

A Regular Meeting of the Town Board of the Town of Collins, County of Erie, State of New York was held at the Town Hall, 14093 Mill Street, Collins, NY on Monday the 14th day of July 2025.

Present: Kenneth Martin, Supervisor
Jacquelyn McLean, Councilmember
James Hotnich, Councilmember
Becky Jo Summers, Town Clerk
James Musacchio, Attorney 7:11 pm

Also Present: John Mills Erie County Legislator, Brenda Overhoff, Brian Martin, David and Diane Gamel, Shirley Dash, Sharon and Lyle Rogers, Mary and Tracy Grimm, Lori Pracht, Roxanne and Jason Moritz, Candee Termer, Zachary Nobles, Kathy Miller, Lori Parsell, Ray Waterman, Brad Mohawk, Colleen Kinnaird, Marsha Reding, Jeff and Ellen Wilson, Susan Bowman, Cindy Lillie, Cynthia Timmel, Robert Zynda

Absent: Jane Sion, Councilmember

Supervisor Martin called the meeting to order at 7:00 PM with the pledge to the Flag.

RESOLUTION #133: AGENDA APPROVAL

Motion made by Supervisor Martin and seconded by Councilmember Hotnich that the agenda be accepted as presented.

ADOPTED Aye 3 McLean, Hotnich, Martin
Nay 0

Resolution # 134: MINUTES APPROVAL

Motion made by Supervisor Martin, seconded by Councilmember Hotnich to approve the minutes of the June 7th regular meeting and 29th special meeting.

ADOPTED Aye 3 McLean, Hotnich, Martin
Nay 0

RESOLUTION # 135: BUDGET MODIFICATIONS AND TRANSFERS

Motion made by Supervisor Martin and seconded by Councilmember McLean to approve the following Budget Modifications and Transfers for Budget Year 2025:

BUDGET MODIFICATIONS: DB FUND:

Appropriations:

Increase DB 5112.200 CHIPS	From: \$97,890.00	To: \$146,227.62
Increase DB 5112.210 PAVE NY	From: \$22,712.00	To: \$ 45,445.72
Increase DB 5112.240 POP	From: \$15,141.00	To: \$ 30,297.20

Revenue:

Increase DB 3501 CHIPS	From: \$97,890.00	To: \$146,227.62
Increase DB 3502 PAVE NY	From: \$22,712.00	To: \$ 45,445.72
Increase DB 3505 POP	From: \$15,141.00	To: \$ 30,297.20

BUDGET TRANSFER: SW3 FUND:

Transfer From: SW3 8340.410 Meters	\$1,000.00
Transfer From: SW3 1420.400 Legal	\$ 15.00
Transfer To: SW3 8340.400 Contractual	\$1,015.00

ADOPTED Aye 3 McLean, Hotnich, Martin
Nay 0

Approval / Adoption of Abstract

Resolution # 136: ABSTRACT APPROVAL

Motion by Councilmember Hotnich seconded by Councilmember McLean that the bills be paid on abstract # 7 for 2025 dated July 14, 2025 for listed vouchers # 338 - 410 for \$ 324,560.89:

General – Townwide	66,579.50	Special Refuse Fund	8,705.77
General – Part Town	2,747.97	Water District # 1	3,103.16

Highway	198,648.99	Water District # 3	1,632.15
Drainage Improv Project	753.00	Water District #4	<u>3,541.88</u>
Special Lighting Fund	840.91	Total	\$ 324,560.89
Emergency Service Dispatch	38,007.56		
ADOPTED	Aye 3	McLean, Hotnich, Martin	
	Nay 0		

Public Access

Erie County Legislator John Mills gave a report of what is going on in the County. He is working to keep the prison open. If there is tall grass at intersections of County roads and driveways you can call his office. New stadium should be enclosed by winter and the grass will be kept warm by natural gas and there will be approximately 200 events in the stadium.

Deputy Sheriff Brad Mohawk was in attendance explaining the task force why they are here and doing problem checks and quality of life calls, reporting they had 46 calls, 19 traffic stops and two accidents to investigate. They were at the library hot dog roast with car seat checks.

Reports of Department Heads

Building and grounds report was submitted to the board.

The bricks in front of the library were removed.

Code enforcement report was submitted to the board.

Highway Superintendent Gerling thanked the firemen for their work on the flooding issue and the emergency culvert repair. Projects were the roads were oil and chipped, road sweeper was repaired and one mower needs some repairs. Major damage was done to the park trail and was repaired.

Liberty Fest attendance was down this year. Supervisor Martin commended Councilmember McLean and the committee for a job well done.

Recreation runs from July 7th through August 15th and their report was handed out.

Town Clerk reported sales in June of \$ 6,239.25, the Town's portion \$ 6,097.13. Tax collection concluded June 30th. Total amount to be collected included \$2,673,579.87 amount of warrant, penalty paid \$ 8,360.54, interest paid \$ 378.98, parcel fee collected \$ 46.00 and unpaid parcel fee \$ 178.00. Total amount paid to the Town was \$ 2,471,987.77; leaving \$ 210,555.32 turned over to Erie County as unpaid taxes.

Water report was sent out to all.

New Business

1. Resolution needed to approve an ad for an additional court officer.

RESOLUTION# 137: **APPROVE AD FOR ADDITIONAL COURT OFFICER**

Motion made by Councilmember Hotnich and seconded by Councilmember McLean that the following is:

ADOPTED Aye 3 McLean, Hotnich, Martin
 Nay 0

WHEREAS, due to an increase in court cases, and

WHEREAS, the Town has only three court officers and wishes to maintain a pool of court officers from which to schedule three officers at each court session.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board approve the placement of the following advertisement in the Gowanda/Lakeshore Penny Saver and the Springville Pennysaver for the weeks of July 25, 2025 and August 1, 2025.

POSITION AVAILABLE

Part-Time Town of Collins Court Officer

Rate of pay, \$18.85 per hour.

APPLICANT QUALIFICATIONS:

RETIRED OFFICER: must comply with HR 218, "The Law Enforcement Officers Safety Act" by completing the retired officer carry firearms course recognized by their department, which must be offered every year as well as knowledge and yearly review of Penal Law Article 35.

ACTIVE OFFICER: must complete a yearly firearms course recognized by their department and knowledge and yearly review of Penal Law Article 35. Applications available at the Town Clerk's Office, 14093 Mill St., M-F, 9-5 (closed 1-2 pm) or on the town website www.townofcollins.com. Completed applications must be received by 4 pm, Tuesday, August 5, 2025 in person at the Town Clerk's Office, by mail to PO Box 420, Collins NY 14034 or email to info@townofcollins.com

2. Resolution needed to approve ad for Town of Collins dog control officer

RESOLUTION # 138: **APPROVE AD FOR TOWN OF COLLINS DOG CONTROL OFFICER**

Motion made by Supervisor Martin and seconded by Councilmember McLean that the following is:

ADOPTED Aye 3 McLean, Hotnich, Martin
 Nay 0

WHEREAS, the Town Board of the Town of Collins recognizes the need to appoint a Dog Control Officer to enforce the Town's dog control laws and applicable provisions of the New York State Agriculture and Markets Law and,

WHEREAS, the position of dog control officer will become vacant, and the Town Board desires to solicit qualified applicants for the position.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board approve the following ad to be placed in the Springville Penny Saver and the Gowanda /Lakeshore Penny Saver and News to run for the week of July 18, 2005.

TOWN of COLLINS
is accepting applications for
DOG CONTROL OFFICER.

This part-time/on call position is responsible for enforcing
local and state dog control laws and ordinances.

Experience preferred but not required.

Preference given to Town of Collins residents.

Annual salary \$6461.79 plus mileage/expenses.

Applications available at the Collins Town Clerk's Office, 14093 Mill St, Monday-Friday, 9-5 (closed 1-2 pm), or on the Town website www.townofcollins.com. Completed applications must be received by 3 pm, Wednesday, July 23, 2025 in person at the Town Clerk's Office, by mail to PO Box 420, Collins, NY 14034 or email to info@townofcollins.com

3. Resolution needed to approve purchase of new laptop for the youth recreation director

RESOLUTION 139: **APPROVE PURCHASE OF NEW LAPTOP COMPUTER FOR THE YOUTH RECREATION DIRECTOR**

Motion made by Councilmember Hotnich and seconded by Councilmember McLean that the following is:

ADOPTED Aye 3 McLean, Hotnich, Martin
 Nay 0

WHEREAS, all Town computers will be switched over to Windows 11 by Fall of 2025 and the Youth Recreation Director's laptop computer will not support Windows 11.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby authorizes the purchase of a Dell Latitude (3550) Laptop Computer for the Youth Recreation Director through Dell Technologies at an estimated cost of \$771.76.

Public Hearing- 7:30 pm Local Law No. 1 of 2025 Amending the Town of Collins Zoning Law

4. Resolution needed to open public hearing on Local Law No. 1 of 2025

Resolution 140: **OPEN PUBLIC HEARING ON LOCAL LAW No. 1 OF 2025 AMENDING THE TOWN OF COLLINS ZONING LAW**

Motion made by Councilmember Hotnich and seconded by Councilmember McLean that the following is:

ADOPTED Aye 3 McLean, Hotnich, Martin
 Nay 0

Motion made by Councilmember Hotnich, seconded by Councilmember McLean to interrupt this meeting to conduct a public hearing on Local Law No. 1 of 2025 Amending the Town of Collins Zoning Law as advertised and scheduled for this evening at 7:30 PM.

**NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW NO. 1 OF THE
YEAR 2025 FOR THE TOWN OF COLLINS**

PLEASE TAKE NOTICE that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing will be held before the Town Board of the Town of Collins, New York, at the Town Hall, 14093 Mill Street, Collins, New York, on Monday, July 14, 2025, at 7:30 p.m. to consider the following:

Town of Collins Proposed Local Law No. 1-2025, amending Town of Collins Zoning Law for allowed businesses in the Residential Agricultural District under Section 305-10 I:
The following small businesses with 10 or fewer employees.

- | | |
|--|--|
| 1) Lumber yard/sawmill/truss manufacturing | 9) Bakery |
| 2) Black smith | 10) Belting |
| 3) Welding shop | 11) Harness/leather shop |
| 4) Furniture making | 12) Shoe repair/sales |
| 5) Metal fabrication/steel rolling | 13) Quilt/fabric shop |
| 6) General merchandise/sundries | 14) Stove shop |
| 7) Hardware store | 15) Small engine repair/sales |
| 8) Bulk food | 16) Similar businesses as determined
by the authority having jurisdiction |

Copies of the Proposed Local Law are available in the Collins Town Clerk's Office.
All interested parties may attend and be heard.

Attorney Musacchio read the notice of public hearing and gave background on the change to the town's code. A group from Fillmore are interested in relocating to Collins and would have businesses started with the addition of the above-mentioned businesses. This would change the character of the town. (No contract has been signed.) The board will listen to any comments from the residents. Mr. Musacchio stated he had heard their interest may be waning. We are here to represent the Town and "the people that want this change are not here."

Supervisor Martin pointed out the four zoning districts of the town on a map. The Town Board determines if there is a need for this change. The Planning Board reviewed proposed LL No. 1 of 2025 and recommend that the board add a new section 305-10 1 to the Town Code.

This meeting is to obtain the feelings of residents and will not be voted on tonight. Each person wishing to speak will get three minutes after giving their name and will address the board either for or against.

A number of residents spoke on the changing of the law, bringing in revenue and tax monies and people will come to purchase products

How will the land be preserved/taken care of as we do not know how they farm. One asked where this proposed location is and what about the impact on the highways and do they pay into social security, one person stated it would not be beneficial to the locals as this would not create jobs for

them. One would like to see a level playing field as they can underbid current businesses, wants fairness for all. They will be paying property taxes but many do not carry insurance. The zoning would be for everyone not just them. They would have to have workers compensation insurance. Supervisor Martin asked if anyone else wishes to speak. With no one wanting to speak the Public Hearing was closed at 8:35 PM.

Resolution needed to close public hearing on local law No. 1

Resolution 141: **CLOSE PUBLIC HEARING ON LOCAL LAW No. 1 OF 2025 AMENDING THE TOWN OF COLLINS ZONING LAW**

Motion made by Councilmember Hotnich and seconded by Councilmember McLean that the following is:

ADOPTED Aye 3 McLean, Hotnich, Martin
 Nay 0

Motion made by Councilmember Hotnich, seconded by Councilmember McLean to close the public hearing on Local Law No. 1 of 2025 Amending the Town of Collins Zoning Law at 8:35 PM and return to regular session at 8:40 PM after the room cleared.

5. Resolution needed to set public hearing on local law No. 2 of 2025

RESOLUTION 142: **SET PUBLIC HEARING ON LL No. 2 OF 2025 AMENDING THE TOWN OF COLLINS ZONING LAW**

Motion made by Supervisor Martin and seconded by Councilmember Hotnich that the following is:

ADOPTED Aye 3 McLean, Hotnich, Martin
 Nay 0

**NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW No. 2 OF THE
YEAR OF 2025 FOR THE TOWN OF COLLINS**

PLEASE TAKE NOTICE that pursuant to Section 20 of Municipal Home Rule Law, a public hearing will be held before the Town Board of the Town of Collins, New York, at the Town Hall, 14093 Mill Street, Collins, New York, on Monday, **August 11, 2025, at 7:30 p.m.** to consider the following:

Town of Collins Proposed Local Law No. 2-2025, amending Town of Collins Solar Energy Systems Law under Section 305-45.1 with new updated version.

Copies of the Proposed Local Law are available in the Collins Town Clerk's Office. All interested parties may attend and be heard.

Dated: July 14, 2022

BECKY JO SUMMERS, Collins Town Clerk

6. Resolution needed to set public hearing on local law No. 3 of 2025

RESOLUTION # 143: **SET PUBLIC HEARING ON LL No. 3 OF 2025 AMENDING THE TOWN OF COLLINS ZONING LAW**

Motion made by Councilmember McLean and seconded by Councilmember Hotnich that the following is:

ADOPTED Aye 3 McLean, Hotnich, Martin
 Nay 0

**NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW No. 3 OF THE
YEAR OF 2025 FOR THE TOWN OF COLLINS**

PLEASE TAKE NOTICE that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing will be held before the Town Board of the Town of Collins, New York, at the Town Hall, 14093 Mill

Street, Collins, New York, on Monday, **August 11, 2025, at 8:00 p.m.** to consider the following:

Town of Collins Proposed Local Law No. 3-2025, adopting Town of Collins Wind Energy Conversion Systems Law under Section 305-45.2 to regulate the placement of Wind Energy Conversion Systems to protect the public safety, health, and welfare; to provide a regulatory structure that promotes the protection of the Town of Collins residents; to minimize the adverse impact on the Town's character, environment, economy, and unique resources, including, but not limited to, scenic viewsheds, parks, wildlife management areas and prime farmland.

Copies of the Proposed Local Law are available in the Collins Town Clerk's Office. All interested parties may attend and be heard.

Dated: July 14, 2025

BECKY JO SUMMERS, Collins Town Clerk

7. Resolution needed to adopt part 1 of the full environmental assessment form for SEQR review of Local Laws No. 2 and 3

RESOLUTION # 144: ADOPT PART 1 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM FOR SEQR REVIEW OF LOCAL LAWS No. 2 AND No. 3 OF 2025

Motion made by Supervisor Martin and seconded by Councilmember McLean that the following is:

ADOPTED Aye 3 McLean, Hotnich, Martin

Nay 0

WHEREAS, the Town has asked MDA Consulting Engineers, PLLC to assist in a joint SEQR Review process for the adoption of Local Law No. 2 of 2025 which would amend the Town of Collins Solar Energy Systems Law under Section 305-45.1 with new updated version and the adoption of Local Law No. 3 of 2025 which would adopt a Town of Collins Wind Energy Conversion Systems Law under Section 305-45.2, and

WHEREAS, MDA Consulting Engineers, PLLC has prepared Part 1 of the SEQR Full Environmental Assessment Form (FEAF Part 1) and the members of the Collins Town Board have reviewed the FEAF Part 1.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby adopts the completed FEAF Part 1 and authorizes the Town Supervisor to sign the FEAF Part 1 on Page 13, Section G.

8. Resolution needed to declare Local Laws No. 2 and No. 3 to be type 1 actions for SEQR review and declare the town board's intention to designate itself as lead agency

RESOLUTION # 145: DECLARE LOCAL LAWS No. 2 AND No. 3 OF 2025 TO BE TYPE 1 ACTIONS FOR SEQR REVIEW AND DECLARE THE TOWN BOARD'S INTENTION TO DESIGNATE ITSELF AS LEAD AGENCY

Motion made by Councilmember Hotnich and seconded by Councilmember McLean that the following is:

ADOPTED Aye 3 McLean, Hotnich, Martin

Nay 0

WHEREAS, the Town of Collins has proposed to revise their zoning law to amend their current Solar Energy System Law under Section 305-45.1 of the Town of Collins Zoning Law; and to adopt a Wind Energy Conservation Systems Law under Section 305-45.2 of the Town of Collins Zoning Law; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617, hereafter called "SEQRA", the Town Board has determined this action to be a Type 1 Action; and

WHEREAS, this Board wishes to establish itself as lead agency in the coordinated review of this action.

NOW THEREFORE BE IT RESOLVED, THAT:

1. MDA Consulting Engineers, PLLC shall notify all involved agencies of the Town Board's intention to designate itself as lead agency.

2. A coordinated review will be performed.
3. This resolution shall take effect immediately.

Discussion and Comments

1. Adoption of solar and wind energy laws
2. Supervisor Martin asked if the Town Board would be interested in acting as lead agency for the SEQR review of the E. C. Agricultural and Farmland Protection Plan Update or leave it to Erie County. The consensus is to leave it with the County.

With no further business, on a motion by Councilmember Hotnich seconded by Councilmember McLean the meeting was adjourned at 9:52 AM.

Becky Jo Summers, Town Clerk

