

Amherst City Council met in a Regular Session under full compliance of State Law with President Wasilk opening the meeting at 7:00 P.M. Roll call: Ms. Harnych, Mr. Wachholz, Mr. Mowcomber, Mr. Janik, Mr. Nahorn, Mr. Winiarski, Mr. Dembinski. Also present were Mayor Costilow, Auditor Phillips, Treasurer Miller, and Law Director Pecora. Safety/Service Director Jeffreys is absent and has a letter on file. Mr. Dembinski motioned to excuse Mr. Jeffreys as he has a letter on file. Seconded by Mr. Wachholz. Voice vote 7-0 to excuse Mr. Jeffreys.

The prayer was invoked by Chaplain Janik, followed by the Pledge to the Flag led by Sgt. at Arms Dembinski.

Consent Agenda: The Clerk read the Consent Agenda. Mr. Janik motioned to approve the consent agenda as read. Seconded by Mr. Dembinski. Voice vote 7-0 to approve the Consent Agenda.

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

ORDINANCES AND RESOLUTIONS FIRST READING:

- (a) An Ordinance establishing and implementing a program to charge mitigation rates for the deployment of emergency and non-emergency services by the Fire Department for services provided/rendered by/for the City of Amherst Fire Department. (A-26-05)

Mayor Costilow pointed out changes regarding Section 2 and Section 3 and spoke to the changes. Mr. Dembinski thanked him for making the changes and noted that this says the residents of the city of Amherst. Does it matter that we cover the township also? Mayor Costilow said they all have to do their own thing. This is only for mitigation rates. This is only for residents of the City of Amherst when the accidents happen in the city of Amherst. If the Township wants to do something like this, they have to do it on their own. Mr. Winiarski said our fire department will be billing for their services. Would this be considered revenue to go into our revenue account? Mayor Costilow said this money will just go into the General Fund. We finance and pay through the General Fund dollars so this will just go there. Mr. Winiarski asked if there was any consideration of giving it a line item. Mayor explained and said he does not see that happening. Mr. Winiarski asked for two line items, one that shows expense and another that shows revenue. This will show how much we are generating, The Auditor will show that, as everything has it's own line item. Mr. Winiarski asked how much we would be making? Mayor said this is still in discussion and being negotiated. Mr. Winiarski asked how the money would be distributed – would the Township receive some of the money? Mayor Costilow said this only affects accidents in the city of Amherst, so it would be all for Amherst. Mr. Janik asked in terms of non-residents and Mayor Costilow said the company would send a bill to the resident's insurance. If there is a small amount, there is no sense in trying to enforce it and go to court. Judgement calls will be made whether it's worth pursuing. Mr. Janik asked if there would be a process where someone can appeal the decision? Mr. Pecora said if there was court action they could dispute it. The court action would be through whatever jurisdiction is affected. Mr. Janik said our current tax dollars cover this – and Mayor Costilow said we will be able to save the tax dollars. He explained further. Mr. Mowcomber asked as far as billing the insurance company, and the payment does not come back the way we expect it, would we decide to pursue it or not depending on how much the amount is? Does this lead to maybe these things being left open for a period of time? What causes this event to be closed so it's not sitting out there. Mayor Costilow explained that talking to the people that do this billing, they give it a short amount of time, and it goes away. Very rarely does this end in a court. Insurance companies typically pay most of it and whatever is left, goes away. It's not something that can be held against them in their credit score. It's a soft billing. If the company does not collect it, it's just left there. Mr. Mowcomber does not want a resident to be exposed to this liability. Mayor Costilow said this will never go beyond their insurance company. He looked at his own insurance policy to verify this. Mr. Pecora said the court can also dispute the billing. Mr. Janik asked if as a public entity, could we submit something to the Attorney General's office? Mayor Costilow said the city would try various means to collect this debt through this collection agency. We would work with them to collect these funds. There gets a point where it's not worth it. Mr. Janik asked if an insurance company pays a \$500 but not the total \$700, do we pursue this? Mayor Costilow said typically they do not pursue it. Mr. Winiarski asked if we invoice for a damaged utility pole and isn't this the same thing? Mayor Costilow said if it's a lot of money and they don't pay, we go after them. But typically, insurance companies pay this. If they are a city resident, we

are not going to pursue it. We will only pursue to a certain amount. Mayor Costilow suggested reading their policy at home and it will state whatever that amount is for the fire department expenses. Mr. Wachholz motioned to send this on to its second reading. Seconded by Mr. Dembinski. Roll call vote 6-1 with Mr. Janik voting no to send to second reading.

- (b) A Resolution recognizing the 250th Anniversary of the U.S. Postal Service and its invaluable service to the Public. (A-26-06)

Mr. Dembinski motioned to pass this on to its second reading. Seconded by Mr. Nahorn. Roll call vote 7-0 to pass to second reading.

- (c) An Ordinance establishing the salary of the Mayor’s Court Magistrate and the salary and benefits of the Mayor’s Clerk of Court; and declaring an emergency. (A-26-07)

Mr. Dembinski motioned to pass this on to its second reading. Seconded by Mr. Nahorn. Roll call vote 7-0 to pass to second reading.

- (d) An Ordinance to adopt a Cybersecurity Program; and declaring an emergency. A-26-8)

Mayor Costilow asked for suspension of rules. Our IT department would like this codified as soon as possible. Mr. Dembinski motioned to suspend all Council Rules so that this maybe passed in it’s first reading. Seconded by Mr. Nahorn. Roll call vote 7-0 to suspend rules Mr. Janik motioned to adopt. Seconded by Mr. Nahorn. Roll call vote 7-0 to adopt. Becomes 0-26-04.

ORDINANCES AND RESOLUTIONS SECOND READING:

- (a) An Ordinance authorizing the Safety Service Director to enter into a contract for Professional Services with Verdantas LLC relating to the City of Amherst Water Pollution Control Center’s No Feasible Alternative Improvement Project; and declaring an emergency. (A-26-02)

Mr. Nahorn motioned to pass this on to its third reading. Seconded by Mr. Wachholz. Mr. Winiarski was looking for the legal opinion. Mr. Pecora said if there was any attempt to take over of the system, there would be litigation. Our city is adding money to our infrastructure, spending monies to do what the EPA mandates. Mr. Winiarski asked what the county’s obligation is. Do they have to prove something? Do they have to prove that we are being negligent? Mr. Pecora said we would have damages and defenses to fight that if the county or the state attempted to take over. There would be a fight with any potential take over Mr. Winiarski was pleased with the answer. Roll call vote 7-0 to pass to third reading.

ORDINANCES AND RESOLUTIONS THIRD READING: NONE

Miscellaneous and acknowledgement of the public: There was no one speaking.

Agenda requests and committee meeting schedules:

Finance A-26-09 A resolution for Automated Clearing House and electronic transactions; declaring an emergency.

Finance – February 9, 2026 at 6:55 p.m. A-26-09
The remaining Committee Meetings for 2/2/26 are cancelled.

Reports from the Administration

Auditor Phillips: She and Deputy Auditor DeSan met with a representative from an accounting firm because it is time for them to be preparing our annual comprehensive financial report for 2025.

Treasurer Miller: No report

Law Director Pecora: No report

Mayor Costilow: He is starting the process of working on the final budget. He will be talking to all our department heads and discussing the needs in our city. He hopes to prepare it sooner so we don't have to go through emergency. It needs to be adopted by the end of March so he will try to get it to everyone as soon as possible. He wants to take his hat off to the city workers. They treated this storm really well. All the departments come together, not just the street department. Members of our other departments drive the trucks and push shovels and really come together. They keep our city open. There may have been a few businesses closed, but most of our business stayed open. We allow the residents to get to work and he is really proud of what they do. If anyone had any questions about how we handled the storm, or anything else, he would be open to any questions. Mr. Janik asked if the Mayor wanted to comment on the salt shortage in neighboring cities. Mayor Costilow said we are doing fairly well, we are sitting on about twelve hundred ton of salt after this last storm. We realized there are shortages in other cities. We are not skimping in the city, we are salting, hills, dangerous intersections and high accident areas, but we are being a little conscientious about how much we are using. It takes about 70 tons when we use it. We do have eleven hundred tons on order. They are a little bit behind. He explained further. He felt the residents did a good job of driving carefully. The street department did a great job. He feels we are a little bit low, but previous council did a great job when they moved to build the salt barn so we can store the salt. Had it not been built, we could have been in a little bit of trouble. So it's earned its keep this winter.

Mrs. Wasilk said she has received many positive comments from the residents and They are very grateful. Mayor Costilow said a lot of cities are lacking in salt so we are very lucky.

Mr. Dembinski motioned to accept the Reports from the Administration. Seconded by Mr. Wachholz. Voice vote 7-0 to accept the Reports of the Administration.

Mr. Dembinski motioned to adjourn. Seconded by Mr. Wachholz. Voice vote 7-0 to adjourn. The meeting adjourned at 7:32 p.m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council