REGULAR

JULY 27 2026

Amherst City Council met in a Regular Session under full compliance of State Law with President Wasilk opening the meeting at 7:02 p. m. Roll call: Mr. Nahorn, Mr. Winiarski Mr. Dembinski, Ms. Harmych - absent, Mr. Wachholz, Mr. Mowcomber, Mr. Janik. Also present were Mayor Costilow, Safety/Service Director Jeffreys, Law Director Pecora, Deputy Treasurer Wood,(Treasurer Miller was absent and asked to be excused) and Auditor Phillips. Law Director Pecora had introduced two new assistants to his office at the Special Finance Committee Meeting who were also present – seated was Assistant Law Director Rachel Reibolt and in the audience was Prosecutor Zach Simonoff. Also present were two members of the public. Mr. Dembinski motioned to excuse Ms. Harmych and Mrs. Miller as they had letters on file. Seconded by Mr. Wachholz. Voice vote 6-0 to excuse Ms. Harmych and Mrs. Miller.

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. (also added was the minutes of the Special Finance Committee Meeting held July 27, 2026) Mr. Dembinski motioned to accept the Consent Agenda as read. Seconded by Mr. Janik. Voice vote 6-0 to accept the consent agenda as read.

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

ORDINANCES AND RESOLUTIONS FIRST READING:

(a) An Ordinance approving the final developmental plan for Phase II of the Quarry Creek Residential Development, Including the Subdivider-Allotter's agreement; and declaring an emergency. (A-26-29)

Mr. Dembinski motioned to suspend all council rules so that this may be adopted in its first reading. Seconded by Mr. Janik. Roll call vote 6-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 6-0 to adopt. Becomes 0-26-25.

(b) 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 40 North Leavitt Rod (S. R. 58) roadway reconstruction project; and declaring an emergency. (A-26-30)

Mr. Dembinski motioned to suspend all council rules so that this may be adopted in its first reading. Seconded by Mr. Nahorn. Roll call vote 6-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Nahorn. Roll call vote 6-0 to adopt. Becomes 0-26-26.

ORDINANCES AND RESOLUTIONS SECOND READING: None

ORDINANCES AND RESOLUTIONS THIRD READING: None

Miscellaneous and acknowledgement of the public:

Request for liquor license transfer from Sal & Al's Diner 2261 Cooper Foster Park Road, Amherst to Billyboys Inc. 2261 and 2265 Cooper Foster Park road Amherst for D-1, D-2, D-3 Per descriptions attached

There were no objections.

Mr. Donald Meyer of 1008 Cooper's Run spoke against a DATA center potentially being built in Amherst. He has questions and concerns about what will happen Wednesday night at the Zoning Board regarding the Nordson property to provide a variance to allow a DATA center. Personally, he is against them. Structurally, he does not believe our system can handle the change to a data center. He does not know what the water usage is for our city as this data is not published publicly, how much we buy from Lorain and Elyria and how this would affect our contracts. He has learned that the group with the variance does have permission from Nordson to represent them for this change. However, he would think some engineering should be made and made public for us to decide. Data centers are very divisive just by their nature because they suck up a lot of energy and water. They use much in the way of utilities and can our sewer system handle it? Any water they use will be coming back to our system and it will be dirty. He does not think our system will be able to handle that, but there is no data available for him to even look at that. He has concerns that there has been no engineering as far as changes to the zoning. Making a zoning change through this variance will leave the city in a worse position. They would be giving away the negotiating point. He would like a lot more information from the city regarding the data center.

There were no Agenda requests presented. Council is on vacation the month of August – if agenda requests are presented during that time committee meetings will be scheduled as needed.

Reports from the Administration

Auditor Phillips: The June reports have been completed and distributed. Our Audit has been accepted by the state. There has been some communication about that audit and everyone should have received something via e mail. There were some suggestions that were made. Everything went through very well as far as our financial records and how we are doing from an audit stand point. There were some suggestions that were made by the auditors that we will take into consideration.
Deputy Treasurer Wood: June reports have been completed. Mayor Costilow thanked her for being here this evening.
Law Director Pecora: No report
Safety Service Director Jeffreys: No report.
Mayor Costilow: Commented that regarding the meeting regarding DATA center coming up, this is not a zoning change. This entity proposed this to our Building Department and our Building Inspector actually turned them down because it does not meet or codes. So just as someone would have wanted to build a 16' fence in their yard, ridiculous as it seems, there is a process. They are allowed to go before the Zoning Board of Appeals just like this entity is doing. He explained the questions that will be considered by the ZBA and if there is any other use for that building other than a DATA center. A use variance is a lot more difficult to obtain. There have not been any other steps or plans or information out there. Unless it gets past the ZBA, there is not much reason for the City to do a lot except wait to see what the ZBA does. Then there are other steps, Planning Commission, Industrial Review Board, then actually coming to Council. He wants to make it clear that this is a variance. Mr. Pecora agreed about the steps this has to go through and then to see if there is any economic viable use for the property. Mayor Costilow invited everyone to see him in his office if they have questions.

Mr. Winiarski said many people are anticipated to be here, will we change venues? Mayor Costilow said they are not,but have a plan in place with reserved parking for the members of the two boards. We have an occupancy of 60 people other than the people sitting at the podium. He will have information to distribute to the people coming in and Q-R codes for those outside so they can follow the meeting. People can send e mails to the Board so they can be heard. The Board had 14 days to make a decision. He and Mr. Pecora touched on rules and people speaking at meetings. People will be allowed to speak – as one person is done speaking, another one can take their place.

Mr. Meyer asked if there is a specific data center entity already looking at the property? And looking for this variance? Mayor Costilow said that truly, they have very little information. This entity went to the Building Department, were denied and they want to use these three buildings for a data center. So there is nothing specific at this time. This is all about "use" and what is permitted. He invited Mr. Meyer to come and speak and concentrate on what he asked about, the use of the property. Mr. Meyer asked if the entity had drawings and information provided? Mayor Costilow advised him to see the Building Department and ask them what they were provided.

Mr. Nahorn motioned to accept the Reports of the Administration. Seconded by Mr. Dembinski. Voice vote 6-0 to accept the Reports of the Administration. Mr. Dembinski noted that information and questions should be sent to the Building Department.

Acknowledgement of the receipt of the month of June Treasurer and Auditor reports:

Mr. Dembinski motioned to acknowledge receipt of the June Treasurer and Auditor reports. Seconded by Mr. Wachholz. Voice vote 6-0 to acknowledge the receipt of the reports.

Mr. Wachholz motioned to adjourn. Seconded by Mr. Janik. Voice vote 6-0 to adjourn.

The meeting adjourned at 7:27 P.M.

Olga Sivinski, Clerk of Council Jennifer Wasilk, President of Council