

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: Mr. Dembinski, Ms. Harmych, Mr. Wachholz, Mr. Mowcomber, Mr. Janik, Mr. Nahorn, Mr. Winiarski. Also present were Mayor Costilow, Auditor Phillips, Treasurer Miller, Law Director Pecora, Assistant Law Director Reinbolt and Safety/Service Director Jeffreys. A reporter was present as well.

The Prayer was invoked by Chaplain Janik, which was followed by the Pledge of Allegiance 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 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 authorizing an increase in appropriations for the Cooper Foster Widening project. (A-26-34)

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 7-0 to suspend all Council rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 7-0 to adopt. Becomes 0-26-27.

- (b) An Ordinance authorizing an increase in appropriations for the debt fund Transfers-out account. (A-26-35)

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 7-0 to suspend all Council rules. Mr. Nahorn motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 7-0 to adopt. Becomes 0-26-28.

- (c) An Ordinance authorizing the increase in appropriations in County Health District Account number 100-2002-52322, County Treasurer/Auditor Fees Account Number 444-6001-52320; and declaring an emergency. (A-26-36)

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 7-0 to suspend all Council rules. Mr. Janik motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 7-0 to adopt. Becomes 0-26-29.

- (d) An Ordinance authorizing the increase in appropriations for part-time wages for Part-time employee(s) of the Fire Department and appropriation for OPERS (Pension) and Medicare contributions: and declaring an emergency. (A-26-37)

Mr. Dembinski motioned to suspend all Council rules so that this may be adopted in its first reading. Seconded by Mr. Wachholz. Roll call vote 7-0 to suspend all Council rules. Mr. Janik motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 7-0 to adopt. Becomes 0-26-30.

- (e) An Ordinance to establish a temporary moratorium on the construction of Data Centers within the City of Amherst until June 30, 2027, with an automatic six month extension. (A-26-38)

Mr. Dembinski motioned to pass this on to its second reading. Seconded by Mr. Wacholz. Mr. Winiarski noted with the discussion we had about six month renewals or other, he asked the Law Director what his opinion was on how this should be handled? Mr. Pecora said he initially suggested a shorter moratoriums\ with an automatic extension but reconsidered the time frame after Council established a committee to study this issue. But council can do as it pleases. The reality would be one year, but could be shortened on the sub-committee's recommendation. Mr. Winiarski asked about the automatic renewals. Mr. Pecora felt the

automatic renewals did not make sense. Mr. Winiarski noted that this can be renewed or end it. Mr. Pecora agreed. Mr. Dembinski said his original proposal was to have the moratorium in place until the end of 2027 without an automatic extension, but returning to the December 31 expiration date also made sense because the legislation still must go through three readings and a 30 day waiting period before taking effect. Discussion continued about the time frame of the Ordinance being adopted. Mr. Wachholz withdrew his second on the original motion, Mr. Dembinski withdrew his original motion. Mr. Janik motioned to amend this ordinance to change the expiration date to December 31, 2027 and to remove the automatic six-month extension. Seconded by Mr. Dembinski. Roll call vote 7-0 to amend. Mr. Nahorn motioned to send this to the second reading as amended. Seconded by Mr. Dembinski. Roll call vote 7-0 to pass to second as amended.

ORDINANCES AND RESOLUTIONS SECOND READING:

- (a) An Ordinance to approve the current replacement ordinances to the Amherst Codified Ordinances and declaring an emergency. (A-26-32)

Mr. Dembinski motioned to suspend all council rules and pass this in its second reading. Seconded by Mr. Wachholz. Roll call vote 7-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 7-0 to adopt. Becomes 0-26-31.

ORDINANCES AND RESOLUTIONS THIRD READING: None

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

Agenda requests and committee meeting schedules:

Had been sent back to Committee:

A-26-39 Finance - Transfer funds from account 500-7010-52710 Special Assessments Transfers-out to account 100-1900-41910 General Fund Transfers-in of \$148,255.87 and transfer funds from account 840-6001-53000 Street Openings to account 201-1900-41910 Street Transfers – in the amount of \$8342.12

New:

A-26-40 Finance - Professional Services Agreement – Allow Insource Services to collect Income taxes and returns for the city of Amherst – emergency

A-26-41 Finance – Retainer agreement with Keith D. Weiner and Associates Co. L. P. A.- Approve changes to the agreement to allow Keith D. Weiner & Assoc. to continue collecting unpaid income taxes for the city of Amherst – emergency.

Finance - October 5, 2026 at 7:00 p.m. A-26-39, A-26-40, A-26-41.

The remainder of the Committee Meetings for October 5, 2026 are cancelled.

Reports from the Administration:

Treasurer Miller: No report

Auditor Phillips: No report

Law Director Pecora: No report

Safety/Service Director Jeffreys: No report.

Mayor Costilow: No report

Mr. Dembinski motioned to accept the Reports of 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 was adjourned at 7:23 p.m.