



Amherst Town Board

Budget Meeting of the Town Board

Minutes

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

Francina J. Spoth
Town Clerk

Monday, October 24, 2022

7:00 PM

Amherst Municipal Building

I. IN MEMORY

II. INVOCATION

Deputy Supervisor Berger

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL:

7:00 PM Meeting called to order on October 24, 2022 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
Brian J. Kulpa	Town of Amherst	Supervisor	Present	
Jacqueline Berger	Town of Amherst	Deputy Supervisor	Present	
Deborah Bruch Bucki	Town of Amherst	Councilmember	Present	
Shawn Lavin	Town of Amherst	Councilmember	Present	
Michael Szukala	Town of Amherst	Councilmember	Absent	
Francina J. Spoth	Town of Amherst	Town Clerk	Present	
Timothy Koller	Town of Amherst	Deputy Town Clerk	Present	
Stanley J. Sliwa	Town of Amherst	Town Attorney	Present	
Martin A. Polowy	Town of Amherst	Senior Deputy Town Attorney	Present	
Daryl Bramer	Town of Amherst	Comptroller	Present	
Lynda Juul	Town of Amherst	Director of Finance	Present	
Jeffrey S. Burroughs	Town of Amherst	Town Engineer	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Patrick G. Lucey	Town of Amherst	Highway Superintendent	Present	

V. MINUTES APPROVAL

1. Monday, October 17, 2022

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

VI. PROCLAMATIONS AND ANNOUNCEMENTS

VII. PUBLIC HEARINGS

Speakers will be limited to 3 minutes.

1. **Resolution 2022-896**

Local Law Amending Chapter 175, Taxation

Public Hearing with respect to a Local Law Amending Chapter 175, Taxation, adding Article XII, Agricultural Districts, Exemptions.

9/19/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 7:11 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until the October 3rd Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was adjourned at 7:12 PM.

10/3/2022

A motion to adjourn the hearing until the October 17th Town Board meeting was made by Supervisor Kulpa, seconded by Councilmember Szukala and unanimously approved 4-0.

10/17/2022

A motion to adjourn the hearing until the October 24th Town Board meeting was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0.

10/24/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was opened at 7:02 PM.

Bob Gilmour, representing Spoth Farms, spoke.

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing to the November 7th Town Board meeting, seconded by Councilmember

Bucki and unanimously approved 4-0. The public hearing was adjourned at 7:16 PM.

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

2. Resolution 2022-1049

Capital Improvement Program (CIP) 2023-2028

The 2023-2028 CIP is available for viewing at the Planning Department, the Town Clerk's Office, and on the Town of Amherst Website (as part of the Town's Overall Budget). The 2023-28 CIP can be found on the following link:

https://www.amherst.ny.us/pdf/planning/cip/221007_supervisors_recommended_2023_2028_cip.pdf

10/24/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was opened at 7:16 PM.

Supervisor Kulpa gave a brief presentation.

The following speaker addressed the Board:

Don Smith, 201 N. Long St. - CIP Budget and the Town's long term debt

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the November 7th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:39 PM.

RESULT:	DECISION DATE [UNANIMOUS]	Next: 11/7/2022 7:00 PM
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqueline Berger, Deputy Supervisor	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

3. Resolution 2022-1050

Town of Amherst 2023 Budget

Presentation of the Supervisor's tentative budget without Town Board modifications for the fiscal year beginning January 1, 2023. The 2023 Budget is available for viewing at the Williamsville, Clearfield, Audubon, and Eggertsville-Snyder Libraries, the Comptroller's and Town Clerk's Offices, and on the Town of Amherst Website at the following link:

https://www.amherst.ny.us/content/departments.php?dept_id=dept_07&div_id=div_09&menu_id=menu_05

10/24/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was opened at 7:16 PM.

Supervisor Kulpa gave a brief presentation.

The following speaker addressed the Board:

Don Smith, 201 N. Long St. - CIP Budget and the Town's long term debt

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the November 7th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:39 PM.

RESULT:	DECISION DATE [UNANIMOUS]	Next: 11/7/2022 7:00 PM
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqueline Berger, Deputy Supervisor	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	

VIII. DEVELOPMENT REVIEW ACTIONS

IX. PERSONAL APPOINTMENTS TO BOARDS & COMMITTEES

Board Appointments - Amherst Conservation Advisory Council, Board of Ethics, Historic Preservation, IDA, Planning, Recreation, Recycling & Waste, Traffic Safety and the Zoning Board of Appeals.

NOTE - The number of vacancies is listed after the Committee name.

- 1. 9/11 Commemoration Committee**
Membership is unlimited.
- 2. Amherst Committee on Disabilities (2)**
- 3. Amherst Community Diversity Commission (9)**

- 4. Amherst Conservation Advisory Council (4)**
- 5. Amherst Industrial Development Agency**
Membership is full.
- 6. Amherst Veterans Committee (4)**
- 7. Arts & Culture in Public Places Board (5)**
- 8. Board of Assessment Review**
Membership is full.
- 9. Board of Electrician Examiners**
Membership is full.
- 10. Board of Ethics**
Membership is full.
- 11. Board of Plumbing and Drainage Examiners**
Membership is full.
- 12. Citizens Financial Advisory Committee (2)**
- 13. Design Advisory Board**
- 14. Employee Suggestion Program Merit Award Board**
Membership is full.
- 15. Employee Suggestion Review Committee**
Membership is full.
- 16. Energy Conservation Citizens Advisory Committee (3)**
- 17. Freedom of Information Law (FOIL) Board**
- 18. Glen Park Joint Board (1)**
Village vacancy
- 19. Government Study Committee (2)**
- 20. Historic Preservation Commission (1)**
- 21. Information Technology Advisory Committee (2)**
- 22. Library Board of Trustees (1)**
Membership is full.

23. Minority / Woman Owned Business (4)**24. Open Government Advisory Board (4)****25. Planning Board**

Membership is full.

26. Recreation Commission (2)**27. Recycling and Waste Committee (3)****28. Senior Services Advisory Board (2)****29. Traffic Safety Board**

Membership is full.

30. Youth Board (5)

Adult vacancies (5), Youth vacancies (0)

31. Zoning Board of Appeals

Membership is full.

X. PUBLIC EXPRESSION

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

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. Public Expression was opened at 7:39 PM.

The following speaker addressed the Town Board:

Don Smith, 201 N Long St. - work session video, resolutions 2022-1051 & 1058

There were no further speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Councilmember Bucki and unanimously approved 4-0. Public Expression was closed at 7:46 PM.

XI. CONSENT AGENDA

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

XII. COUNCILMEMBER RESOLUTIONS**A. SUPERVISOR KULPA:****1. Resolution 2022-1051****Business Meeting W/ Greater Jamaica Development Corporation**

Please approve travel for Supervisor Brian Kulpa, Lynda Juul, Dan Howard, Laurie Stillwell, Angela Rossi, and Emily Melski to attend meetings in New York City at a total estimated cost not to exceed \$12,978. The hotel costs are above the IRS per diem for convenience of business meetings being conducted in Grand Central. Funds will be broken down by various departments for 2022 budget.

10/24/2022

Consent

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

B. *DEPUTY SUPERVISOR BERGER:*

C. *COUNCILMEMBER BUCKI:*

D. *COUNCILMEMBER LAVIN:*

E. *COUNCILMEMBER SZUKALA:*

XIII. DEPARTMENT HEAD RESOLUTIONS AND REPORTS

A. *TOWN ATTORNEY:*

1. **Resolution 2022-1052**

**Request for a Public Hearing on the Acquisition by Eminent Domain
of Boulevard Mall Parcels**

AGENDA ITEM : OCTOBER 24TH, 2022

TO: Town Board

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

DATE: October 19, 2022

RE: Request For A Public Hearing On The Acquisition By Eminent Domain
of Boulevard Mall Parcels

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

Resolution Calling for a Public Hearing on the Possible Acquisition by Eminent Domain of the Boulevard Mall Parcels, Consisting of SBL/Tax ID Nos. 54.03-1-24.4, 54.03-1-24.22, 54.03-1-14, 54.03-1-13, 54.03-1-24.21, 67.06-1-1.111, 67.06-1-111/A, 67.06-1-39, and 54.03-1-23.1, as well as all and/or a portion of the property having SBL/Tax ID No. 54.03-1-12.1 in the Town of Amherst, in Connection with the Town of Amherst's Boulevard Central District Urban Renewal Plan adopted October 24, 2022

WHEREAS, pursuant to Article 15 of the General Municipal Law ("GML"), Section 503, the Town of Amherst is authorized to plan and/or implement one or more urban renewal projects for the purpose of eliminating certain areas within the Town that may, from time to time, exhibit deteriorating, substandard, or other negative conditions or characteristics, and which as a result have become slum and/or blighted; and

WHEREAS, by resolution dated June 27, 2022, the Town of Amherst designated the Boulevard Central District Urban Renewal Area as an area containing several such slum and/or blighted properties that are injurious and/or detrimental to the public safety, health, morals and welfare, making those properties appropriate for urban renewal under GML § 502(3); and

WHEREAS, the Boulevard Central District Urban Renewal Area consists of several

properties within the Town, including those parcels on which the Boulevard Mall is currently located and operates, as well as properties adjacent to/surrounding the Boulevard Mall; and

WHEREAS, by resolution dated October 24, 2022, the Town Board, acting as the Urban Renewal Agency for the Town, formally adopted the Town of Amherst's Boulevard Central District Urban Renewal Plan (the "Urban Renewal Plan"), which describes the Town's proposal for the revitalization and redevelopment of the Boulevard Central District Urban Renewal Area as a whole, including the Boulevard Mall; and

WHEREAS, the Town Board recognizes that the implementation of the Urban Renewal Plan is a significant undertaking that will require considerable time and resources, and which may involve one or more properties currently not under Town control, requiring that plan to be implemented in one or more phases, as the properties, approvals, resources, and/or other considerations needed to implement the Urban Renewal Plan are acquired, obtained, and/or otherwise addressed; and

WHEREAS, the Town Board is considering the acquisition by eminent domain of a portion of the properties comprising the Boulevard Central District Urban Renewal Area, specifically, those parcels on which the Boulevard Mall currently sits and surrounding properties, including the real property located at 1167, 1261, 1265, 1267 and 1269 Niagara Falls Boulevard, as well as 3891 and 3893 Maple Road, in the Town of Amherst, those properties having SBL/Tax ID Nos. 54.03-1-42.4, 54.03-1-24.22, 54.03-1-14, 54.03-1-13, 54.03-1-24.21, 67.06-1-1.111, 67.06-1-111/A, 67.06-1-39, and 54.03-1-23.1, as well as all and/or a portion of the real property located at 300 Almeda Avenue, that property having SBL/Tax ID No. 54.03-1-12.1 (collectively, the "Property"); and

WHEREAS, the Town Board is considering said acquisition for the following public purpose(s): as further set forth in the Urban Renewal Plan, because the Boulevard Mall is a main driver of economic underdevelopment, underutilization, declining property valuations and assessments, as well as stagnation and blight within the Town, the Town Board has determined that the Boulevard Central District Urban Renewal Area, including the Property specifically, should be redeveloped to: (i) eliminate that blight and transform those properties into a walkable, mixed-use, transit-oriented development that is capable of acting as a community center for both the Town and the greater Buffalo region; (ii) improve the quality and appearance of non-residential development within the Town; (iii) encourage reinvestment and capital investment (public and private) in commercial corridors and residential neighborhoods in the Town; (iv) further the Town's plans of establishing a Town-wide network of parks, open spaces, and greenway corridors; and (iv) establish the necessary site control required to implement the land use and other development goals set forth in the Urban Renewal Plan and the Town of Amherst's Bicentennial Comprehensive Plan, as specifically applied to the Boulevard Mall Parcels and/or the Boulevard Central District Urban Renewal Area as a whole; and

WHEREAS, the Town Board has determined that there are no viable alternate locations for the proposed public project because the Urban Renewal Plan only contemplates and authorizes the redevelopment of a geographically limited and specifically delineated area of the Town (the Boulevard Central District Urban Renewal Area, of which the Property is a part), with that area both currently exhibiting blight and being centrally located on a main thoroughfare and commercial corridor in the Town, such that the redevelopment of that area is most likely to further the purposes of the Urban Renewal Plan described above; and

WHEREAS, the Town Board, pursuant to Eminent Domain Procedure Law Article 2, wishes to hold a public hearing in order to inform the public of the proposed acquisition, the location of the Property, and to review the public use(s) to be served by the acquisition and

its furtherance of the Urban Renewal Plan, and to receive comments from the public on the proposed acquisition.

NOW THEREFORE, BE IT RESOLVED By the Town Board of the Town of Amherst as follows:

1. A public hearing will be held at 7:00 p.m. on November 21, 2022 at Town Hall, 5583 Main Street, Williamsville, New York, 14221: (a) to inform the public of the Town Board's proposal to take, by eminent domain, all the real property located at 1167, 1261, 1265, 1267 and 1269 Niagara Falls Boulevard, as well as 3891 and 3893 Maple Road, in the Town of Amherst, those properties being designated as SBL/Tax ID Nos. 54.03-1-42.4, 54.03-1-24.22, 54.03-1-14, 54.03-1-13, 54.03-1-24.21, 67.06-1-1.111, 67.06-1-111/A, 67.06-1-39, and 54.03-1-23.1, and also all and/or a portion of the real property located at 300 Alameda Avenue, that property being designated as SBL/Tax ID No. 54.03-1-12.1; and (b) to review both the public use to be served by the proposed acquisition and the furtherance of the Urban Renewal Plan as applied to those parcels, as well as the impact on the environment and residents of the locality where those actions will occur.

2. The Town Clerk is directed to publish the attached Public Notice in the Town's Official Newspaper, the Amherst Bee, which is a weekly paper, in two successive weekly issues, with the first publication no less than ten nor more than 30 days before the hearing, and to post the Public Hearing Notice at Town Hall.

3. The Town Clerk is to mail notice of the hearing, certified mail, return receipt requested, to the record owners of the subject property, no less than ten nor more than 30 days before the hearing.

4. Town staff and special counsel are authorized to take such steps as are necessary to effectuate the purposes of this Resolution.

5. This Resolution is effective immediately.

PASSED AND ADOPTED by the Town Board of the Town of Amherst the 24th day of October, 2022.

MAP:nmb

Attachment

c: Tim Koller, Deputy Town Clerk (*w/attachment*, Agenda Item - October 24, 2022)

10/24/2022

Consent

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

2. Resolution 2022-1053

Easement Agreement - 321 Commerce, LLC (CRS #3666)

AGENDA ITEM : OCTOBER 24TH, 2022

TO: Town Board

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

DATE: October 18, 2022

RE: Storm Drainage Easement Agreement (CRS #3666)
321 Commerce Drive, LLC

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement pending successful completion of the Contract Routing System.

The Town Attorney's Office has already reviewed the agreement and finds it acceptable for placement on the Town Board agenda for approval and signature by the Supervisor.

Thank you.

SJS:nmb

Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - October 24, 2022**)

10/24/2022

Consent

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

3. Resolution 2022-1054

2425-2455 Wehrle Drive Water Drainage Easement (CRS #3477)

AGENDA ITEM : OCTOBER 24TH, 2022

TO: Town Board

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

DATE: October 17, 2022

RE: Water Drainage Easement Agreement (CRS #3477)
2425-2455 Wehrle Drive

At its August 8th Town Board meeting, the Town Board adopted Resolution 2022-768 authorizing the Supervisor to execute the above agreement once the following conditions were met:

(1) Successful review of the Contract Routing System; (2) satisfaction of all conditions of site plan approval; and (3) applying for and obtaining a building permit once all conditions of site plan approval have been satisfied.

The Planning Board resolution approved the Site Plan based on a number of conditions, one being "That all access agreements be filed and approved prior to final site plan approval" and the Engineering Department approved the Site Plan with the condition that the "...executed easement and access agreement must be copied to this office prior to the issuance of any Building Department Plumbing permits; however, the agreement itself was approved for the Supervisor's signature pending "Satisfaction of all conditions and site plan approval; and applying for an obtain a building permit once all conditions of site plan approval have been satisfied."

Thus, kindly adopt the following resolution with respect to the above matter:

WHEREAS, a resolution authorizing the Supervisor to execute the above agreement as a condition of final site plan approval was approved on August 8th, 2022; and

WHEREAS, the approval given by the Planning Board requires "...That all access agreements be filed and approved prior to final site plan approval;" and

WHEREAS, the approval given by the Engineering Department requires that the "...executed easement and access agreement must be copied to this office prior to the issuance of any Building Department Plumbing permits;"

THEREFORE BE IT RESOLVED that the Town Supervisor is authorized to execute the above agreement prior to satisfaction of all conditions of Site Plan approval to meet the approval requirements of the Planning Board and Engineering Department.

Thank you.

SJS:nmb

c: Tim Koller, Deputy Town Clerk
(Agenda Item - October 24, 2022)

10/24/2022

Consent

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

4. **Resolution 2022-1055**

Temporary Access Agreement - 271 N. Union Road (CRS#3671)

AGENDA ITEM : OCTOBER 24TH, 2022

TO: Town Board

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

DATE: October 18, 2022

RE: Temporary Access Agreement (CRS #3671)
271 N. Union Road

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement pending successful completion of the Contract Routing System.

The agreement will grant temporary access to SJB Services, Inc. to access the above parcel owned by the Town of Amherst for the purpose of conducting soil borings.

Thank you.

SJS:nmb

Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - October 24, 2022**)

10/24/2022

Consent

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

B. TOWN CLERK:

C. ASSESSOR:

D. BUILDING/BUILDING MAINTENANCE:

E. CENTRAL ALARM:

F. COMPTROLLER:

1. Resolution 2022-1056

Budget Transfers and Amendments

October 24, 2022 Town Board Agenda

To: Town Board
From: Office of Town Comptroller
Date: 10/19/2022
Re: Various Department Budget Transfers / Amendments

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

BUDGET TRANSFERS - 2022

FROM:

A1990.4000 Contingency \$500.00

To transfer funds to cover the rest of the year office supplies expense.

TO:

A1010.4010 Councilmembers - Office Supplies \$500.00

BUDGET AMENDMENTS - 2022

INCREASE:

INCREASE:

A3120.02680 Police - Ins. Reimb. \$6,629.69 A3120.4230 Passenger Vehicles \$6,629.69
To record insurance reimbursements and increase vehicles repairs.

A3122.02410 Bailey Ave. - Rentals \$11,800.00 A3122.4220 Buildings & Grounds \$11,800.00
To recognize rental revenue and increase expenditures for buildings and grounds.

10/24/2022

Consent

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

2. Resolution 2022-1057**2023 Budget Changes**

Town of Amherst			
2023 Budget Changes			
		<u>Increase</u>	<u>Decrease</u>
A9060.05001	Hospital & Medical Insurance - Refund of Current Year Expense	100,000.00	
A0001.01002	Real Property Other		70,161.64
A0001.01081	PILOT Payments		546.24
A0001.01001	Real Property Taxes		29,292.12
		\$ 100,000.00	\$ 100,000.00
<i>To increase revenue for refund of current year expense for retired employees who pay into dental and vision.</i>			
<i>To decrease A0001.01002 for RPTL 520 budgeted revenue to correct amount for other items in the budget.</i>			
<i>To decrease PILOT Payments revenue for adjustments in revenue for calculated rates.</i>			
<i>To decrease property taxes for a net amount of \$29,292.12 for the General Fund (A).</i>			
		<u>Increase</u>	<u>Increase</u>
F3010.4110	No. Amherst - Contractual	4,122.87	
F0001.01001	Real Property Taxes		4,122.87
		\$ 4,122.87	\$ 4,122.87
<i>To correct the contractual amount. Net increase of \$4,122.87 for Fire Fund (F).</i>			
		<u>Increase</u>	<u>Decrease</u>
G9000.02401	Interest Earnings	100.00	
G9000.02375	Pretreatment Charges		100.00
		\$ 100.00	\$ 100.00
<i>To adjust pretreatment charges for other items in the budget.</i>			

10/24/2022

Consent

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

3. Resolution 2022-1058**2023 Budget Other Items**

Please see the attached file for 2023 Other Items (\$431,936.00). These items are added to the tax bill of the property owners and Erie County Real Property Tax Department requires Town Board approval adopting special Town charges.

10/24/2022

Consent

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

G. CONTRACT COMPLIANCE:

H. COURT:

I. ECONOMIC DEVELOPMENT:

J. EMERGENCY SERVICES:

K. ENGINEERING:

1. Resolution 2022-1059

**Williamsville Junior Football Facility - Change Order No. 1 Northeast
Diversification, Inc. CRS No. 3672**

The Engineering Department is requesting Town Board authorization for a \$36,348.22 change order for the above referenced project. This change order request is for the construction of additional site sidewalk infrastructure to serve the northern portion of the parking lot of the North Amherst Recreation Center. Originally this work was anticipated to be part of a second phase, however as the facility has experienced strong demand, the sidewalk had to be constructed for this football season.

Funding for this change order is available from KP2134-4972.

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

Thank you for your consideration.

10/24/2022

Consent

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

2. Resolution 2022-1060**Williamsville Junior Football Facility - Change Order No. 2 Northeast
Diversification, Inc. CRS No. 3673**

The Engineering Department is requesting Town Board authorization for a \$42,866.00 change order for the above referenced project. This change order request is for the construction of additional drainage infrastructure to serve the southern portion of the facility between and adjacent to the two (2) WJFL fields and the new concession facility currently under construction.

Funding for this change order is available from KP2134-4972.

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

Thank you for your consideration.

10/24/2022

Consent

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

L. FINANCE:

M. HIGHWAY

1. Resolution 2022-1061**NOCO Organic Composting Agreement CRS #3480**

NOW, THEREFORE, BE IT RESOLVED, that the Town of Amherst is approved to enter into a Partnership with NOCO Enterprises LLC (DBA Buffalo River Compost), 2440 Sheridan Drive, Tonawanda, NY 14150 for Organics Management Partnership.

WHEREAS, the Town of Amherst agrees that the contract includes Composting Services for the capability and experience with habitat restoration, environmental consulting and remediation.

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this one (1) year contract subject to the Contract Routing System (CRS #3480) and the approval of the Town Attorney.

10/24/2022

Consent

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

N. HUMAN RESOURCES:

1. Resolution 2022-1062

Recreation Attendant - PT (5 Positions)/Youth & Recreation

Recreation Attendant - PT (5 Positions)/Youth & Recreation, Effective October 25, 2022, Temporary, \$15.00 ph, Step 1 for Aidan Watson, Kathryn Obear, Mattea Gianno, Benjamin Brown and Maxwell Baker-Terhaar.

10/24/2022

Consent

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

2. Resolution 2022-1063

Recreation Attendant - PT (3 Positions)/Youth & Recreation

Recreation Attendant - PT (3 Positions)/Youth & Recreation, Effective October 25, 2022, Temporary, \$15.50 ph, Step 1 for Meredith Wheelock, Samantha Moon and Susan McClary.

10/24/2022

Consent

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

3. Resolution 2022-1064

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective October 25, 2022, Temporary, \$15.80 ph, Step 2 for Marissa Camacho.

10/24/2022

Consent

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

4. Resolution 2022-1065

Senior Records Inventory Clerk/Town Clerk's Office

Please appoint a Senior Records Inventory Clerk to the Town Clerk's Office. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective October 25, 2022 at an annual salary of \$49,358, Grade 6, Step J for Jennifer Meldrum.

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

10/24/2022

Consent

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

5. Resolution 2022-1066**Building & Zoning Clerk (2 Positions)/Building Department**

Please appoint two (2) Building & Zoning Clerks to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective October 25, 2022 at an annual salary of \$41,576, Grade 8, Step B for Karrie Princess and William Prenevau, III.

These are Permanent appointments for two employees who have been serving Provisionally.

10/24/2022

Consent

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

6. Resolution 2022-1067**Landscape Architect/Planning Department**

Please appoint a Landscape Architect to the Planning Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective October 25, 2022 at an annual salary of \$67,743, Grade 16, Step E for Jeffrey Szatkowski.

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

10/24/2022

Consent

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

O. INFORMATION TECHNOLOGY:

1. Resolution 2022-1068

IT Level 1 Risk Assessment - CRS ID #3662

Please authorize the Supervisor to sign a contract between the Town of Amherst and PCA Technology Group to perform the following security assessment analysis. Administrative security controls, physical security controls and internal and external technical controls. The vendor will then provide a summary report, a full assessment report, an action plan and roadmap as deliverables. Please approve payment of 50% of the contract total (\$4,750.00) at the commencement of the engagement.

10/24/2022

Consent

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

P. PLANNING:

1. Resolution 2022-1069

Resolution of the Town Board of the Town of Amherst, Acting as the Amherst Urban Renewal Agency, Determining that the Boulevard Central District Urban Renewal Plan Will Not Cause Any Potentially Significant Adverse Impacts Not Previously Considered, and Therefore a Supplemental Draft Environmental Impact Statement Will Not be Prepared

WHEREAS, pursuant to Article 15 of the General Municipal Law ("GML"), Section 503, the Town of Amherst is authorized to plan and/or implement one or more urban renewal projects for the purpose of eliminating certain areas within the Town that may, from time to

time, exhibit deteriorating, substandard, or other negative conditions or characteristics, and which as a result have become slum and/or blighted; and

WHEREAS, the Town of Amherst Town Board previously designated the Boulevard Central District study area, an approximately 1,260-acre triangular area bounded by Niagara Falls Boulevard (US Route 62) on the west, the Interstate (I-290) on the north and east, and Sheridan Drive (NYS Route 324) on the south (including some parcels directly south of Sheridan); and

WHEREAS, Revitalization of the Boulevard Central District, and therefore the Boulevard Central District Urban Renewal Area and the properties within it, was evaluated under the New York State Environmental Quality Review Act (SEQRA) for environmental impacts, during which review the Town Board prepared a Generic Environmental Impact Statement (GEIS) that evaluated a projected growth scenario and the cumulative environmental impacts of that growth over a 20-year period; and

WHEREAS, the Town Board approved the GEIS and the Findings Statement in January 2020; and

WHEREAS, the Town Board, acting as the Amherst Urban Renewal Agency, has prepared and is considering adoption of the Boulevard Central District Urban Renewal Plan, to carry out a portion of the goals of the Boulevard Central District study; and

WHEREAS, the Board has taken a hard look at the potential environmental impacts of the Boulevard Central District Urban Renewal Plan, comments at the public hearing and considered the criteria for requiring preparation of a Draft Supplemental Environmental Impact Statement.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Amherst, acting as the Amherst Urban Renewal Agency, as follows:

1. The Town Board, acting as the Amherst Urban Renewal Agency, hereby finds that the Boulevard Central District Urban Renewal Plan does not present specific significant adverse environmental impacts not addressed or inadequately addressed in the GEIS arising from either changes proposed for the District, newly discovered information, or a change in circumstances related to the District, and therefore a Draft Supplemental Environmental Impact Statement will not be prepared.

2. Town staff and special counsel are authorized to take such steps as are necessary to effectuate the purposes of this Resolution.

3. This Resolution is effective immediately.

10/24/2022

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

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

2. Resolution 2022-1001

Resolution of the Town Board of the Town of Amherst, Acting as the Amherst Urban Renewal Agency, Adopting the Boulevard Central District Urban Renewal Plan

WHEREAS, pursuant to Article 15 of the General Municipal Law ("GML"), Section 503, the Town of Amherst is authorized to plan and/or implement one or more urban renewal projects for the purpose of eliminating certain areas within the Town that may, from time to time, exhibit deteriorating, substandard, or other negative conditions or characteristics, and which as a result have become slum and/or blighted; and

WHEREAS, on June 27, 2022, the Town Board took several actions in regards to Article 15 of the New York General Municipal Law:

- A. Designated itself as the Amherst Urban Renewal Agency ("AURA"), as defined in §502(4) of the General Municipal Law, for the purposes of carrying out the functions vested in that office by Article 15 of the General Municipal Law
- B. Pursuant to §504 of the General Municipal Law, designated the "Boulevard Central District Urban Renewal Area" as an area appropriate for urban renewal as defined in §502(3) of the General Municipal Law
- C. Said designation was made because the site is underutilized and having a long-term deteriorating impact on the community, particularly the neighboring commercial properties
- D. Directed AURA to prepare an Urban Renewal Plan, as that term is defined in §502(7) of the General Municipal Law, for the redevelopment of a portion of the Boulevard Central District Urban Renewal Area consisting of the Boulevard Mall property and nearby properties as determined by AURA, which shall conform to the Comprehensive Plan of the Town and the Boulevard Central District Action Plan
- E. Submitted the Urban Renewal Plan to the Town Planning Board, which, after a duly noticed public hearing, shall certify whether the Plan complies with §502(7) of the General Municipal Law; and

WHEREAS the Town of Amherst Planning Board on September 22, 2022 held a public hearing on the proposed Boulevard Central District Urban Renewal Plan; and

WHEREAS, following the public hearing and review of the Boulevard Central District Urban Renewal Plan, the Town of Amherst Planning Board adopted a resolution certifying that

- A. The Plan complies with §502(7) of the General Municipal Law and includes a discussion of the required elements set forth therein.
- B. The Plan conforms with the finding made pursuant to § 504 of the General Municipal Law
- C. The Plan conforms to and is in furtherance of the Comprehensive Plan and is consistent with and in furtherance of the Town's objectives.
- C. The subject area is suitable for uses permitted by the current land use designation and the current mixed-use zoning districts.
- E. The proposed change does improve the balance of land uses, and does meet a specific demand in the Town.

WHEREAS, on October 17, 2022, the Town Board, acting as the Urban Renewal Agency for the Town, held a public hearing on the Boulevard Central District Urban Renewal Plan and redevelopment of the Boulevard Central District Urban Renewal Area as a whole; and.

WHEREAS, on October 24, 2022, after taking a hard look at the potential environmental impacts the Town Board adopted a Negative Declaration under the State Environmental Quality Review Act for the Boulevard Central District Urban Renewal Plan.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Amherst, acting as the Amherst Urban Renewal Agency, as follows:

1. The Town Board, acting as the Amherst Urban Renewal Agency, hereby finds pursuant to General Municipal Law § 505(4) as follows:
 - (a) The Boulevard Central District Urban Renewal Area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the Town.
 - (b) Any financial aid to be provided to the Town is necessary to enable the project to be undertaken in accordance with the plan.
 - (c) The Boulevard Central District Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the Town as a whole, for the undertaking of an urban renewal program.
 - (d) The Boulevard Central District Urban Renewal Plan conforms to a comprehensive community plan for the development of the Town as a whole.
 - (e) There will be no relocation of families and individuals displaced from the urban renewal area.
 - (f) Undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of such designated area.

2. The Boulevard Central District Urban Renewal Plan is hereby approved.
3. Town staff and special counsel are authorized to take such steps as are necessary to effectuate the purposes of this Resolution.
4. This Resolution is effective immediately.

10/17/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:51 PM.

Supervisor Kulpa presented.

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the October 24th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was closed at 8:04 PM.

10/24/2022

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

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

3. Resolution 2022-1070**Sidewalk Waiver Request, SWW-2022-03; Property Located at 695 Casey Road**

Sidewalk Waiver Request, SWW-2022-03; Property located at 695 Casey Road(SBL# 42.11-2-17.112). Robert and Kathryn Cavagnaro, Petitioner.

The subject request has been reviewed by the Planning and Engineering Departments. Attached find the reviews from both departments which give their recommendations.

10/24/2022

Consent

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

4. Resolution 2022-1071

Public Hearing Request for Proposed Local Law to Amend Chapter 203 of Town Code (Zoning Ordinance) Text Amendments to SC-Shopping Center District, Part 6 (Use Regulations) and Part 7 (Off-Street Parking, Loading and Stacking), ZTA-2022-04

Please schedule a public hearing on November 21, 2022 for the Proposed Local Law to Amend Chapter 203 of Town Code (Zoning Ordinance) Text Amendments to SC - Shopping Center District, Part 6 (Use Regulations) and Part 7 (Off-Street Parking, Loading and Stacking), ZTA-2022-04.

10/24/2022

Consent

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

Q. *POLICE:*

R. *SENIOR SERVICES:*

S. *YOUTH AND RECREATION:*

XIV. UNFINISHED BUSINESS

XV. COMMUNICATIONS

XVI. PUBLIC IMPROVEMENT PERMITS

1. Resolution 2022-1072

PIP 3107 - Sanitary Sewer – UBMD/North Maplemere Extension 2605 Amherst Manor Drive

Attached please find an application for a Sanitary Sewer Public Improvement Permit properly filled out. Permit fee and inspection cost amount to \$20,876.00.

We are sending one (1) check to the Comptroller's Office, \$150.00 to be retained as a Permit Fee for the Town Clerk, \$20,100.00 which will be held in escrow to cover the inspection cost, and \$626.00 to cover the televising cost and to be deposited in the SS District 16 account G9000-02377.

At this time we are asking for your approval of the application for PIP No. 3107.

10/24/2022

Consent

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

2. Resolution 2022-1073

PIP 3108 - Waterline - UBMD/North Maplemere Extension

Attached please find an application for a Waterline Public Improvement Permit properly filled out. Permit fee and inspection cost amount to \$11,786.00.

We are sending one (1) check to the Comptroller's Office, \$150.00 to be retained as a Permit Fee for the Town Clerk and \$11,636.00 which will be held in escrow to cover the inspection cost.

At this time we are asking for your approval of the application for PIP No. 3108.

10/24/2022

Consent

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

3. Resolution 2022-1074

PIP 3109 - Storm Sewer - UBMD/North Maplemere Extension 2605 Amherst Manor Drive

Attached please find an application for a Storm Sewer Public Improvement Permit properly filled out. Permit fee and inspection cost amount to \$7,570.00.

We are sending one (1) check to the Comptrollers Office, \$150.00 to be retained as a Permit Fee for the Town Clerk and \$7,420.00 which will be held in escrow to cover the inspection cost.

At this time we are asking for your approval of the application for PIP No. 3109.

10/24/2022

Consent

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

4. Resolution 2022-1075

PIP 3110 - Paving & Curbing - UBMD/North Maplemere Extension 2605 Amherst Manor Drive

Attached please find an application for a Paving & Curbing Public Improvement Permit properly filled out. Permit fee and inspection cost amount to \$65,475.00.

We are sending one (1) check to the Comptroller's Office, \$150.00 to be retained as a Permit Fee for the Town Clerk and \$65,325.00 which will be held in escrow to cover the inspection cost.

At this time we are asking for your approval of the application for PIP No. 3110.

10/24/2022

Consent

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

XVII. SUSPENSION OF RULES

Supervisor Kulpa moved to open Suspension of Rules to bring forth 1 unlisted item. The motion was seconded by Councilmember Lavin and unanimously approved 4-0. Suspension of Rules was opened at 7:51 PM.

There being no further business requiring Suspension of Rules, Supervisor Kulpa moved to close, seconded by Councilmember Lavin and unanimously approved 4-0. Suspension of Rules was closed at 7:53 PM.

1. Resolution 2022-1076

Approval of Contract – GP Flooring Solutions NYS OGS Flooring Contract PC69408 Audubon Library – Carpet Replacement T.O. A. Project No. 2019-048A

Suspension to Town Board Agenda Item October 24, 2022

TO: Amherst Town Board

FROM: Jacqueline Berger, Town Deputy Supervisor

DATE: October 24, 2022

RE: Approval of Contract - GP Flooring Solutions NYS OGS Flooring
Contract PC69408 Audubon Library - Carpet Replacement T.O. A. Project
No. 2019-048A

Please approve the above referenced contract in the amount of \$127,838.02 to GP Flooring Solutions, 32 Marway Circle, Gates, NY 14624, for the replacement of existing carpet at Audubon Library. Pursuant to the above OGS contract, please approve the Town Supervisor to sign the contract with the approved vendor, subject to CRS approval.

Funding for this contract shall be from project account KP2126-4972.

10/24/2022

A motion to approve was made by Supervisor Kulpa and seconded by Deputy Supervisor Berger. A motion was then made by Supervisor Kulpa to amend, seconded by Councilmember Bucki and unanimously approved 4-0. The amendment adds the underlined language. A motion to approve as amended was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 4-0.

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

XVIII. PUBLIC EXPRESSION #2

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

A motion to open Public Expression was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. Public Expression was opened at 7:54 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to close Public Expression, seconded by Deputy Supervisor Berger and unanimously approved 4-0. Public Expression was closed at 7:54 PM.

XIX. ADJOURNMENT

There being no further business to come before the Town Board, Supervisor Kulpa moved to adjourn, seconded by Councilmember Bucki and unanimously approved 4-0. The Town Board meeting of October 24, 2022 was adjourned at 7:54 PM.


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 26410

RESOLUTION 2022-896
ADJOURNED

Local Law Amending Chapter 175, Taxation

Public Hearing with respect to a Local Law Amending Chapter 175, Taxation, adding Article XII, Agricultural Districts, Exemptions.

9/19/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was opened at 7:11 PM.

There were no speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing until the October 3rd Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was adjourned at 7:12 PM.

10/3/2022

A motion to adjourn the hearing until the October 17th Town Board meeting was made by Supervisor Kulpa, seconded by Councilmember Szukala and unanimously approved 4-0.

10/17/2022

A motion to adjourn the hearing until the October 24th Town Board meeting was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 5-0.

10/24/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was opened at 7:02 PM.

Bob Gilmour, representing Spoth Farms, spoke.

There were no further speakers from the public, therefore Supervisor Kulpa moved to adjourn the hearing to the November 7th Town Board meeting, seconded by Councilmember Bucki and unanimously approved 4-0. The public hearing was adjourned at 7:16 PM.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Town Clerk
 Initiated by: **Francina J. Spoth**
 Co-Sponsored by:

DOC ID: 26620 A

RESOLUTION 2022-1049

DECISION DATE

Capital Improvement Program (CIP) 2023-2028

The 2023-2028 CIP is available for viewing at the Planning Department, the Town Clerk's Office, and on the Town of Amherst Website (as part of the Town's Overall Budget). The 2023-28 CIP can be found on the following link:

https://www.amherst.ny.us/pdf/planning/cip/221007_supervisors_recommended_2023_2028_cip.pdf

10/24/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was opened at 7:16 PM.

Supervisor Kulpa gave a brief presentation.

The following speaker addressed the Board:

Don Smith, 201 N. Long St. - CIP Budget and the Town's long term debt

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the November 7th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:39 PM.

FINANCIAL IMPACT:

tbd

RESULT:	DECISION DATE [UNANIMOUS]	Next: 11/7/2022 7:00 PM
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqueline Berger, Deputy Supervisor	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 26621

RESOLUTION 2022-1050

DECISION DATE

Town of Amherst 2023 Budget

Presentation of the Supervisor's tentative budget without Town Board modifications for the fiscal year beginning January 1, 2023. The 2023 Budget is available for viewing at the Williamsville, Clearfield, Audubon, and Eggertsville-Snyder Libraries, the Comptroller's and Town Clerk's Offices, and on the Town of Amherst Website at the following link:

https://www.amherst.ny.us/content/departments.php?dept_id=dept_07&div_id=div_09&menu_id=menu_05

10/24/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was opened at 7:16 PM.

Supervisor Kulpa gave a brief presentation.

The following speaker addressed the Board:

Don Smith, 201 N. Long St. - CIP Budget and the Town's long term debt

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the November 7th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 4-0. The public hearing was closed at 7:39 PM.

FINANCIAL IMPACT:

tbd

RESULT:	DECISION DATE [UNANIMOUS]	Next: 11/7/2022 7:00 PM
MOVER:	Brian J. Kulpa, Supervisor	
SECONDER:	Jacqueline Berger, Deputy Supervisor	
AYES:	Kulpa, Berger, Bucki, Lavin	
ABSENT:	Szukala	


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Supervisor
 Initiated by: **Brian J. Kulpa**
 Co-Sponsored by:

DOC ID: 26622

RESOLUTION 2022-1051
ADOPTED

Business Meeting W/ Greater Jamaica Development Corporation

Please approve travel for Supervisor Brian Kulpa, Lynda Juul, Dan Howard, Laurie Stillwell, Angela Rossi, and Emily Melski to attend meetings in New York City at a total estimated cost not to exceed \$12,978. The hotel costs are above the IRS per diem for convenience of business meetings being conducted in Grand Central. Funds will be broken down by various departments for 2022 budget.

10/24/2022

Consent

FINANCIAL IMPACT:

N/A

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

Office of the Supervisor
Business Trip to New York City

NAME	DEPT	DEPT #	Transportation				MEALS	SUBTOTAL	CONTINGENCY
			AIRFARE	GROUND	PARKING	HOTEL			
Brian Kulpa		1220	\$ 550.00	\$ 300.00	\$ 75.00	\$ 1,140.00	\$ 198.00	\$ 2,263.00	\$ 2,489.30
Dan Howard		8020	550.00	175.00	75.00	1,140.00	198.00	2,138.00	\$ 2,351.80
Laurie Stillwell		8020	550.00	175.00	75.00	1,140.00	198.00	2,138.00	\$ 2,351.80
Angela Rossi		1230	550.00	175.00	75.00	1,140.00	198.00	2,138.00	\$ 2,351.80
Emily Melski		1230	550.00	175.00	75.00	1,140.00	198.00	2,138.00	\$ 2,351.80
Lynda Juul		1345	550.00	200.00	75.00	1,140.00	198.00	2,163.00	\$ 2,379.30
								\$ 12,978.00	

Dave Mingoia (AIDA)

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ \$250 or LESS and under 75 miles

Department Head Approval ONLY Required

Revised 12 22 2021

☒ \$250 + or greater than 75 miles

Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Lynda Juul		A1345	631-7032

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
		New	Business meeting with Greater Jamaica

Expenses

Transportation:
Mileage @ \$0.585
Tolls
Parking
Local Transportation (bus/taxi)
Plane/Rail/Bus
Lodging:
nights 2 @ \$ 570
Meals:
IRS Per Diem Per Day: \$ 79
1st & Last Day of Travel @ 75% 118.50
Breakfasts @ \$
Lunches @ \$
Dinners @ \$
Incidentals @ \$
Registration/Conference Fee
Other
Subtotal
Contingency - 10% of subtotal or \$200
TOTAL

Estimated	Budget A/C #	Actual
\$ 75.00		
\$ 200.00		
\$ 550.00		
\$1,140.00		
\$ 198.00		
N/A		
\$2,163.00		N/A
216.30		N/A
\$2,379.30		

Request Approved By:

Department Head Signature

10/19/22

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: Lynda Juul (RES-2022-1051 : Business Meeting W/ Greater Jamaica Development Corporation)

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ \$250 or LESS and under 75 miles

Department Head Approval ONLY Required

Revised 12/22/2021

☒ \$250 + or greater than 75 miles

Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Emily Melski		A1230	631-7032

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
		New York City	Business meeting with Greater Jamaica Development Corporation

Expenses

	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ \$0.585			
Tolls			
Parking	\$ 75.00		
Local Transportation (bus/taxi)	\$ 175.00		
Plane/Rail/Bus	\$ 550.00		
Lodging:			
# nights 2 @ \$ 570	\$1,140.00		
Meals:			
IRS Per Diem Per Day: \$ 79			
1st & Last Day of Travel @ 75% 118.50	\$ 198.00		
# Breakfasts @ \$			
# Lunches @ \$			
# Dinners @ \$			
# Incidentals @ \$			
Registration/Conference Fee	N/A		
Other			
Subtotal	\$2,138.00		N/A
Contingency - 10% of subtotal or \$200	213.80		N/A
TOTAL	\$2,351.80		

Request Approved By:

Department Head Signature

10/19/22

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: Emily Melski (RES-2022-1051 : Business Meeting W/ Greater Jamaica Development Corporation)

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ \$250 or LESS and under 75 miles

Department Head Approval ONLY Required

Revised 12/22/2021

☒ \$250 + or greater than 75 miles

Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Angela Rossi		A1230	631-7032

Destination and Purpose of Trip

Destination and Purpose of Trip			
Date of Departure	Date of Return	Destination	Purpose/Justification
		New York City	Business meeting with Greater Jamaica Development Corporation

Expenses

Transportation:			
Mileage @ \$0.585			
Tolls			
Parking	\$ 75.00		
Local Transportation (bus/taxi)	\$ 175.00		
Plane/Rail/Bus	\$ 550.00		
Lodging:			
# nights 2 @ \$ 570	\$1,140.00		
Meals:			
IRS Per Diem Per Day: \$ 79			
1st & Last Day of Travel @ 75% 118.50	\$ 198.00		
# Breakfasts @ \$			
# Lunches @ \$			
# Dinners @ \$			
# Incidentals @ \$			
Registration/Conference Fee	N/A		
Other			
Subtotal	\$2,138.00		N/A
Contingency - 10% of subtotal or \$200	213.80		N/A
TOTAL	\$2,351.80		

Request Approved By:

Department Head Signature

10/19/22

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

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

Department Head Approval ONLY Required

Revised 12/22/2021

Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Laurie Stillwell		A8020	631-7032

Destination and Purpose of Trip

Destination and Purpose of Trip			
Date of Departure	Date of Return	Destination	Purpose/Justification
		New York City	Business meeting with Greater Jamaica Development Corporation

Expenses

Expenses	Estimated	Actual
Transportation:		
Mileage @ \$0.585		
Tolls		
Parking	\$ 75.00	
Local Transportation (bus/taxi)	\$ 175.00	
Plane/Rail/Bus	\$ 550.00	
Lodging:		
# nights 2 @ \$ 570	\$1,140.00	
Meals:		
IRS Per Diem Per Day: \$ 79		
1st & Last Day of Travel @ 75% 118.50	\$ 198.00	
# Breakfasts @ \$		
# Lunches @ \$		
# Dinners @ \$		
# Incidentals @ \$		
Registration/Conference Fee	N/A	
Other		
Subtotal	\$2,138.00	
Contingency - 10% of subtotal or \$200	213.80	
TOTAL	\$2,351.80	

Request Approved By:

Department Head Signature

10/19/22

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

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ \$250 or LESS and under 75 miles

Department Head Approval ONLY Required

Revised 12 22 2021

☒ \$250 + or greater than 75 miles

Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Dan Howard		A8020	631-7032

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
		New York City	Business meeting with Greater Jamaica Development Corporation

Expenses

	Estimated	Budget A/C #	Actual
Transportation:			
Mileage @ \$0.585			
Tolls			
Parking	\$ 75.00		
Local Transportation (bus/taxi)	\$ 175.00		
Plane/Rail/Bus	\$ 550.00		
Lodging:			
# nights 2 @ \$ 570	\$1,140.00		
Meals:			
IRS Per Diem Per Day: \$ 79			
1st & Last Day of Travel @ 75% 118.50	\$ 198.00		
# Breakfasts @ \$			
# Lunches @ \$			
# Dinners @ \$			
# Incidentals @ \$			
Registration/Conference Fee	N/A		
Other			
Subtotal	\$2,138.00		N/A
Contingency - 10% of subtotal or \$200	213.80		N/A
TOTAL	\$2,351.80		

Request Approved By:

Department Head Signature

10/19/22

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: Dan Howard (RES-2022-1051 : Business Meeting W/ Greater Jamaica Development Corporation)

TRAVEL EXPENSE APPROVAL / REIMBURSEMENT FORM

☐ \$250 or LESS and under 75 miles Department Head Approval ONLY Required

Revised 12/22/2021

☒ \$250 + or greater than 75 miles Department Head AND Town Board Approval Required

NAME	Employee #	Department	Phone Number
Brian Kulpa	9040	A1220	631-7032

Destination and Purpose of Trip

Date of Departure	Date of Return	Destination	Purpose/Justification
		New York City	Business meeting with Greater Jamaica Development Corporation

Expenses

	Estimated	Budget A/C #	Actual
Transportation:	\$ 925.00		
Mileage @ \$0.585			
Tolls			
Parking	\$ 75.00		
Local Transportation (bus/taxi)	\$ 300.00		
Plane/Rail/Bus	\$ 550.00		
Lodging:			
# nights 2 @ \$ 570	\$1,140.00		
Meals:			
IRS Per Diem Per Day: \$ 79			
1st & Last Day of Travel @ 75% 118.50	\$ 198.00		
# Breakfasts @ \$			
# Lunches @ \$			
# Dinners @ \$			
# Incidentals @ \$			
Registration/Conference Fee	N/A		
Other			
Subtotal	\$2,263.00		N/A
Contingency - 10% of subtotal or \$200	226.30		N/A
TOTAL	\$2,489.30		

Request Approved By:



Department Head Signature

10/19/22

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: Brian Kulpa (RES-2022-1051 : Business Meeting W/ Greater Jamaica Development Corporation)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Town Attorney
 Initiated by: **Martin A. Polowy**
 Co-Sponsored by:

DOC ID: 26617

RESOLUTION 2022-1052

ADOPTED

Request for a Public Hearing on the Acquisition by Eminent Domain of Boulevard Mall Parcels

AGENDA ITEM : OCTOBER 24TH, 2022

TO: Town Board

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

DATE: October 19, 2022

RE: Request For A Public Hearing On The Acquisition By Eminent Domain of Boulevard Mall Parcels

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

Resolution Calling for a Public Hearing on the Possible Acquisition by Eminent Domain of the Boulevard Mall Parcels, Consisting of SBL/Tax ID Nos. 54.03-1-24.4, 54.03-1-24.22, 54.03-1-14, 54.03-1-13, 54.03-1-24.21, 67.06-1-1.111, 67.06-1-111/A, 67.06-1-39, and 54.03-1-23.1, as well as all and/or a portion of the property having SBL/Tax ID No. 54.03-1-12.1 in the Town of Amherst, in Connection with the Town of Amherst's Boulevard Central District Urban Renewal Plan adopted October 24, 2022

WHEREAS, pursuant to Article 15 of the General Municipal Law ("GML"), Section 503, the Town of Amherst is authorized to plan and/or implement one or more urban renewal projects for the purpose of eliminating certain areas within the Town that may, from time to time, exhibit deteriorating, substandard, or other negative conditions or characteristics, and which as a result have become slum and/or blighted; and

WHEREAS, by resolution dated June 27, 2022, the Town of Amherst designated the Boulevard Central District Urban Renewal Area as an area containing several such slum and/or blighted properties that are injurious and/or detrimental to the public safety, health, morals and welfare, making those properties appropriate for urban renewal under GML § 502(3); and

WHEREAS, the Boulevard Central District Urban Renewal Area consists of several properties within the Town, including those parcels on which the Boulevard Mall is currently located and operates, as well as properties adjacent to/surrounding the Boulevard Mall; and

WHEREAS, by resolution dated October 24, 2022, the Town Board, acting as the Urban Renewal Agency for the Town, formally adopted the Town of Amherst's Boulevard Central District Urban Renewal Plan (the "Urban Renewal Plan"), which describes the Town's proposal for the revitalization and redevelopment of the Boulevard Central District Urban

Renewal Area as a whole, including the Boulevard Mall; and

WHEREAS, the Town Board recognizes that the implementation of the Urban Renewal Plan is a significant undertaking that will require considerable time and resources, and which may involve one or more properties currently not under Town control, requiring that plan to be implemented in one or more phases, as the properties, approvals, resources, and/or other considerations needed to implement the Urban Renewal Plan are acquired, obtained, and/or otherwise addressed; and

WHEREAS, the Town Board is considering the acquisition by eminent domain of a portion of the properties comprising the Boulevard Central District Urban Renewal Area, specifically, those parcels on which the Boulevard Mall currently sits and surrounding properties, including the real property located at 1167, 1261, 1265, 1267 and 1269 Niagara Falls Boulevard, as well as 3891 and 3893 Maple Road, in the Town of Amherst, those properties having SBL/Tax ID Nos. 54.03-1-42.4, 54.03-1-24.22, 54.03-1-14, 54.03-1-13, 54.03-1-24.21, 67.06-1-1.111, 67.06-1-111/A, 67.06-1-39, and 54.03-1-23.1, as well as all and/or a portion of the real property located at 300 Almeda Avenue, that property having SBL/Tax ID No. 54.03-1-12.1 (collectively, the "Property"); and

WHEREAS, the Town Board is considering said acquisition for the following public purpose(s): as further set forth in the Urban Renewal Plan, because the Boulevard Mall is a main driver of economic underdevelopment, underutilization, declining property valuations and assessments, as well as stagnation and blight within the Town, the Town Board has determined that the Boulevard Central District Urban Renewal Area, including the Property specifically, should be redeveloped to: (i) eliminate that blight and transform those properties into a walkable, mixed-use, transit-oriented development that is capable of acting as a community center for both the Town and the greater Buffalo region; (ii) improve the quality and appearance of non-residential development within the Town; (iii) encourage reinvestment and capital investment (public and private) in commercial corridors and residential neighborhoods in the Town; (iv) further the Town's plans of establishing a Town-wide network of parks, open spaces, and greenway corridors; and (iv) establish the necessary site control required to implement the land use and other development goals set forth in the Urban Renewal Plan and the Town of Amherst's Bicentennial Comprehensive Plan, as specifically applied to the Boulevard Mall Parcels and/or the Boulevard Central District Urban Renewal Area as a whole; and

WHEREAS, the Town Board has determined that there are no viable alternate locations for the proposed public project because the Urban Renewal Plan only contemplates and authorizes the redevelopment of a geographically limited and specifically delineated area of the Town (the Boulevard Central District Urban Renewal Area, of which the Property is a part), with that area both currently exhibiting blight and being centrally located on a main thoroughfare and commercial corridor in the Town, such that the redevelopment of that area is most likely to further the purposes of the Urban Renewal Plan described above; and

WHEREAS, the Town Board, pursuant to Eminent Domain Procedure Law Article 2, wishes to hold a public hearing in order to inform the public of the proposed acquisition, the location of the Property, and to review the public use(s) to be served by the acquisition and its furtherance of the Urban Renewal Plan, and to receive comments from the public on the

proposed acquisition.

NOW THEREFORE, BE IT RESOLVED By the Town Board of the Town of Amherst as follows:

1. A public hearing will be held at 7:00 p.m. on November 21, 2022 at Town Hall, 5583 Main Street, Williamsville, New York, 14221: (a) to inform the public of the Town Board's proposal to take, by eminent domain, all the real property located at 1167, 1261, 1265, 1267 and 1269 Niagara Falls Boulevard, as well as 3891 and 3893 Maple Road, in the Town of Amherst, those properties being designated as SBL/Tax ID Nos. 54.03-1-42.4, 54.03-1-24.22, 54.03-1-14, 54.03-1-13, 54.03-1-24.21, 67.06-1-1.111, 67.06-1-111/A, 67.06-1-39, and 54.03-1-23.1, and also all and/or a portion of the real property located at 300 Almeda Avenue, that property being designated as SBL/Tax ID No. 54.03-1-12.1; and (b) to review both the public use to be served by the proposed acquisition and the furtherance of the Urban Renewal Plan as applied to those parcels, as well as the impact on the environment and residents of the locality where those actions will occur.

2. The Town Clerk is directed to publish the attached Public Notice in the Town's Official Newspaper, the Amherst Bee, which is a weekly paper, in two successive weekly issues, with the first publication no less than ten nor more than 30 days before the hearing, and to post the Public Hearing Notice at Town Hall.

3. The Town Clerk is to mail notice of the hearing, certified mail, return receipt requested, to the record owners of the subject property, no less than ten nor more than 30 days before the hearing.

4. Town staff and special counsel are authorized to take such steps as are necessary to effectuate the purposes of this Resolution.

5. This Resolution is effective immediately.

PASSED AND ADOPTED by the Town Board of the Town of Amherst the 24th day of October, 2022.

MAP:nmb

Attachment

c: Tim Koller, Deputy Town Clerk (*w/attachment*, Agenda Item - October 24, 2022)

10/24/2022

Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

NOTICE OF PUBLIC HEARING PURSUANT TO ARTICLE 2 OF THE
NEW YORK STATE EMINENT DOMAIN PROCEDURE LAW IN
CONNECTION WITH THE PROPOSED ACQUISITION OF THE
BOULEVARD MALL PARCELS IN THE TOWN OF AMHERST, NEW
YORK, IN CONNECTION WITH THE TOWN OF AMHERST'S
BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN

NOTICE IS HEREBY GIVEN THAT, pursuant to Article 2 of the New York State Eminent Domain Procedure Law ("EDPL"), the Town Board of the Town of Amherst (the "Town Board") will hold a public hearing on the 21st day of November, 2022 at 7:00 p.m., local time, at the Municipal Building (Town Hall) located at 5583 Main Street, Williamsville, New York 14221, to outline and/or describe the proposed acquisition by the Town of certain parcels of property located in the Town of Amherst, New York (the "Town"), hereafter known as the "Property", which consist of the following properties and/or a portion thereof:

<u>No.</u>	<u>Address/Street</u>	<u>Tax Map Number</u>
1.	1269 Niagara Falls Blvd	54.03-1-24.4
2.	1267 Niagara Falls Blvd	54.03-1-24.22
3.	3891 Maple Rd	54.03-1-14
4.	3893 Maple Rd	54.03-1-13
5.	1265 Niagara Falls Blvd	54.03-1-24.21
6.	1261 Niagara Falls Blvd	67.06-1-1.111
7.	1261 Niagara Falls Blvd	67.06-1-1.111/A
8.	1167 Niagara Falls Blvd	67.06-1-39
9.	1185 Niagara Falls Blvd	54.03-1-23.1
10.	300 Almeda Avenue	54.03-1-12.1

The Town has proposed to acquire the Property for the following public purpose(s): as further set forth in the Town of Amherst's Boulevard Central District Urban Renewal Plan, adopted October 24, 2022 (the "Urban Renewal Plan"), the Boulevard Mall is a main driver of economic underdevelopment, underutilization, declining property valuations and assessments, as well as stagnation and blight within the Urban Renewal Area. Thus, the Town Board has determined that the Property specifically, should be redeveloped to eliminate that blight, and should be transformed into a walkable, mixed-use, transit-oriented development that is capable of acting as a community center for both the Town and the greater Buffalo region. Redevelopment of the Property is intended to: (i) improve the quality and appearance of non-residential development within the Town; (ii) encourage reinvestment and capital investment (public and private) in commercial corridors and residential neighborhoods within the Town; (iii) further the Town's plans of establishing a Town-wide network of parks, open spaces, and greenway corridors; and (iv) establish site control of the Boulevard Mall Parcels, which is a necessary and integral step towards furthering and realizing the land use and other development goals set forth in the Urban Renewal Plan and the Town of Amherst's Bicentennial Comprehensive Plan, as specifically applied to the Boulevard Mall Parcels and/or the Boulevard Central District Urban Renewal Area as a whole.

Acquisition of the above-described Property will include acquisition of land, buildings and other improvements, if any, situated thereon; and all other real property interests of any kind or nature. There are no viable alternate locations for the proposed public project because the Urban Renewal Plan only contemplates and authorizes the redevelopment of a geographically limited and specifically delineated area of the Town (the Boulevard Central District Urban Renewal Area, of which the Property is a part), with that area both currently

exhibiting blight and being centrally located on a main thoroughfare and commercial corridor in the Town, such that the redevelopment of that area is most likely to further the purposes of the Urban Renewal Plan described above.

The public hearing is intended to inform the property owner(s) and the public about the proposed acquisition of the above-described Property and to outline and review the public use, benefit and purpose to be served by the proposed redevelopment of those parcels pursuant to the Urban Renewal Plan. The property owner(s) and public are invited to attend the public hearing and to present oral and/or written statements or other documents concerning this matter.

Please be advised that pursuant to Article 2 of the EDPL, any property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts and objections raised at such hearing.

For additional information, please contact Daniel Howard, Planning Director, Town of Amherst, Town Hall, 5583 Main Street, Williamsville, New York 14221; Telephone (716) 631-7051.


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Town Attorney
 Initiated by: **Stanley J. Sliwa**
 Co-Sponsored by:

DOC ID: 26606

RESOLUTION 2022-1053
ADOPTED

Easement Agreement - 321 Commerce, LLC (CRS #3666)

AGENDA ITEM : OCTOBER 24TH, 2022

TO: Town Board

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

DATE: October 18, 2022

RE: Storm Drainage Easement Agreement (CRS #3666)
 321 Commerce Drive, LLC

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement pending successful completion of the Contract Routing System.

The Town Attorney's Office has already reviewed the agreement and finds it acceptable for placement on the Town Board agenda for approval and signature by the Supervisor.

Thank you.

SJS:nmb

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item - October 24, 2022**)

10/24/2022

Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

EASEMENT

This Agreement, made this 24th day of October, 2022

By and between 321 Commerce, LLC,

Parties of the first part, and the Town of Amherst, a Municipal Corporation of the State of New York, having its principal office in the Amherst Municipal Bldg, Williamsville, New York, party of the second part

WITNESSETH

WHEREAS, the parties of the first part are the owners of all that tract or parcel of land, situated in the Town of Amherst County of Erie and State of New York as shown on the attached legal description.

WHEREAS, the party of the second part seeks the right and easement to operate, maintain and make necessary repairs in connection with the existing storm sewer therewith

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollar paid by the party of the second part, the receipt whereof is hereby acknowledged, the parties hereto agree as follows:

FIRST: The parties of the first part hereby grant unto the party of the second part the permanent right and easement to construct, reconstruct, operate, maintain and repair said storm water pipe upon, under and across the 15 feet along the westerly portion of the real property of the parties of the first part as hereinbefore described

SECOND: The party of the second part hereby agrees that the property of the party of the first part shall be restored to the same condition as it existed prior to said construction.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals and the party of the second part has caused these presents to be executed by its duly authorized officer and its corporate seal to be hereunto affixed, the day and year first above written.

Owner, 321 Commerce, LLC by:
Mike Sinatra

Owner, 321 Commerce, LLC by:
Eric Bogart

Town of Amherst by:
Brian J. Kulpa, Supervisor

STATE OF NEW YORK } ss.:
County of ERIE }

On this ____ day of _____, 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed in the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK } ss.:
County of ERIE }

On this ____ day of _____, 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed in the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK } ss.:
County of ERIE }

On this ____ day of October, 2022, before me, the undersigned, personally appeared **Brian J. Kulpa, Supervisor**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed in the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

**SUGGESTED LEGAL DESCRIPTION
FOR PROPOSED 15' WIDE STORM SEWER EASEMENT
OVER LANDS OWNED BY: 355 PROPERTIES LLC**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 82, Township 12, Range 7 of The Holland Land Company's Survey bounded and described as follows:

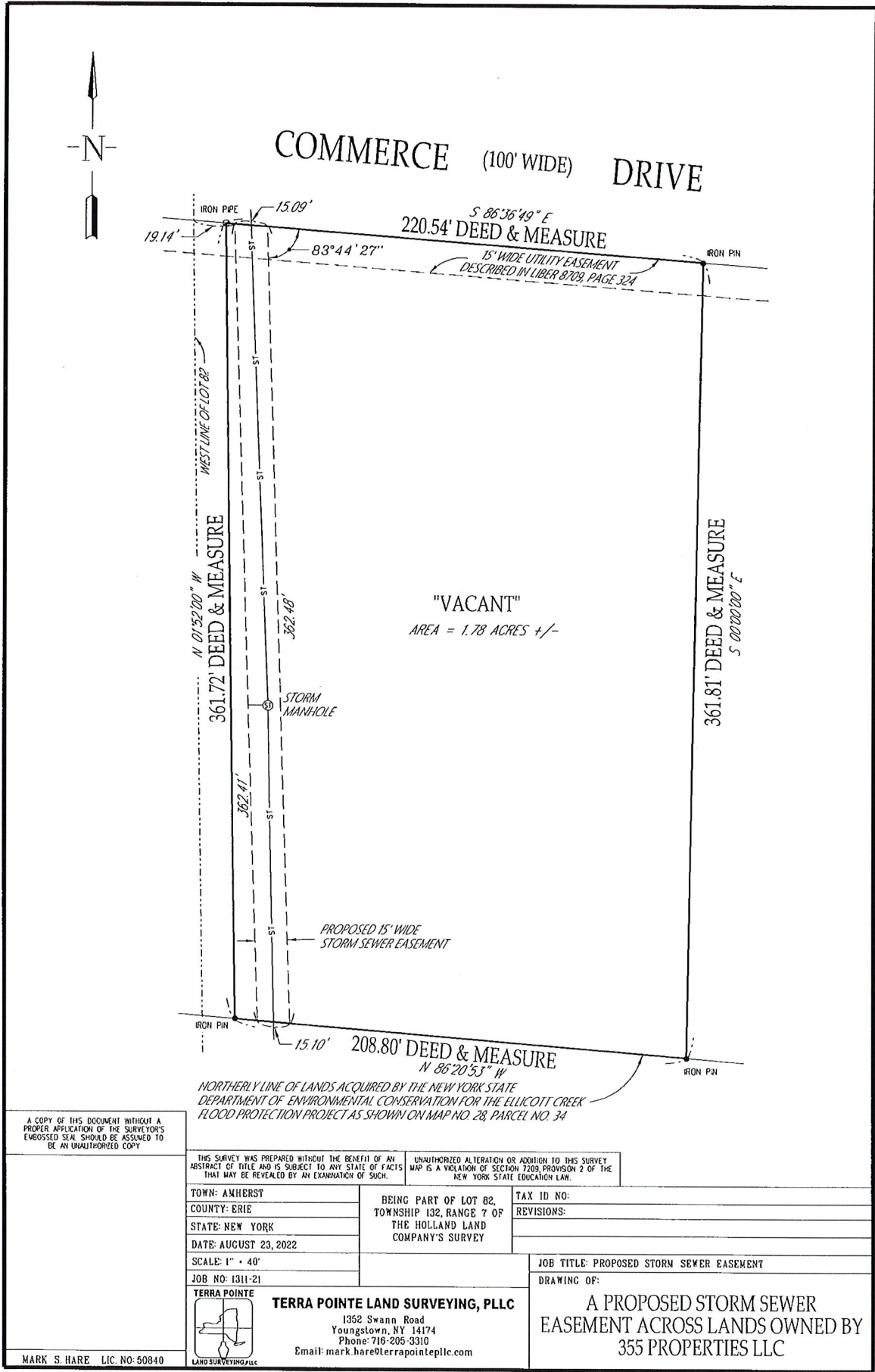
BEGINNING AT A POINT distant 19.14 feet easterly from where the southerly line of Commerce Drive intersects with the west line of Lot 82;

THENCE easterly along the southerly line of the Commerce Drive, a distance of 15.09 feet;

THENCE southerly forming an exterior angle of $83^{\circ} 44' 27''$ and through lands owned by 355 Properties LLC and described in a deed filed in the Erie County Clerk's Office in Liber 11349 at Page 6748, a distance of 362.48 feet to a point in the northerly line of lands acquired by the New York State Department of Environmental Conservation for the Ellicott Creek Flood Protection Project as shown on Map No. 28, Parcel No. 34;

THENCE westerly along the aforementioned north line of New York State Department of Environmental Conservation, a distance of 15.10 feet to a point;

THENCE northerly and parallel with the second mentioned course, a distance of 362.41 feet to the TRUE POINT OR PLACE OF BEGINNING. Containing 5,436.7 SQ. FT.



Attachment: 321CommerceLLC.Easement-10192022134231 (RES-2022-1053 : Easement Agreement - 321 Commerce, LLC (CRS #3666))



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Town Attorney
 Initiated by: **Stanley J. Sliwa**
 Co-Sponsored by:

DOC ID: 26607

RESOLUTION 2022-1054

ADOPTED

2425-2455 Wehrle Drive Water Drainage Easement (CRS #3477)

AGENDA ITEM : OCTOBER 24TH, 2022

TO: Town Board

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

DATE: October 17, 2022

**RE: Water Drainage Easement Agreement (CRS #3477)
 2425-2455 Wehrle Drive**

At its August 8th Town Board meeting, the Town Board adopted Resolution 2022-768 authorizing the Supervisor to execute the above agreement once the following conditions were met:

(1) Successful review of the Contract Routing System; (2) satisfaction of all conditions of site plan approval; and (3) applying for and obtaining a building permit once all conditions of site plan approval have been satisfied.

The Planning Board resolution approved the Site Plan based on a number of conditions, one being "That all access agreements be filed and approved prior to final site plan approval" and the Engineering Department approved the Site Plan with the condition that the "...executed easement and access agreement must be copied to this office prior to the issuance of any Building Department Plumbing permits; however, the agreement itself was approved for the Supervisor's signature pending "Satisfaction of all conditions and site plan approval; and applying for an obtain a building permit once all conditions of site plan approval have been satisfied."

Thus, kindly adopt the following resolution with respect to the above matter:

WHEREAS, a resolution authorizing the Supervisor to execute the above agreement as a condition of final site plan approval was approved on August 8th, 2022; and

WHEREAS, the approval given by the Planning Board requires "...That all access agreements be filed and approved prior to final site plan approval;" and

WHEREAS, the approval given by the Engineering Department requires that the "...executed easement and access agreement must be copied to this office prior to the issuance of any Building Department Plumbing permits;"

THEREFORE BE IT RESOLVED that the Town Supervisor is authorized to execute the above agreement prior to satisfaction of all conditions of Site Plan approval to meet the approval requirements of the Planning Board and Engineering Department.

Thank you.

SJS:nmb

c: Tim Koller, Deputy Town Clerk
(Agenda Item - October 24, 2022)

10/24/2022

Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Town Attorney
 Initiated by: **Martin A. Polowy**
 Co-Sponsored by:

DOC ID: 26612

RESOLUTION 2022-1055
ADOPTED

Temporary Access Agreement - 271 N. Union Road (CRS#3671)

AGENDA ITEM : OCTOBER 24TH, 2022

TO: Town Board

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

DATE: October 18, 2022

RE: Temporary Access Agreement (CRS #3671)
 271 N. Union Road

Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement pending successful completion of the Contract Routing System.

The agreement will grant temporary access to SJB Services, Inc. to access the above parcel owned by the Town of Amherst for the purpose of conducting soil borings.

Thank you.

SJS:nmb

Attachment

c: Tim Koller, Deputy Town Clerk
 (w/attachment, **Agenda Item - October 24, 2022**)

10/24/2022

Consent

FINANCIAL IMPACT:

None for the purposes of this resolution.

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

TEMPORARY ACCESS AGREEMENT

This Temporary Access Agreement ("Agreement") is entered into as of the 24th day of October, 2022 by and between SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075 ("LICENSEE") with offices for transaction of business located at 5167 South Park Avenue, Hamburg, New York 14075 and the TOWN OF AMHERST, with an address of 5583 Main Street, Williamsville, New York 14221 ("Town").

1) The Town, for valuable consideration, the sufficiency and receipt of which is hereby acknowledged, hereby grants to Licensee, the right to enter upon certain lands of the Town (the "Land") for the permitted use described in **Exhibit A** attached hereto and incorporated herein. Access to the Land shall be for the purpose of conducting the permitted use only and for no other purpose. Access to the Land is pursuant to a license granted by Town; there is no landlord-tenant relationship created by this agreement with respect to the use of the Land for the permitted use. LICENSEE shall repair any damage caused to the Town's property by access to the Land.

2) LICENSEE assumes all risk of, and agrees to indemnify, protect and save harmless the Town and its successors and assigns from all loss, damage, or injury to persons (including, without limitation, personal injuries resulting in death) or property and from all claims, demands, suits, liabilities, obligations and expenses arising therefrom, including reasonable legal fees and expenses, caused by or in any way connected with the exercise of the rights granted hereunder, except to the extent the same shall arise out of the sole negligent or sole intentional acts or omissions of any employee, officer, agent, invitee or representatives of Town. In the event that any judgment, lien or other encumbrance is placed upon or levied against the property of the Town in any suit or other proceedings due to LICENSEE's activities, LICENSEE will at once cause the same to be dissolved and discharged by giving bond or otherwise.

3) LICENSEE 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 of Amherst, its officers, agents, and/or employees, arising from the negligence, active or passive, of LICENSEE, its officers, agents, subcontractors, invitees, and/or employees.

4) LICENSEE shall maintain at all times during the term hereof sufficient insurance as may be required by the Town to protect LICENSEE and the Town from and against all claims, demands and causes of action arising by reason of any use or work performed by LICENSEE. Work shall not commence work under this Agreement until LICENSEE has obtained all insurance required under this section, a certificate of insurance has been provided to the Town of Amherst and such insurance has been approved by the Town of Amherst

(a) Workers' Compensation Insurance: LICENSEE shall take out and maintain during the life of this Agreement, Workers' Compensation Insurance for its employees to be assigned to the work hereto under.

(b) General Liability and Property Damage Insurance: LICENSEE shall take out and maintain during the life of this Agreement, such general liability and property damage insurance as shall protect it 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:

(c) General Liability insurance 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.

(d) LICENSEE shall ensure all its subcontractors, if any, have obtained all the above insurance policies.

(e) LICENSEE shall furnish the above insurances, including subcontractors' insurances, to the Town of Amherst and shall also name the Town of Amherst as a primary additional insured on a noncontributory basis in said policies.

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 not later than three (3) days after the date of such accident.

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

7) This Agreement shall be governed by, and interpreted according to the laws of the State of New York. Any and all legal action necessary to enforce the agreement will be held in Erie County, New York. If any term of this Agreement or any application thereof is adjudged invalid or unenforceable, the remainder of this Agreement and any other application thereof shall not be affected but shall remain in effect. This Agreement constitutes the entire agreement between the parties concerning the matters set forth herein, and any prior or contemporaneous agreement or understanding shall have no effect. This Agreement shall not be modified or amended except by a writing signed by the party against whom enforcement of the modification or amendment is sought.

8) This Agreement is not assignable by LICENSEE. This agreement may not be relied upon by any party other than Town and LICENSEE. There are no third-party beneficiaries of this agreement.

9) 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 contract shall be physically amended forthwith to make such insertion.

10) This Agreement shall be effective as of the date first set forth above and the term of this Agreement shall terminate on November 30, 2022.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date set for above.

TOWN OF AMHERST

LICENSEE

By: _____
Brian J. Kulpa
Town Supervisor

By: _____
Name:
Title:

EXHIBIT A**LANDOWNER'S PROPERTY LEGAL DESCRIPTION:**

BEGINNING at the point of intersection of the easterly line of Union Road with the southerly line of Reist Street; thence southeasterly along the easterly line of Union Road two hundred forty (240) feet; thence northeasterly at right angles about one hundred twenty-three (123) feet to the center line of a stream and the south line of Subdivision Lot No. 152 as shown on Cover No. 1604; thence northwesterly along the south line of said Subdivision Lot No. 152 to its southwest corner; thence northerly along the westerly line of said Subdivision Lot No. 152 about one hundred ten (110) feet to a point in the southerly line of Reist Street; thence westerly along the southerly line of Reist Street two hundred ten (210) feet to the point or place of beginning.

Subject to easements and rights of way owned by the County of Erie and excepting that part of the above described premises conveyed to or dedicated by the County of Erie for highway and drainage purposes, as appears by the records of Clerk of the County of Erie.

This conveyance is made and accepted pursuant to the terms of a resolution of the board of Supervisors of the County of Erie, being Item 29, page 448 of the minutes of its proceedings for the year 1955.

DESCRIPTION OF LICENSEE PERMITTED USE:

The permitted use of the Licensee is to perform soil borings on land owned by the Town of Amherst (271 N. Union Road).



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 26609

RESOLUTION 2022-1056

ADOPTED

Budget Transfers and Amendments

October 24, 2022 Town Board Agenda

To: Town Board
 From: Office of Town Comptroller
 Date: 10/19/2022
 Re: Various Department Budget Transfers / Amendments

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

BUDGET TRANSFERS - 2022

FROM:

A1990.4000 Contingency \$500.00
To transfer funds to cover the rest of the year office supplies expense.

TO:

A1010.4010 Councilmembers - Office Supplies \$500.00

BUDGET AMENDMENTS - 2022

INCREASE:

A3120.02680 Police - Ins. Reimb. \$6,629.69
To record insurance reimbursements and increase vehicles repairs.

INCREASE:

A3120.4230 Passenger Vehicles \$6,629.69

A3122.02410 Bailey Ave. - Rentals \$11,800.00
To recognize rental revenue and increase expenditures for buildings and grounds.

A3122.4220 Buildings & Grounds \$11,800.00

10/24/2022

Consent

FINANCIAL IMPACT:

See Descriptions.

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 26610

RESOLUTION 2022-1057

ADOPTED

2023 Budget Changes

Town of Amherst			
2023 Budget Changes			
		<u>Increase</u>	<u>Decrease</u>
A9060.05001	Hospital & Medical Insurance - Refund of Current Year Expense	100,000.00	
A0001.01002	Real Property Other		70,161.64
A0001.01081	PILOT Payments		546.24
A0001.01001	Real Property Taxes		29,292.12
		\$ 100,000.00	\$ 100,000.00
<i>To increase revenue for refund of current year expense for retired employees who pay into dental and vision.</i>			
<i>To decrease A0001.01002 for RPTL 520 budgeted revenue to correct amount for other items in the budget.</i>			
<i>To decrease PILOT Payments revenue for adjustments in revenue for calculated rates.</i>			
<i>To decrease property taxes for a net amount of \$29,292.12 for the General Fund (A).</i>			
		<u>Increase</u>	<u>Increase</u>
F3010.4110	No. Amherst - Contractual	4,122.87	
F0001.01001	Real Property Taxes		4,122.87
		\$ 4,122.87	\$ 4,122.87
<i>To correct the contractual amount. Net increase of \$4,122.87 for Fire Fund (F).</i>			
		<u>Increase</u>	<u>Decrease</u>
G9000.02401	Interest Earnings	100.00	
G9000.02375	Pretreatment Charges		100.00
		\$ 100.00	\$ 100.00
<i>To adjust pretreatment charges for other items in the budget.</i>			

10/24/2022

Consent

FINANCIAL IMPACT:

See Descriptions.

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Comptroller
 Initiated by: **Daryl Bramer**
 Co-Sponsored by:

DOC ID: 26611

RESOLUTION 2022-1058
ADOPTED

2023 Budget Other Items

Please see the attached file for 2023 Other Items (\$431,936.00). These items are added to the tax bill of the property owners and Erie County Real Property Tax Department requires Town Board approval adopting special Town charges.

10/24/2022

Consent

FINANCIAL IMPACT:

N/A

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

**Town of Amherst
2023 Budget
Other Items**

Other Items:

	Code	Charge	Interest	2023 Total
Delinquent Water Bills - ECWA	22018	4,849.33	484.98	5,334.31
Delinquent Sewer Bills-Village	22003	3,022.97	302.30	3,325.27
Code Violations	22962	75,594.42	7,559.44	83,153.86
RPTL 520	22017	67,269.59	-	67,269.59
Pretreatment Charges	22600	272,399.47	-	272,399.47
Omitted Tax	22970	453.50	-	453.50
		<u>\$ 423,589.28</u>	<u>\$ 8,346.72</u>	<u>\$ 431,936.00</u>


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Engineering
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26618

RESOLUTION 2022-1059
ADOPTED

Williamsville Junior Football Facility - Change Order No. 1 Northeast Diversification, Inc. CRS No. 3672

The Engineering Department is requesting Town Board authorization for a \$36,348.22 change order for the above referenced project. This change order request is for the construction of additional site sidewalk infrastructure to serve the northern portion of the parking lot of the North Amherst Recreation Center. Originally this work was anticipated to be part of a second phase, however as the facility has experienced strong demand, the sidewalk had to be constructed for this football season.

Funding for this change order is available from KP2134-4972.

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

Thank you for your consideration.

10/24/2022

Consent

FINANCIAL IMPACT:

KP2134-4972; \$36,348.22

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



#001

Wendel
Centerpointe Corporate Park, 375 Essay Road, Suite 200
Williamsville, New York 14221
Phone: 716-688-0766
Fax: 716-625-6825

Project: 261347 - Amherst (T) WJF Field

Subcontract Change Order #001 : Sidewalks

CONTRACT COMPANY:	Northeast Diversification, Inc. 2 Cadby Industrial Pkwy Lancaster, New York 14086	CONTRACT FOR:	SC-261347-001:Northeast Diversification, Inc. Contract
DATE CREATED:	9/ 30 /2022	CREATED BY:	Amanda Stabell (Wendel (Williamsville Office))
CONTRACT STATUS:	Approved	REVISION:	0
REQUEST RECEIVED FROM:		LOCATION	
DESIGNATED REVIEWER:		REVIEWED BY:	
DUE DATE:		REVIEW DATE:	10/06 /2022
REFERENCE:		CHANGE REASON:	
SCHEDULE IMPACT:		TOTAL AMOUNT:	\$ 36,348.22
DESCRIPTION:			
ATTACHMENTS:			
Revised Work status change order and proposed work WJFF.pdf			

CHANGE ORDER LINE ITEMS:

CCO #003

#	Cost Code	Description	Type	Amount
1		Sidewalk Option No 1	Other	\$ 19,235.00
2		Sidewalk Option No 2	Other	\$ 12,248.00
3		Wheel Chair Ramp	Other	\$ 3,600.00
4		Less Allowance Remaining	Other	(\$10,778.11)
5		T&M for electric and communication	Other	\$ 12,043.33
Subtotal:				\$36,348.22
Grand Total:				\$36,348.22

The original (Contract Sum)	\$ 1,203,150.00
Net change by previously authorized Change Orders	\$ 0.00
The contract sum prior to this Change Order was	\$ 1,203,150.00
The contract sum will be increased by this Change Order in the amount of	\$ 36,348.22
The new contract sum including this Change Order will be	\$ 1,239,498.22
The contract time will not be changed by this Change Order	

Attachment: 221012 Change_Order_No 3 (Amherst No 1) (RES-2022-1059 : Williamsville Junior Football Facility - Change Order No. 1)

#003



Attachment: 221012 Change_Order_No 3 (Amherst No 1) (RES-2022-1059 : Williamsville Junior Football Facility - Change Order No. 1)

This Change Order constitutes full and final compensation for the work described in this Change Order. The contract time will not be changed by this Change Order.

This document is utilized in lieu of AIA Document G701-2001.

Dave Kenyon (Wendel (Buffalo Office))

237 Main Street Suite 500

Buffalo New York 14202

Northeast Diversification, Inc.

2 Cadby Industrial Pkwy

Lancaster New York 14086

DocuSigned by:

A handwritten signature in black ink, appearing to be 'DK', enclosed in a blue DocuSign signature box.

10/11/2022

SIGNATURE

DATE

SIGNATURE

DATE

DocuSigned by:

A handwritten signature in black ink, appearing to be 'Tim Szezepanski', enclosed in a blue DocuSign signature box.

10/11/2022

C8FFD13CC7FB4D8...

SIGNATURE

DATE

Packet Pg. 67

40	ALLOWANCE APPLIED NO. 9 10' Gate	\$ 2,310.00	13.K.1.a
41	T & M for electric and communication	\$ 12,043.33	
Project Total		\$ 1,203,150.00	

WJFF Completed Extra Work

1	Sidewalk option 1	\$ 19,235.00
2	Sidewalk option 2	\$ 12,248.00
3	Wheel Chair Ramp	\$ 3,600.00
	Less allowance remaining	\$ (10,778.11)
	Total change order No. 1	\$ 24,304.89

WJFF Proposed Extra Work


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Engineering
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26619

RESOLUTION 2022-1060
ADOPTED

Williamsville Junior Football Facility - Change Order No. 2 Northeast Diversification, Inc. CRS No. 3673

The Engineering Department is requesting Town Board authorization for a \$42,866.00 change order for the above referenced project. This change order request is for the construction of additional drainage infrastructure to serve the southern portion of the facility between and adjacent to the two (2) WJFL fields and the new concession facility currently under construction.

Funding for this change order is available from KP2134-4972.

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

Thank you for your consideration.

10/24/2022

Consent

FINANCIAL IMPACT:

KP2134-4972; \$42,866.00

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



#002

Wendel
Centerpointe Corporate Park, 375 Essjay Road, Suite 200
Williamsville, New York 14221
Phone: 716-688-0766
Fax: 716-625-6825

Project: 261347 - Amherst (T) WJF Field

Subcontract Change Order #002 : Drainage

CONTRACT COMPANY:	Northeast Diversification, Inc. 2 Cadby Industrial Pkwy Lancaster, New York 14086	CONTRACT FOR:	SC-261347-001:Northeast Diversification, Inc. Contract
DATE CREATED:	9/ 30 /2022	CREATED BY:	Amanda Stabell (Wendel (Williamsville Office))
CONTRACT STATUS:	Approved	REVISION:	0
REQUEST RECEIVED FROM:		LOCATION	
DESIGNATED REVIEWER:		REVIEWED BY:	
DUE DATE:		REVIEW DATE:	
REFERENCE:		CHANGE REASON:	
SCHEDULE IMPACT:		TOTAL AMOUNT:	\$ 42,866.00
DESCRIPTION:			
ATTACHMENTS:			
	Revised Work status change order and proposed work WJFF.pdf		

CHANGE ORDER LINE ITEMS:

CCO #004

#	Cost Code	Description	Type	Amount
1		6" SMT 150' With Topsoil and Hydroseed	Other	\$ 18,100.00
2		12" SMT 220' With Topsoil and Hydroseed	Other	\$ 28,266.00
3		Deduct if both pipe items taken	Other	(\$3,500.00)
Subtotal:				\$42,866.00
Grand Total:				\$42,866.00

The original (Contract Sum) _____ \$ 1,203,150.00
 Net change by previously authorized Change Orders _____ \$ 36,348.22
 The contract sum prior to this Change Order was _____ \$ 1,239,498.22
 The contract sum would be changed by this Change Order in the amount of _____ \$ 42,866.00
 The new contract sum including this Change Order will be _____ \$ 1,282,364.22
 The contract time will not be changed by this Change Order

Attachment: 221012 Change_Order_No 4 (Amherst No 2) (RES-2022-1060 : Williamsville Junior Football Facility - Change Order No. 2)



#004

Attachment: 221012 Change_Order_No 4 (Amherst No 2) (RES-2022-1060 : Williamsville Junior Football Facility - Change Order No. 2)

This Change Order constitutes full and final compensation for the work described in this Change Order. The contract time will not be changed by this Change Order.

This document is utilized in lieu of AIA Document G701-2001.

Dave Kenyon (Wendel (Buffalo Office))

237 Main Street Suite 500

Buffalo New York 14202

Northeast Diversification, Inc.

2 Cadby Industrial Pkwy

Lancaster New York 14086

DocuSigned by:

A handwritten signature in blue ink, appearing to read 'DK', enclosed within a blue DocuSign signature box.

10/11/2022

SIGNATURE

DATE

SIGNATURE

DATE

DocuSigned by:

A handwritten signature in blue ink, appearing to read 'Tim Szczepanski', enclosed within a blue DocuSign signature box.

10/11/2022

SIGNATURE

DATE

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Northeast Diversification, Inc.
2 Cadby Industrial Park
Lancaster, New York 14086

Work, Change Order, and Proposed Drainage
as of
August 14, 2022
Williamsville Junior Football Fields

A	B	C	D	E	F	G	H	I	J
Item No.	Description of Work	Scheduled Value	Work From Previous Applications (D + E)	Completed This Period	Materials Presently Stored (Not in D or E)	Total Completed and Stored to Date (D + E + F)	% (G / C)	Balance to Finish (C - G)	Retainage 5%
1	Bond	\$ 12,300.00	\$ 12,300.00	\$ -	\$ -	\$ 12,300.00	100.00%	\$ -	\$ 615.00
2	Insurance	\$ 65,000.00	\$ 65,000.00	\$ -	\$ -	\$ 65,000.00	100.00%	\$ -	\$ 3,250.00
3	Mobilization	\$ 15,000.00	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	100.00%	\$ -	\$ 750.00
4	Submittals	\$ 5,500.00	\$ 5,500.00	\$ -	\$ -	\$ 5,500.00	100.00%	\$ -	\$ 275.00
5	SWPPP	\$ 16,000.00	\$ 16,000.00	\$ -	\$ -	\$ 16,000.00	100.00%	\$ -	\$ 800.00
6	MISCELLANEOUS DEMOS	\$ 14,000.00	\$ 14,000.00	\$ -	\$ -	\$ 14,000.00	100.00%	\$ -	\$ 700.00
7	STRIPING TOPSOIL	\$ 35,000.00	\$ 35,000.00	\$ -	\$ -	\$ 35,000.00	100.00%	\$ -	\$ 1,750.00
8	EXCAVATION SIDEWALKS	\$ 3,500.00	\$ 3,500.00	\$ -	\$ -	\$ 3,500.00	100.00%	\$ -	\$ 175.00
9	SITE CUT	\$ 18,000.00	\$ 18,000.00	\$ -	\$ -	\$ 18,000.00	100.00%	\$ -	\$ 900.00
10	SITE FILL EARTH	\$ 95,000.00	\$ 95,000.00	\$ -	\$ -	\$ 95,000.00	100.00%	\$ -	\$ 4,750.00
11	SUBBASE WALKS AND PADS	\$ 9,500.00	\$ 9,500.00	\$ -	\$ -	\$ 9,500.00	100.00%	\$ -	\$ 475.00
12	DRAINAGE LAYER	\$ 88,500.00	\$ 88,500.00	\$ -	\$ -	\$ 88,500.00	100.00%	\$ -	\$ 4,425.00
13	TOPSOIL SPREAD FROM STOCKPILE	\$ 25,000.00	\$ 25,000.00	\$ -	\$ -	\$ 25,000.00	100.00%	\$ -	\$ 1,250.00
14	MIXING COMPOST AND SAND AND PLACING	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	100.00%	\$ -	\$ 500.00
15	HYDROSEED	\$ 12,500.00	\$ 12,500.00	\$ -	\$ -	\$ 12,500.00	100.00%	\$ -	\$ 625.00
16	SOD	\$ 106,500.00	\$ 106,500.00	\$ -	\$ -	\$ 106,500.00	100.00%	\$ -	\$ 5,325.00
17	4" CONCRETE SIDEWALK	\$ 26,000.00	\$ 26,000.00	\$ -	\$ -	\$ 26,000.00	100.00%	\$ -	\$ 1,300.00
18	6" CONCRETE PAD	\$ 17,200.00	\$ 17,200.00	\$ -	\$ -	\$ 17,200.00	100.00%	\$ -	\$ 860.00
19	12" CONCRETE PAD	\$ 6,500.00	\$ 6,500.00	\$ -	\$ -	\$ 6,500.00	100.00%	\$ -	\$ 325.00
20	ELECTRICAL	\$ 144,000.00	\$ 144,000.00	\$ -	\$ -	\$ 144,000.00	100.00%	\$ -	\$ 7,200.00
21	ELECTRIC TRENCHING	\$ 27,500.00	\$ 27,500.00	\$ -	\$ -	\$ 27,500.00	100.00%	\$ -	\$ 1,375.00
22	FLAG POLE	\$ 8,500.00	\$ 8,500.00	\$ -	\$ -	\$ 8,500.00	100.00%	\$ -	\$ 425.00
23	CHAINLINK FENCE	\$ 46,500.00	\$ 46,500.00	\$ -	\$ -	\$ 46,500.00	100.00%	\$ -	\$ 2,325.00
24	BLEACHER AND PRESSBOX	\$ 125,000.00	\$ 125,000.00	\$ -	\$ -	\$ 125,000.00	100.00%	\$ -	\$ 6,250.00
25	RELOCATED SHED	\$ 2,500.00	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00	100.00%	\$ -	\$ 125.00
26	IRRIGATION	\$ 71,600.00	\$ 71,600.00	\$ -	\$ -	\$ 71,600.00	100.00%	\$ -	\$ 3,580.00
27	UNDERDRAIN SYSTEM	\$ 70,550.00	\$ 70,550.00	\$ -	\$ -	\$ 70,550.00	100.00%	\$ -	\$ 3,527.50
28	INSTALL EVENTS	\$ 9,000.00	\$ 9,000.00	\$ -	\$ -	\$ 9,000.00	100.00%	\$ -	\$ 450.00
29	ALTERNATE FENCE CAPS	\$ 11,000.00	\$ 11,000.00	\$ -	\$ -	\$ 11,000.00	100.00%	\$ -	\$ 550.00
30	ALTERNATE FENCE MATERIAL	\$ 6,000.00	\$ 6,000.00	\$ -	\$ -	\$ 6,000.00	100.00%	\$ -	\$ 300.00
31	ALLOWANCE REMAINING FROM \$100,000	\$ 10,778.11	\$ -	\$ -	\$ -	\$ -	0.00%	\$ 10,778.11	\$ -
32	ALLOWANCE APPLIED NO. 1 SELECT FILL	\$ 15,886.84	\$ 15,886.84	\$ -	\$ -	\$ 15,886.84	100.00%	\$ -	\$ 794.34
33	ALLOWANCE APPLIED NO. 2 UNDERCUTS	\$ 18,000.00	\$ 18,000.00	\$ -	\$ -	\$ 18,000.00	100.00%	\$ -	\$ 900.00
34	ALLOWANCE APPLIED NO. 3 SHED	\$ 5,415.60	\$ 5,415.60	\$ -	\$ -	\$ 5,415.60	100.00%	\$ -	\$ 270.78
35	ALLOWANCE APPLIED NO. 4 UD MATERIALS	\$ 5,791.62	\$ 5,791.62	\$ -	\$ -	\$ 5,791.62	100.00%	\$ -	\$ 289.58
36	ALLOWANCE APPLIED NO. 5 SCOREBOARD	\$ 24,361.00	\$ 24,361.00	\$ -	\$ -	\$ 24,361.00	100.00%	\$ -	\$ 1,218.05
37	ALLOWANCE APPLIED NO. 6 MANGATE	\$ 1,417.50	\$ 1,417.50	\$ -	\$ -	\$ 1,417.50	100.00%	\$ -	\$ 70.88
38	ALLOWANCE APPLIED NO. 7 CONC. BLOCKS	\$ 1,896.00	\$ 1,896.00	\$ -	\$ -	\$ 1,896.00	100.00%	\$ -	\$ 94.80
39	ALLOWANCE APPLIED NO. 8 Quick Connect	\$ 2,100.00	\$ 2,100.00	\$ -	\$ -	\$ 2,100.00	100.00%	\$ -	\$ 105.00
40	ALLOWANCE APPLIED NO. 9 10' Gate	\$ 2,310.00	\$ 2,310.00	\$ -	\$ -	\$ 2,310.00	100.00%	\$ -	\$ 115.50
41	T & M for electric and communication	\$ 12,043.33	\$ -	\$ -	\$ -	\$ -	0.00%	\$ 12,043.33	\$ -
	Project Total	\$ 1,203,150.00	\$ 1,180,328.56	\$ -	\$ -	\$ 1,180,328.56	95.60%	\$ 22,821.44	\$ 59,016.43

WJFF Completed Extra Work

1	Sidewalk option 1	\$ 19,235.00
2	Sidewalk option 2	\$ 12,248.00
3	Wheel Chair Ramp	\$ 3,600.00
	Less allowance remaining	\$ (10,778.11)
	Total change order No. 1	\$ 24,304.89
	WJFF Proposed Extra Work	
1	6" SMT 150' With Topsoil and Hydroseed	\$ 18,100.00
2	12" SMT 220' With Topsoil and Hydroseed	\$ 28,266.00
3	Deduct if both pipe items taken	\$ (3,500.00)
	Total change order No. 2	\$ 42,866.00
	East side play field upgrade and clean ditch	\$ 45,600.00
	Irrigation controller	735.00
	Total CO with earth work and drainage	\$ 59,201.00

Note: 14" clean stone and 4" topsoil surface restoration 25'
Note: 26" clean stone and 4" topsoil surface restoration 25'

all dirt left onsite
all dirt left onsite

Note if both pipe items taken deduct \$3,500.00


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Refuse

Initiated by: **Ryan C Licata**
 Co-Sponsored by: **Supervisor Brian J. Kulpa**

DOC ID: 26608

RESOLUTION 2022-1061
ADOPTED

NOCO Organic Composting Agreement CRS #3480

NOW, THEREFORE, BE IT RESOLVED, that the Town of Amherst is approved to enter into a Partnership with NOCO Enterprises LLC (DBA Buffalo River Compost), 2440 Sheridan Drive, Tonawanda, NY 14150 for Organics Management Partnership.

WHEREAS, the Town of Amherst agrees that the contract includes Composting Services for the capability and experience with habitat restoration, environmental consulting and remediation.

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign this one (1) year contract subject to the Contract Routing System (CRS #3480) and the approval of the Town Attorney.

10/24/2022

Consent

FINANCIAL IMPACT:

NTE \$18,200 per year

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

**AGREEMENT BETWEEN NOCO ENTERPRISES AND TOWN OF
AMHERST FOR PROCESSING OF FOOD WASTE AND OTHER
ORGANIC MATERIALS**

This Agreement made the ___3___ day of October 2022, by and between the Town of Amherst ("ToA"), a municipal corporation with its principle place of business located at 5583 Main Street, Williamsville, New York and NOCO Enterprise, LLC ("NOCO"), a New York Corporation with offices located at 2440 Sheridan Drive, Tonawanda, New York 14150.

Whereas, Buffalo River Compost (BRC) is a wholly owned subsidiary of NOCO and wishes to provide an opportunity to the Town for BRC to provide Organic Management and Composting Service ("Services") to facilitate the Town's food waste composting facility located at 3755 Tonawanda Creek Rd., ("New Road Facility"). The Town is presently operating this facility with Town employees and Town resources. It is also understood that the New Road Facility is currently being operated at far less than registered capacity with the New York State Department of Environmental Conservation (DEC). As a result thereof, NOCO agrees to provide the management services articulated in paragraphs through of this Agreement.

Whereas, the parties have agreed to the following terms and conditions for assistance in the management of the New Road facility:

- (1) **Term.** This Agreement shall commence on January 1, 2023 and expire on December 31, 2023. This Agreement shall be extended for a one (1) year term by either party provided thirty (30) days written notice is given. A maximum of three (3) shall be permitted. Either party to this Agreement may terminate it upon thirty (30) days prior written notice sent as reflected below in paragraph 24 for any reason whatsoever but only after the completion of the Current Compost Cycle of the current year.
- (2) **Operating Procedures.** NOCO and ToA will agree on operating procedures for the site, including operation within all applicable DEC regulations and the current DEC registrations.
- (3) NOCO shall assume control of the material and inventory currently in process or stored on site only for the purpose of assuring quality control of the product..
- (4) ToA shall provide operators, loader equipment, fuel, oil and maintenance as required for managing the material on the site; NOCO personnel shall not operate any ToA owned equipment.
- (5) NOCO will provide employees or assistants on an as-needed basis to assess inflows, material status, processing material needs, and to provide quality assurance.

September 27, 2022

- (6) **Persons to Contact.** NOCO will have a single point of contact for the ToA by advising the ToA of that contact person no later than December 12, 2022 and as needed thereafter. The ToA's Senior Refuse Control Officer (SRCO) shall be the sole and single point of contact for the ToA.
- (7) NOCO shall provide finished material to ToA or ToA residents at no cost, NOCO is responsible to package and market excess finished material. NOCO shall split all revenue produced by the sale of finished material 50/50 with ToA.
- (8) ToA will allow access to the New Road Facility for customers or vendors preapproved by ToA and will provide a loader and operator for loading material leaving site.
- (9) ToA employees shall measure, record and report all data required for compliance under the direction of NOCO.
- (10) Maximum volumes shall be predicated upon the space available and reasonable time to assimilate and process volume increases.
- (11) NOCO shall have the right to decline accepting material from ToA if the material would take New Road out of compliance.
- (12) NOCO can arrange for material obtained from non ToA residents or other third parties if needed, at a pre-determined fee with ToA prior approval.
- (13) NOCO will have the right to define a specification for incoming material, including what is not acceptable, such as plastics or other contaminants.
- (14) NOCO will work with ToA staff to define a policy on carbon credits that is mutually agreeable which shall result in a 50/50 split of any revenue derived from the sale of carbon credits in the voluntary market.
- (15) NOCO will have the right to conduct lawful research and pilot projects on site, to the extent space is available and not in conflict with DEC regulations or DEC requirements.
- (16) ToA shall pay NOCO a fee of \$140 per hour for the stated scope of services listed in paragraphs 2, 3, 5, 6, 7, 9, 13, 14, 15 with a maximum fee no more than \$18,200 per calendar year.

September 27, 2022

- (17) NOCO shall assume all responsibility and liability as it relates to employees and program participants assigned by NOCO to perform Services at the New Road Facility.
- (18) This Agreement shall be governed by, and interpreted according to the laws of the State of New York. If this Agreement 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.
- (19) **Insurance.** Each party shall secure and maintain throughout the Term, with a reputable insurance company or companies permitted to do business in the State of New York. The ToA if self-insured will provide a letter which outlines the Town's coverages:
- (a) Worker's Compensation and/or Occupational Disease Insurance in accordance with the applicable law or laws;
 - (b) Employer's Liability Insurance;
 - (c) Commercial General Liability with a combined Bodily Injury and Property Damage limit of not less than TWO Million (\$2,000,000.00) dollars per occurrence and FIVE Million (\$5,000,000.00) in the aggregate. Coverage must include the following perils:
 - (1.) Broad Form Blanket Contractual Liability for liability assumed under this Contract and all other Contracts relative to the Services provided;
 - (2.) Broad Form Property Damage;
 - (3.) Personal and Advertising Injury Liability;
 - (4.) Independent NOCOs;
 - (5.) Coverage is to be endorsed to include a "Waiver of Subrogation" Endorsement;
 - (d) Commercial Automobile Liability Insurance covering the use of all Owned, Non-Owned, and Hired Vehicles with combined

September 27, 2022

Bodily Injury and Property Damage Limit of at least ONE Million (\$1,000,000.00) Dollars;

- (e) Commercial Umbrella Liability Insurance at a ONE Million (\$1,000,000.00) per occurrence and aggregate limit. The coverage should be on a follow-form basis;
- (f) It is agreed that this insurance will not be canceled, materially changed, or not renewed without at least a thirty (30) day advance written notice to the other party.

(20) **Additional Insurance Requirements.**

(a) The ToA shall be an additional insured on a primary, non-contributory basis on all policies procured by NOCO. NOCO shall ensure all its sub-contractors, if any, have obtained all the above insurances and shall also assure that any policy procured by any sub or sub-sub shall name the Town as an additional insured on a primary and non-contributory basis.

(b) The failure by NOCO 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 this agreement and subject NOCO to forfeiture of its performance bond, if any, and to pay liquidated damages to the Town of \$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.

- (21) **Indemnification.** To the fullest extent permitted by law, NOCO 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.
- (22) It is understood and agreed that in undertaking the performance of, and in performing under, this Agreement, NOCO is and shall at all times be acting solely as an independent contractor. It is expressly understood that this Agreement does not in any way, or for any purpose, create or constitute a partnership between the parties hereto, or a joint venture by them.

September 27, 2022

- (23) **Conflicts.** The parties agree that conflicts arising pursuant to this Agreement, if any, shall be resolved at the lowest possible level to ensure both timely resolution of the issue and minimum disruption of Services.
- (24) **Written Notice.** Any notice required under this Agreement shall be in writing and shall be sent by registered or certified mail, facsimile or electronic mail to :

Town of Amherst
Office of Refuse Control
Attn: Senior Refuse Control Officer/ Sustainability Coordinator
1042 N. Forest Rd.
Williamsville, NY 14221.

For NOCO
NOCO Enterprises LLC, DBA Buffalo River Compost
Attn: CFO/ Director of Emerging Businesses
2440 Sheridan Drive
Tonawanda, NY 14150

- (25) **Assignment of Agreement.** This Agreement shall inure to the benefit of and be binding upon the respective parties, their successors and assigns. Partner may assign any or all of its rights and responsibilities under this Agreement to a related entity upon 30 days written notice to ToA.
- (26) **Amendment of Agreement.** No amendment, modification or change hereof shall be binding on any party hereto unless set forth in writing, dated subsequent hereto and executed by such party.
- (27) **Enforcement of Agreement.** If any provision of this Agreement shall be held or deemed to be or shall in fact be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatsoever.
- (28) **Confidentiality Notice:** This document is confidential and contains proprietary information and intellectual property of Partner. None of the information contained herein may be reproduced, republished, distributed, or disclosed under any circumstances without the express consent of Partner. If a FOIL request is made for this Agreement, then NOCOC shall defend, hold harmless and indemnify ToA from any and all costs, expensed. Fines or penalties associated with that FOIL request including, but not limited to, any attorney's fees associated with that FOIL request.

September 27, 2022

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:

Town of Amherst

By: _____
Brian J. Kulpa
Town Supervisor

Agreed to and Accepted by:

**NOCO Enterprises, LLC
DBA Buffalo River Compost**

By: 
Brian D. Murphy

Attachment: Noco Agreement Signed (RES-2022-1061 : NOCO Organic Composting Agreement CRS #3480)

September 27, 2022



CERTIFICATE OF LIABILITY INSURANCE

13.M.1.b

DATE (MM/DD/YYYY)

4/29/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY 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 this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
The Graham Company
The Graham Building
1 Penn Square West
Philadelphia PA 19102-

CONTACT
NAME: Joe Holden
PHONE
(A/C, No, Ext): 215-567-6300 FAX
(A/C, No): 215-933-3988
E-MAIL
ADDRESS: HOLDEN_UNIT@grahamco.com

INSURED
NOCO Energy Corp.
2440 Sheridan Drive, Suite 301
Tonawanda, NY 14150

NOCOENE-01

INSURER(S) AFFORDING COVERAGE	NAIC
INSURER A : Zurich-American Insurance Company	1653
INSURER B : Lloyds of London	1579
INSURER C : Ace American Insurance	2266
INSURER D : AIG Speciality Insurance Co.	2688
INSURER E : Ironshore Specialty Insurance Co	2544
INSURER F :	

COVERAGES

CERTIFICATE NUMBER: 442045419

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	ADDITIONAL SUBROGATION 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	GLO3697584-14	5/1/2022	5/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 S
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY		BAP3697583-14	5/1/2022	5/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ PHYS DAMAGE DEDUCT \$ SEE BELOW EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 S
B	☒ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$		22*UKPCB2200025-300237*04	5/1/2022	5/1/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 S
A	☒ 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	WC3697582-14	5/1/2022	5/1/2023	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C E D	Property Pollution Storage Tank Pollution		EPRN18655226 ISPILLSB941D001 ST3779518	5/1/2022 5/31/2021 5/1/2022	5/1/2023 5/31/2024 5/1/2023	Loss Limit: \$10,000,000/Occ. \$1,000,000 Ea Incident \$10,000,000/Agg \$2,000,000 Agg.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Auto Deductibles: \$250 - Collision & Comprehensive (Private Passenger Vehicles); \$500 - Collision & Comprehensive (Commercial Vehicles)
Garage Keeper's Liability Limit \$1,000,000

Town of Amherst is added as an additional insured on a Primary/Non-Contributory basis on the above General Liability policy if required by written contract.

CERTIFICATE HOLDER

Town of Amherst
5583 Main Street
Williamsville NY 14221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Kenneth L. Swell



CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) NOCO Energy Corp. 2440 Sheridan Drive, Suite 301 Tonawanda, NY 14150 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 716-833-6206 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1d. Federal Employer Identification Number of Insured or Social Security Number 16-0727383
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 Zurich American Insurance Company 3b. Policy Number of Entity Listed in Box "1a" WC 3697582-14 3c. Policy effective period 05/01/2022 to 05/01/2023 3d. The Proprietor, Partners or Executive Officers are ☒ included. (Only check box if all partners/officers included) all ☐ excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3, 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: Susan B. Kendziora
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: *Susan B. Kendziora* 04/28/2022
(Signature) (Date)

Title: Vice President-Enterprise Support Operations

Telephone Number of authorized representative or licensed agent of insurance carrier: 800-382-2150

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

C-105.2 (9-17)

www.wcb.ny.gov



**Workers'
Compensation
Board**

**CERTIFICATE OF INSURANCE COVERAGE
DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW**

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
NOCO Energy Corp.
2440 Sheridan Drive
Tonawanda, NY 14150

1b. Business Telephone Number of Insured
(716) 614-1273

1c. Federal Employer Identification Number of Insured or Social Security Number 16-0727383

Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)

2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
Town of Amherst
5583 Main St
Amherst, NY 14221

3a. Name of Insurance Carrier
Lincoln Life & Annuity Company of New York

3b. Policy Number of Entity Listed in box "1a"
000010235719

3c. Policy effective period:

01/01/2018 to 01/01/2023

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 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 and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 06/01/2021 By

(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 800-423-2765 Name and Title Paul Martin VP, Group Claims

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 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 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.

Attachment: 2022 Noco Insurance Documents (RES-2022-1061 : NOCO Organic Composting Agreement CRS #3480)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26598

RESOLUTION 2022-1062

ADOPTED

Recreation Attendant - PT (5 Positions)/Youth & Recreation

Recreation Attendant - PT (5 Positions)/Youth & Recreation, Effective October 25, 2022, Temporary, \$15.00 ph, Step 1 for Aidan Watson, Kathryn Obear, Mattea Gianno, Benjamin Brown and Maxwell Baker-Terhaar.

10/24/2022

Consent

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26599

RESOLUTION 2022-1063
ADOPTED

Recreation Attendant - PT (3 Positions)/Youth & Recreation

Recreation Attendant - PT (3 Positions)/Youth & Recreation, Effective October 25, 2022,
 Temporary, \$15.50 ph, Step 1 for Meredith Wheelock, Samantha Moon and Susan McClary.

10/24/2022

Consent

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26600

RESOLUTION 2022-1064
ADOPTED

Recreation Attendant - PT/Youth & Recreation

Recreation Attendant - PT/Youth & Recreation, Effective October 25, 2022, Temporary,
 \$15.80 ph, Step 2 for Marissa Camacho.

10/24/2022

Consent

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26603

RESOLUTION 2022-1065
ADOPTED

Senior Records Inventory Clerk/Town Clerk's Office

Please appoint a Senior Records Inventory Clerk to the Town Clerk's Office. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective October 25, 2022 at an annual salary of \$49,358, Grade 6, Step J for Jennifer Meldrum.

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

10/24/2022

Consent

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26604

RESOLUTION 2022-1066
ADOPTED

Building & Zoning Clerk (2 Positions)/Building Department

Please appoint two (2) Building & Zoning Clerks to the Building Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective October 25, 2022 at an annual salary of \$41,576, Grade 8, Step B for Karrie Princess and William Prenevau, III.

These are Permanent appointments for two employees who have been serving Provisionally.

10/24/2022

Consent

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Human Resources
 Initiated by: **Robert McCarthy**
 Co-Sponsored by:

DOC ID: 26605

RESOLUTION 2022-1067
ADOPTED

Landscape Architect/Planning Department

Please appoint a Landscape Architect to the Planning Department. Permanent, from list, pending satisfactory completion of a probationary term as set forth in the Civil Service Rule XIII. Effective October 25, 2022 at an annual salary of \$67,743, Grade 16, Step E for Jeffrey Szatkowski.

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

10/24/2022

Consent

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Information Technology
 Initiated by: **David J. Willer**

Co-Sponsored by: **Councilmember Shawn Lavin**

DOC ID: 26589

RESOLUTION 2022-1068

ADOPTED

IT Level 1 Risk Assessment - CRS ID #3662

Please authorize the Supervisor to sign a contract between the Town of Amherst and PCA Technology Group to perform the following security assessment analysis. Administrative security controls, physical security controls and internal and external technical controls. The vendor will then provide a summary report, a full assessment report, an action plan and roadmap as deliverables. Please approve payment of 50% of the contract total (\$4,750.00) at the commencement of the engagement.

10/24/2022

Consent

FINANCIAL IMPACT:

A1681-4110 - \$9,500.00

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



IT Level 1 Risk Assessment Proposal For Town of Amherst



August 24, 2022

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Solution Overview

PCA Technology Group, Inc. has been engaged by the Town of Amherst to provide a complete Information Technology Risk Assessment. This assessment will include a review of customer's current state of technology and security. This review will produce recommendations for remediation and a final S2SCORE® Assessment. Remediation is not included in this engagement.

S2SCORE®

The S2SCORE® is the most objective and comprehensive measurement of information security risk available in the market. It was designed by engineers at Security Studio, who average more than 15 years of information security experience, with these specific objectives in mind:

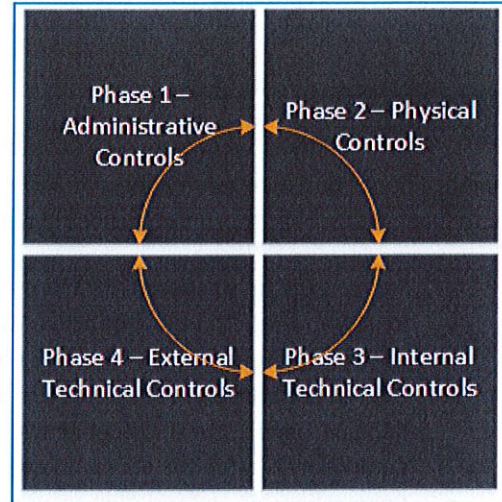
- Serve as the **foundational** risk score and measurement.
- **Based on risk.** The most effective way to manage information security is based on risk, not on specific controls that may or may not fit for your organization.
- **Easy to understand.** *Easy to understand* and *effective* are not mutually exclusive. In fact, they usually go hand in hand. The most effective information security programs are typically simple and effective. Complexity is often the enemy to good security.
- **Comprehensive.** Information security is not an IT issue; it is a business issue.
- **Objective.** Scoring is as objective as is possible given what we know about threats, vulnerabilities, exploits and risk in general. Each assessed control is given a risk metric based on professional opinions, best practices, and real-life data.
- **Clear and free from technical jargon.** Terms like "NextGen", "Internet of Things" (IoT), "Advanced Persistent Threats" (APT), etc. are all avoided as much as possible.
- **Industry accepted and credible.** The assessment leverages and references current security frameworks and standards such as ISO/IEC 27001:2013 and the NIST Cybersecurity Framework (CSF). This is very good news for organizations that have built their information security programs per one or more of these frameworks and helps to lend to the credibility of the assessment.
- **One-stop.** The type of assessment that can be used to measure the effectiveness of the security program, provide high-quality next steps (or recommendations), demonstrate regulatory compliance (HIPAA, GLBA, and others), and allow for effective cyber insurance underwriting*

*NOTE: S2SCORE® is **approved for cyber insurance underwriting** submission through Node International and Lloyd's of London. S2SCORE® is built to be the definitive and best information security risk assessment methodology available with reporting designed to be easy to manage and actionable.

S2SCORE® Scope

The intended scope for the S2SCORE® is the entire organization. Information security is a very broad topic. To simplify, and at the same time ensure comprehensiveness, S2SCORE® is segmented into four (4) phases:

- **Phase 1: Administrative Controls** – The “people” part of security, including risk management, security governance, policies, standards, training, and employee awareness.
- **Phase 2: Physical Controls** – How much does your anti-virus protection mean to you if someone steals your server? Physical controls are an essential and often overlooked part of your security strategy.
- **Phase 3: Technical Controls (Internal)** – We affectionately call this “the gooey center.” Most organizations do a pretty good job at securing the technical perimeter (firewalls, intrusion detection, etc.), but sometimes neglect the controls that are essential for an effective defense-in-depth strategy.
- **Phase 4: Technical Controls (External)** – This category covers how effective your organization is at keeping the bad guys out of your network.



The S2SCORE® process is simple and efficient. We understand that our clients have other work to do, so the process needs to be focused and time sensitive. Each phase is slightly different in the manner that information is gathered and assessed.

Phase 1 – Administrative Security Controls Assessment

The Administrative Security Controls Assessment includes a comprehensive and objective review of all documentation, processes, and practices used in the management and governance of information security.

Administrative Controls are derived from the NIST Cybersecurity Framework (CSF), ISO/IEC 27001:2013, NIST SP 800-53, and the CIS Critical Security Controls for reference, comparison, gap analysis, and risk rating.

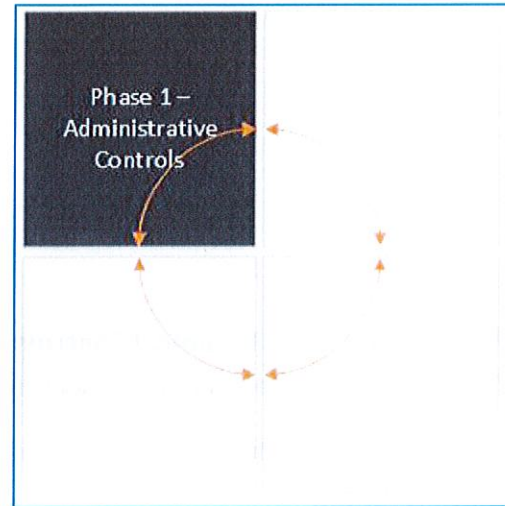
Where there are *applicable* gaps, the following metrics are applied using the S2SCORE® proprietary algorithm:

- Information Security **Maturity** ("ISM") - a measure of control quality and maturity,
- **Likelihood** of an adverse event or realized threat, and the potential **Impact** suffered by the organization, resulting in a **Risk Rating**.

Phase 1 – Administrative Security Controls is further segmented into control categories and subcategories.

Each control, each control sub-category, each control category, and the overall S2SCORE® are calculated based upon:

1. The size of the organization
2. The industry in which the organization operates
3. Historical threat and incident data obtained from a variety of sources.

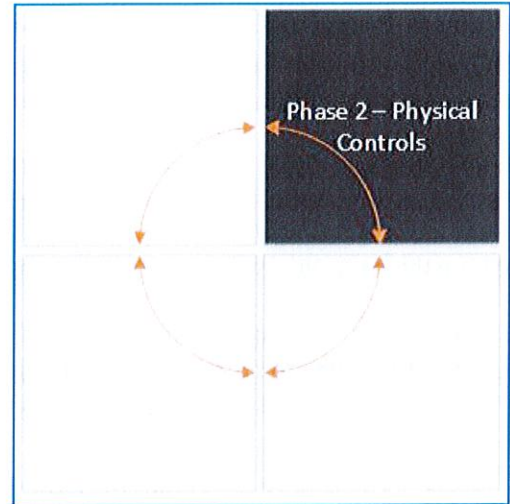


Phase 2 – Physical Security Controls Assessment

Phase 2 is a review of physical security controls and associated risks. Focus for Phase 2 of the assessment will be on where critical information resources are physically located.

Phase 2™ takes the following into consideration to generate a definitive risk score:

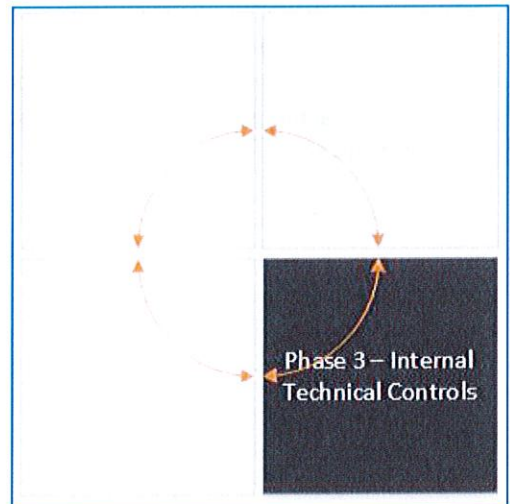
- Crime Index – using the latest FBI and local law enforcement crime data
- Natural Disasters
- Secure Areas
- Equipment



Phase 3 – Internal Technical Controls Assessment

This phase consists of a thorough, metrics-based assessment of:

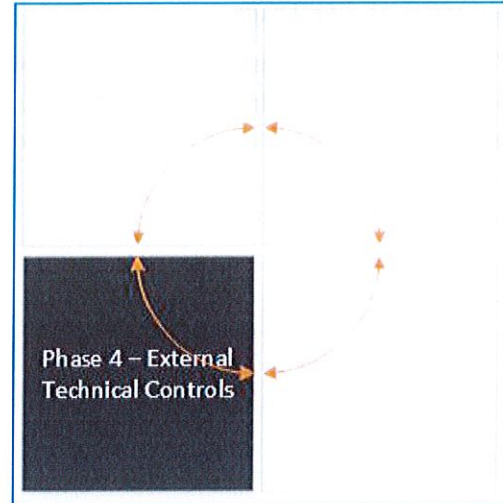
- A review of the network architecture and management practices,
 - Network Connectivity
 - Remote Access
 - Directory Services
 - Servers and Storage
 - Client Systems
 - Mobile Devices
 - Logging, Alerting, and Monitoring
 - Vulnerability Management
 - Backup and Disaster Recovery
- Vulnerability scanning on the internal network(s),
 - Tests for password policies, system permissions, required auditing and system settings that are common in all networks.
 - Tests for user auditing settings, such as their password complexity and logging access failures and logons that are common in all networks.
 - Tests conducted against a database of known vulnerabilities.
- Analysis of the collected vulnerability data
- Risk analysis and quantification
- Removal of insignificant data from results
- Prioritization of the risks identified



Phase 4 – External Technical Controls Assessment

The primary objective of the External Technical Controls Assessment and testing exercise is to identify significant vulnerabilities that pose a risk of unauthorized information disclosure, alteration, and/or destruction through publicly accessible* information resources.

The External Network Assessment consists of a two-phase process: vulnerability identification and analysis.



Phase 1: Vulnerability Identification

Hosts are tested for well-known and some zero-day vulnerabilities. Vulnerabilities in configurations, operating system versions and application versions are identified.

Phase 2: Analysis

Vulnerabilities are assessed for the likelihood of compromise and impact on the organization. Furthermore, vulnerabilities are ranked per severity, and recommendations for remediation are documented.

Your S2SCORE®

The end result of the assessment is your S2SCORE®. You will be provided with your overall S2SCORE® as well as a S2SCORE® for each Phase, control category, and individual control sub-category. This is important for your organization as we identify your most significant risks and prioritize remediation.

S2SCORE Scale



The S2SCORE® can be used to communicate your "risk score" to interested parties (Board of Directors, executive management, examiners/regulators, customers, etc.) and is a definitive risk calculation.

Your S2SCORE® is represented on a scale of 300 – 850:

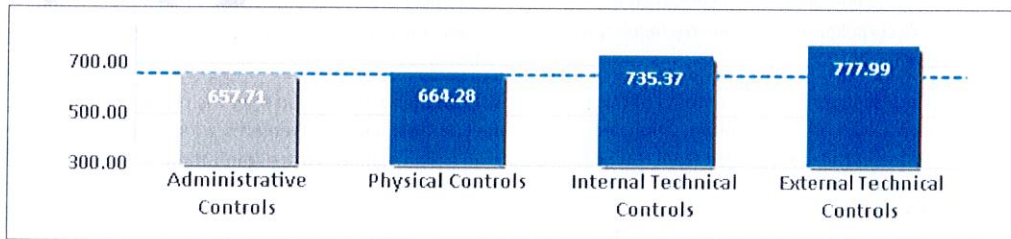
- 300 – 500 is generally considered to be **"Very Poor"**
- 501 – 599 is generally considered to be **"Poor"**
- 600 – 659 is generally considered to be **"Fair"**
- 660 – 779 is generally considered to be **"Good"**
- A score equal to or higher than 780 is generally considered to be **"Excellent"**

S2SCORE Scale**S2SCORE Average Across Industries**

The average S2SCORE is **567.72** across all industries. According to our calculations, there is roughly 26.3% less risk in the Network Center - Demo Account information security program than other organizations.

S2SCORE® Phase-by-Phase Comparison

There are four phases in a Full S2SCORE®: Administrative Controls, Physical Controls, Internal Technical Controls, and External Technical Controls. An "acceptable" level of security is 660.



Most organizations should be striving to attain and maintain a score of 660 or higher.

S2SCORE® Deliverables

The Town of Amherst will be provided with the following deliverables as part of this engagement:

- Final S2SCORE®
- Executive Summary Report
- Management Report
- Information Security Assessment Full Report
- S2SCORE® Action Plan
- PCA Roadmap

S2SCORE® Executive Summary Report

The S2SCORE® Executive Summary report is written in plain English with comparisons to other organizations, with a similar profile. It provides the necessary information to quickly understand where your organization's information security program excels and where it is deficient. The snapshot views allow solid decision-making now (tactically) and into the future (strategically).

S2SCORE® Information Security Assessment Full Report

The S2SCORE® Full Report is written with information security professionals in mind. All the details involved with what was assessed, how it was assessed (including tools and logic), findings, and recommendations are provided. The S2SCORE® Full Report is also supported with numerous other documents, technical testing results, and raw data. All supporting information is referenced and provided.

FISA™ INFORMATION SECURITY ASSESSMENT - FULL REPORT

How to Use This Report

There are four primary purposes for this report:

1. To understand how mature your organization's information security program is.
2. To understand where your organization's information security risks are.
3. To build a plan of action on how you should address your most significant unacceptable risks.
4. To demonstrate compliance with industry regulations (HIPAA, GLBA, and others) and customer/business partner requirements.

In order to gain the most benefit from the contents of this report, it is recommended that you read the report in its entirety and develop a plan of action. Information security is a lifecycle discipline that requires a long-term commitment. In order to get the most benefit from this report, create an action plan for your organization.

Four Phases of the FISA™

Administrative Controls Detail

Each of the ten (10) sections within the Administrative Controls assessment are further divided into forty-two (42) controls. The maturities and FISAScore™ for each control within each section are summarized in the following table.

Control	Risk Management	Maturity	FISAScore	
1.1	Risk management practices and integration	0.62	353.43	353.43
Control	Information Security Governance	Maturity	FISAScore	
2.1	Policies for information security	3.50	487.48	655.59
2.2	Review of the policies for information security	1.25		411.24
2.3	Security roles and responsibilities	1.88		473.43
2.4	Segregation of duties	2.00		664.28
Control	Human Resources Security	Maturity	FISAScore	
3.1	Screening	3.57	465.34	664.28
3.2	Management responsibilities	2.50		539.99
3.3	Information security awareness, education, and training	1.88		473.43
3.4	Specialized information security education and training	1.00		357.98
3.5	Termination or change of employment responsibilities	2.14		501.42
Control	Asset Management	Maturity	FISAScore	
4.1	Inventory of assets	1.67	524.89	452.21
4.2	Classification of information	4.44		775.06
4.3	Management of removable media	3.75		686.24
4.4	Disposal of media	2.50		539.99
Control	Access Control	Maturity	FISAScore	
5.1	Access control policy	2.50	658.59	539.99
5.2	User registration and de-registration	2.86		579.99

Section 1 - Risk Management

Objective: To ensure that risk management practices are formalized and executive management is enabled to make sound risk-based information security decisions.

Control		Maturity	FISAScore
1.1	Risk management practices and integration	0.62	353.43

1.1 - Risk management practices and integration

0.62 353.43

Control

Risk management practices should be formalized, documented, repeatable, and measurable.

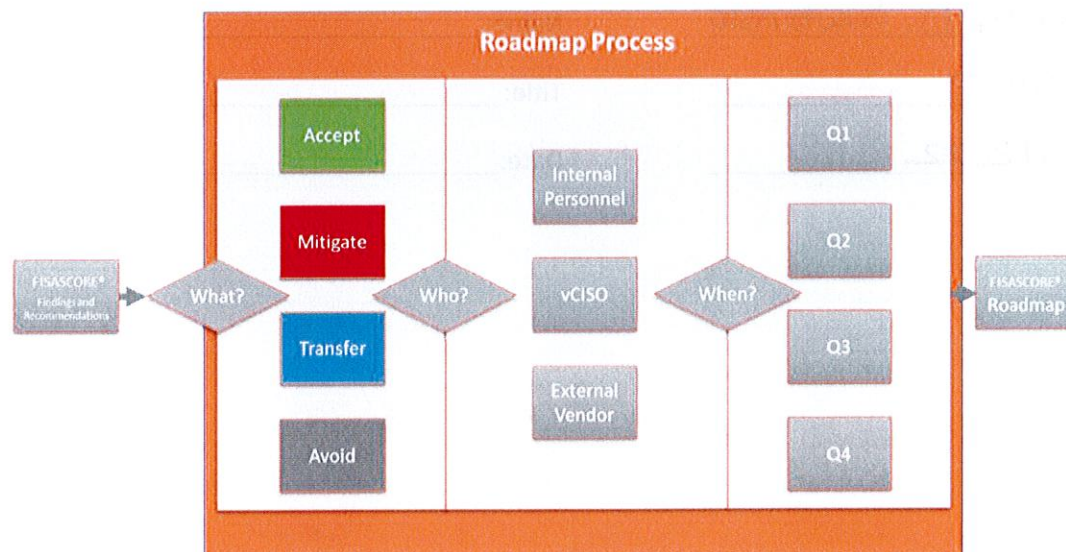
Threat Statement

Executive management is not aware of the most significant information security risks facing the organization.

S2SCORE® Action Plan & Roadmap

One of the challenges in any assessment is determining what to do with the results. The S2SCORE® Action Plan is a strategic and tactical plan to tackle the most significant findings from the assessment. The plan is developed post-assessment between the PCA Technology Group, Inc. Information Security Analyst and you. The result is a comprehensive plan with decisions, accountability, and projected dates for actions to be taken.

Section	Control Score	Control	Recommendation	Priority	Risk Action	Commitment Level	Complexity	Target Date	Responsible Person
(8) Incident Management	Very Poor	(2) Incident response procedures [Very Poor]	There are times when it is important to preserve evidence and perform a forensic investigation of an incident. The best time to determine if a forensic investigation will be necessary is very early on in the incident response process. Determine when forensic investigations will be necessary (define criteria) and how forensic investigations should be conducted. Document the criteria in the incident response process; however, it may make sense to create separate forensic procedures as a complement.	300	Reduce (Mitigate)	Not Started	Somewhat Easy	2017-Q4	External-vCISO
(8) Incident Management	Very Poor	(2) Incident response procedures [Very Poor]	All incidents should be categorized according to specific criteria. Categorization should include the incident type and severity, at a minimum.	300	Reduce (Mitigate)	Not Started	Easy	2017-Q4	External-vCISO
(8) Incident Management	Very Poor	(2) Incident response procedures [Very Poor]	Define the criteria from which the incident response procedures will be updated. Criteria could include change control processes, annual review, current events, test results, etc.	300	Reduce (Mitigate)	Not Started	Easy	2017-Q4	External-vCISO
(7) Security Operations	Very Poor	(9) Management of technical vulnerabilities [Very Poor]	The organization should define roles and responsibilities associated with technical vulnerability management, including vulnerability monitoring, vulnerability risk assessment, patching, asset tracking, and any coordination responsibilities required.	342	Reduce (Mitigate)	In Progress	Easy	2017-Q4	Internal-John
(7) Security Operations	Very Poor	(9) Management of technical vulnerabilities [Very Poor]	Roles and responsibilities for all facets of technical vulnerability management, including vulnerability monitoring, vulnerability risk assessment, patching, asset tracking, and any coordination responsibilities required, should be defined and documented.	342	Reduce (Mitigate)	In Progress	Easy	2017-Q4	Internal-John



Project Requirements

To ensure the highest level of success, PCA personnel will need access to the following:

- Key Stakeholders & Staff
- Infrastructure Hardware and Software
- Physical Space

Pricing & Payment

The total price for the above risk assessment is \$9,500

50% Billed upfront prior to engagement initiation and 50% upon delivery of project deliverables.

Conclusion

PCA Technology Group, Inc. is excited for the opportunity to work with The Town of Amherst on this project, and we look forward to feedback and kicking off the project.

Customer Signature

Date

PCA Technology Group

Signature: _____

Name: Steven D. Szubinski

Title: President

Date: 10/5/2022

Town of Amherst

Signature: _____

Name: _____

Title: _____

Date: _____

Consultant Minor Exposure Addendum to Contract

1. Notwithstanding any other provision in this Agreement, the following clauses shall be controlling. Should any other provision of the Agreement conflict with the clauses in this Addendum then the provisions of this Addendum are to be enforceable and any conflicting provision shall be considered null and void.
2. No rules, requirements or customs of any society or association of professional Consultants or any similar association shall affect this Agreement in any way whatsoever or be binding upon the Town.
3. 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.
 - (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:

PCA Technology Group, Inc.
Print Name of Company

By: _____

Signature

~~10/~~ Steven D. Szubinski
Printed name

Date: 10/5/2022

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.

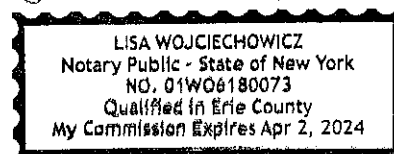
The Town reserves the right to reject any Contract/Lease or request for assignment for an entity that appears on the prohibited entities list prior to the award of a Contract/Lease, and to pursue a responsibility review with respect to any entity that is awarded a Contract/Lease and appears on the prohibited entities list after Contract/Lease award.

Company Name: PCA Technology Group, Inc.
 Signature: [Signature]
 Print Name: Steven D. Szubinski
 Title: President
 Date: 10/5/2022

Sworn To Before Me This

5th Day of October, 2022

[Signature]
 Notary Public



Revised 4.2017

Client#: 1694976

PCATEC

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/05/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER USI Insurance Services LLC 726 Exchange Street Buffalo, NY 14210 855 874-0123		CONTACT NAME: Helene Wendolovske PHONE (A/C, No, Ext): 855 874-0123 FAX (A/C, No): 877-775-0110 E-MAIL ADDRESS: Helene.Wendolovske@usi.com	
		INSURER(S) AFFORDING COVERAGE INSURER A: Hartford Ins Co of the Midwest	NAIC # 37478
		INSURER B: Phoenix Insurance Company	25623
		INSURER C: Hartford Fire Insurance Company	19682
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

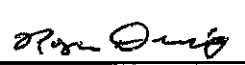
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR 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:		01SBARH4208	08/01/2022	08/01/2023	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ EACH OCCURRENCE \$ AGGREGATE \$ \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY					
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$					
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☒ Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	UB3H834258	08/01/2022	08/01/2023	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
C	E&O/CYBER		01TE0282506	01/06/2022	01/06/2023	\$1,000,000 Each Act \$1,000,000 Aggregate \$50,000 Retention

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Coverage

The General Liability policy includes an automatic Additional Insured endorsement that provides Additional Insured status to The Town of Amherst, only when there is a written contract that requires such status, and only with regard to work performed by or on behalf of the named insured. The General Liability policy contains a special endorsement with Primary and Noncontributory wording, when required by written contract.

CERTIFICATE HOLDER Town of Amherst 5583 Main St. Williamsville, NY 14221	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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**Workers'
Compensation
Board**

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) PCA Technology Group Inc. 303 Cayuga Rd Suite 100 Cheektowaga, NY 14225 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 716-632-5881 1c. NYS Unemployment Insurance Employer Registration Number of Insured 1d. Federal Employer Identification Number of Insured or Social Security Number 26-0022778
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	3a. Name of Insurance Carrier The Phoenix Insurance Companyex 3b. Policy Number of Entity Listed in Box "1a" UB-3H834258-22-42-G 3c. Policy effective period 08/01/22 to 08/01/23 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: Helene Wendolovske
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: Helene Wendolovske 10/05/2022
(Signature) (Date)

Title: Agent

Telephone Number of authorized representative or licensed agent of insurance carrier: 855-874-0123

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

C-105.2 (9-17)

www.wcb.ny.gov

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.
2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.



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) PCA Technology Group 20 Pineview Drive Amherst, NY 14228 <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 (716)-213-5369 1c. Federal Employer Identification Number of Insured or Social Security Number 161610814
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	3a. Name of Insurance Carrier The Guardian Life Insurance Company of America 3b. Policy Number of Entity Listed in Box 1a 00937226 0012 3c. Policy Effective Period 07/01/2022 to 07/01/2023

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 10/10/2022

By

Mr. Prestileo

(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number 1-888-278-4542

Name and Title Michael Prestileo, Head of Group Benefits Strategy, Product & Underwriting

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.**

DB-120.1 (12-21)



Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in Box 1a for disability and/or Paid Family Leave benefits under the NYS Disability and Paid Family Leave Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance Coverage (Certificate) to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices 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 NYS disability and/or Paid Family Leave benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or Paid Family Leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Insurance Coverage for NYS disability and/or Paid Family Leave Benefits or other authorized proof that the business is complying with the mandatory coverage requirements of the NYS Disability and Paid Family Leave Benefits Law.

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Planning
 Initiated by: **Dan Howard**
 Co-Sponsored by:

DOC ID: 26623

RESOLUTION 2022-1069

ROLL CALL VOTE (ADOPTED)

Resolution of the Town Board of the Town of Amherst, Acting as the Amherst Urban Renewal Agency, Determining that the Boulevard Central District Urban Renewal Plan Will Not Cause Any Potentially Significant Adverse Impacts Not Previously Considered, and Therefore a Supplemental Draft Environmental Impact Statement Will Not be Prepared

WHEREAS, pursuant to Article 15 of the General Municipal Law ("GML"), Section 503, the Town of Amherst is authorized to plan and/or implement one or more urban renewal projects for the purpose of eliminating certain areas within the Town that may, from time to time, exhibit deteriorating, substandard, or other negative conditions or characteristics, and which as a result have become slum and/or blighted; and

WHEREAS, the Town of Amherst Town Board previously designated the Boulevard Central District study area, an approximately 1,260-acre triangular area bounded by Niagara Falls Boulevard (US Route 62) on the west, the Interstate (I-290) on the north and east, and Sheridan Drive (NYS Route 324) on the south (including some parcels directly south of Sheridan); and

WHEREAS, Revitalization of the Boulevard Central District, and therefore the Boulevard Central District Urban Renewal Area and the properties within it, was evaluated under the New York State Environmental Quality Review Act (SEQRA) for environmental impacts, during which review the Town Board prepared a Generic Environmental Impact Statement (GEIS) that evaluated a projected growth scenario and the cumulative environmental impacts of that growth over a 20-year period; and

WHEREAS, the Town Board approved the GEIS and the Findings Statement in January 2020; and

WHEREAS, the Town Board, acting as the Amherst Urban Renewal Agency, has prepared and is considering adoption of the Boulevard Central District Urban Renewal Plan, to carry out a portion of the goals of the Boulevard Central District study; and

WHEREAS, the Board has taken a hard look at the potential environmental impacts of the Boulevard Central District Urban Renewal Plan, comments at the public hearing and considered the criteria for requiring preparation of a Draft Supplemental Environmental Impact Statement.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Amherst, acting as the Amherst Urban Renewal Agency, as follows:

1. The Town Board, acting as the Amherst Urban Renewal Agency, hereby finds that the Boulevard Central District Urban Renewal Plan does not present specific significant adverse environmental impacts not addressed or inadequately addressed in the GEIS arising from either changes proposed for the District, newly discovered information, or a change in circumstances related to the District, and therefore a Draft Supplemental Environmental Impact Statement will not be prepared.

2. Town staff and special counsel are authorized to take such steps as are necessary to effectuate the purposes of this Resolution.

3. This Resolution is effective immediately.

10/24/2022

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

FINANCIAL IMPACT:

None

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



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 26577

RESOLUTION 2022-1001

ROLL CALL VOTE (ADOPTED)

Resolution of the Town Board of the Town of Amherst, Acting as the Amherst Urban Renewal Agency, Adopting the Boulevard Central District Urban Renewal Plan

WHEREAS, pursuant to Article 15 of the General Municipal Law ("GML"), Section 503, the Town of Amherst is authorized to plan and/or implement one or more urban renewal projects for the purpose of eliminating certain areas within the Town that may, from time to time, exhibit deteriorating, substandard, or other negative conditions or characteristics, and which as a result have become slum and/or blighted; and

WHEREAS, on June 27, 2022, the Town Board took several actions in regards to Article 15 of the New York General Municipal Law:

- A. Designated itself as the Amherst Urban Renewal Agency ("AURA"), as defined in §502(4) of the General Municipal Law, for the purposes of carrying out the functions vested in that office by Article 15 of the General Municipal Law
- B. Pursuant to §504 of the General Municipal Law, designated the "Boulevard Central District Urban Renewal Area" as an area appropriate for urban renewal as defined in §502(3) of the General Municipal Law
- C. Said designation was made because the site is underutilized and having a long-term deteriorating impact on the community, particularly the neighboring commercial properties
- D. Directed AURA to prepare an Urban Renewal Plan, as that term is defined in §502(7) of the General Municipal Law, for the redevelopment of a portion of the Boulevard Central District Urban Renewal Area consisting of the Boulevard Mall property and nearby properties as determined by AURA, which shall conform to the Comprehensive Plan of the Town and the Boulevard Central District Action Plan
- E. Submitted the Urban Renewal Plan to the Town Planning Board, which, after a duly noticed public hearing, shall certify whether the Plan complies with §502(7) of the General Municipal Law; and

WHEREAS the Town of Amherst Planning Board on September 22, 2022 held a public hearing on the proposed Boulevard Central District Urban Renewal Plan; and

WHEREAS, following the public hearing and review of the Boulevard Central District Urban Renewal Plan, the Town of Amherst Planning Board adopted a resolution certifying that

- A. The Plan complies with §502(7) of the General Municipal Law and includes a discussion of the required elements set forth therein.
- B. The Plan conforms with the finding made pursuant to § 504 of the General Municipal Law
- C. The Plan conforms to and is in furtherance of the Comprehensive Plan and is consistent with and in furtherance of the Town's objectives.
- C. The subject area is suitable for uses permitted by the current land use designation and the current mixed-use zoning districts.
- E. The proposed change does improve the balance of land uses, and does meet a specific demand in the Town.

WHEREAS, on October 17, 2022, the Town Board, acting as the Urban Renewal Agency for the Town, held a public hearing on the Boulevard Central District Urban Renewal Plan and redevelopment of the Boulevard Central District Urban Renewal Area as a whole; and.

WHEREAS, on October 24, 2022, after taking a hard look at the potential environmental impacts the Town Board adopted a Negative Declaration under the State Environmental Quality Review Act for the Boulevard Central District Urban Renewal Plan.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Amherst, acting as the Amherst Urban Renewal Agency, as follows:

1. The Town Board, acting as the Amherst Urban Renewal Agency, hereby finds pursuant to General Municipal Law § 505(4) as follows:
 - (a) The Boulevard Central District Urban Renewal Area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the Town.
 - (b) Any financial aid to be provided to the Town is necessary to enable the project to be undertaken in accordance with the plan.
 - (c) The Boulevard Central District Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the Town as a whole, for the undertaking of an urban renewal program.
 - (d) The Boulevard Central District Urban Renewal Plan conforms to a comprehensive community plan for the development of the Town as a whole.
 - (e) There will be no relocation of families and individuals displaced from the urban renewal area.

- (f) Undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of such designated area.
2. The Boulevard Central District Urban Renewal Plan is hereby approved.
 3. Town staff and special counsel are authorized to take such steps as are necessary to effectuate the purposes of this Resolution.
 4. This Resolution is effective immediately.

10/17/2022

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 5-0. The public hearing was opened at 7:51 PM.

Supervisor Kulpa presented.

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the October 24th Town Board meeting, seconded by Deputy Supervisor Berger and unanimously approved 5-0. The public hearing was closed at 8:04 PM.

10/24/2022

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

FINANCIAL IMPACT:

tbd

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



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Director

Daniel J. Ulatowski, A
Assistant Planning Director

**Town Board Agenda of
October 17, 2022**

October 12, 2022

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

Subject: Special Request to Approve the Amherst Urban Renewal Agency's Boulevard Central District Urban Renewal Plan. Town of Amherst, Petitioner. (SR-2022-05)

Honorable Members:

On June 27, 2022, your Honorable Board approved a resolution that designates the "Boulevard Central District Urban Renewal Area" as an area appropriate for urban renewal as defined in §502(3) of the General Municipal Law and also designated the Town Board as the Amherst Urban Renewal Agency (AURA) to carry out all future urban renewal functions/actions.

The AURA directed that a Boulevard Central District Urban Renewal Plan be prepared, as that term is defined in §502(7) of the General Municipal Law, for the redevelopment of a portion of the BCD Urban Renewal Area. A draft Urban Renewal Plan (attached) was presented at a public hearing held by the Planning Board at its regular meeting of September 22, 2022.

The Planning Board determined that the Draft Boulevard Central District Urban Renewal Plan complies with §502(7) of the General Municipal Law and recommends its approval to the Town Board. The Town Board is Lead Agency under the State Environmental Quality Act (SEQR). Attached please find the Planning Board's resolution of approval.

OBJECTIVE AND BACKGROUND

The Town and the area that comprises the BCD has experienced a great deal of development and investment over the past few decades as they grew. Although the BCD has become the Town's largest concentrated commercial area and contains economically successful development sites, it also contains many large "big box" stores and strip plazas that are aging and underutilized. Located within the BCD, the Boulevard Mall has long served as a local and regional commercial center. Opened in 1962 as the first indoor shopping center in the Buffalo area, the Mall thrived along with the Town, largely due to its location near strong residential neighborhoods, access to a major inter-county arterial, the University at Buffalo North Campus, and proximity to the Canadian border.

Like similar properties regionally and nationally, changing demographics and shopping habits have posed financial challenges for the mall, setting the stage for its revitalization. Large shopping centers in the Western New York Region are currently experiencing vacancy rates for retail space of over 20%. Other regional malls such as the Walden Galleria, Eastern Hills and McKinley Malls have experienced little investment, have been recently sold at auctions for drastically lower Assessed Values, or have been defaulting on loans. Several anchor stores at the Boulevard Mall are closed and many well-known stores have left. As a result, the Mall is faced with rising vacancy rates. The vast surface parking lots that surround the Mall now sit nearly empty at many times of the day.

There is a growing consensus around transforming the built environment through redevelopment of existing commercial areas and street redesign to better serve community needs and improve safety as well as economic outcomes. To be proactive, the Town has focused revitalization goals and efforts within the BCD and particularly at the Boulevard Mall site. To support these efforts, the Town created the Boulevard Central District Action Plan and related amendment to the Town's Comprehensive Plan to guide and implement redevelopment and revitalization that is consistent with the community's vision and the Town's goals. The Boulevard Central District Urban Renewal Plan builds on and advances many objectives of the Action Plan.

The Town Board has already taken the steps of 1) creating the Town of Amherst Urban Renewal Agency, 2) designating the Urban Renewal Area, and 3) formulating a Plan for the Urban Renewal Area, to stem the decline of the Boulevard Central District (BCD). By redeveloping and revitalizing the Urban Renewal Area, the Town's goal is to return the BCD to its place as a leading location for commercial and mixed-use development within the town and region.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Urban Renewal Plan is consistent with the Comprehensive Plan's Vision Statement that states that the Town should: "in carefully managing growth, balance the benefits of economic development with the need to maintain livability and preserve community character." The Vision Statement specifically recommends that the Town should "revitalize older neighborhoods and commercial corridors while accommodating quality new development."

The Urban Renewal Plan carries forward one of the Comprehensive Plan's Key Initiatives to achieve the Vision: "Revitalization: To become a model for effective reinvestment and revitalization of older neighborhoods and commercial areas through creative use of investment incentives targeted toward revitalization." The proposed Urban Renewal Plan addresses the goals and objectives of the Comprehensive Plan within Chapter 3: Land Use and Development, Chapter 5: Economic Development, and Chapter 8: Housing and Neighborhoods.

The Comprehensive Plan also includes the Boulevard Central District (BCD) as a Focal Planning Area and identifies several key issues and opportunities for planning efforts there, among them are:

- Employ mixed-use zoning and financial incentives to foster predictable development review and encourage investment.
- Redevelop aging traditional plazas and big box retail sites emblematic of suburban retail development through the early 21st century.

- Re-imagine a declining suburban mall (Boulevard Mall) into a new mixed-use center with buildings of varying scales, walkable streets and open spaces that serve as hubs of activity and vibrancy for the area.
- Introduce new street connections to provide more ways to circulate, and encourage 'complete street' treatments to enhance mobility.
- Expand market rate and mixed income residential offerings to support future neighborhood vibrancy and a base for area workforce and commercial markets.

CONSISTENCY WITH THE ZONING ORDINANCE

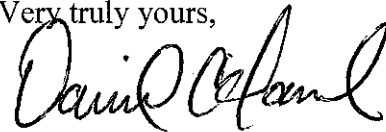
The proposed request is consistent with §203-1-2-2 K of the Town Code which seeks to guide future development of the Town to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan. Most commercial properties within the Boulevard Central District were recently rezoned, applying the Town's new Mixed-Use Zoning Districts, which aim to create environments with smaller, walkable blocks to encourage interconnectivity and vibrancy among residents, businesses, and surrounding areas.

RECOMMENDATION

As noted above, the Planning Board recommends that the Town Board find that the requirements of SEQR are complete. The Planning Board also certifies its unqualified approval of the Boulevard Central District Urban Renewal Plan in accordance with §505 of the New York General Municipal Law and finds that the resolution approved at their meeting on September 22, 2022 shall constitute the Planning Board's report to the Town Board as is required by Section 505(2) of the General Municipal Law.

The Town Board will hold a public hearing on the Urban Renewal Plan on October 17, 2022. The Planning Department asks that if the Town Board desires to act on this special request, that a decision date could be established for its meeting of October 24, 2022 so that the Planning Department can prepare a determination of environmental significance pursuant to SEQR, and prepare resolution for the Town Board's consideration.

Very truly yours,



Daniel C. Howard, AICP
Planning Director

KA/ac

Att.

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cc: Town Clerk
Town Attorney

Planning Board Approval September 22, 2022
Ayes 5; Noes 0; Absent 2 (Kahn, Raffaele)

TOWN OF AMHERST
PLANNING BOARD
BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN
SR-2022-05

PETITIONER

Town of Amherst
5583 Main Street
Williamsville, NY 14221

'22 SEP 29 PM4:11

WHEREAS, pursuant to Article 15 of the New York General Municipal Law, the Town is authorized to undertake urban renewal programs for the redevelopment of substandard, underutilized, or insanitary areas that are having a blighting influence on the surrounding property; and

WHEREAS, on June 27, 2022, the Town Board took several actions in regards to Article 15 of the New York General Municipal Law:

- A. Designated itself as the Amherst Urban Renewal Agency (AURA), as defined in §502(4) of the General Municipal Law, for the purposes of carrying out the functions vested in that office by Article 15 of the General Municipal Law
- B. Pursuant to §504 of the General Municipal Law, designated the “Boulevard Central District Urban Renewal Area” as an area appropriate for urban renewal as defined in §502(3) of the General Municipal Law
- C. Said designation was made because the site is underutilized and having a long-term deteriorating impact on the community, particularly the neighboring commercial properties
- D. Directed AURA to prepare an Urban Renewal Plan, as that term is defined in §502(7) of the General Municipal Law, for the redevelopment of a portion of the Boulevard Central District Urban Renewal Area consisting of the Boulevard Mall property and nearby properties as determined by AURA, which shall conform to the Comprehensive Plan of the Town and the Boulevard Central District Action Plan
- E. Submit the Urban Renewal Plan to the Town Planning Board, which, after a duly noticed public hearing, shall certify whether the Plan complies with §502(7) of the General Municipal Law; and

WHEREAS the Town of Amherst Planning Board on Thursday, September 22, 2022 held a public hearing on the proposed Boulevard Central District Urban Renewal Plan; and

WHEREAS the Planning Board has reviewed the proposed Boulevard Central District Urban Renewal Plan; and

Attachment: SR-2022-05 TB letter packet 101722 (RES-2022-1001 : Adoption of Boulevard Central District Urban Renewal Plan)

TOWN OF AMHERST
PLANNING BOARD
BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN
SR-2022-05

PETITIONER

Town of Amherst

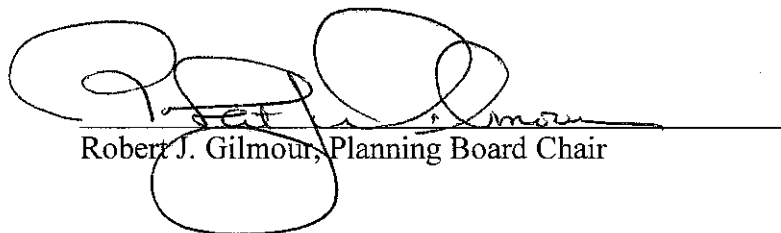
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WHEREAS the Planning Board finds that:

- A. The Plan complies with §502(7) of the General Municipal Law and includes a discussion of the required elements set forth therein.
- B. The Plan conforms with the finding made pursuant to §504 of the General Municipal Law
- C. The Plan conforms to and is in furtherance of the Comprehensive Plan and is consistent with and in furtherance of the Town's objectives.
- C. The subject area is suitable for uses permitted by the current land use designation and the current mixed-use zoning districts.
- E. The proposed change does improve the balance of land uses, and does meet a specific demand in the Town.

NOW THEREFORE BE IT RESOLVED that the Planning Board certifies its unqualified approval of the Boulevard Central District Urban Renewal Plan to the Town Board in accordance with §505 of the New York General Municipal Law and finds that this resolution shall constitute the Planning Board's report to the Town Board as is required by Section 505(2) of the General Municipal Law.

The foregoing resolution was adopted by the Town of Amherst Planning Board, September 22, 2022; moved by Penberthy; seconded by Giuliani; ayes 5; noes 0; absent 2 (Kahn, Raffaele).



Robert J. Gilmour, Planning Board Chair

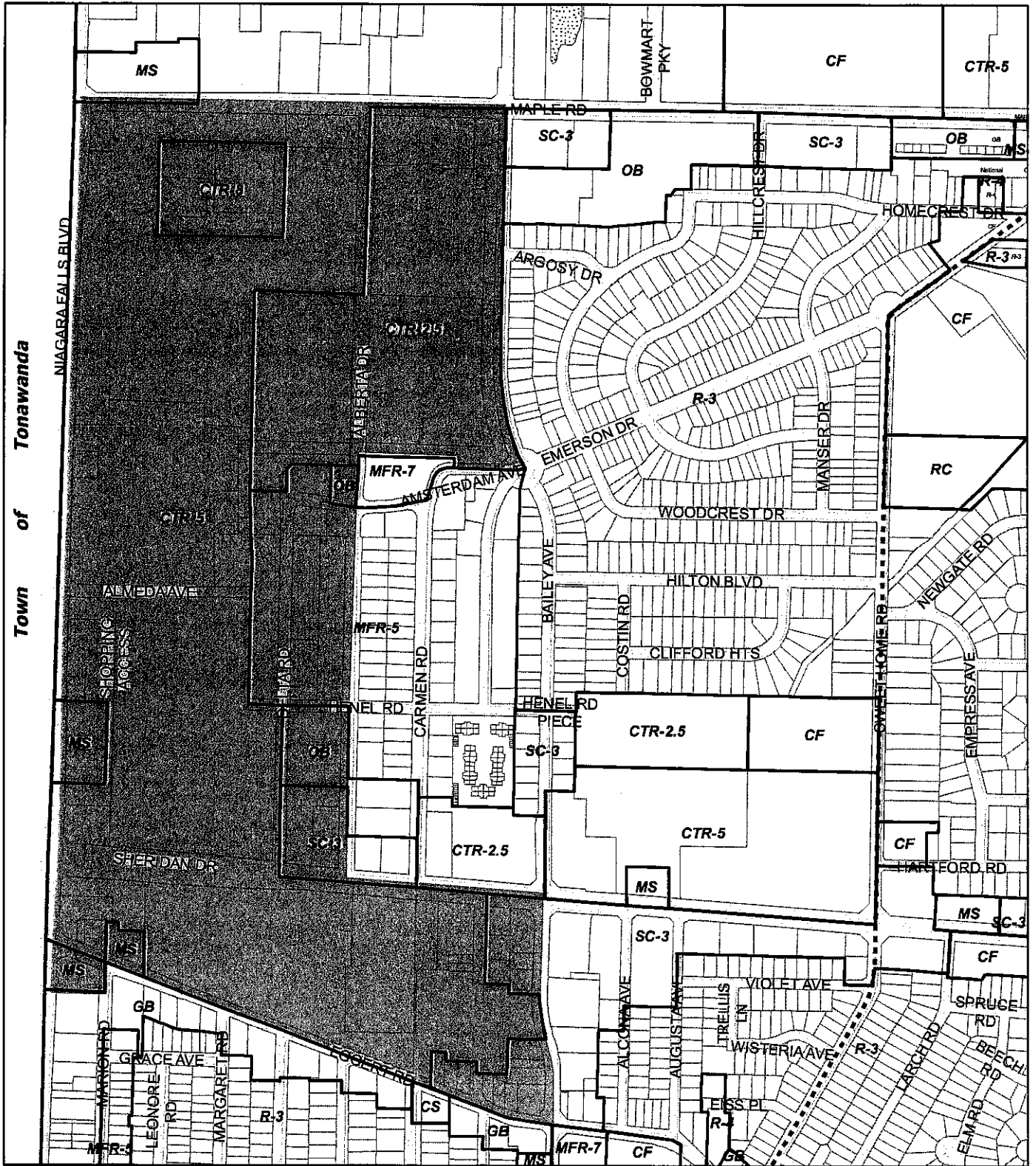
9-29-22
Date

KA/ac

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cc: Town Clerk
Commissioner of Building
Highway Superintendent
Town Engineer
Town Assessor
Town Attorney

Attachment: SR-2022-05 TB letter packet 101722 (RES-2022-1001 : Adoption of Boulevard Central District Urban Renewal Plan)



SR-2022-05

The Amherst Urban Renewal Agency's Boulevard Central District Urban Renewal Plan

Town of Amherst, Petitioner

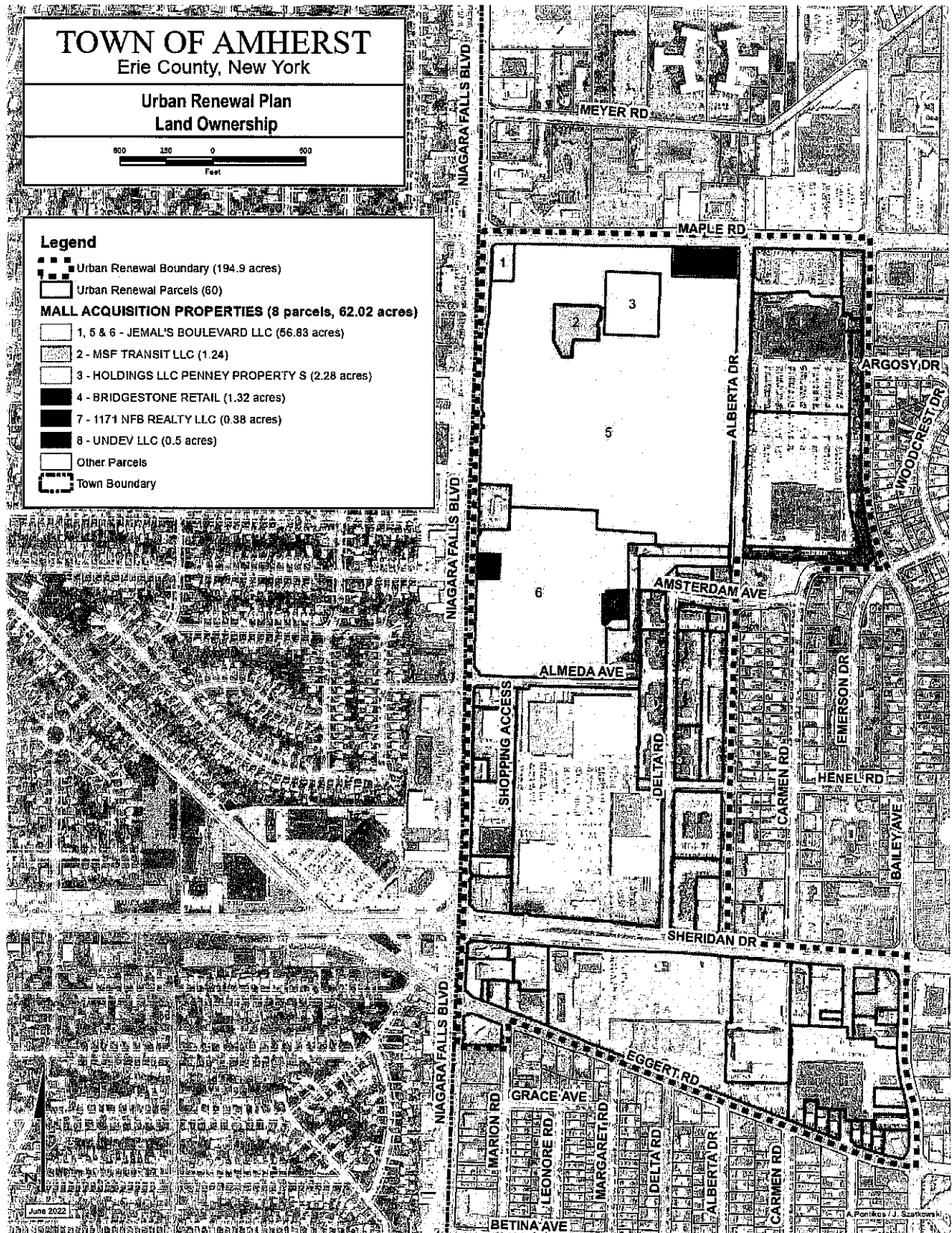
September 22, 2022

 Urban Renewal Area



Prepared by the Town of Amherst Planning Department

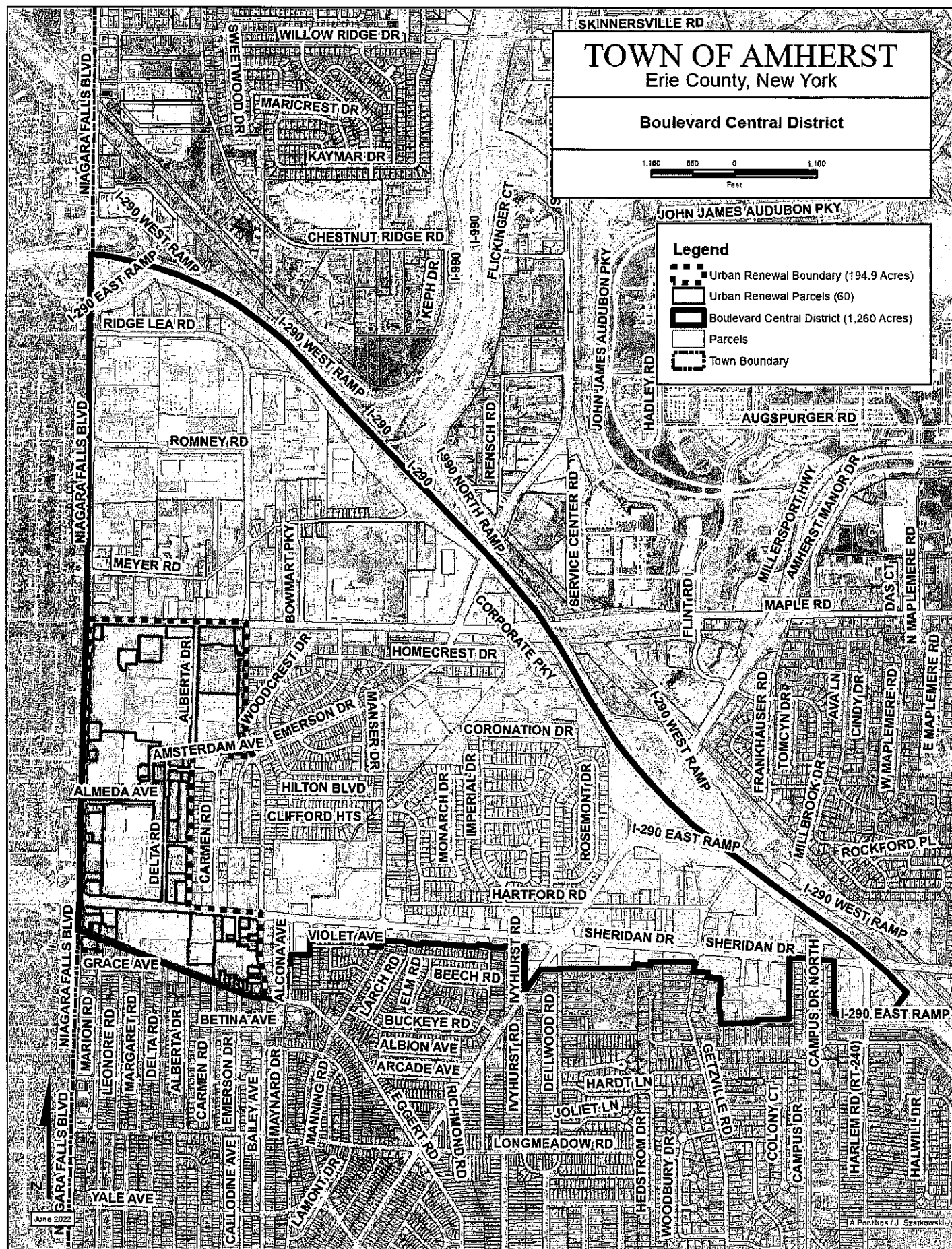
Attachment: SR-2022-05 TB letter packet 101722 (RES-2022-1001 : Adoption of Boulevard Central District Urban Renewal Plan)



EXHIBIT

SR-2022-05
Urban Renewal Plan







Town of Amherst Planning Department

ZR-22-568

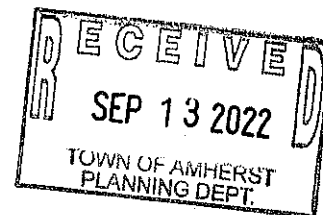
8/29/22

Erie County, New York

Brian J. Kulpa
SupervisorDaniel C. Howard, AICP
Planning DirectorDaniel J. Ulatowski, AICP
Assistant Planning Director

August 29, 2022

TO: Emily Murphy, Town Assessor
Mark Berke, Building Commissioner
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Highways
Bryan Parnell, Fire Chiefs' Association
Stan Sliwa, Town Attorney
Martin Polowy, Senior Deputy Town Attorney
Integrated Review Coordinator, ECDEP
Ronald Hayes, SEQR Coordinator, NYSDOT
David Mingoia, Amherst IDA



FROM: Kimberly Amplement, Planner KA

SUBJECT: SPECIAL REQUEST, SR-2022-05; REQUEST TO RECOMMEND APPROVAL OF THE AMHERST URBAN RENEWAL AGENCY'S BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN. **RECOMMENDATION TO THE TOWN BOARD.** TOWN OF AMHERST, PETITIONER.

REVIEW:

☒ No concerns with request☐ The following additional information is required to complete review: _____☐ Request is not reviewable because: _____☐ General comments relative to your agency's interests: _____Please provide comments by **September 14, 2022**

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

Reviewed By: Dan M. Hall Date: 9/13/2022

DH/KA/ac

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cc: Daniel Howard, Planning Director



Town of Amherst Planning Department

RECEIVED

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, A
Planning Director

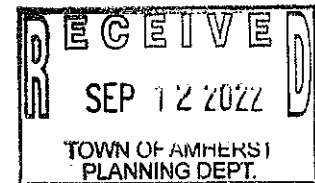
Daniel J. Ulatowski, A
Assistant Planning Dir

AUG 29 2022

TOWN OF AMHERST
BUILDING DEPT

August 29, 2022

TO: Emily Murphy, Town Assessor
Mark Berke, Building Commissioner
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Highways
Bryan Parnell, Fire Chiefs' Association
Stan Sliwa, Town Attorney
Martin Polowy, Senior Deputy Town Attorney
Integrated Review Coordinator, ECDEP
Ronald Hayes, SEQR Coordinator, NYSDOT
David Mingoia, Amherst IDA



FROM: Kimberly Amplement, Planner **KA**

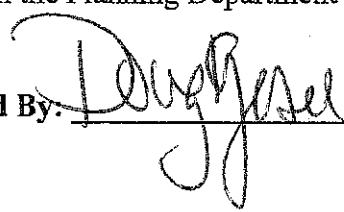
SUBJECT: SPECIAL REQUEST, **SR-2022-05**; REQUEST TO RECOMMEND APPROVAL OF THE AMHERST URBAN RENEWAL AGENCY'S BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN. **RECOMMENDATION TO THE TOWN BOARD.** TOWN OF AMHERST, PETITIONER.

REVIEW:

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- ☐ The following additional information is required to complete review: _____
- ☐ Request is not reviewable because: _____
- ☐ General comments relative to your agency's interests: _____

Please provide comments by **September 14, 2022**

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

Reviewed By:  Date: 9/12/22

DH/KA/ac

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cc: Daniel Howard, Planning Director

Attachment: SR-2022-05 TB letter packet 101722 (RES-2022-1001 : Adoption of Boulevard Central District Urban Renewal Plan)



Town of Amherst Planning Department

Erie County, New York



13.P.2.a

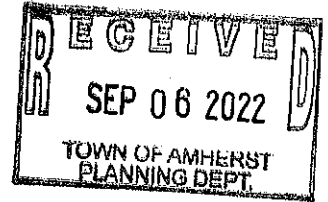
Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AIC
Assistant Planning Director

August 29, 2022

TO: Emily Murphy, Town Assessor
Mark Berke, Building Commissioner
Jeffrey Burroughs, Town Engineer
Patrick Lucey, Superintendent of Highways
Bryan Parnell, Fire Chiefs' Association
Stan Sliwa, Town Attorney
Martin Polowy, Senior Deputy Town Attorney
Integrated Review Coordinator, ECDEP
Ronald Hayes, SEQR Coordinator, NYSDOT
David Mingoia, Amherst IDA



FROM: Kimberly Amplement, Planner **KA**

SUBJECT: SPECIAL REQUEST, **SR-2022-05**; REQUEST TO RECOMMEND APPROVAL OF THE AMHERST URBAN RENEWAL AGENCY'S BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN. **RECOMMENDATION TO THE TOWN BOARD.** TOWN OF AMHERST, PETITIONER.

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☐ Request is not reviewable because: _____

☐ General comments relative to your agency's interests: _____

Please provide comments by **September 14, 2022**

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

Reviewed By: Stanley Date: 9/8/22

DH/KA/ac

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cc: Daniel Howard, Planning Director

Attachment: SR-2022-05 TB letter packet 101722 (RES-2022-1001 : Adoption of Boulevard Central District Urban Renewal Plan)



Town of Amherst Planning Department

Erie County, New York

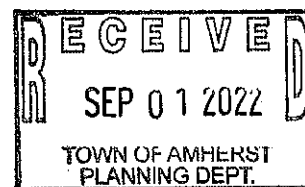


13.P.2.a

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

August 29, 2022

TO: Emily Murphy, Town Assessor
Mark Berke, Building Commissioner
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Integrated Review Coordinator, ECDEP
Ronald Hayes, SEQR Coordinator, NYSDOT
David Mingoia, Amherst IDA



FROM: Kimberly Amplement, Planner **KA**

SUBJECT: SPECIAL REQUEST, **SR-2022-05**; REQUEST TO RECOMMEND APPROVAL OF THE AMHERST URBAN RENEWAL AGENCY'S BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN. **RECOMMENDATION TO THE TOWN BOARD.** TOWN OF AMHERST, PETITIONER.

REVIEW:

- ☒ No concerns with request
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☐ Request is not reviewable because: _____

☐ General comments relative to your agency's interests: _____

Please provide comments by **September 14, 2022**

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

Reviewed By: _____

E. Murphy
Emily Murphy

Date: 8/30/22

DH/KA/ac

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cc: Daniel Howard, Planning Director

Attachment: SR-2022-05 TB letter packet 101722 (RES-2022-1001 : Adoption of Boulevard Central District Urban Renewal Plan)



Town of Amherst Planning Department

Erie County, New York



13.P.2.a

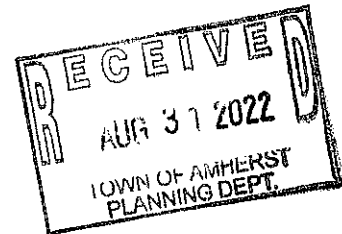
Brian J. Kulpa
Supervisor

Daniel C. Howard, AIC
Planning Director

Daniel J. Ulatowski, AIC
Assistant Planning Director

August 29, 2022

TO: Emily Murphy, Town Assessor
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FROM: Kimberly Amplement, Planner **KA**

SUBJECT: SPECIAL REQUEST, **SR-2022-05**; REQUEST TO RECOMMEND APPROVAL OF THE AMHERST URBAN RENEWAL AGENCY'S BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN. **RECOMMENDATION TO THE TOWN BOARD.** TOWN OF AMHERST, PETITIONER.

REVIEW:

☒ No concerns with request

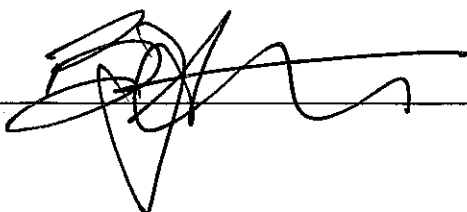
☐ The following additional information is required to complete review: _____

☐ Request is not reviewable because: _____

☐ General comments relative to your agency's interests: **NONE**

Please provide comments by **September 14, 2022**

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

Reviewed By:  Date: **8/30/22**

DH/KA/ac

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cc: Daniel Howard, Planning Director

Attachment: SR-2022-05 TB letter packet 101722 (RES-2022-1001 : Adoption of Boulevard Central District Urban Renewal Plan)

Town of Amherst
**BOULEVARD CENTRAL DISTRICT
URBAN RENEWAL PLAN**



Created by the Town of Amherst Urban Renewal Agency (“AURA”)
Amherst, NY

DRAFT
August 29, 2022

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1. EXTENT AND PURPOSE OF THE BOULEVARD CENTRAL DISTRICT URBAN RENEWAL PLAN

This Town of Amherst Boulevard Central District Urban Renewal Plan (the “Plan”) provides a framework for the potential revitalization and redevelopment of various properties located in what the Town Board, as the Urban Renewal Agency (the “Agency” or “AURA”), has designated as an Urban Renewal Area in accordance with Article 15 of the General Municipal Laws of New York State by resolution dated June 27, 2022. The Boulevard Central District Urban Renewal Area (the “Urban Renewal Area”) is within a larger area designated by the Town as the Boulevard Central District. The boundaries of the Urban Renewal Area are described in Exhibit A and shown on Map 1: Boulevard Central District Urban Renewal Area (Exhibit B). The Urban Renewal Area includes approximately 194.9 acres with 60 properties.

This Plan puts particular focus on addressing the Boulevard Mall and immediately adjacent properties, which the Agency has determined to be the main driver of economic underdevelopment, underutilization, stagnation, and blight. This focus includes approximately 62 acres and 8 properties as shown in Exhibit B.

The Town envisions the Boulevard Mall site being transformed incrementally into a walkable, mixed-use, transit-oriented development serving contemporary retail commercial demands while creating a new, thriving “center” for the local community and the greater region. Establishing this Boulevard Central District Urban Renewal Area provides the foundation for this vision to come to fruition.

The provisions of this Urban Renewal Plan, described in the following sections, are based on the requirements for a redevelopment plan set forth in Article 15 of the General Municipal Laws of New York State. In enacting Article 15, the State Legislature stated:

There exist in many municipalities within this state residential, non-residential, commercial, industrial or vacant areas, and combinations thereof, which are slum or blighted, or which are becoming slum or blighted areas because of substandard, insanitary, deteriorated or deteriorating conditions, factors, and characteristics, with or without tangible physical blight. The existence of such areas constitutes a serious and growing menace, is injurious to the public safety, health, morals and welfare, contributes increasingly to the spread of crime, juvenile delinquency and disease, necessitates excessive and disproportionate expenditures of public funds for all forms of public service and constitutes a negative influence on adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenues.¹

The Town of Amherst Town Board, in 1) creating the Town of Amherst Urban Renewal Agency, 2) designating the Urban Renewal Area, and 3) formulating a Plan for this Urban Renewal Area, is taking steps that will stem the decline of the Boulevard Central District, and by revitalizing and redeveloping the Urban Renewal Area, will return the Boulevard Central District to its place as a leading commercial and residential corridor in the Town and region.

¹ N.Y. Gen. Mun. Law § 501 (McKinney).

2. DESCRIPTION OF THE BOULEVARD CENTRAL DISTRICT URBAN RENEWAL AREA

The boundaries of the Urban Renewal Area established by the Town are described in Exhibit A and shown in Exhibit B. The Urban Renewal Area includes approximately 194.9 acres with 60 properties in need of redevelopment. The focus in the Boulevard Mall area includes approximately 62 acres and 8 properties.

Located on the western boundary of the Town, the Boulevard Mall has long served as a local and regional commercial center for the Town. The Mall is located in the southeastern corner of the intersection of Niagara Falls Boulevard and Maple Road. It is essentially a large block bordered by Niagara Falls Boulevard on the west, Alberta Drive on the east, Maple Road on the north, and Almeda Avenue on the south. Opened in 1962 as the first indoor shopping center in the Buffalo area, the Mall thrived along with the Town largely due to its location near strong residential neighborhoods, access to a major inter-county arterial, the University at Buffalo North Campus, and proximity to the Canadian border, helping the Boulevard Mall become the central point of a thriving commercial corridor.

Like similar properties regionally and nationally, changing demographics and shopping habits have posed financial challenges for commercial enterprises, setting the stage for revitalization of the Mall and surrounding areas. The Western New York Region is currently seeing vacancy rates for retail space of over 20%. While big box retailers like Walmart, Target, Tops and Wegmans have held steady, many of the retail locations that depend on in line retailers of both national and local types have experienced major challenges. Most new retail development is being constructed with standalone structures. Other regional malls such as the Walden Galleria in the Town of Cheektowaga, the Eastern Hills Mall in the Town of Clarence, and the McKinley Mall in the Town of Hamburg have all had little investment, have been recently sold at auctions for drastically lower Assessed Values, or have been defaulting on loans.

Several anchor stores at the Boulevard Mall are closed and many well-known stores have left. Some have moved just down the street to newer, more updated open-air spaces while others are completely leaving the area. As a result, the Mall is faced with rising vacancy rates, and more marginal stores. The vast surface parking lots that surround the Mall, containing little to no landscaping, were constructed to accommodate a fully occupied, auto-oriented, regional mall destination. These now sit nearly empty at many times of the day.

The Urban Renewal Area is located within the Town's only federally designated Opportunity Zone which is coterminous with U.S. Census Bureau Tract 92, on the western portion of Town. This area of Town is also known as the Boulevard Central District ("BCD"), an approximately 1,260-acre triangular area bounded by Niagara Falls Boulevard (US Route 62) on the west, the Interstate (I-190) on the north and east, and Sheridan Drive (NYS Route 324) on the south (including some parcels directly south of Sheridan) as shown in Exhibit C.

Emblematic of the decline in the BCD are the assessed valuations and vacancy rates for the affected properties. From 2009 to today, the Assessed Value of the mall property has decreased from \$61,281,200 in 2009 to \$18,286,812 in 2022. This is a \$40,958,492 reduction of 62.37%. The Equalized Full Market Value has decreased from \$61,281,200 in 2009 to \$24,711,908 in 2022. Reductions have been a result of the vacancies and loss of anchor retailers such as Sears, Macy Men's, Buy Buy Baby, plus many in line retailers. It is anticipated that current owners under Tax Certiorari Agreements will request additional reductions. These reductions all impact the Taxable Assessed Values in the Town of Amherst, Sweet Home Schools, and Erie County, which creates increased tax rates with less taxable value to spread the Tax Levy against.

Total revenue from current rents and leases within the mall decreased from \$15,070,346 in 2016 to \$4,265,297 in 2019, a 71.6% decline. In 2018 the mall was approximately 74.6% occupied, but in 2020 that had decreased by 7.1% to approximately 69.3% occupied.

A. The Boulevard Central District Action Plan

Recognizing the arising need, revitalization of the BCD has been under consideration for some time by the Town. The Town and the Boulevard Central District have seen a great deal of development and investment over the past few decades as they continued to grow. In recent years though, the Town has undergone a fundamental transition from a growing community to one that is mature and largely built out, resulting in more redevelopment of blighted and underutilized properties rather than new greenfield development. Although the BCD has become the Town's largest concentrated commercial area and contains some very economically successful development sites, it also contains many large "big box" stores and strip plazas that are aging and underutilized. It also contains the large parcel that houses the Boulevard Mall, which has recently been experiencing significant decline.

The BCD today exhibits characteristics typical of suburban development found throughout New York and the surrounding Western New York region. Commercial areas such as this have been developed with primarily single-use office or retail uses surrounded by large surface parking lots. A sparse network of street thoroughfares (including Niagara Falls Boulevard, Maple Road, Sweet Home Road, Bailey Avenue, and Sheridan Drive) carry all of the area traffic. As changing market trends of online shopping, new technologies, and work-from-home options have emerged, this area has begun to deteriorate and impact the Town's tax base due to the need for less physical office and retail space.

There is a growing consensus around transforming the built environment through redevelopment of existing commercial areas and street redesign to better serve community needs and improve safety as well as economic outcomes. To be proactive, the Town focused revitalization goals and efforts within the BCD. To support these efforts, the Town created the Boulevard Central District Action Plan (the "Action Plan").

This Urban Renewal Plan builds on the Boulevard Central District Action Plan, prepared by the Town in cooperation with neighborhood stakeholders. The Action Plan, which includes the Urban Renewal Area, was evaluated under the New York State Environmental Quality Review Act (SEQRA) for environmental impacts. The Town Board prepared a Generic Environmental Impact Statement (GEIS) that evaluated a projected growth scenario and the cumulative environmental impacts of that growth over a 20-year period. The Town Board approved the GEIS and the Findings Statement in January 2020. As one of the first steps in implementing the Action Plan, most commercial properties within the BCD were recently rezoned applying the Town's new Mixed-Use Zoning Districts. This replaced the single use-based provisions with a more form-based zoning approach, and an important foundational step in the area's potential revitalization.

3. RELATIONSHIP TO COMMUNITY GOALS AND OBJECTIVES

This Urban Renewal Plan, which will be administered by the Town of Amherst Urban Renewal Agency (hereinafter, the "Agency") lays out the rationale and process for the area's revitalization, including the potential acquisition of Urban Renewal Area properties or their improvement through agreements with parcel owners. The Plan's goal is the redevelopment of these properties for the purposes of the elimination of slum and blight, to benefit low and/or moderate income residents living in or near the Urban Renewal Area, and the redevelopment of underutilized parcels through an overall land use strategy consistent with the housing, economic, and community development strategies of the Town's Bicentennial Comprehensive Plan and the Town's Community Development Block Group (CDBG) Program.

The Town's 2020-2024 Five-Year Consolidated Plan for Community Development has designated Census Tract 92, within which the Urban Renewal Area is located, as a Target Area for Community Development Block Grant

investments. Majority of the Urban Renewal Area also falls within Block Group 4 of Census Tract 92, which is designed by HUD as a Low-to-Moderate Income (LMI) Area, based on having 71% of its population considered Low-to-Moderate Income. HUD's LMI Areas are eligible for a larger amount of community investment activities within CDBG funding regulations in order to improve neighborhoods and housing serving LMI Populations.

This Plan is in line with the Town's Comprehensive Plan's Vision Statement which states that the Town should *"in carefully managing growth, balance the benefits of economic development with the need to maintain livability and preserve community character."*² The Vision Statement notes the Town's exceptional quality of life was tied to three factors, one of these is Community Character, and specifically recognizes that the Town should *"revitalize older neighborhoods and commercial corridors while accommodating quality new development."*³

This Urban Renewal Plan carries forward one of the Comprehensive Plan's Key Initiatives to achieve the Vision: *"Revitalization: To become a model for effective reinvestment and revitalization of older neighborhoods and commercial areas, through creative use of investment incentives targeted toward revitalization."*⁴ The following are various goals and objectives of the Plan regarding land use and development, housing and neighborhoods, and economic development:

A. Land Use and Development

Goal: An interconnected mix of land uses that includes revitalized older neighborhoods and commercial centers and corridors, quality new development, vibrant activity centers, agriculture, and green spaces throughout the community.

Objectives:

- Promote the development/revitalization of walkable higher density, mixed-use centers surrounded by lower density development
- Implement context-sensitive zoning and incentives to improve the quality and appearance of non-residential development
- Encourage revitalization and reinvestment in older neighborhoods and commercial corridors in Amherst
- Target capital improvements to leverage private investment and enhance community appearance
- Establish a town-wide network of parks, open spaces, and greenway corridors
- Improve the predictability and consistency of the development review and decision-making process

B. Economic Development

Goal: A Town with a strong tax base and ample economic opportunities for a diverse base of employers and employees, housed in attractive, state-of-the-art commercial developments in convenient and accessible locations.

Objectives:

- Maintain Amherst's strong tax base
- Attract more high-paying jobs to the Town
- Ensure that economic development and redevelopment respect the character and quality of life of Amherst's residential communities

² TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN, at 2-5.

³ TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN, at 2-3.

⁴ TOWN OF AMHERST BICENTENNIAL COMPREHENSIVE PLAN, at 2-6.

- Capitalize on the presence of the University at Buffalo to leverage University-related economic development opportunities
- Build partnerships with development agencies, private industry, and educational and research institutions to promote economic development in Amherst and throughout the region

C. Housing and Neighborhoods

Goals: Have decent and affordable housing choices available to all residents and have healthy and diverse neighborhoods, including conserved and revitalized older parts of Amherst.

Objectives:

- Ensure the availability of housing that is affordable to all socioeconomic groups in Amherst
- Promote a diverse housing stock, with higher density housing focused in mixed-use activity centers
- Implement a coordinated program to conserve and revitalize Amherst's neighborhoods

The Comprehensive Plan also includes the Boulevard Central District (BCD) as a Focal Planning Area (see Exhibit D) and identifies several key issues and opportunities for the BCD's planning efforts such as:

- Employ mixed-use zoning and financial incentives to foster predictable development review and encourage investment.
- Redevelop aging traditional plazas and big box retail sites emblematic of suburban retail development through the early 21st century.
- Re-imagine a declining suburban mall (Boulevard Mall) into a new mixed-use center with buildings of varying scales, walkable streets and open spaces that serve as hubs of activity and vibrancy for the area.
- Introduce new street connections to provide more ways to circulate, and encourage 'complete street' treatments to enhance mobility.
- Expand market rate and mixed income residential offerings to support future neighborhood vibrancy and a base for area workforce and commercial markets.
- Several major highways traverse the BCD and play a key role in defining its identity. Major arterials such as Niagara Falls Boulevard, Sheridan Drive and Maple Road serve important transportation functions, but their design, physical size and design speeds make them inhospitable to bicycle or pedestrian travel. If the BCD is to transform from an automobile-oriented area to a walkable live, work, and shop destination, measures to transform segments of these major highways are necessary.
- The Niagara Frontier Transportation Authority (NFTA) is planning a future light rail or bus rapid transit extension corridor that will traverse the BCD. The corridor will connect the three University at Buffalo campuses, downtown Buffalo and the Buffalo waterfront.
- The future transit corridor has three planned enhanced transit stops identified within the BCD. The corridor and stops will feature improved multi-modal transportation mobility and support mixed use centers by allowing greater connectivity within and outside of the BCD.

The Agency, utilizing the powers granted by General Municipal Law Article 15, and acting through the employees and members of the Agency, will use its planning and land disposition expertise to acquire and thereafter dispose of the properties in an appropriate fashion consistent with the identified needs of the area and Town as a whole for better housing, commercial services, recreational facilities, employment opportunities, and the removal of blighting influences that presently discourage investment in properties and further the deterioration of surrounding neighborhoods. Use of CDBG funds, other grants, and Town capital improvements will be coordinated for the property acquisition, improvement, and disposition activities of the Agency.

4. PROPOSED LAND USES

The Action Plan shows how various opportunity sites in the BCD, including the Boulevard Mall, could redevelop according to the provisions in the Town's new Mixed-Use Zoning Districts and Design Guidelines. The Mixed-Use Districts establish standards for a transformation, setting rules for a network of pedestrian-oriented streets; building uses, height and placement; public open spaces; parking location; transparency of facades; and other standards that can deliver the walkable mixed-use environment desired. The recent rezoning to the Mixed-Use Districts in the BCD, the Urban Renewal Area, and on the Mall site as shown in Exhibit E aims to create an environment with smaller, walkable blocks to provide interconnectivity among residents, businesses, and surrounding areas.

The Boulevard Mall itself is an opportunity for walkable, transit-oriented development that can become the vital mixed-use hub of the BCD (see Exhibit F). In many ways, the mall site is the centerpiece of the Boulevard Central District. The mall also fronts the location of a possible enhanced transit line envisioned along Niagara Falls Boulevard, turning east on to Maple Road, and heading north to the University at Buffalo North Campus. This presents a unique opportunity to build upon future enhanced mobility and provide access to current and future users and residents of the site and surrounding neighborhoods. The Boulevard Mall site can become an anchor, serving as an economic catalyst not only for the BCD and Amherst, but also for the Western New York region over many years to come.

The following describes the various types of land uses that are envisioned in the future on the Boulevard Mall site and within the Urban Renewal Area:

- a. A primary objective of this Urban Renewal Plan includes the inspection, rehabilitation, demolition, or replacement of existing structures in the Boulevard Central District Urban Renewal Area, including the acquisition and disposal of those properties. New land uses must comply with the Town's Master Site Plan of the site and Zoning Ordinance of the Town of Amherst.
- b. The redevelopment of the area offers many opportunities. To guide specific development of the site, the Agency will formulate a Master Site Plan which will specify proposed land uses, public street rights of way, public spaces and facilities, and essential utilities, as shown in Exhibits G & H. These include a purposeful mix of commercial, retail, restaurant, office, residential, and open space uses along with new public streets to create smaller, walkable blocks.
- c. Potential land uses, which are not limited to those discussed in this Plan, shall be in conformance with the Town of Amherst Zoning Ordinance and as shown on Map 3: Zoning (Exhibit E) which exhibits the existing zoning currently within the Urban Renewal Area. Zoning may be changed or amended in the future within this Urban Renewal Area.

5. PROPOSED LAND ACQUISITION

A. Proposed Land Acquisition

Land Acquisition proposed within the Urban Renewal Area will be determined as needed and will start with the Boulevard Mall property and some adjacent parcels. As such, any proposed land acquisition will be approved by the Agency in accordance with General Municipal Law § 506 and, to the extent necessary, the Eminent Domain Procedure Law. It is anticipated that the Boulevard Mall property and adjacent parcels will be acquired pursuant to the Eminent Domain Procedure Law.

B. Standards for Acquisition

Real property or any interest in real property may be acquired on the basis of current inspections. The Agency determines that deficiencies exist which 1) create hazards to the community; and/or 2) cause a blighting influence on the surrounding neighborhood; and/or 3) render the property as severely underutilized; and/or 4) otherwise hinder the completion of goals of the Urban Renewal Program, the Agency, and/or this Plan.

C. Methods of Acquisition

The Agency may acquire real property or any interest therein by gift, grant, devise, purchase, condemnation, or by any other process allowable pursuant to Articles 15 of the General Municipal Law.

D. Post Acquisition

Upon the acquisition of real property, the Agency may undertake any of the following activities:

1. Deconstruct or demolish any structure on the property;
2. Sell the property subject to rehabilitation in accordance with this plan;
3. Rehabilitate any structure(s) on the property and sell such rehabilitated structures for use in accordance with this plan;
4. Sell the property subject to development correcting underutilization;
5. Develop underutilized properties, allowing them to function at the peak of their economic and community potential;
6. With regards to vacant properties without structures, sell said property to an adjacent land owner, subdivide the property for sale to multiple adjacent land owners, or sell the property subject to redevelopment in accordance with this plan;
7. Sell, lease for a term not exceeding ninety-nine years, or otherwise dispose any real property by any method permissible pursuant to Article 15 of the General Municipal law.

6. PROPERTY DISPOSITION

A. Property Disposition and Redevelopment

The Town is authorized to dispose of acquired property, in whole or in part, by sale, lease, exchange, or other appropriate means for redevelopment for uses and purposes specified in this Plan. For property identified for acquisition in this Plan, the Agency proposes to enter into an agreement with an eligible sponsor (a "Funding, Disposition, and Redevelopment Agreement"), as determined following the procedures set forth below, prior to acquisition, that will govern the funding of the acquisition, the disposition of the property, as well as the property's redevelopment in accordance with this plan.

The Agency may dispose of any land it has acquired by any method authorized by General Municipal Law § 507, on such terms and conditions as the Agency considers in the best interests of the Town. It is anticipated that a Funding, Disposition, and Redevelopment Agreement may be entered into prior to land acquisition.

B. Rules and Procedures for Determining Qualified and Eligible Sponsors

The Agency shall evaluate any developers who declare their intent, following a public solicitation, to become a qualified and eligible sponsor for purposes of this Plan. The Agency shall designate said developers as qualified and eligible based on the following criteria, none of which is dispositive, but each may be given appropriate weight in the Agency's sole discretion:

- The Developer's willingness to enter into an acceptable Funding, Disposition, and Redevelopment Agreement, which includes offsetting municipal costs for land acquisition referenced herein
- The Developer's capabilities to develop or redevelop property in accordance with the land-use provisions and other requirements specified in this Plan
- The Developer's willingness to generally comply with the Town's Master Site Plan of the Urban Renewal Area
- The Developer's financial capabilities
- The Developer's experience with similar redevelopment projects, including mixed-use projects of similar size and scope
- Proposed project timeframes
- Support for use of local labor
- Other criteria the Agency determine to be relevant, consistent with this Plan

C. Deed Restrictions

The disposition of any real property shall include all deed restrictions and covenants deemed appropriate by the Agency in order to carry out the public purpose of this Plan.

D. Reverter Clauses

All purchase agreements, leases, deeds, and option agreements pertaining to property shall contain a reverter clause whereby title to or control of the development area shall automatically revert back to the Agency if the agreed upon re-planning, and/or clearing, and/or rehabilitation, and/or restoration, and/or renewing, and/or conservation, and/or improvement, and/or reconstruction, and/or redevelopment does not occur within the time frame stipulated in said purchase agreements, lease, deed, or option agreement. Said reverter clauses at the option of the Agency may be made subject to any financing approved by the Agency.

E. Extensions of Time

The Agency shall have authority to grant extensions on any purchase, lease, or option agreement where such a request is directed in writing to the Agency for its consideration.

7. PROPOSED PUBLIC, SEMI-PUBLIC, PRIVATE, OR COMMUNITY FACILITIES OR UTILITIES

Included in the Boulevard Central District Urban Renewal Area may be areas designated for park lands, public facilities and/or other necessary utilities. The Agency will work with developers, the NFTA, and other agencies as deemed necessary to provide desired public properties and facilities to reach their full operating potential.

8. PROPOSED METHODS AND TECHNIQUES OF URBAN RENEWAL

The methods and techniques of Urban Renewal proposed for use within this Plan include but are not limited to:

- a. Acquisition of largely vacant, underutilized, deteriorated, and/or unproductive properties by the Town of Amherst or the Urban Renewal Agency, for disposition to qualified developers, development, or redevelopment entities that will further the planned redevelopment strategies that are part of this Urban Renewal Plan and the adopted Master Site Plan.
- b. The Master Site Plan will guide the re-planning of development areas, parcels, and/or subdivision patterns for public and/or private uses within the area, including provisions for pedestrian, vehicular and service access from the area or adjacent public rights-of-way.

- c. The planning, siting, design, and construction of new public amenities within the area in a manner designed to enhance pedestrian enjoyment and increase the attractiveness of the area for both public use and private investment in new uses and structures.
- d. The deconstruction or demolition of some existing structures within the area in order to correct substandard conditions and enable planning for redevelopment in accordance with the Plan.
- e. The disposition of area development sites by sale or lease, and, subject to development standards incorporated in binding disposition agreements, to qualified public or private development entities for developments which carry out the provisions of this Plan.
- f. The construction of new buildings, subject to design review by the Agency and the Town's Design Guidelines as maintained by the Town Design Advisory Board, and in accordance with this Plan.
- g. The planning, design, and construction of utility and other infrastructure adjustments, connections, and replacements as needed.
- h. The preservation and restoration of key architectural properties that have a viable public or private use, and which are consistent with the redevelopment objectives in this Plan.
- i. Actions designed to implement provisions and objectives of the plan through: 1) adjustments or amendments to the Town's Zoning; 2) concentrated enforcements of the existing code within the Urban Renewal Area; 3) identification and referral of properties to the Agency for purpose of acquisition and 4) cooperation and coordination between various Town Departments and the Agency with regards to the monitoring and management of Agency owned properties.
- j. The coordination with the Town of Amherst and/or the developer(s) for the remediation of brownfields for the sites that have potential use for economic development.

9. CODE & ORDINANCE CHANGES TO IMPLEMENT THE PLAN

New ordinances, provisions, or amendments to existing codes may occur to effectuate the Urban Renewal Plan. It is anticipated that future redevelopment in the Urban Renewal Area and on the Boulevard Mall site will adhere to the Town's Zoning Ordinance, in particular to Section 5-A of that ordinance regarding Mixed-Use District provisions. The Town Board may also consider adopting specialized provisions for the Urban Renewal Area that will allow for flexibility in the review and approval of specific development projects noted herein.

10. DEVELOPMENT STANDARDS

In order to carry out the public purpose of the Urban Renewal Plan, all development of property originally disposed or transferred by the Agency (pursuant to Section 13 of this Plan) and within the Urban Renewal Area shall be in compliance with the standards set forth below. Development at the Boulevard Mall should also be in compliance with Town's Master Plan of the site. The Agency, in conjunction with other town boards and committees, shall review all proposals to ensure that these standards are met. Definitions shall be consistent with those contained in the Town of Amherst Zoning Ordinance and Town Design Guidelines except where otherwise noted in this Plan.

A. Permitted Uses

Any building constructed in the project area shall contain one or more of the uses identified in Section 4 of this Plan.

B. Changes in Use

Changes in land use within the Urban Renewal Area may be reviewed and authorized by the Agency.

11. TIME SCHEDULE

The implementation of this Plan will begin upon its adoption by the Agency. It is proposed that property acquisition of the Mall will begin immediately. Acquisition of other properties in the Urban Renewal Area may subsequently follow. The overall redevelopment of the entire Urban Renewal Area is envisioned to be completed within a ten-year time period.

12. DURATION OF PLAN CONTROLS

The regulations, standards, and controls, contained in this Plan will be binding and effective by deed or lease upon all purchasers or lessees of land disposed of or transferred pursuant to this Plan, as well as their heirs or assigns for a period of fifteen (15) years from the date of approval of this Plan by the Town Board and Urban Renewal Agency of the Town of Amherst, New York.

13. CHANGES IN THE APPROVED PLAN

This Plan may be amended at any time by the Agency in accordance with the requirements of Article 15 of the New York General Municipal Law.

14. ACQUISITION OF AIR RIGHTS AND CONCOMITANT EASEMENTS OR OTHER RIGHTS OF USER NECESSARY FOR THE USE AND DEVELOPMENT OF SUCH AIR RIGHTS

The basic objectives of the Boulevard Central District Urban Renewal Plan include the acquisition, improvement, inspection, rehabilitation, demolition, disposal and/or deconstruction of existing structures. A statement of proposed acquisition of air rights is not necessary as it is not anticipated that the Agency will not acquire any air rights other than those air rights that come generally associated with the acquisition of any parcel of real property within the Urban Renewal Area. The Town will consider adoption of a Transferable Development Rights regulation if the opportunity presents itself to serve the community through such legislation.

15. PROPOSED PROGRAM OF CODE ENFORCEMENT

The Agency will cooperate and coordinate with the Town of Amherst Building Department and the Zoning Enforcement Officer in establishing a program of code enforcement within the Urban Renewal Area which includes but is not limited to:

- A. The concentrated enforcement of the Town of Amherst Zoning Ordinance and applicable building codes within the Urban Renewal Area
- B. The utilization of various Town Departments to assist the Agency with certain aspects of management of Agency-owned properties.

EXHIBITS

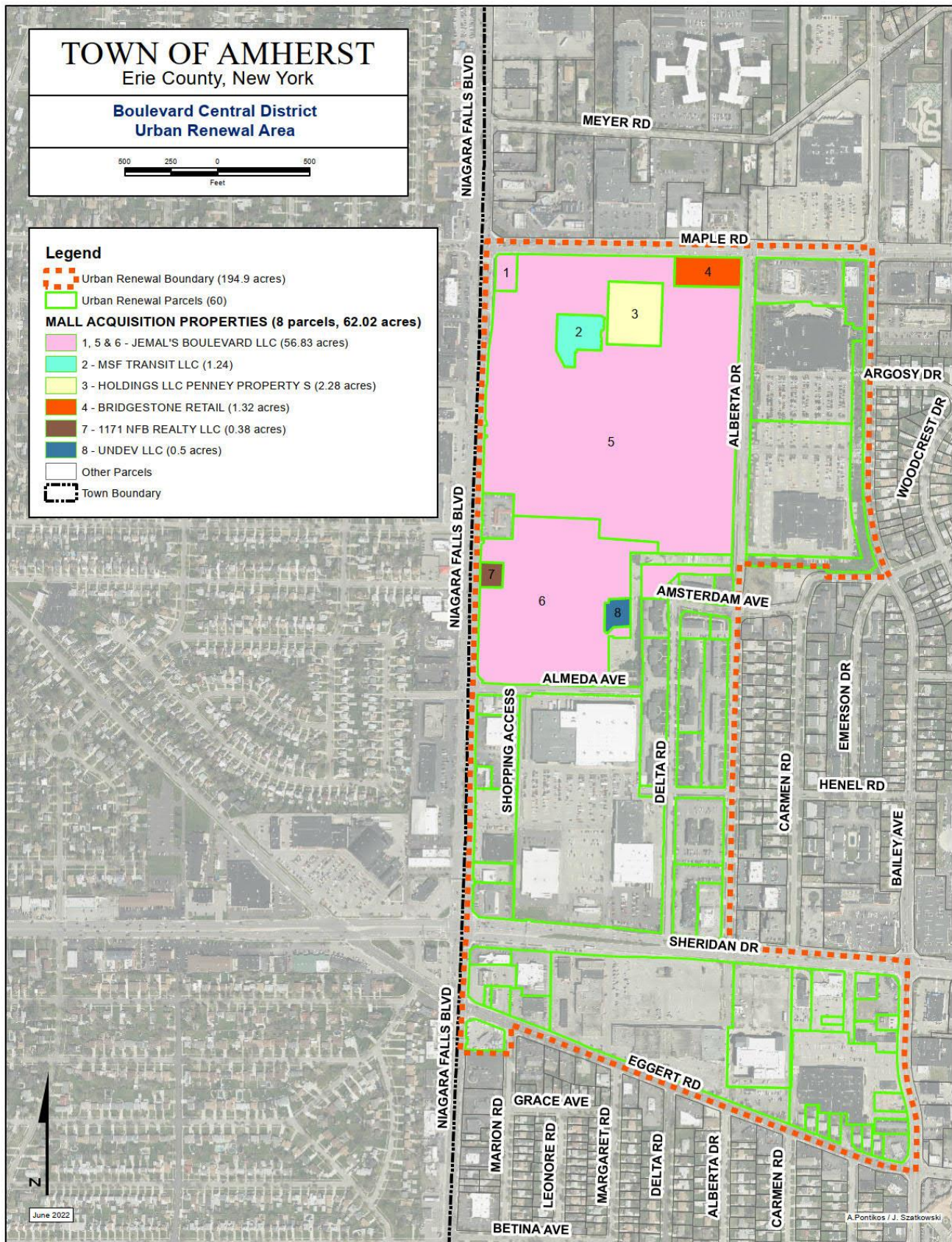
EXHIBIT A – Description of Urban Renewal Area

The Boulevard Central District Urban Renewal Area, as designated by the Town Board pursuant to General Municipal Law § 504, is located on the western portion of the Town and can be described as follows:

Beginning at the southeast corner of the intersection of Niagara Falls Boulevard and Maple Road, the Urban Renewal area extends approximately 2,085 feet east along the centerline line of Maple Road to the centerline of Bailey Avenue, then turns southerly along the centerline of Bailey Avenue for approximately 1,800 feet to the intersection of the centerline of Amsterdam Avenue and the centerline of Bailey Avenue, then turns westerly for 335 feet along the centerline of Amsterdam Avenue, then turns north approximately 60 feet to the south parcel line of a National Grid parcel (SBL- 54.03-1-12.1), then turns west along the National Grid parcel line for approximately 470 feet to the centerline of Alberta Drive, then turns southerly along Alberta Drive for approximately 2,060 feet to the intersection of the centerline of Alberta Drive and the centerline of Sheridan Drive, then turns easterly along Sheridan Drive for approximately 957 feet to the intersection of the centerline Sheridan Drive and the centerline of Bailey Avenue, then turns southerly along Bailey Avenue approximately 1,145 feet to the intersection of the centerline of Bailey Avenue and the centerline of Eggert Road, then turns north westerly along the centerline of Eggert Road for approximately 2,330 feet to the intersection of the centerline of Eggert Road and the centerline of Marion Road, then turns southerly along the centerline of Marion Road for approximately 160 feet, then turns westerly for approximately 275 feet along the southern parcel boundary of (925 Niagara Falls Boulevard SBL-67.39-5-1) to the centerline of Niagara Falls Boulevard, then turns northerly along Niagara Falls Boulevard for approximately 4,387 feet back to the intersection of the centerline of Niagara Falls Boulevard and the centerline of Maple Road (the beginning point).

The Urban Renewal Area totals approximately 194.9 acres and includes 60 parcels.

EXHIBIT B – Map 1: Boulevard Central District Urban Renewal Area



Attachment: Draft Urban Renewal Plan_092222 (RES-2022-1001 : Adoption of Boulevard Central District Urban Renewal Plan)

Exhibit C – Map 2: Boulevard Central District

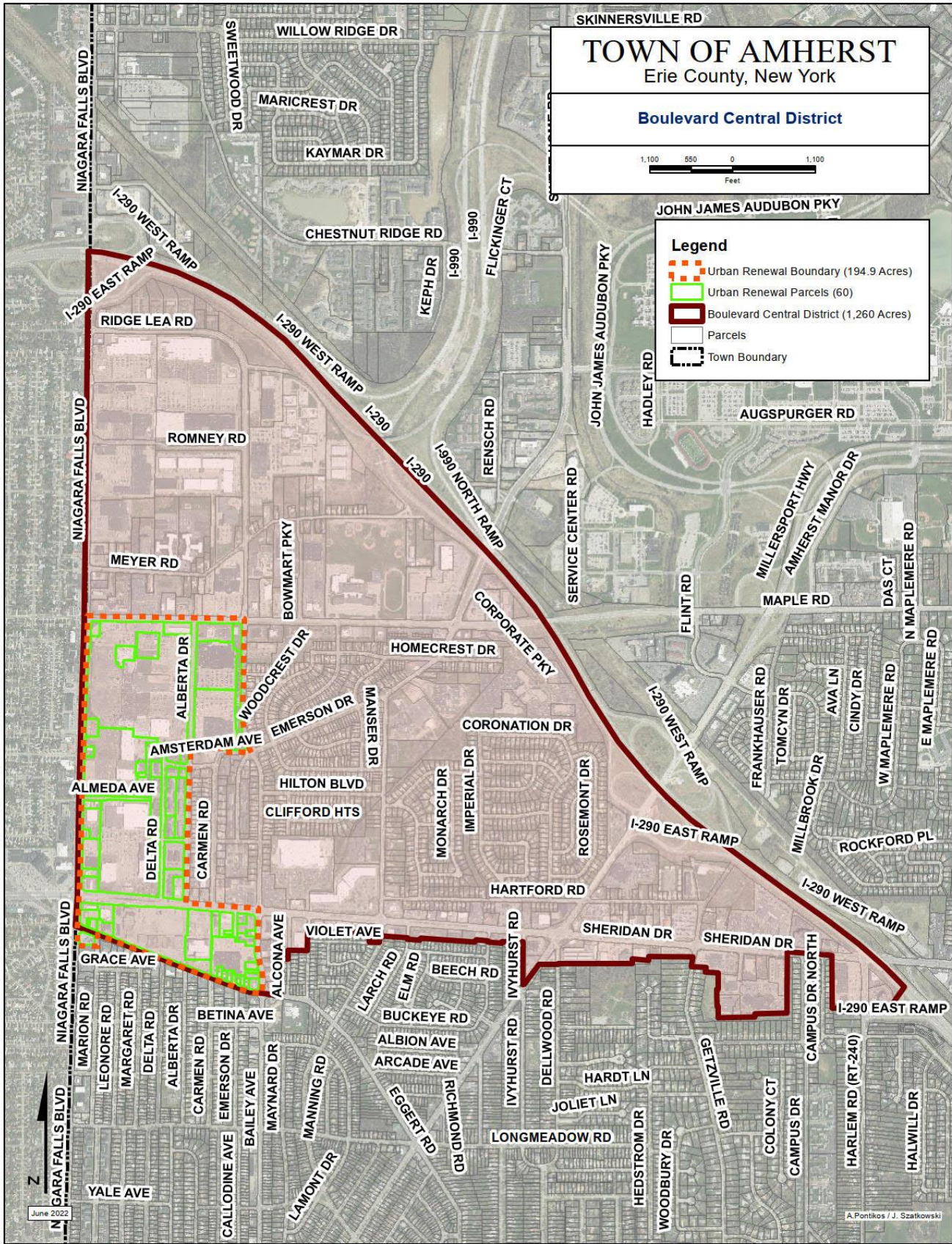
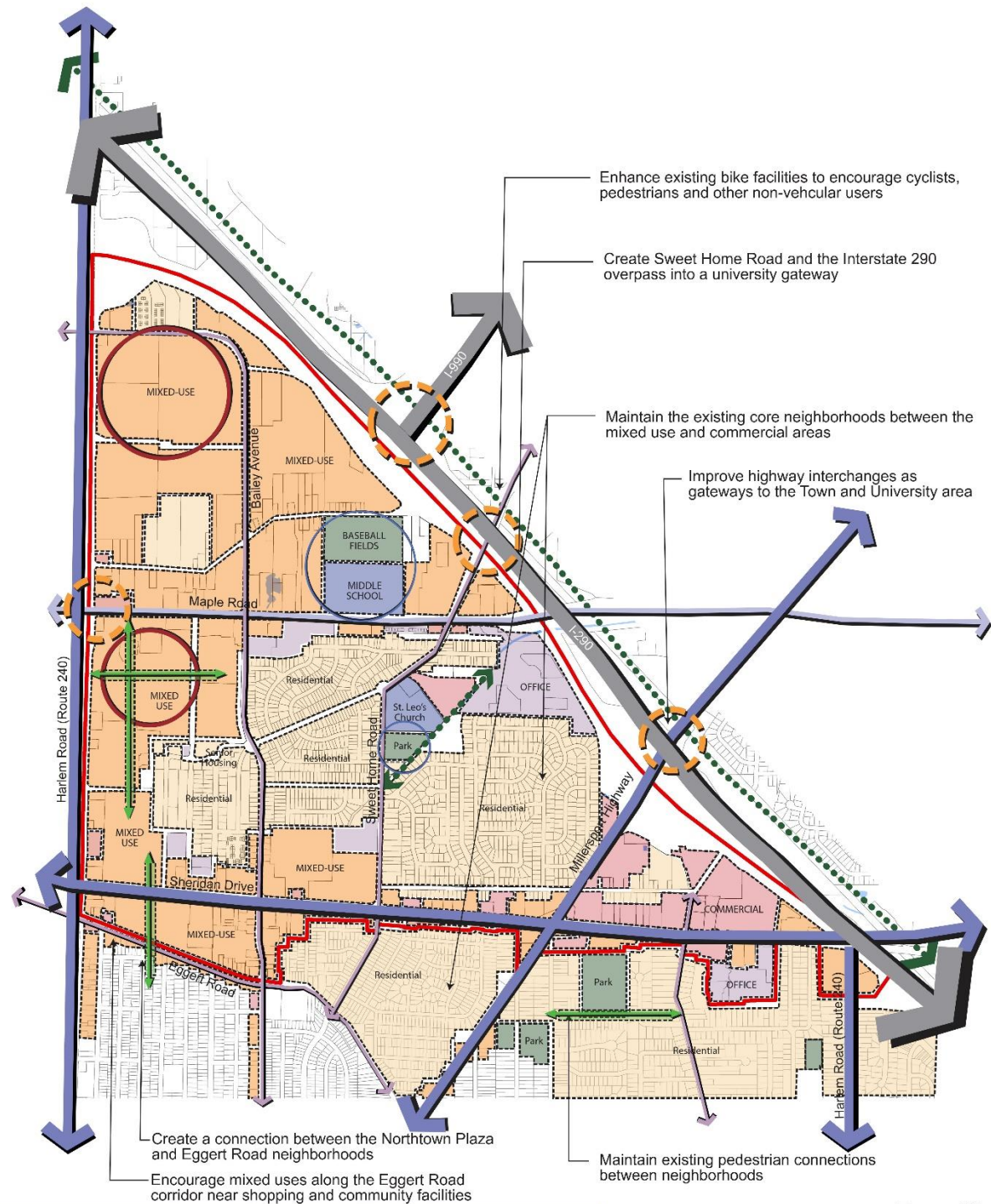


Exhibit D – Figure 1: Boulevard Central District Focal Planning Area



Boulevard Central District Focal Planning Area - Concept Plan

December 2020 Figure 33

Town of Amherst Bicentennial Comprehensive Plan

LEGEND

- | | | |
|----------------------------|--|---|
| Expressway | Institutional Use / Research / Office | Gateway |
| Major Arterial | Stabilize and maintain existing residential fabric | Neighborhood anchor / community service |
| Minor Arterial | Business / Commercial Area | Regional commercial center |
| Collector | School / Community College / University of Buffalo | |
| Neighborhood Connector | Park / Green Space | |
| Recreational Trail | Mixed-Use Development | |
| Boulevard Central District | | |

Exhibit E – Map 3: Zoning

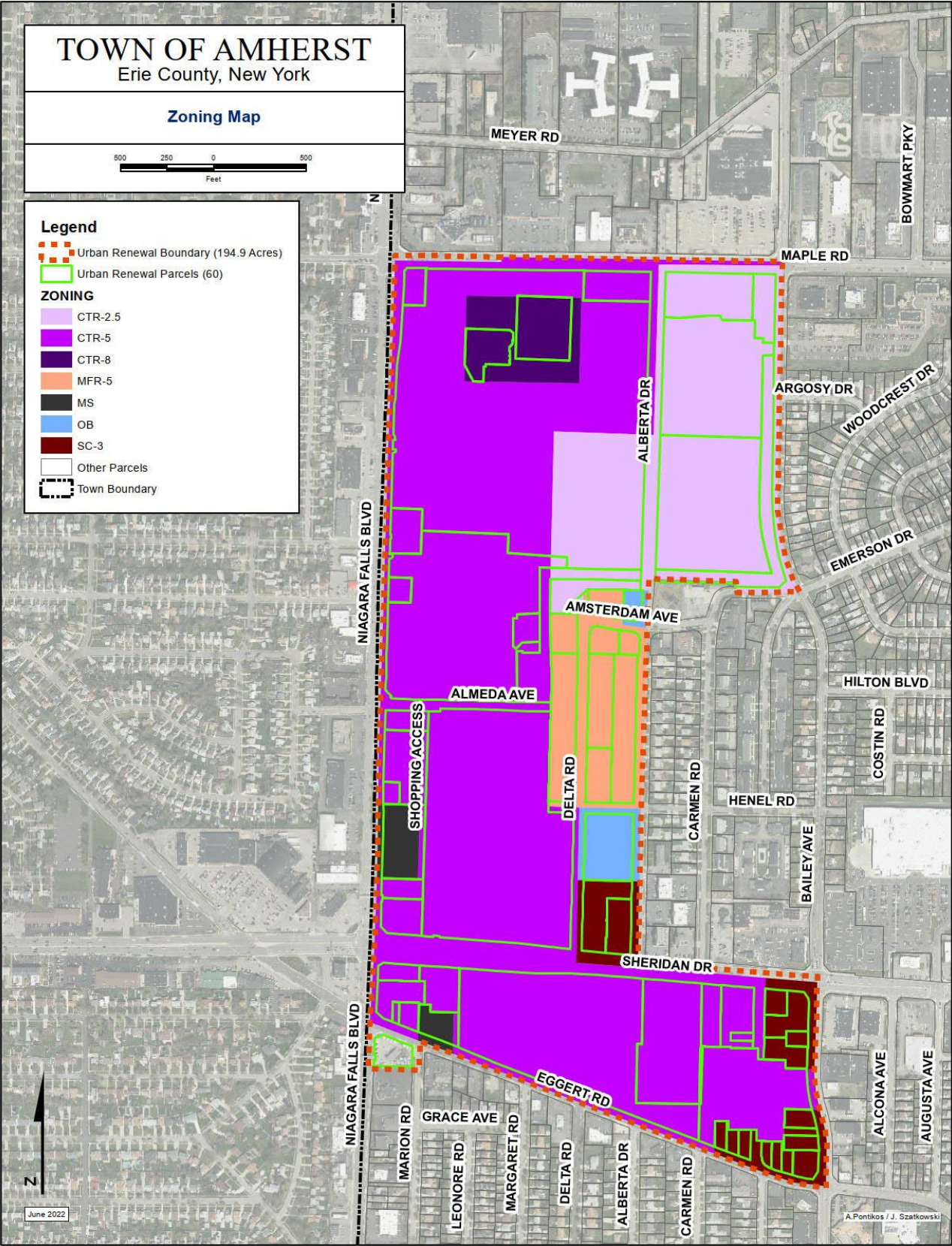


Exhibit F – Figure 2: Possible Future Boulevard Mall Redevelopment Phases



Existing Mall Site



Intermediate Phase of
Redevelopment Concept



Final Redevelopment
Concept

Exhibit G – Map 4: Town Comprehensive Plan Conceptual Land Use Plan

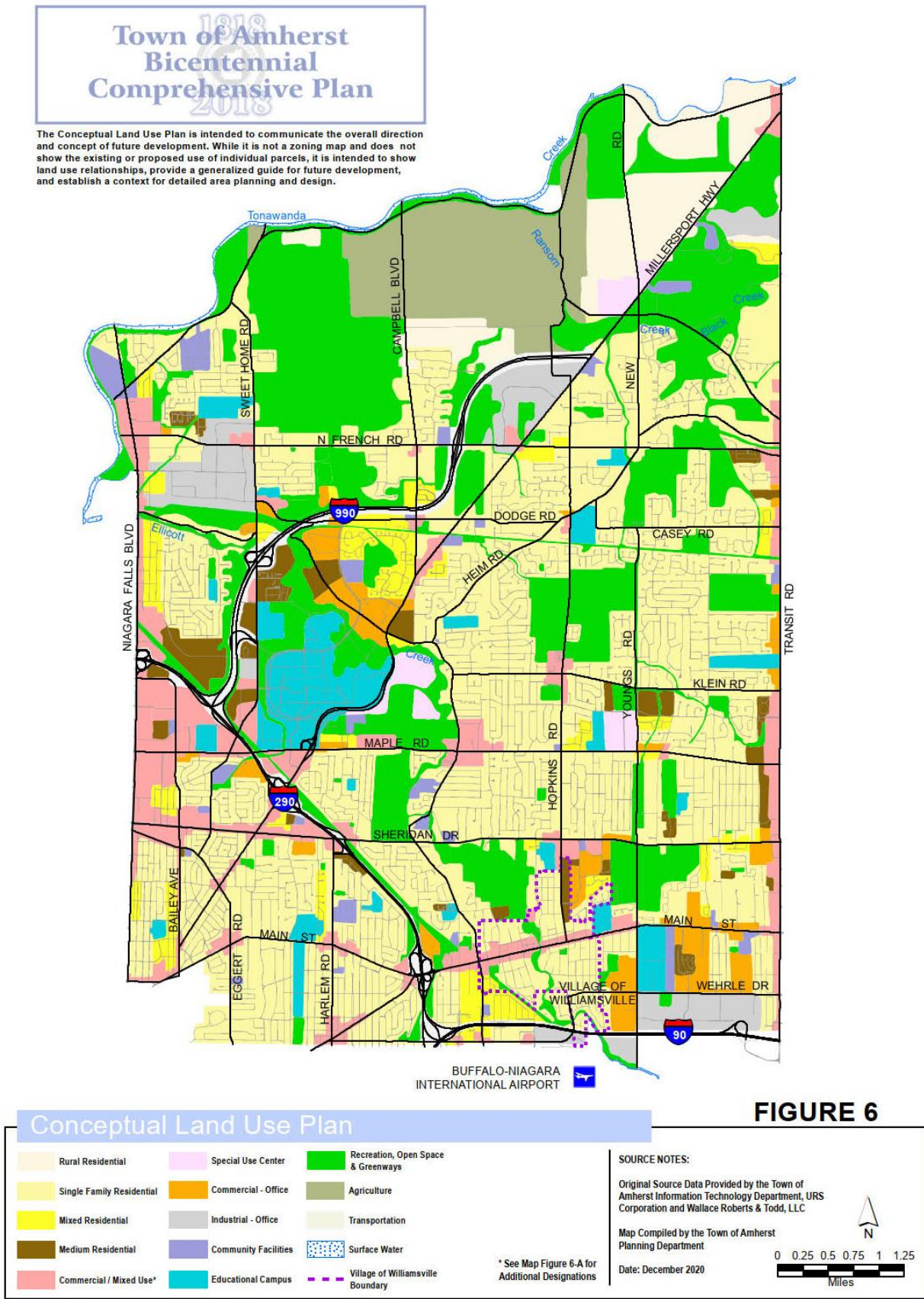
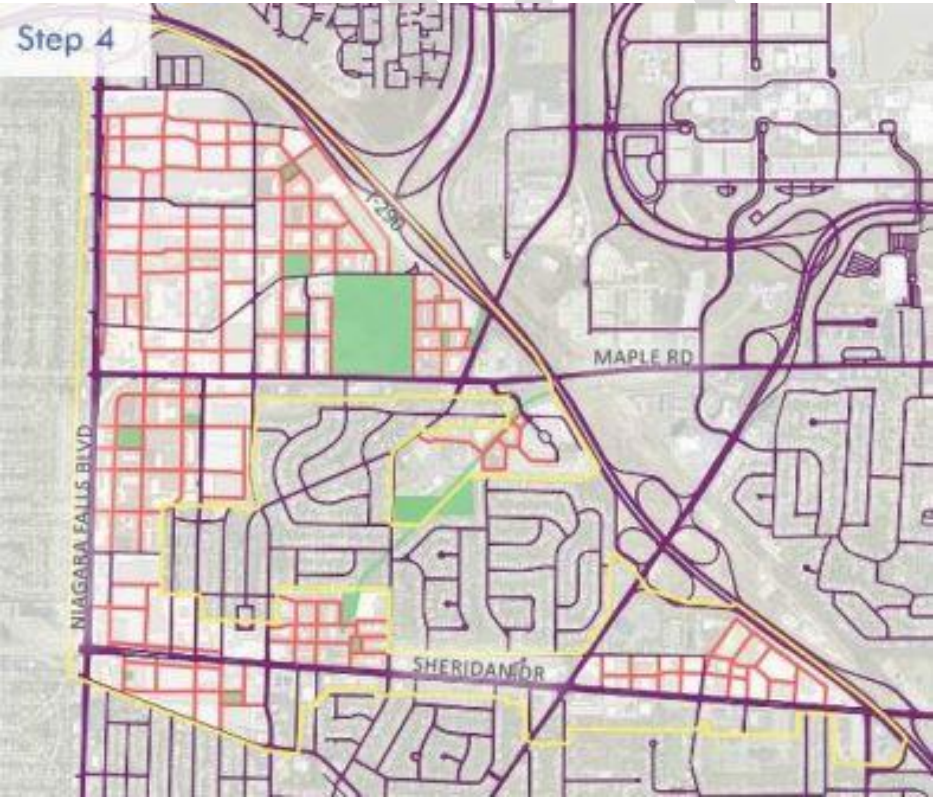
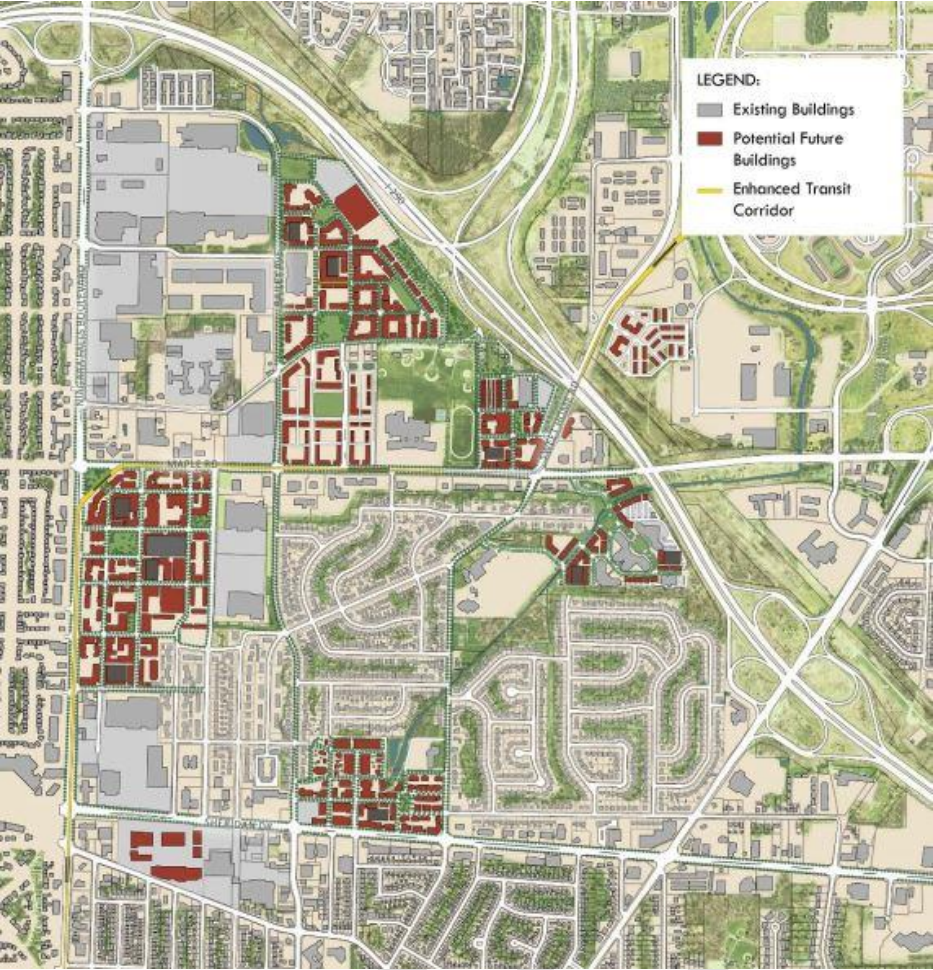


Exhibit H – Figure 3: Action Plan Illustrative Images




Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Planning
 Initiated by: **Dan Howard**
 Co-Sponsored by:

DOC ID: 26595

RESOLUTION 2022-1070
ADOPTED

Sidewalk Waiver Request, SWW-2022-03; Property Located at 695 Casey Road

Sidewalk Waiver Request, SWW-2022-03; Property located at 695 Casey Road(SBL# 42.11-2-17.112). Robert and Kathryn Cavagnaro, Petitioner.

The subject request has been reviewed by the Planning and Engineering Departments. Attached find the reviews from both departments which give their recommendations.

10/24/2022

Consent

FINANCIAL IMPACT:

None.

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



Town of Amherst Planning Department

Erie County, New York



13.P.3.a

Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

Town Board Agenda of October 24, 2022

MEMORANDUM

October 17, 2022

TO: Fran Spoth, Town Clerk
Honorable Town Board

FROM: Daniel C. Howard, AICP, Planning Director 

SUBJECT: Sidewalk Waiver Request, **SWW-2022-03**; Property located at **695 Casey Road** (SBL# 42.11-2-17.112). Robert and Kathryn Cavagnaro, Petitioner.

The subject request has been reviewed by the Planning and Engineering Departments and will be placed on the October 24, 2022 Town Board agenda under the Planning Director's report for decision by the Board. Attached find the reviews from both departments which give their recommendations.

Should you have any questions please contact this office at 631-7051.

Thank you.

DH/TV/ac

Att. Engineering & Planning Department Reviews

X:\Current_Planning\Files\Sidewalk Waivers\SWW 2022\SWW-2022-03_(695_Casey_Rd)_2022\SWW-2022-03_TB_request for public hearing.doc

cc: Daniel J. Ulatowski, Assistant Planning Director
Stanley Sliwa, Town Attorney
Building Department
Chris Schregel, Engineering Department

Attachment: SWW-2022-03 TB letter 102422 (RES-2022-1070 : SWW-2022-03, 695 Casey Road)

Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

MEMORANDUM

October 17, 2022

TO: Daniel C. Howard, AICP, Planning Director

FROM: Planning Department, Thomas Voigt, Assistant Planner TV

SUBJECT: Sidewalk Waiver Request; property located at 695 Casey Road (42.11-2-17.112), Robert and Kathryn Cavagnaro, Petitioner.

The subject property is located on the south side of Casey Road, approximately 400 feet west of the intersection of Casey Road and Paradise Road.

The petitioner is requesting that the requirement to install a public sidewalk along the frontage of the parcel at 695 Casey Road be waived. Casey Road is an Erie County highway designated a collector roadway in Figure 9 of the Town of Amherst Bicentennial Comprehensive Plan. The petitioner indicates that there are no sidewalks on the south side of Casey Road in the adjacent area, and therefore they should not have to install them along their parcel frontage.

Sidewalks do not currently exist on the south side of Casey Road in the immediate surrounding area, but do exist on the north side of Casey Road. The closest sidewalk on the south side of Casey Road is located approximately 500 feet east at 751 Casey Road. Based upon the property survey submitted by the petitioner and the field inspection, there is an existing utility pole that would hinder installation of sidewalks in a logical and safe location in relation to the pavement surface (pictured below) at the subject location.



Picture from field inspection by Planning Staff on September 30, 2022; 695 Casey Road looking east at the potential location of a sidewalk.

Attachment: SWW-2022-03 TB letter 102422 (RES-2022-1070 : SWW-2022-03, 695 Casey Road)

Daniel C. Howard
October 17, 2022
Page 2

The Town Board has previously granted a sidewalk waiver for the adjacent parcel located at 689 Casey Road and a parcel 400± feet to the west of the subject parcel located at 649 Casey Road.

It is the staff's recommendation that the sidewalk waiver be granted with the stipulation that sidewalks be installed at the owner's expense at such time they be deemed necessary by the Town Board.

Additionally, due to the residential character of the area and potential pedestrian movement to Paradise Park at Casey and Paradise Roads, the Town may wish to request that Erie County install sidewalks with any future road improvements.

SM/ac
Att:

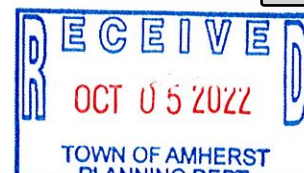
X:\Current_Planning\Files\Sidewalk Waivers\SWW 2022\SWW-2022-03_(695_Casey_Rd)_2022\SWW-2022-03_Pln_Dept_Review_101422.docx

Attachment: SWW-2022-03 TB letter 102422 (RES-2022-1070 : SWW-2022-03, 695 Casey Road)



TOWN OF AMHERST

ENGINEERING DEPARTMENT



ERIE COUNTY – NEW YORK

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

Memorandum

October 5, 2022

TO: Daniel C. Howard AICP – Planning Director

FROM: Christopher P. Schregel – Project Manager

SUBJECT: Sidewalk Waiver Request – SWW-2022-03
Petitioner: Robert and Kathryn Cavagnaro

LOCATION: 695 Casey Road

☒ **SIDEWALK WAIVER IS**

☒ **GRANTED**

Reason: insufficient right-of-way to accommodate a sidewalk with a reasonable snow storage / clear zone between the sidewalk and edge of pavement.

CPS/ch


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Planning
 Initiated by: **Dan Howard**
 Co-Sponsored by:

DOC ID: 26602

RESOLUTION 2022-1071
ADOPTED

**Public Hearing Request for Proposed Local Law to Amend
 Chapter 203 of Town Code (Zoning Ordinance) Text
 Amendments to SC-Shopping Center District, Part 6 (Use
 Regulations) and Part 7 (Off-Street Parking, Loading and
 Stacking), ZTA-2022-04**

Please schedule a public hearing on November 21, 2022 for the Proposed Local Law to Amend Chapter 203 of Town Code (Zoning Ordinance) Text Amendments to SC - Shopping Center District, Part 6 (Use Regulations) and Part 7 (Off-Street Parking, Loading and Stacking), ZTA-2022-04.

10/24/2022

Consent

FINANCIAL IMPACT:

None

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


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Engineering
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26613

RESOLUTION 2022-1072
ADOPTED

PIP 3107 - Sanitary Sewer – UBMD/North Maplemere Extension 2605 Amherst Manor Drive

Attached please find an application for a Sanitary Sewer Public Improvement Permit properly filled out. Permit fee and inspection cost amount to \$20,876.00.

We are sending one (1) check to the Comptroller's Office, \$150.00 to be retained as a Permit Fee for the Town Clerk, \$20,100.00 which will be held in escrow to cover the inspection cost, and \$626.00 to cover the televising cost and to be deposited in the SS District 16 account G9000-02377.

At this time we are asking for your approval of the application for PIP No. 3107.

10/24/2022

Consent

FINANCIAL IMPACT:

\$20,876.00

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

APPLICATION FOR PERMIT TO CONSTRUCT A PUBLIC/PRIVATE IMPROVEMENT

Date..... October 12, 20 22.

TO THE HONORABLE TOWN BOARD:

Gentlemen: Town of Amherst, Erie County, N.Y.

 Application is Hereby
Made for Permission to
Construct

	Public	Private
Pavement and Curbs	☐	☐
Water Line	☐	☐
Sanitary Sewer	☒	☐
Storm Sewer	☐	☐
Backyard Drainage	☐	☐

 Estimated Cost of
Improvement \$ 201,000.00

DESCRIPTION OF PROPOSED PUBLIC/PRIVATE IMPROVEMENT

Subdivision Name, Street Name(s),

 Quantity, Description and Location of Improvement: Town of Amherst Job ~~SP-2020-09B~~

Installation of 1,252 LF of 8" sanitary sewer including excavation, removals, installation of sanitary sewer and backfill per approved site plan SP-2020-09B.

Supporting Data:

Consulting Engineer's Name Cannon Design / Watts Architects & Engineers

Contractor's Name Phone

Contractor's Address

Maintenance (2 yr.) bond by

This application must be submitted in quadruplicate along with 4 copies of construction drawings showing the extent of the improvements which will be incorporated into and made a part of this application. In the event the drawing submitted contains other facilities not covered by this permit, then those covered by this permit must be designated by coloring so that a clear-cut picture of the work under this permit is easily determined.

Work under this permit shall be started within 60 days from the date of approval thereof. Work under this permit shall be completed within 1 year from the date of approval thereof. Any request for extension shall be addressed in writing to the Town Board of the Town of Amherst.

Fees from this permit and cost of inspection shall be covered by separate checks made payable to the Town of Amherst at amounts set forth by the Town Board. The inspection fee is to cover all work under this permit and shall be at no additional cost to the Town of Amherst. The inspection fee may be increased by a commercially reasonable amount during or after implementation of the improvement at the discretion of the Town Engineer due to unforeseen field conditions or complexity of design. All construction work is to be carried on during normal and usual working hours. Any deviation from this must be compensated by the payment of additional fees.

In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees that if such a permit is granted he/she will comply with the terms thereof, the Laws of the State of New York, the Ordinances of the Town of Amherst and Regulations of the various departments of the Town and the State of New York, and that he/she shall notify the Engineering Department forty-eight (48) hours in advance of commencing any work under this permit.

The undersigned hereby certifies that all of the information contained in this petition is correct and true.

ITEM	FEE
PERMIT	\$150.00
INSPECTION 10% of Estimated Cost of Construction	\$20,100.00
VIDEO INSPECTION SANITARY	\$626.00
\$0.50/Linear Foot	
TOTAL FEE	\$20,876.00


 Subscribed and sworn to before me this
 Notary Public, State of Illinois
 My Commission Expires
 October 14, 2024

Owner Sign Here

Amherst, IL API RKC, LLC

Please Print Name

800 W Madison Street, Suite 400, Chicago, IL 60607

Address

Phone (312) 872-4120

12th

October 20 22

Notary Public, Erie County, New York

I do certify that I have examined the foregoing petition and Survey Sketch and certify that they conform to Ordinances of the Town of Amherst.

Town Engineer

Receipt is hereby acknowledged of the sum of \$, being the required fees established by the Town Board of the Town of Amherst, N.Y.

Town Clerk

Public/Private Improvement Permit No. 3107

Packet Pg. 157

Attachment: Sanitary (RES-2022-1072 : PIP 3107 - Sanitary Sewer - UBMD/North Maplemere)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Engineering
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26614

RESOLUTION 2022-1073

ADOPTED

PIP 3108 - Waterline - UBMD/North Maplemere Extension

Attached please find an application for a Waterline Public Improvement Permit properly filled out. Permit fee and inspection cost amount to \$11,786.00.

We are sending one (1) check to the Comptroller's Office, \$150.00 to be retained as a Permit Fee for the Town Clerk and \$11,636.00 which will be held in escrow to cover the inspection cost.

At this time we are asking for your approval of the application for PIP No. 3108.

10/24/2022

Consent

FINANCIAL IMPACT:

\$11,786.00

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

October 17, 2022
AGENDA – October 24, 2023

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

RE: PUBLIC IMPROVEMENT PERMIT NO. 3108
WATERLINE – UBMD/NORTH MAPLEMERE EXTENSION
2605 AMHERST MANOR DRIVE

Council Members:

Attached please find an application for a Waterline Public Improvement Permit properly filled out. Permit fee and inspection cost amount to \$11,786.00.

We are sending one (1) check to the Comptrollers Office, \$150.00 to be retained as a Permit Fee for the Town Clerk and \$11,636.00 which will be held in escrow to cover the inspection cost.

At this time we are asking for your approval of the application for PIP No. 3108.

Very truly yours,

Jeffrey S. Burroughs, P.E.
Town Engineer

JSB/MAB
Attachments

CC: Daryl Bramer - Comptroller

Attachment: 3108 waterline public (RES-2022-1073 : PIP 3108 - Waterline - UBMD/North Maplemere Extension)



Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Engineering
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26615

RESOLUTION 2022-1074

ADOPTED

PIP 3109 - Storm Sewer - UBMD/North Maplemere Extension 2605 Amherst Manor Drive

Attached please find an application for a Storm Sewer Public Improvement Permit properly filled out. Permit fee and inspection cost amount to \$7,570.00.

We are sending one (1) check to the Comptrollers Office, \$150.00 to be retained as a Permit Fee for the Town Clerk and \$7,420.00 which will be held in escrow to cover the inspection cost.

At this time we are asking for your approval of the application for PIP No. 3109.

10/24/2022

Consent

FINANCIAL IMPACT:

\$7,570.00

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

APPLICATION FOR PERMIT TO CONSTRUCT A PUBLIC/PRIVATE IMPROVEMENT

Date..... October 14, 20 22.

TO THE HONORABLE TOWN BOARD:

Gentlemen: Town of Amherst, Erie County, N.Y.

	Public	Private
Pavement and Curbs	☐	☐
Water Line	☐	☐
Sanitary Sewer	☐	☐
Storm Sewer	☒	☐
Backyard Drainage	☐	☐

Application Is Hereby Made for Permission to Construct

Estimated Cost of Improvement \$ 74,200.00

DESCRIPTION OF PROPOSED PUBLIC/PRIVATE IMPROVEMENT

Subdivision Name, Street Name(s),
 Quantity, Description and Location of Improvement: Town of Amherst Job ~~XXXXXX~~
 Installation of 800' of 18" HDPE pipe, 220' of 15" HDPE pipe, 13 catch basins and 1 manhole.

Supporting Data:

Consulting Engineer's Name Cannon Design / Watts Architects & Engineers
 Contractor's Name L.J. Quigliano II Inc. Phone 716-731-9008
 Contractor's Address 2395 Lockport Rd. Sanborn, NY 14132
 Maintenance (2 yr.) bond by Lawley Construction Solutions

This application must be submitted in quadruplicate along with 4 copies of construction drawings showing the extent of the improvements which will be incorporated into and made a part of this application. In the event the drawing submitted contains other facilities not covered by this permit, then those covered by this permit must be designated by coloring so that a clear-cut picture of the work under this permit is easily determined.

Work under this permit shall be started within 60 days from the date of approval thereof. Work under this permit shall be completed within 1 year from the date of approval thereof. Any request for extension shall be addressed in writing to the Town Board of the Town of Amherst.

Fees from this permit and cost of inspection shall be covered by separate checks made payable to the Town of Amherst at amounts set forth by the Town Board. The inspection fee is to cover all work under this permit and shall be at no additional cost to the Town of Amherst. The inspection fee may be increased by a commercially reasonable amount during or after implementation of the improvement at the discretion of the Town Engineer due to unforeseen field conditions or complexity of design. All construction work is to be carried on during normal and usual working hours. Any deviation from this must be compensated by the payment of additional fees.

In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees that if such a permit is granted he/she will comply with the terms thereof, the Laws of the State of New York, the Ordinances of the Town of Amherst and Regulations of the various departments of the Town and the State of New York, and that he/she shall notify the Engineering Department forty-eight (48) hours in advance of commencing any work under this permit.

The undersigned hereby certifies that all of the information contained in this petition is correct and true.

ITEM	FEE
PERMIT	\$150.00
INSPECTION 10% of Estimated Cost of Construction	\$7,420.00
VIDEO INSPECTION SANITARY	
\$0.50/Linear Foot	
TOTAL FEE	\$7,570.00



MIA VACCARELLA
 OFFICIAL SEAL
 Notary Public, State of Illinois
 My Commission Expires October 14, 2024

Owner Sign Here
 Amherst 111 APL RKC, LLC
 Please Print Name
 800 W Madison Street, Suite 400, Chicago, IL 60607
 Address
 Phone (312) 872-4120
 Zip 14th
 Subscribed and sworn to before me this October 14, 2022
 Mia Vaccarella
 Notary Public, Erie County, New York

I do certify that I have examined the foregoing petition and Survey Sketch and certify that they conform to Ordinances of the Town of Amherst.

Receipt is hereby acknowledged of the sum of \$, being the required fees established by the Town Board of the Town of Amherst, N.Y.

Public/Private Improvement Permit No. 3109


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Engineering
 Initiated by: **Jeffrey S. Burroughs**
 Co-Sponsored by:

DOC ID: 26616

RESOLUTION 2022-1075
ADOPTED

PIP 3110 - Paving & Curbing - UBMD/North Maplemere Extension 2605 Amherst Manor Drive

Attached please find an application for a Paving & Curbing Public Improvement Permit properly filled out. Permit fee and inspection cost amount to \$65,475.00.

We are sending one (1) check to the Comptroller's Office, \$150.00 to be retained as a Permit Fee for the Town Clerk and \$65,325.00 which will be held in escrow to cover the inspection cost.

At this time we are asking for your approval of the application for PIP No. 3110.

10/24/2022

Consent

FINANCIAL IMPACT:

\$65,475.00

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

APPLICATION FOR PERMIT TO CONSTRUCT A PUBLIC/PRIVATE IMPROVEMENT

Date..... October 14, 2022.

TO THE HONORABLE TOWN BOARD:

Gentlemen: Town of Amherst, Erie County, N.Y.

	Public	Private	
Pavement and Curbs	☒	☐	Estimated Cost of Improvement \$ 653,246.00
Water Line	☐	☐	
Sanitary Sewer	☐	☐	
Storm Sewer	☐	☐	
Backyard Drainage	☐	☐	

Application is Hereby Made for Permission to Construct

DESCRIPTION OF PROPOSED PUBLIC/PRIVATE IMPROVEMENT

 Subdivision Name, Street Name(s),
 Quantity, Description and Location of Improvement: Town of Amherst Job ~~XXXXXXXXXX~~
 Install 3,838' of upright curb, 7,712 sf of concrete sidewalk, 7" thick asphalt base (3,035 ton), 2.5" thick asphalt binder (1,085 ton) and 1.5" thick asphalt top (665 ton)

Supporting Data:

 Consulting Engineer's Name Cannon Design / Watts Architects & Engineers
 Contractor's Name L.J. Quigliano II Inc. Phone 716-731-9008
 Contractor's Address 2395 Lockport Rd. Sanborn, NY 14132
 Maintenance (2 yr.) bond by Lawley Construction Solutions

This application must be submitted in quadruplicate along with 4 copies of construction drawings showing the extent of the improvements which will be incorporated into and made a part of this application. In the event the drawing submitted contains other facilities not covered by this permit, then those covered by this permit must be designated by coloring so that a clear-cut picture of the work under this permit is easily determined.

Work under this permit shall be started within 60 days from the date of approval thereof. Work under this permit shall be completed within 1 year from the date of approval thereof. Any request for extension shall be addressed in writing to the Town Board of the Town of Amherst.

Fees from this permit and cost of inspection shall be covered by separate checks made payable to the Town of Amherst at amounts set forth by the Town Board. The inspection fee is to cover all work under this permit and shall be at no additional cost to the Town of Amherst. The inspection fee may be increased by a commercially reasonable amount during or after implementation of the improvement at the discretion of the Town Engineer due to unforeseen field conditions or complexity of design. All construction work is to be carried on during normal and usual working hours. Any deviation from this must be compensated by the payment of additional fees.

In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees that if such a permit is granted he/she will comply with the terms thereof, the Laws of the State of New York, the Ordinances of the Town of Amherst and Regulations of the various departments of the Town and the State of New York, and that he/she shall notify the Engineering Department forty-eight (48) hours in advance of commencing any work under this permit.

The undersigned hereby certifies that all of the information contained in this petition is correct and true.

ITEM	FEE
PERMIT	\$150.00
INSPECTION 10% of Estimated Cost of Construction	\$65,325.00
VIDEO INSPECTION SANITARY	
\$0.50/Linear Foot	
TOTAL FEE	\$65,475.00



Owner Sign Here
 Amherst 111 APL RKC, LLC
 Please Print Name
 800 W Madison Street, Suite 400, Chicago, IL 60607
 Address
 Phone (312) 872-4120
 MIA VACCARELLA Zip 14th
 OFFICIAL Notary Public, State of Illinois
 My Commission Expires October 14, 2024
 Notary Public, Erie County, New York

I do certify that I have examined the foregoing petition and Survey Sketch and certify that they conform to Ordinances of the Town of Amherst.

Receipt is hereby acknowledged of the sum of \$, being the required fees established by the Town Board of the Town of Amherst, N.Y.

Public/Private Improvement Permit No. 3110


Amherst Town Board

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

Francina J. Spoth
 Town Clerk

Meeting: 10/24/22 07:00 PM
 Department: Town Clerk
 Initiated by: **Timothy Koller**
 Co-Sponsored by:

DOC ID: 26643

RESOLUTION 2022-1076
ADOPTED AS AMENDED

Approval of Contract – GP Flooring Solutions NYS OGS Flooring Contract PC69408 Audubon Library – Carpet Replacement T.O. A. Project No. 2019-048A

Suspension to Town Board Agenda Item October 24, 2022

TO: Amherst Town Board

FROM: Jacqueline Berger, Town Deputy Supervisor

DATE: October 24, 2022

RE: **Approval of Contract - GP Flooring Solutions NYS OGS Flooring Contract PC69408** Audubon Library - Carpet Replacement T.O. A. Project No. 2019-048A

Please approve the above referenced contract in the amount of \$127,838.02 to GP Flooring Solutions, 32 Marway Circle, Gates, NY 14624, for the replacement of existing carpet at Audubon Library. Pursuant to the above OGS contract, please approve the Town Supervisor to sign the contract with the approved vendor, subject to CRS approval.

Funding for this contract shall be from project account KP2126-4972.

10/24/2022

A motion to approve was made by Supervisor Kulpa and seconded by Deputy Supervisor Berger. A motion was then made by Supervisor Kulpa to amend, seconded by Councilmember Bucki and unanimously approved 4-0. The amendment adds the underlined language. A motion to approve as amended was made by Supervisor Kulpa, seconded by Councilmember Bucki and unanimously approved 4-0.

FINANCIAL IMPACT:

account KP2126-4972.

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



TOWN OF AMHERST
 ENGINEERING DEPARTMENT
ERIE COUNTY – NEW YORK
 JEFFREY S. BURROUGHS, P.E., TOWN ENGINEER

October 24, 2022
AGENDA – October 24, 2022

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

RE: **Approval of Contract – CP Flooring Solutions**
NYS OGS Flooring Contract PC69408
 Audubon Library – Carpet Replacement
 T.O.A. Project No. 2019.048A

Councilmembers:

Please approve the above referenced contract in the amount of \$127,838.02 to CP Flooring Solutions, 32 Marway Circle, Gates, NY 14624, for the replacement of existing carpet at Audubon Library. Pursuant to the above OGS contract, please approve the Town Supervisor to sign the contract with the approved vendor.

Funding for this contract shall be from project account KP2126-4972.

May we have your approval for the above contract?

Very truly yours,

Jeffrey S. Burroughs, P.E.
 Town Engineer

JSB/MAB

att.

cc: Brian J. Kulpa – Supervisor
 Councilmembers
 Stanley J. Sliwa, Esq. – Town Attorney
 Daryl Bramer – Comptroller
 Ann E. Fickelscherer – Supervising Accountant
 Lynda Juul – Director of Finance
 Roseanne Butler-Smith – Library Director

Attachment: SUSPENSION Eng Audubon Library Flooring Contract 20221024 (RES-2022-1076 : Approval of Contract – GP Flooring Solutions)



GP Flooring Solutions
Headquarters
32 Marway Circle
Gates, NY 14624

(800) 832-3550

Proposal¹

For:

Town of Amherst
 5583 Main Street
 Williamsville, NY 14221

Job Site:

Town of Amherst - Library / Marc Bellacose
 350 John James Audubon Pkwy
 Audubon Library - Interface
 Amherst, NY 14228
 Contact: Marc Bellacose 716 631-7154

Proposal # 15702

Customer PO

Contract # PC69408

Date 10/20/2022

Sales Person Tim Glassbrook

Designer

Type	Quantity	Product Description	Color / Item Number	Price	To
Carpet	Mat 95.68 SqYd	Moss - 50cmx50cm - 16 cases	105562 - Flint/Moss	\$53.08	\$5,078.6
	Lab 83.72 SqYd	Installation - Carpet Tile - Prevailing wage - Pattern Installation		\$11.38	\$952.7
Notes	PC69408 - CPT1				
Carpet	Mat 95.68 SqYd	Moss in Stone - 50cmx50cm - 16 cases	105566 - Flint Edge	\$53.08	\$5,078.6
	Lab 83.72 SqYd	Installation - Carpet Tile - Prevailing wage - Pattern Installation		\$11.38	\$952.7
Notes	PC69408 - CPT2				
Carpet	Mat 675.74 SqYd	Sett in Stone - 50cmx50cm - 113 cases	105570 - Flint	\$38.41	\$25,955.1
	Lab 651.82 SqYd	Installation - Carpet Tile - Prevailing wage - Pattern Installation		\$11.38	\$7,417.7
Notes	PC69408 - CPT3				
Carpet	Mat 747.5 SqYd	Kerbstone - 50cmx50cm - 125 cases	105574 - Flint	\$38.41	\$28,711.4
	Lab 723.58 SqYd	Installation - Carpet Tile - Prevailing wage - Pattern Installation		\$11.38	\$8,234.3
Notes	PC69408 - CPT4				
Vinyl Resilient Mat	618.93 SqFt	Brushed Lines - 4.5MM - 22mil Wear Layer A0161 - Mousse -25cm x 1m - 23 cases		\$3.63	\$2,246.7
	Lab 592.02 SqFt	Installation of Luxury Vinyl Tile or Planks - Prevailing wage		\$3.34	\$1,977.3
Notes	PC69408 - LVT1				
Accessories	Mat 618.93 SqFt	Interface - Container Surcharge NOT IN OGS CONTRACT		\$0.35	\$216.6
Notes	PC69408				
Labor	Mat 1 Each	Rip out machine			
	Lab 1586 SqYd	Removal of Broadloom (direct glue down) - Carpet w/attached pad - Prevailing wage		\$6.76	\$10,721.3
Notes	PC69408				
Labor	Mat 1 Each	GP Flooring provided Dumpster			
	Lab 1586 SqYd	Carpet Disposal - Prevailing wage		\$1.46	\$2,315.5
Notes	PC69408				
Wall Base	Mat 960 LnFt	Roppe Cove base- 4" cove base - Lengths Charcoal			
	Lab 960 LnFt	Install Base, Std. 4-Inch Vinyl/Rubber Blend - Prevailing wage		\$3.91	\$3,753.6
Notes	PC69408				
Adhesive	Mat 16 Each	Mapei 575 cove base adhesive (12 tubes Tube per carton)			
Adhesive	Mat 15 Each	Interface 2000 Plus 4 Gallon Adhesive	4 Gallon	\$153.61	\$2,304.1
Notes	PC69408				
Accessories	Mat 6 Each	Schonox SL Patch 10 lb (GP)	10 lb		
	Lab 575 SqFt	Floor Prep - (Minor) Skim Coating to 1/8 inch (Material & Labor) - LVT areas only		\$1.64	\$943.0
Notes	PC69408				

Continuation For: Town of Amherst, Proposal # 15702

Type	Quantity	Product Description	Color / Item Number	Price	Total
Accessories	Mat 11 Each	Primer Tri Seal (4 Gal)	Primer	\$154.50	\$1,699.00
	Lab 14273 SqFt	Floor Prep - Removal of Existing Coating, Glue, and Mastic		\$1.08	\$15,414.00
Notes	PC69408				
Transition	Mat 36 LnFt	Rubber Accessories - Transitions - CRA07 Black			
	Lab 36 LnFt	Furnish & Install Transition, Standard, Black/Brown/Gold/Silver		\$4.64	\$167.00
Notes	PC69408				
Unclassified	Mat 1614.6 SqYd	Freight - Carpet Tile		\$1.84	\$2,970.00
Notes	PC69408				
Unclassified	Mat 618.93 SqFt	Freight - LVT		\$0.31	\$191.80
Notes	PC69408				
Unclassified	Mat 2 Each	Delivery- PER OGS Contract - Freight & Delivery		\$267.00	\$534.00
Notes	PC69408				

Information

All pricing is per NYS Contract PC69408
Labor to be paid @ Erie County Prevailing wage
Project to tentatively start Dec 2022
Town of Amherst to move all furniture
Town of Amherst to move all personal or loose items - All electronics to be unplugged by Town of Amherst
Project is priced for 2 mobilizations
Prime of floor is included in all carpet areas -Skim coat is only included in LVT areas - Add \$800 if additional bags & labor is needed to fill any holes in concrete

Contract Total	\$127,838.00
Sales Tax	
Grand Total	\$127,838.00

\$127,087.00

Additional Conditions

NYS Flooring Contract - Interface: PC69408
 Federal ID #16-6330058

Buyer _____ Date _____ Seller _____ Date _____

Attachment: SUSPENSION Eng Audubon Library Flooring Contract 20221024 (RES-2022-1076 : Approval of Contract - GP Flooring Solutions)



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
10/24/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 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															
INSURED GP FLOORING SOLUTIONS 32 MARWAY CIR ROCHESTER, NY 14624-2321		INSURER(S) AFFORDING COVERAGE <table border="1"> <tr> <th>INSURER</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: FEDERATED MUTUAL INSURANCE COMPANY</td> <td>13935</td> </tr> <tr> <td>INSURER B: FEDERATED RESERVE INSURANCE COMPANY</td> <td>16024</td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>		INSURER	NAIC #	INSURER A: FEDERATED MUTUAL INSURANCE COMPANY	13935	INSURER B: FEDERATED RESERVE INSURANCE COMPANY	16024	INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER C:																	
INSURER D:																	
INSURER E:																	
INSURER F:																	

COVERAGES

CERTIFICATE NUMBER: 597

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	ADDITIONAL INSURER	SUBROGATION	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	N	6112778	12/28/2021	12/28/2022	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COM/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	12/28/2021	12/28/2022	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	12/28/2021	12/28/2022	EACH OCCURRENCE \$7,000,000 AGGREGATE \$7,000,000
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	N/A	1800889	12/28/2021	12/28/2022	☒ PER STATUTE ☐ OTHER 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)

PROJECT: TOWN OF AMHERST, 1100 N FOREST RD, ENGINEERING BUILDING MOHAWK, WILLIAMSVILLE NY 14221

CERTIFICATE HOLDER IS ADDITIONAL INSURED FOR GENERAL LIABILITY ON A PRIMARY AND NONCONTRIBUTORY BASIS.

GENERAL LIABILITY COVERAGE CONTAINS CG 25 03 DESIGNATED CONSTRUCTION GENERAL AGGREGATE LIMIT ENDORSEMENT APPLICABLE TO EACH CONSTRUCTION PROJECT AS REQUIRED BY WRITTEN CONTRACT OR WRITTEN AGREEMENT.

CERTIFICATE HOLDER

 179-944-4
 TOWN OF AMHERST
 5583 MAIN ST
 WILLIAMSVILLE, NY 14221-5488

597 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

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ACORD 25 (2016/03)

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Attachment: SUSPENSION Eng Audubon Library Flooring Contract 20221024 (RES-2022-1076 : Approval of Contract - GP Flooring Solutions)

COMMERCIAL GENERAL LIABILITY
CG 20 01 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**PRIMARY AND NONCONTRIBUTORY -
OTHER INSURANCE CONDITION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the **Other Insurance** Condition and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1) The additional insured is a Named Insured under such other insurance; and

- (2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS - AUTOMATIC STATUS WHEN
REQUIRED IN CONSTRUCTION AGREEMENT WITH YOU**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. Section II - Who Is An Insured is amended to include as an additional insured any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy. Such person or organization is an additional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured.

However, the insurance afforded to such additional insured:

1. Only applies to the extent permitted by law; and
2. Will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

1. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

- a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
- b. Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or the failure to render any professional architectural, engineering or surveying services.

2. "Bodily injury" or "property damage" occurring after:

- a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
- b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III - Limits Of Insurance:**

The most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement you have entered into with the additional insured; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.