

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 9th day of September 2024.

Present:	Kenneth Martin, Supervisor	James Hotnich, Councilmember
	Robert O'Connor, Councilmember	Becky Jo Summers, Town Clerk
	Jacquelyn McLean, Councilmember	Chris Gerling, Highway Superintendent
	Jane Sion, Councilmember	James Musacchio Attorney for Town 7:06pm

Also Present: Andrew Reilly of Wendel, Library Director Abigail Barten-McGowan and David Gamel

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

RESOLUTION # 163: AGENDA APPROVAL

Motion made by Supervisor Martin, seconded by Councilmember Sion that the agenda be accepted as presented.

ADOPTED	Aye	5	O'Connor, McLean, Sion, Hotnich, Martin
	Nay	0	

RESOLUTION # 164: MINUTES APPROVAL

Motion made by Councilmember Hotnich, seconded by Councilmember McLean to approve the minutes of the August 12th and 19th 2024 meetings as presented.

ADOPTED	Aye	5	O'Connor, McLean, Sion, Hotnich, Martin
	Nay	0	

Presentation by Abigail Barten-McGowan, Director of the Town of Collins Public Library - Ms. Barten-McGowan handed out the 2023 report of our library. There were over 18,000 visits which is approximately 25% more than the previous time frame with over 57,000 items checked out. Over 3,000 patrons attended 250 programs. Book sale, bake sale, basket raffle and a concert will be in September.

Public Access – None

Reports of Department Heads and committees

Building and grounds committee report was gone over.

Dog Control will have a meeting with town Officials to go over information.

Highway Superintendent reported they are mowing, helping Gowanda pave and will be in North Collins and Eden this week helping them. A new employee started this week, all water hydrants have been painted, the salt shed is full and this is the last year of the Erie County plowing agreement

Parks – some signs have been put up at the pickle ball court and in Collins Center the walking trail has been completed.

Planning Board received an application for a cell tower on Gowanda Zoar Road.

Recreation's last report was turned in to the Supervisor.

Senior program is back to normal and have started having the luncheons.

Town Clerk had sales in August 2024 of \$ 6,204.59 with the Town's portion \$ 4,399.21.

Water department sent their last report which included a few water leaks.

Board Reports

Councilmember O'Connor is working on the library roof, attended the bid opening and the Building and Grounds Committee meeting, and audited the vouchers.

Councilmember McLean attended the bid opening, the building and grounds meeting, the Supervisor's Round Table and audited the vouchers.

Councilmember Sion attended the bid opening and the building and grounds meeting and audited the vouchers.

Supervisor Martin attended the bid opening, worked on the drainage project, NYS Insurance Comp Audit, CDBG survey in Orchard Park, attended the Assoc. of Erie County Governments meeting, worked on the Assessor Shared Services Agreement,

Public Hearing – 7:30 pm on the Comprehensive Plan Update scheduled for 7:30 PM.

RESOLUTION # 165: **OPEN PUBLIC HEARING ON COMPREHENSIVE PLAN UPDATE**

Motion made by Supervisor Martin seconded by Councilman O'Connor to interrupt this Board Meeting to conduct a Public Hearing at 7:30 PM on the Comprehensive Plan Update as advertised and scheduled for this evening.

ADOPTED Aye 5 McLean, Sion, Stelley, Hotnich, Martin
 Nay 0

Notice of Public Hearing on the Draft Comprehensive Plan

WHEREAS, the Town of Collins, through grants received from Erie County and funding from the Town, has worked diligently over the past year in preparing a new Comprehensive Plan that would replace the existing 1999 Comprehensive Plan; and

WHEREAS, through the coordinated actions of a Comprehensive Plan committee, sub-committees, Town Board, Planning Board, other Town Departments, the citizens of the community, and through the Town's Planning Consultant, the Town has completed a Draft Comprehensive Plan; and

WHEREAS, the Town of Collins has determined that this Draft Comprehensive Plan is sufficiently complete for beginning the adoption process, official agency input, public review and input; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Collins Town Board would like to begin the environmental review process of the Comprehensive Plan by conducting a coordinated review and requesting Lead Agency status; and

WHEREAS, the adoption of a Comprehensive Plan requires referral to Erie County and the holding of a public hearing.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board accepts the draft of the Comprehensive Plan document dated June 2024 as complete and ready for public review and authorizes a SEQR coordinated review process requesting designation as the SEQR Lead Agency, in accordance with the SEQR regulations; and

BE IT FURTHER RESOLVED that the Collins Town Board authorizes the required referral to Erie County; and

BE IT FURTHER RESOLVED that the Collins Town Board directs that a public hearing be held, in accordance with New York State Town Law, on September 9, 2024 at 7:30 P.M. at the Collins Town Hall to solicit comments on the Draft Comprehensive Plan; and

BE IT FURTHER RESOLVED those copies of the document be made available for public review at the Town Hall and on the Town's website.

Supervisor Martin read the above notice of public hearing and stated the 1999 plan did not address wind, solar and battery storage facilities and their effect on agriculture. The Town has concerns about the impact of these potential projects within the Town. Mr. Martin introduced Andrew Reilly of Wendel, the town's consultant on the Comprehensive Plan Update Project.

Mr. Reilly gave an overview of the project, mentioning who was involved with the project, what the project objectives were and what recommendations are contained in the proposed Draft Comprehensive Plan Update.

He recommended that after the update plan is adopted, the town should put in place detailed zoning regulations addressing the placement of solar, wind and battery storage facilities within the town. This will give the town a defense when addressing waiver requests from NYS on potential green energy projects in Collins.

He also recommended that the town maintain their moratorium on Battery Energy Storage Systems (BESS) until NYS finalizes changes to fire and safety laws in regards to BESS.

The town should also look into adopting an Agriculture and Farmland Protection Plan for the Town of Collins.

Mr. Martin asked if there were any comments for or against the project. Highway Superintendent Gerling thinks the town should adopt the Plan Update. Councilmember O'Connor asks if landing strips are on our maps. David stated that windmills should be located three miles from landing strips. Since no further comments were made by those in attendance, either for or against, the public hearing would be closed.

3. Resolution needed to close public hearing on the Comprehensive Plan Update

RESOLUTION # 166: **CLOSE PUBLIC HEARING ON COMPREHENSIVE PLAN UPDATE**

Motion made by Councilman Hotnich seconded by Councilman O'Connor to close the public hearing on the Comprehensive Plan Update for the Town of Collins at 8:05 pm.

ADOPTED Aye 5 McLean, Sion, Stelley, Hotnich, Martin
 Nay 0

New Business

1. Resolution needed to approve contract change order #1 for the parking lot improvements and walking trail project

RESOLUTION # 167: **APPROVE CONTRACT CHANGE ORDER NO. 1 WITH LOUIS DEL PRINCE & SONS, INC FOR THE PARKING LOT IMPROVEMENTS AND WALKING TRAIL PROJECT**

Motion made by Supervisor Martin, seconded by Councilmember O'Connor that the following resolution is:

ADOPTED Aye 5 O'Connor, McLean, Sion, Hotnich, Martin
 Nay 0

WHEREAS, Louis Del Prince & Sons, Inc, contractor for the Town's Parking Lot Improvements and Walking Trail Project, has requested a Change Order that reduces Bid Item No. 3 – Additional Undercut Material from 50 CY to the 21 CY that was installed. During construction it was determined that less undercut material was required to be replaced under the parking lots than what was originally estimated on the bid.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves Change Order No. 1 for the Town's Parking Lot Improvements and Walking Trail Project, to decrease the contract with Louis Del Prince & Sons, Inc by \$1,885.00 from \$545,609.00 to \$543,724.00 and to authorize the Town Supervisor to sign Change Order No. 1.

2. Resolution needed to approve payment application #3 for the parking lot improvements and walking trail project

RESOLUTION # 168: **APPROVE PAYMENT APPLICATIONS NO. 3 TO LOUIS DEL PRINCE & SONS, INC FOR THE PARKING LOT IMPROVEMENTS AND WALKING TRAIL PROJECT**

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

ADOPTED Aye 5 O'Connor, McLean, Sion, Hotnich, Martin
 Nay 0

WHEREAS, the contractor for the Parking Lot Improvements and Walking Trail Project, Louis Del Prince & Sons, Inc, has submitted progress payment application No. 3, and

WHEREAS, MDA Consulting Engineers, PLLC have verified the quantities included in this payment application.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves payment application No. 3 to Louis Del Prince & Sons, Inc in the amount of \$33,822.00, and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

3. Resolution needed to approve the certificate of substantial completion for the parking lot improvements and walking trail project

RESOLUTION # 169: APPROVE CERTIFICATE OF SUBSTANTIAL COMPLETION WITH LOUIS DEL PRINCE & SONS, INC FOR THE PARKING LOT IMPROVEMENTS AND WALKING TRAIL PROJECT

Motion made by Councilmember McLean, seconded by Councilmember O'Connor that the following resolution is:

ADOPTED Aye 5 O'Connor, McLean, Sion, Hotnich, Martin
 Nay 0

WHEREAS, a punch-list of items was generated which will be completed before final payment is made, and

WHEREAS, the work to which this Certificate of Substantial Completion applies, has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The date of substantial completion of the work is hereby established as August 7, 2024, subject to the provisions of the contract pertaining to substantial completion. The date of substantial completion in the Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the contract.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves the Certificate of Substantial Completion for the Parking Lot Improvements and Walking Trail Project contract with Louis Del Prince & Sons, Inc, and to authorize the Town Supervisor to sign the Certificate.

4. Resolution needed approve adding delinquent water bills and property maintenance fees to the property taxes

RESOLUTION # 170: APPROVE THE ADDITION OF DELINQUENT WATER BILLS AND PROPERTY MAINTENANCE FEES TO PROPERTY TAXES

Motion made by Supervisor Martin, seconded by Councilmember Sion that the following resolution is:

ADOPTED Aye 5 O'Connor, McLean, Sion, Hotnich, Martin
 Nay 0

WHEREAS, in accordance with New York State Town Law, §198, the Collins Town Board has opted to enforce unpaid water bill charges and property maintenance fees, by placing a lien upon the real property for which such service was provided, and

WHEREAS, Erie County Real Property Tax Department requires that all such charges be levied on the 2025 tax bills, be voted on by the Town Board.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board approves all unpaid water bill charges in the amount of \$20,984.91 plus Administration Fee of \$8,393.96 totaling \$29,378.87, along with \$3,757.00 in property maintenance fees for the property at SBL #342.05-2-13.1, be included in the 2025 tax warrant, and to authorize the Supervisor to sign the "Letter of Authorization" to Erie County.

5. Resolution needed to approve registration fees for the 2025 town recreation programs

RESOLUTION # 171: APPROVE REGISTRATION FEES FOR 2025 TOWN RECREATION PROGRAMS

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

ADOPTED Aye 5 O'Connor, McLean, Sion, Hotnich, Martin
 Nay 0

WHEREAS, the Town of Collins offers recreation programs for its residents, and

WHEREAS, the cost for providing these programs increases annually.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby adopts the following rate structure to be effective with the 2025 Winter and Summer recreation programs.

ABBREVIATED WINTER RECREATION PROGRAM:

Town of Collins Resident - \$50.00 per child

Non-Residents - \$80.00 per child

SUMMER RECREATION PROGRAM:

Town of Collins Resident - \$70.00 per child

Non-Residents- \$120.00 per child
GUEST RATE: \$5.00 per day
NO REFUNDS WITHOUT PHYSICIAN AUTHORIZED EXCUSE

6. Resolution needed to approve engineering services contract for the waterline interconnection project

RESOLUTION # 172: APPROVE ENGINEERING SERVICES CONTRACT FOR THE TOWN OF COLLINS – NYS DEPARTMENT OF CORRECTIONS WATERLINE INTERCONNECTION PROJECT

Motion made by Councilmember Hotnich, seconded by Councilmember Sion that the following resolution is:

ADOPTED Aye 5 O'Connor, McLean, Sion, Hotnich, Martin
 Nay 0

WHEREAS, the Town of Collins desires to complete the Waterline Interconnection between the Town's Water District #1 and the Collins Correctional Facility to facilitate each entity becoming the others backup, and

WHEREAS, upon completion, the 12-inch water main from Middle Road to Collins Road along NYS Route 62 would be turned over to the Town of Collins, and

WHEREAS, the Town of Collins has asked MDA Consulting Engineers PLLC to provide a proposal for engineering services for this project.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves the engineering services agreement with MDA Consulting Engineers, PLLC to provide design, bidding, general services during construction and construction observation services for the project at an estimated cost of \$12,000.00 and that the Town Supervisor be authorized to sign the agreement.

7. Resolution needed to set a date for a public hearing for the 2025 Community Development Block Grant eligible projects

RESOLUTION # 173: SET DATE FOR PUBLIC HEARING ON 2025 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE PROJECTS

Motion made by Councilmember O'Connor seconded by Councilmember McLean to set a public hearing on October 15, 2024 at 7:30 pm to discuss 2025 Community Development Block Grant eligible projects.

ADOPTED Aye 5 O'Connor, McLean, Sion, Hotnich, Martin
 Nay 0

**NOTICE OF PUBLIC HEARING
NOTICE TO THE CITIZENS OF THE TOWN OF COLLINS**

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing on **October 15, 2024 at 7:30 pm** at the Collins Town Hall, 14093 Mill Street, regarding the use of Federal Community Development funds in or for the Town of Collins.

The Town of Collins is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low- and moderate-income persons in the Town of Collins.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Collin's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing

special arrangements should call the Town at (716) 532-4887 ext. 101 by October 10, 2024.

8. Resolution needed to set a town board meeting for Monday, September 30, 2024 for presentation of the 2025 Tentative budget

RESOLUTION # 174: **SET TOWN BOARD MEETING FOR MONDAY, SEPTEMBER 30, 2024 FOR PRESENTATION OF THE 2025 TENTATIVE BUDGET**

Motion made by Councilmember McLean, seconded by Councilmember Hotnich to set a Town Board Meeting for Monday, September 30, 2024 at 7:00 pm for presentation of the 2025 Tentative Budget.

ADOPTED Aye 5 O'Connor, McLean, Sion, Hotnich, Martin
 Nay 0

Approval / Adoption of Abstract

Resolution # 175: **ABSTRACT APPROVAL**

Motion by Councilmember Hotnich seconded by Councilmember Sion that the bills be paid on abstract #9 for 2024 dated September 9, 2024 for listed vouchers # 470 - 531 for \$ 133,396.32:

8 of 2024

General – Townwide	22,892.86	Special Lighting #1	859.01
General – Part Town	5,012.64	Special Refuse Fund	1,127.85
Highway	21,764.56	Water District # 1	29,126.07
Drainage Improv Project	6,859.11	Water District # 3	7,948.47
Park Improvements	2,090.05	Water District # 4	<u>467.22</u>
Parking Lots Improvements	35,248.48	Total	\$ 133,396.32

ADOPTED Aye 5 O'Connor, McLean, Sion, Hotnich, Martin
 Nay 0

New Topics – Discussion and Comments

Discussion on the 2025 Town Budget – health insurance will be going up, some part time employees will get close to a 4% increase and full-time employees a 3% increase.

With no further business, on a motion of Councilmember Hotnich seconded by Councilmember McLean the meeting was adjourned at 9:16 PM.

Becky Jo Summers, Town Clerk