

Amherst City Council was brought to order in a Regular Session with President Wasilk opening the meeting at 7:00 p.m.. Present were Mr. Wachholz, Ms. Smith, Mr. Heberling, Mr. Janik, Mr. Winiarski, Mr. Dembinski, Mr. Wachholz, Mayor Costilow, Law Director Pecora, Auditor Phillips, Treasurer Ramsey. Also present were council elect Nahorn. Mr. Jeffreys was absent and had a letter on file. Mr. Dembinski motioned to excuse Mr. Jeffreys as he had a letter on file. Seconded by Ms. Smith. Voice vote 7-0 to excuse Mr. Jeffreys.

The Prayer was invoked by Chaplin Janik, followed by the Pledge to the Flag led by Sergeant at Arms Dembinski.

Consent Agenda: The Clerk read the Consent Agenda. Mr. Heberling motioned to accept the Consent Agenda as read. Seconded by Mr. Dembinski. Voice vote 7-0 to accept the Consent Agenda as read.

Acknowledgement of the Public pertaining to items on the Agenda: There was no one speaking.

ORDINANCES AND RESOLUTIONS FIRST READING:

- (a) An Ordinance approving the 2024 Interim Budget; and declaring an emergency (A-23-63)

Auditor Phillips said everyone should have received the updated version of the proposed interim budget. She thanked Mr. Janik, Mr. Wachholz and Mr. Dembinski who pointed out some line items in the first version, and their office made some corrections. Per Mr. Wachholz's request, an Excel version was provided as well. Mr. Dembinski motioned to pass this on to its second reading. Seconded by Mr. Wachholz. Roll call vote 7-0 to pass to second.

- (b) An Ordinance authorizing the spending of additional funds provided by Nordson Corporation in 2021 for repairs and improvements at the Nordson Depot; and declaring an emergency. (A-23-64)

Mayor Costilow said they are in the process of making updates and repairs at the Depot. The sooner this is approved, the sooner we can spend those dollars. He hopes for suspension on this. Mr. Dembinski motioned to suspend all Council rules so that this may be adopted in it's first reading. Seconded by Mr. Smith. Roll call vote 7-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-23-58.

- (c) An Ordinance authorizing the execution of the 2023 NPP Power Participant Schedule with American Municipal Power, Inc. ("AMP")

Mayor Costilow answered questions that were asked at the last meeting. Behind the meter power like solar – and the key word there is “without using the transmission system.” So that's actually before it even comes into the city. It's only meant for power that we generate and then sell to our customers. It has no effect on residents. The question about the long power formula tells us how they are calculating the energy that they are selling us. They have been doing this, but just now putting it in the agreement. With the big chart, we don't generate any energy so do not check anything on the chart. This will have to be passed by the end of the year. Mr. Dembinski motioned to pass this on to its second reading. Seconded by Mr. Cowger. Roll call vote 7-0 to pass to second.

- (d) An Ordinance authorizing the Mayor to enter into a contract for professional services with Bramhall Engineering & Surveying Company relating to the OPWC State Issue 1 – Round 37 North Ridge Road Improvements Project; and declaring an emergency. (A-23-66)

Regarding the question about N. Ridge Road, as far back as everyone can remember, they have told him that this is the agreement, that we take care of that entire road. Does this make it right? He would say it does. We have always patched the potholes, plowed both sides of the street, work on the ditches on both sides of the road. The county tells us we have to take care of it, and actually the county was part of the grant process. Back when he was still on council, through OPWC, we paved the entire street. We have asked the Clerk

and Superintendent of Utilities to look for ordinances or letters. The easy answer is that we have always done it. We will continue to do this, but whether there is an agreement? It could go back a long time. Could have been a handshake, it's just always been done. This is OPWC money and the county rates it and decides and the county engineer is a part of that. From his understanding, County Engineer Ken Carney told us way back when that this is how it's done. He will continue to look. The Clerk said she and Superintendent of Utilities looked for anything that referenced this and could not find anything. Mayor said the employees that go back 30 plus years say this is how it's always been. Ms. Smith motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Wachholz. Roll call vote 7-0 to suspend rules. Mr. Wachholz motioned to adopt. Seconded by Ms. Smith. Roll call vote 7-0 to adopt. Becomes 0-23-59.

- (e) An Ordinance authorizing the Mayor to enter into a cooperative agreement with the City of Lorain for the Amherst/Lorain Leavitt Road Traffic Collection and Modeling Study; and declaring an emergency. (A-23-67)

Mr. Heberling motioned to suspend all Council rules so that this may be adopted in its first reading. Seconded by Mr. Smith. Roll call vote 7-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Ms. Smith. Roll call vote 7-0 to adopt. Becomes 0-23-60.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING:

- (a) An Ordinance establishing the wage rate, benefits and other conditions of employment for the seasonal Part-Time Tax Assistant I of the City of Amherst. (A-23-60)

Mr. Cowger motioned to adopt. Seconded by Ms. Smith. Roll call vote 7-0 to adopt. Becomes 0-23-61.

Miscellaneous and acknowledgement of the public:

Mrs. Wasilk read the letter from the Mayor regarding the request to confirm the appointment of John Rush to the Design Review Board. Mr. Wachholz asked if Mr. Rush has been on the Board before and why was he chosen? Mayor Costilow said he is not on the Board and he is one of the principals of Ghost Tree Tavern. Mr. Rush approached us as he wanted to be involved in the city. He has good knowledge as to what the downtown should look like and the historical acumens of downtown. Ms. Smith motioned to confirm the appointment of John Rush to the Design Review Board. Seconded by Mr. Wachholz. Roll call vote 7-0 to approve the appointment.

Mr. Dembinski reminded all that they are still collecting Toys for Tots until the end of next week.

Agenda requests and committee meeting schedules:

A-23-69 Finance Authorization allowing the Mayor to enter into a contract with Bramhall Engineering and Surveying for engineering a waterline feeder replacement; emergency

Added after Council meeting:

A-23-70 Finance Re-appropriating funds in various departments

A-23-71 Finance Approving contract with LifeCare Ambulance for the City of Amherst as recommended by the Sandstone Ambulance District; emergency

A-23-72 Finance Accept funding from Goldthorpe Estates in the amount of \$177,342.36 for the Office On Aging,

Finance December 4, 2023 at 7:00 p.m. A-23-69, A-23-70, A-23-71, A-23-72

Police/fire December 4, 2023 at 7:10 p.m. A-23-53 (Tobacco retail sales)

The remaining Council Committees meetings for December 5, 2023 are cancelled.

Reports of the Administration:

Treasurer Ramsey: No report

Auditor Phillips: Their office is working on the month end reports.

Law Director Pecora: No report

Safety/Service Director Jeffreys: Not present

Mayor Costilow: Leaf pickup is still ongoing. We are still at full force with the trucks set up for leaf pickup. We will do our best. We will switch over if we need to. But will continue to do our best. This week is city wide collection.

Mr. Dembinski motioned to approve the Reports of the Administration. Seconded by Mr. Cowger. Voice vote 7-0 to approve the reports.

Mr. Heberling motioned to adjourn. Seconded by Mr. Cowger. Voice vote 7-0 to adjourn.

The meeting was adjourned at 7:27 p.m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council