE HOLDER

CANCELLATION

Town of Amherst 5583 Main Street Williamsville NY 14221	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

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CERTIFICATE OF
NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) KMEL CORP DBA KEYSTONE PRECISION SOLUTIONS 1670 E RACE ST ALLENTOWN, PA 18109 Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)	1b. Business Telephone Number of Insured (800)833-9250 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1d. Federal Employer Identification Number of Insured or Social Security Number 23-2819753
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main Street Williamsville, NY 14221.	3a. Name of Insurance Carrier THE CHARTER OAK FIRE INSURANCE COMPANY 3b. Policy Number of entity listed in box "1a" UB-4R753971-24-I5-G 3c. Policy effective period 11-30-2024 to 11-30-2025 3d. The Proprietor, Partners or Executive Officer are ☒ included. (Only check box if all partners/officers included) ☐ all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: STEPHANIE BAKER
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: STEPHANIE BAKER 12-12-2024
(Signature) (Date)

Title: SR CUSTOMER SOLUTIONS REPRESENTATIVE

Telephone Number of authorized representative or licensed agent of insurance carrier: 804-527-4852

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.



**Workers'
Compensation
Board**

CERTIFICATE OF INSURANCE COVERAGE
under the NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

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

1a. Legal Name & Address of Insured (use street address only) KMEL DBA KEYSTONE PRECISION INSTRUMENT 1670 E RACE ST ALLENTOWN PA 18109 Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)	1b. Business Telephone Number of Insured 800-833-9250 1c. Federal Employer Identification Number of Insured or Social Security Number 232819753
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) TOWN OF AMHERST 5583 MAIN STREET WILLIAMSVILLE, NY 14221	3a Name of Insurance Carrier HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY 3b Policy Number of Entity Listed in Box "1a" LNY-840158 3c Policy effective period 01/01/2025 to 12/31/2025

4. Policy provides the following benefits:

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

5. Policy covers:

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

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

Date Signed 12/10/2024

Elizabeth Tello

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

Telephone Number (212) 553-8074

Name and Title: Elizabeth Tello – Assistant Director, Statutory Services

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

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

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

**State of New York
Workers' Compensation Board**

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

Date Signed

By

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number

Name and Title

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




Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Police
 Initiated by: **Scott Chamberlin**
 Co-Sponsored by:

DOC ID: 29880

RESOLUTION 2025-66
ADOPTED

APD HQ Employee Stairwell Flooring Removal & Replacement GP Flooring Solutions (CRS #5262)

TOWN BOARD AGENDA: JANUARY 6, 2025

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: APD HQ Employee Stairwell Flooring Removal & Replacement GP Flooring Solutions (CRS #5262)

Kindly adopt a resolution authorizing the Supervisor to adopt and execute an agreement between the Town of Amherst (Police) and GP Flooring Solutions (CRS #5262) with regard to the above-entitled matter. This agreement has successfully completed the Contract Routing Process.

Thank you.

SPC:msl

Attachment

C: Tim Koller, Deputy Town Clerk (**Agenda Item: January 6, 2025**)

1/6/2025

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

FINANCIAL IMPACT:

A 3120 .2150: \$9,804.41

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



GP Flooring Solutions
Headquarters
32 Marway Circle
Gates, NY 14624

(800) 832-3550

For:

Town of Amherst Police Department
500 John James Audubon Parkway
Amherst, NY 14228

Job Site:

Amherst Police / Jamie Anable
500 John James Audubon Pkwy
Employee Entrance Stair Case - Speckled Treads &
Rubber tile
Amherst , NY 14228
Contact: Jamie Anable 716 435-8669

Proposal # 25006

Customer PO

Contract # PC69412

Date 12/9/2024

Sales Person Tim Glassbrook

Designer

Type		Quantity	Product Description	Color / Item Number	Price	T
Labor						
	Lab	73.5 LnFt	Remove existing treads - Install new Treads		\$34.78	\$2,556
Notes	PC69412 - NYS Contract					
Accessories	Mat	70 LnFt	Tarkett - VI Rubber Treads - Speckled VIHMNTSP - Hammered Surface- Hard Silver/Gray #55Insert(20) 3.5' treads	CAPE HATTERAS VK5	\$30.00	\$2,100
Notes	PC69412					
Labor						
	Lab	160 SqFt	Remove existing Rubber tile		\$3.61	\$577
Notes	PC69412					
Labor						
	Lab	234 SqFt	Flooring Disposal		\$1.82	\$425
Notes	Dispose material in Amherst Police provided dumpster					
VCT	Mat	160 SqFt	Tarkett - Speckled Rubber tile - HRTSP - 1/8" 24"x24" tile (5 cases) - Hammered Surface	CAPE HATTERAS VK5	\$13.23	\$2,116
	Lab	160 SqFt	Install Rubber tile		\$6.50	\$1,040
Notes	PC69412					
Accessories	Mat	2 BG	CMP Prep Star - 10lb			
	Lab	160 SqFt	Floor Prep - Minor Skim coat		\$1.93	\$308
Notes	Floor Prep - Minor skim coat					
Adhesive	Mat	1 CT	Tarkett 965 Tile & Tread Adhesive - 4 gal pail		\$180.40	\$180
Notes	PC69412 965 Tread adhesive -					
Adhesive	Mat	3 Each	930 Epoxy Nose Caulk - (13) 13.5oz cartridge			
Notes	Nose Caulk - 930-13.5					
Accessories	Mat	1 Each	Color Match Caulk	Tarkett - Color TBD		
Notes	Color Match Caulk					
Accessories	Mat	12 LnFt	Roppe Transition	TBD		
	Lab	12 LnFt	Provide & install transitions where needed		\$6.05	\$72
Notes	Provide & install transitions where necessary					
Labor						
	Lab	1 HR	Staging		\$108.00	\$108
Notes	PC69412					
Labor	Mat	1 Each	Freight & Delivery - all material		\$318.00	\$318
Notes	PC69412					

Type	Quantity	Product Description	Color / Item Number	Price	Total
------	----------	---------------------	---------------------	-------	-------

Information

Estimated Install Date: TBD
Erie County Prevailing wage
State Contract Material Order: Yes

Contract Total	\$9,804
Sales Tax	
Grand Total	\$9,804

All pricing is per NYS Contract Tandus/Centiva PC69412

Thanks for your business!

Additional Conditions

Federal ID #16-6330058, NYS WBE-59619 (Email PO's to Orders@gpfflooringsolutions.com)

We are pleased to present this confidential proposal for review by you and your organization. Work to be done M-F during normal working hours unless otherwise noted. If furniture is to be moved, electronics should be unplugged and any loose personal items should be put in a box on the desk top. Loose boxes, shoes, etc. on the floor should be removed and placed on the desk top as well. Certified third party moisture and pH testing is excluded from this proposal. Warranty does not include any moisture related subfloor failures. Unforeseen conditions are not included in the proposal.

The proposal does not include ACM abatement work or any provisions for ACM in the work area. If an abatement is taking place prior to this work, please ensure that all abatement chemicals and residue are removed. The chemicals can have an adverse effect on the flooring materials and voids the manufacturer warranty.

Payment terms are net 30 unless otherwise noted. GP may invoice for materials upon order placement. A 1.5% interest charge per month will be assessed for late payment. Proposal expires 30 days from date of issuance.

Due to the current material pricing volatility, the prices of materials, taxes and/or surcharges contained in this proposal are those in effect as of the date of the proposal; GP Flooring Solutions shall be reimbursed for all increases in the cost of material.

Buyer _____ Date _____ Seller _____ Date _____

Attachment: UPDATED Contract for CRS Routing GP Flooring Employee Stairwell (RES-2025-66 : GP Flooring Solutions: APD HQ Employee

Addendum to Contract Major Exposure

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.
2. No rules, requirements or customs of any society or association of professional Contractors or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.
3. To the fullest extent permitted by law, Contractor shall indemnify and hold the Town, its officers, agents, and employees, harmless from any and all liability, demands, claims, or expenses, awards or judgments imposed upon the Town, its officers, agents, and/or employees, arising out of the work of the Contractor its officers, agents, subcontractors, and/or employees as well as the negligence, active or passive, of the Contractor, its officers, agents, subcontractors, and/or employees.
4. Contractor shall not commence work under this Agreement until it has obtained all insurance specified below, produced satisfactory proof of the same, and such insurance has been approved by the Town.
 - (a) Workers' Compensation Insurance: Contractor shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance (both Part A and Part B) for its employees to be assigned to the work hereto under.
 - (b) General Liability, Professional (if applicable) Liability and Property Damage Insurance: Contractor shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it and the Town of Amherst from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from operations under this Agreement. The amounts of such insurance shall be as follows in an amount not less than \$1,000,000.00 per occurrence for bodily injury and property damage including wrongful death, and \$2,000,000.00 aggregate. Umbrella coverage shall be in an amount of at least \$5,000,000.00.
 - (c) Contractor shall furnish the above insurances, including subcontractors' insurances, to the Town and shall also assure that any policy procured by it shall name the Town as an additional insured on a primary and non-contributory basis.
 - (d) Contractor shall ensure all its subcontractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any subcontractor or sub-subcontractor shall name the Town as an additional insured on a primary and non-contributory basis. A failure by Contractor to assure that any policy procured by any subcontractor or sub-subcontractor name the Town as an additional insured on a primary and non-contributory basis, shall be considered a material breach of the underlying contract and subject the Contractor to forfeiture of its performance bond, if any, and to pay liquidated damages to the Town of no less than \$2,000,00.00 or the Town's actual expenses, whichever is higher, including, but not limited to all attorney fees and expenses related to the

prosecution of a breach of the insurance procurement requirements suit regardless of whether the Town is successful in said suit.

(e) A failure by Contractor to procure the General Liability, Professional Liability and/or Property Damage policies referenced above, or the failure to have the Town of Amherst as an additional insured on a primary, non-contributory basis on said policies, shall be considered a material breach of the underlying contract and subject the Contractor to forfeiture of its performance bond, if any, and to pay liquidated damages to the Town of no less than \$2,000,00.00 or the Town's actual expenses, whichever is higher, including, but not limited to all attorney fees and expenses related to the prosecution of a breach of the insurance procurement requirements suit and/or of the indemnification provisions regardless of whether the Town is successful in said suit.

5. Any accident shall be reported to the Office of the Town Attorney as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Amherst as soon thereafter as possible as and no later than three (3) days after the date of such accident.

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

7. Required Provisions of Law: Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party this Agreement shall be physically amended forthwith to make such insertion. In particular, the Contractor shall, among other things, fully comply with:

- (a) Article 8 of the NYS Labor Law for public work contracts and Article 9 of the Labor Law regarding prevailing wage for Building Service employees.
- (b) Labor Law Section 220-e and Executive Law Sections 291-299 and the Civil Rights Law relating to prohibition against discrimination and equal opportunity.
- (c) Affirmative action as required by the Labor Law.
- (d) Prevention of dust hazard required by Labor Law Section 222-a.
- (e) Preference in employment of persons required by Labor Law Section 222.
- (f) Eight-hour workday as required by Labor Law Section 220(2).
- (g) Chapter 32 of the Town of Amherst: Minority Women and Business Utilization Commitment.
- (h) Chapter 163 of the Town of Amherst: Registration of Sex Offenders.

8. The Contractor, in accordance with its status as an independent Contractor, covenants and agrees that it will conduct itself consistent with such status. It will neither hold itself out as nor claim to be, an officer or employee of the Town by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to: workers' compensation coverage, unemployment insurance benefits, Social Security coverage, or retirement membership or credit.

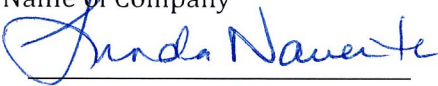
Waiver: No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

9. This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If the contract between the parties refers to the laws, statutes, rules, regulations or ordinances for any state other than New York State, to the laws, statutes, rules, regulations or ordinances for any county other than Erie County, New York or to the laws, statutes, rules, regulations or ordinances for any municipality other than the Town of Amherst, then the laws, statutes, rules, regulations or ordinances for New York State, Erie county and/or the Town of Amherst shall apply as applicable. Any and all legal action necessary to enforce the Agreement will be venued in Supreme Court, Erie County, New York or in the United States District Court for the Western District of New York, Buffalo Division.

10. It is hereby acknowledged that performance of this Contract will be undertaken in accordance with the specifications and pricing on which the bid was submitted.

Authority for execution on behalf of Town: The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town, at a meeting thereof held on _____. Brian J. Kulpa, the Supervisor whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town as a result of that Resolution. This instrument shall be executed in triplicate. At least one (1) copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of Town.

Agreed to and Accepted by:

GP Flooring Solutions
 Print Name of Company
 By: 
 Signature
 Linda Nauerth
 Printed Name
 Date: 12/12/2024

Agreed to and Accepted by:

Town of Amherst
 By: _____
 Brian J. Kulpa, Supervisor
 Date: _____

IRAN DIVESTMENT ACT CERTIFICATION

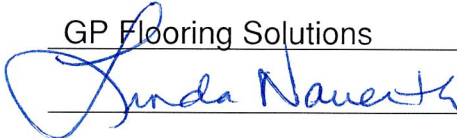
As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a provision was added to the State Finance Law (SFL), Section 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will develop a list (prohibited entities 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.

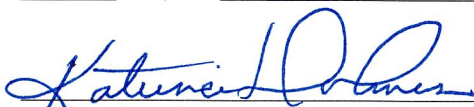
During the term of the Contract/Lease, should the Town of Amherst (Town) receive information that a person is in violation of the above-referenced certification, the Town will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment 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: GP Flooring Solutions
 Signature: 
 Print Name: Linda Nauert
 Title: Office Secretary
 Date: 12/12/2024

Sworn To Before Me This

12 Day of December, 2024


 Notary Public





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/21/2023

13.Q.2.a

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

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

PRODUCER
FEDERATED MUTUAL INSURANCE COMPANY
HOME OFFICE: P.O. BOX 328
OWATONNA, MN 55060

CONTACT NAME: CLIENT CONTACT CENTER

PHONE (A/C, No, Ext): 888-333-4949

FAX (A/C, No): 507-446-4664

E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: FEDERATED MUTUAL INSURANCE COMPANY

13935

INSURED
G. P. LAND AND CARPET CORPORATION, GP FLOORING SOLUTIONS
32 MARWAY CIR
ROCHESTER, NY 14624-2321

179-944-4

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER: 904

REVISION NUMBER: 0

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	Y	Y	6112778	12/28/2023	12/28/2024	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS & COMP/OP AGG \$2,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY	N	N	6112778	12/28/2023	12/28/2024	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per Person) BODILY INJURY (Per Accident) PROPERTY DAMAGE (Per Accident)
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$10,000	N	N	6112779	12/28/2023	12/28/2024	EACH OCCURRENCE \$10,000,000 AGGREGATE \$10,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/ EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTHER E.L. EACH ACCIDENT E.L. DISEASE EA EMPLOYEE E.L. DISEASE - POLICY LIMIT

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

CERTIFICATE HOLDER

179-944-4
TOWN OF AMHERST
5583 MAIN ST
WILLIAMSVILLE, NY 14221-5488

904 0

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



LOC #:

ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY FEDERATED MUTUAL INSURANCE COMPANY		NAMED INSURED G. P. LAND AND CARPET CORPORATION, GP FLOORING SOLUTIONS 32 MARWAY CIR ROCHESTER, NY 14624-2321
POLICY NUMBER SEE CERTIFICATE # 904.0		
CARRIER SEE CERTIFICATE # 904.0	NAIC CODE	EFFECTIVE DATE: SEE CERTIFICATE # 904.0

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

PROJECT NO: 20356
PROJECT: TOWN OF AMHERST POLICE DEPARTMENT, 500 JOHN JAMES AUDUBON PKWY, GROUND FLOOR HALLWAYS 1ST & 2ND PHASE
SHEET VINYL AMHERST NY 14228
THE CERTIFICATE HOLDER IS AN ADDITIONAL INSURED SUBJECT TO THE CONDITIONS OF THE ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - AUTOMATIC STATUS WHEN REQUIRED IN CONSTRUCTION AGREEMENT WITH YOU ENDORSEMENT FOR GENERAL LIABILITY.
INSURANCE PROVIDED BY THE GENERAL LIABILITY COVERAGE IS PRIMARY AND NONCONTRIBUTORY OVER OTHER INSURANCE.
GENERAL LIABILITY CONTAINS A WAIVER OF SUBROGATION IN FAVOR OF THE CERTIFICATE HOLDER SUBJECT TO THE CONDITIONS OF THE BLANKET WAIVER OF TRANSFER OF RIGHTS OF RECOVERY ENDORSEMENT.



**Workers'
Compensation
Board**

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name Address of Insured (use street address only) G&A Outsourcing, LLC DBA: G&A Partners Labor Contractor, for leased workers to: G.P. Land & Carpet Corporation dba: GP Flooring Solutions 32 Marway Cir Gates, NY 14624 Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)	1b. Business Telephone Number of Insured (713) 784-1181 1c. NYS Unemployment Insurance Employer Registration Number of insured 1d. Federal Employer Identification Number of Insured or Social Security Number 16-6330058
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Amherst 5583 Main St Williamsville, NY 14221-5488	3a. Name of Insurance Carrier Zurich-American Insurance Company 3b. Policy Number of Entity Listed in Box "1a" WC 12-71-007-01 3c. Policy effective period 3/1/2024 to 3/1/2025 3d. The Proprietor, Partners, or Executive Officers are included. (Only check box if all partners/officers included) all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box 3c, whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Douglas Jones

(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: 

(Signature)

2/23/2024

(Date)

Title: Vice President

Telephone number of authorized representative or licensed agent of insurance carrier:

(480)951-4177

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.



**Workers'
Compensation
Board**

CERTIFICATE OF INSURANCE COVERAGE

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only) G.P. Land & Carpet Corporation DBA GP Flooring Solutions 32 Marway Cir Gates, NY 14624 <i>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)</i>	1b. Business Telephone Number of Insured 951-643-0381 1c. 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 Police Department 500 John James Audubon Parkway Amherst, NY 14228	3a. Name of Insurance Carrier Arch Insurance Company 3b. Policy Number of Entity Listed in Box 1a 11DBL2333900 3c. Policy Effective Period 7/1/2024 to 6/30/2025
4. Policy provides the following benefits: ☒ A. Both disability and Paid Family Leave benefits. ☐ B. Disability benefits only. ☐ C. Paid Family Leave benefits only. 5. Policy covers: ☒ A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law. ☐ B. Only the following class or classes of employer's employees: 	

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

Date Signed 11/25/2024 By 
(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)
 Telephone Number 877-369-0979 Name and Title James Iannicelli, AVP Accident & Health

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

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

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

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law (Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Police
 Initiated by: **Scott Chamberlin**
 Co-Sponsored by:

DOC ID: 29882

RESOLUTION 2025-67
ADOPTED

2025 APD Safety Education & Community Policing Trust & Agency Account

TOWN BOARD AGENDA: JANUARY 6, 2025

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: 2025 APD Safety Education & Community Policing Trust & Agency Account

Kindly adopt a resolution authorizing the approval to spend up to \$5,100.00 in 2025 from the APD Safety Education & Community Policing Trust & Agency Account (T4012). Expenses allowed from this account include, but are not limited to, educational and awareness programs that serve the community as a whole as well as assists with funding of the APD Community Policing events held throughout the year. This trust and agency account is capable of accepting donations for the continuation of the programs it funds.

Thank you.

SPC:msl

C: Tim Koller, Deputy Town Clerk (**Agenda Item: January 6, 2025**)

1/6/2025

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

FINANCIAL IMPACT:

Spend up to \$5,100.00 from T4012

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Police
 Initiated by: **Scott Chamberlin**
 Co-Sponsored by:

DOC ID: 29883

RESOLUTION 2025-68
ADOPTED

2025 Asset Forfeiture Trust & Agency Account

TOWN BOARD AGENDA: JANUARY 6, 2025

TO: Town Board

FROM: Scott P. Chamberlin, Chief of Police

RE: 2025 Asset Forfeiture Trust & Agency Account

Kindly adopt a resolution authorizing the approval to spend up to \$60,000.00 in 2025 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 6, 2025**)

1/6/2025

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

FINANCIAL IMPACT:

Spend up to \$60,000.00 from T2917

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Youth & Recreation
 Initiated by: **Mary Diana Pouli**
 Co-Sponsored by:

DOC ID: 29884

RESOLUTION 2025-69
ADOPTED

Authorization to Spend T-Account Funds

Authorize the expenditure of up to \$20,000.00 from T2998.4002 for the purchase of memory trees and related accessories in 2025.

1/6/2025

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

FINANCIAL IMPACT:

T2998.4002: up to \$20,000.00

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Youth & Recreation
 Initiated by: **Mary Diana Pouli**
 Co-Sponsored by:

DOC ID: 29885

RESOLUTION 2025-70
ADOPTED

Authorization to Spend T-Account Funds

Authorize the expenditure of up to \$5,000.00 from T2505.4002 for the purchase of small tokens of appreciation for volunteers, incentives for program participants, and snacks for end-of-program parties and staff training's in 2025.

1/6/2025

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

FINANCIAL IMPACT:

T2505.4002: up to \$5,000.00

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 01/06/25 07:00 PM
 Department: Youth & Recreation
 Initiated by: **Mary Diana Pouli**
 Co-Sponsored by:

DOC ID: 29894

RESOLUTION 2025-71

ADOPTED

Advertising Contract (AYCC) - CRS #5246

Authorize the Supervisor to sign a contract between the Town of Amherst (Youth & Recreation Department) and Bee Group Newspapers for advertising for the Amherst Youth & Community Coalition for 2025, pending successful completion of the contract routing process.

1/6/2025

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

FINANCIAL IMPACT:

A 7256.4110: \$5,342.00

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

**Address**

5564 Main Street
Williamsville, NY 14221-5410

Tel: (716) 632-4700

Fax: (716) 633-8601

Web: www.beenews.com

ADVERTISING AGREEMENT

Business Name: Amhers Youth and Community Account #: 80038

Business Address: Town of Amherst, 1615 Amherst Manor Drive

City: Williamville St.: NY Zip: 14221

Business Phone: 716-631-1732 ext 7521 Fax: _____

Email: roseannem9810@gmail.com Website: _____

Advertising Contact Name: Roseanne McCarthy Cell Phone: _____

Emergency Contact Information (after hours): _____

Home Address: _____ Phone: _____

City: _____ St.: _____ Zip: _____

☒ **Frequency Agreement:** Rate Book #: 72

I hereby agree to use a minimum of two column inches of display advertising for a minimum of 13 ads up to 25 ads within 52 weeks beginning December 27, 2024.

☐ **Regional Agreement:** Rate Book #: _____

I hereby agree to use a minimum of two column inches of Regional display advertising for a minimum of _____ ads up to _____ ads within _____ weeks beginning _____.

☐ **Special Sections Agreement:** Rate Book #: _____

I hereby agree to use a minimum of _____ special sections within the next twelve months beginning _____. (Attach list of sections)

☐ **Community Directory Agreement:** Rate Book #: _____

I hereby agree to use a minimum of _____ Community Directories within the next twelve months beginning _____.

☐ **Special Agreement for:**

NOTES:

- 1) Contracts not completed as written will be re-billed at earned rates.
- 2) Contract effective with first publication day after signed by both parties.
- 3) Contract will not be made retroactive.

Terms of Agreement

**I understand that if I do not use the agreed space as stated above,
I will be re-billed at the earned rate as per the rate card.**

If any action or proceeding is to be commenced to collect the indebtedness, the advertiser agrees to pay Bee Publications Inc. 25% of the unpaid balance for its reasonable attorney fees in connection with such action or proceeding. If supplied above, I grant Bee Publications Inc. permission to fax or e-mail me or my company information on advertising, new promotions, spec ads, proposals and billing with regards to my account. See Publisher's Regulations printed on the other side for additional terms and conditions that apply to this agreement.

X Signature: _____ X Date: _____

X Print Name: _____ X Title: _____

Bee Representative: Kara Measer Sales #: 07

Accepted for Bee Publications Inc. by: _____ Date: _____

PUBLISHER'S REGULATIONS:

By submitting or requesting publication of any advertisement the customer agrees to the following Publisher's Regulations:

1. Bee Publications Inc. Reserves the right to reject or cancel any advertisement at any time. All advertising is subject to final approval by management before publication will be considered.
2. Advertiser and/or advertising agency will indemnify and hold harmless Bee Publications Inc., its officers, agents, employees and contractors, for all contents supplied to publisher, including text, representations, and illustrations of advertisements printed, and for defamation, invasion of privacy, copyright infringement, plagiarism, and, in the case of pre-printed inserts, deficient postage.
3. Cancellations and/or changes in copy will not be accepted by publisher after closing deadlines.
4. Bee Publications Inc. shall not be liable for failure to print, publish or circulate all or any part of any issue in which an advertisement accepted by the publisher is contained if failure is due to acts of God or government, strikes, accidents, lack of newsprint or other circumstances beyond the control of Bee Publications Inc.
5. Bee Publications Inc. shall not be liable for errors or omissions in, or failure to insert, any advertisement, for which it may be responsible, beyond cost of actual space occupied or failure to insert occurred. Advertiser will be entitled to refund of advertisement price or insertion in next issue, at advertiser's option.
6. Position cannot be guaranteed. No credit or allowance will be given for position. Specific page(s) or other provisions will be considered as requests only. We will make every effort to honor position requests as possible depending on make-up and space available.
7. Credit or adjustment will be allowed for the first insertion only. It is the advertiser's responsibility to check the correctness of their advertisement and notify Bee Publications Inc. at once of any errors before the next publication date. No credit will be allowed for additional insertions of the same advertisement.
8. ~~If any action or proceeding is to be commenced to collect the indebtedness, the advertiser agrees to pay Bee Publications Inc. twenty five (25%) percent of the unpaid balance due for its reasonable attorney or collection agency fees in connection with such action or proceedings.~~ KM
9. Unless advertiser makes written objection within 30 days from the rendering of any bill, statement or invoice for advertising published, such bill, statement or invoice shall be conclusive as to the correctness of the items therein and shall constitute an account stated.
10. ~~Customer agrees to "Terms of Sale" as published including a 2% per month service charge on all amounts over 30 days past due.~~ KM
11. Any rate adjustment will be made effective by giving 30 days written notice for contract advertisers. In event of such increase the advertiser may, at their option, immediately cancel their agreement without being re-billed at higher non-contract rates. Continuation of advertising at new rates shall constitute acceptance of the rate adjustment.
12. If for any reason, including failure to pay bill in full within terms, the advertiser does not use the contracted space within the specified period, they will be re-billed at the correct rate for advertising space actually used.

TERMS OF SALE

- a). All rates listed are Retail-Non-Commissionable
- b). All bills are due net 30 days from billing date
- c). All rates are per column inch, per insertion.
- d). ~~2% per month service charge will apply to accounts over 30 days. Minimum monthly service charge on accounts over 30 days is \$2.00 per month~~ KM
- e). Unless advertiser makes written objection within 30 days from the rendering of any bill for advertising published, such bill shall be conclusive as to the correctness of the items therein and shall constitute an account stated
- f). ~~If any action or proceeding is to be commenced to collect the indebtedness, the advertiser agrees to pay Bee Publications Inc. twenty five percent (25%) of the unpaid balance due for its reasonable attorney fees in connection with such action or proceedings~~ KM
- g). Contract advertising over 60 days past due subject to adjustment to Open Rate or actual earned rate at time of adjustment
- h). Minimum of two column inches for contract rates.
- i). Return check fee \$35.00 per occurrence.



Bee Group Newspapers

WNY's Leading Suburban Newspapers

Amherst Youth & Community Coalition 2025 Advertising Proposal Attn: Roseanne McCarthy

Proposal- Bee Newspapers print ad campaign 2025

Below you will find the pricing for advertising options in the Amherst Bee that your committee may choose to run. This proposal includes (2) Front Flag ads that were a part of your 2024 agreement rolled into the below 2025 agreement so that you would be able to renew your current agreement under the current and same rates as below for the 2025 advertising season.

Front page Flag Ads- Top right of Amherst Bee \$226 per paper per week. 2 dates: \$452.00
Rolled over Dates reserved: 01/17/25 & 02/21/25.

Quarter page ads inside the Amherst Bee-

Quarter page ads are offered at 50% off our open rate, \$353 per ad. 6 dates: \$2118.00
The Bee will donate the color for either of these options, valued at \$217.50 per ad.
The committee is planning to run 6 quarter page ads within 52 weeks, dates to be determined.

Front page Bottom Banner Ads- Bottom of Amherst Bee \$302.85 per paper per week. 5 dates \$1,514.25
Tentative dates reserved: 07/17/25, 08/21/25, 09/18/25, 11/18/25, & 12/24/25.

Sticky Notes- 1 time on front of Amherst Bee 17,000 notes cost \$1,258.00. prepaid 1 date: \$1258.00
Deadline is 3 weeks before publication, subject to availability.
Date to be determined.

Total investment using program above: \$5,342.00

****With removing the Front Page Flag ads due to being sold out, I replaced those weeks with Front Page Bottom Banner ads and adding in one additional ¼ page ad to get your commitment up to 13 ads.**

By committing to running a minimum of 13 ads or more (listed above is a total of 14, so we would be able to remove one if need be) if we resign and have you contract start date be December 27, 2024, you are guaranteed to receive these rates.

Thank you,

Kara Measer
Advertising Executive



Bee Publications, Inc.

Amherst Bee • Cheektowaga Bee • Clarence Bee • Depew Bee • East Aurora Bee
Ken-Ton Bee • Lancaster Bee • Orchard Park Bee • West Seneca Bee

5564 Main Street • Buffalo, NY 14221-5410 • 716/632-4700 • FAX 716/633-8601 • www.BeeNews.com

Packet Pg. 267

Attachment: Amherst Bee - AYCC (RES-2025-71 : Advertising Contract (AYCC) - CRS #5246)