

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 Tuesday the 15th day of October 2024.

Present: Kenneth Martin, Supervisor
Robert O'Connor, Councilmember
Jacquelyn McLean, Councilmember
Jane Sion, Councilmember
James Hotnich, Councilmember
Becky Jo Summers, Town Clerk
James Musacchio Attorney for Town 7:33 pm

Also Present: David Gamel, Brenda Overhoff, Joshua Ninan and Janice Ninan

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

RESOLUTION # 177: 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 # 178: MINUTES APPROVAL

Motion made by Councilmember, McLean seconded by Councilmember Hotnich to approve the minutes of the September 9th Regular Meeting and September 30th 2024 Special Meeting as presented.

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

RESOLUTION # 179: APPROVE 2024 BUDGET MODIFICATIONS AND TRANSFERS

Motion made by Supervisor Martin, seconded by Councilmember Hotnich to approve the following 2024 Budget Modifications and Transfers.

Budget Modification

Increase Budget Line: SW1 2401 Interest & Earnings revenue account 4,000.00

Increase Budget Line: SW1 8340.400 Trans. & Contractual expense account 4,000.00

Increase Budget Line: SW3 2401 Interest & Earnings revenue account 1,455.00

Increase Budget Line: SW3 8397.200 Equip & Capital Outlay expense account 1,455.00

Budget Transfers

From: B 7110.400 Parks - Contractual 2,000.00

To: B 7110.220 Parks – Improvements 2,000.00

From: DB 9030.800 Social Security 595.00

To: DB 9050.800 Unemployment 595.00

From: SW3 8330.410 Water Purification - Testing 12.00

To: SW3 8330.400 Water Purification - Contractual 12.00

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

Reports of Department Heads and committees

Building and grounds committee report was gone over. The committee is wrapping up projects.

Code enforcement report was gone over.

Senior program has a Tia Chi program, their luncheons and Christmas Party will be December 2nd.

Town Clerk had sales in September 2024 of \$ 6,332.25 with the Town's portion \$ 3,936.65.

Water department submitted their last month's report.

Board Reports

Councilmember O'Connor made Code Red inquiries, attended prison advisory board meeting, EC Community Development Block Grant program meeting, Assoc. of EC Gov't meeting, NEST Waste Management Board meeting, drainage project pre-construction meeting, budget, building and grounds meeting and audited the vouchers.

Councilmember McLean attended prison advisory board meeting, EC Community Development Block Grant program meeting, Assoc. of EC Gov't meeting, NEST Waste Management Board meeting, drainage project pre-construction meeting, budget, building and grounds meeting and audited the vouchers.

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

Councilmember Hotnich spoke with Mark Hobson on how the highway department was doing and with Ken Tyger regarding the transfer station.

Supervisor Martin attended the Prison Advisory Board, EC Agriculture and Farmland Protection Plan update meeting and the NYS Assoc. of Towns Supervisor's Roundtable webinar

New Business

1. Resolution needed to place an ad for staff for the 2025 winter recreation

RESOLUTION # 180: ADVERTISE FOR 2025 WINTER RECREATION STAFFING

Motion made by Councilmember O'Connor, 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 provides recreational services to the youth of the Town, and
WHEREAS, the Recreation Program requires a Recreation Supervisor PT and Recreation Attendants PT to oversee the participants' activities.

NOW, THEREFORE BE IT RESOLVED, the Collins Town Board approve the following ad to be placed in the Gowanda Pennysaver and News and the Springville Pennysaver to run for the weeks of October 26, 2024 and November 2, 2024 and shall require all applications be delivered to the Collins Town Clerk no later than 4pm, Wednesday, November 6.

Town of Collins is accepting applications for part time Recreation Supervisor and Recreation Attendants for the 2025 WINTER RECREATION PROGRAM

Minimum age of 17 years with working papers and must be available weekends.

The rate of pay ranges from \$15.95 - \$18.16 per hour. Preference given to Collins residents.

Applications available Monday-Friday at the Towns Clerk's Office, 14093 Mill St, Collins (9am-5pm, closed 1-2pm) or on the Town website www.townofcollins.com

Completed applications will be accepted at the Town Clerk's Office in person or by mail until Wednesday, Nov 6, 2024 at 4pm.

2. Resolution needed to approve payment #4 (final payment) to Louis Del Prince & Sons, Inc for parking lot improvements and walking trail project

RESOLUTION # 181: APPROVE PAYMENT APPLICATIONS NO. 4 (FINAL PAYMENT) TO LOUIS DEL PRINCE & SONS, INC (CONTRACTOR) 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 completed all aspects of the project, 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. 4 (final payment) to Louis Del Prince & Sons, Inc in the amount of \$54,372.40 to include return of all retainages, and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

3. Resolution needed to approve 2025 – 2030 assessor shared services agreement
RESOLUTION # 182: APPROVE 2025 – 2030 ASSESSOR SHARED SERVICES AGREEMENT

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, the Town of Collins is presently in a six-year agreement, expiring on September 30, 2025, with the Towns of Evans and North Collins for sharing Assessor services, and

WHEREAS, the Town desires to enter into a new six-year Assessor Shared Services Agreement to coincide with the next six-year term of its Appointed Assessor.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves entering into a new Assessor Shared Services Agreement between the Towns of Evans, Collins and North Collins to run from January 1, 2025 to December 31, 2030, and that the Collins Town Supervisor be authorized to sign the agreement.

4. Resolution needed to approve the 2024 – 2025 employee health insurance plan
RESOLUTION # 183: APPROVE TOWN OF COLLINS 2024 – 2025 EMPLOYEE HEALTH INSURANCE PLAN

Motion made by Councilmember O'Connor, and seconded by Councilmember McLean, that the Collins Town Board will continue to offer its full-time employees Health Insurance through the HMBSBC Plan for the period of December 1 2024 through November 30, 2025.

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

5. Resolution needed to approve Erie County SPCA agreement with the Town
RESOLUTION # 184: APPROVE TOWN OF COLLINS – ERIE COUNTY SPCA AGREEMENT

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

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

WHEREAS, the Erie County SPCA has served notice that it is cancelling its 2023 Agreement with the Town of Collins, effective October 10, 2024, and

WHEREAS, Erie County SPCA has offered a new agreement to the Town which commences on 10/10/2024, and

WHEREAS, the Town of Collins wishes to retain the services of the Erie County SPCA for dog adoption services.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves entering into a new agreement with the Erie County SPCA commencing on October 10, 2024 and that Town Supervisor be authorized to sign the agreement.

6. Resolution needed to approve the dog impoundment fee schedule
RESOLUTION # 185: APPROVE DOG IMPOUNDMENT FEE SCHEDULE

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 desires to set new fees to be collected for dog impoundments which will be in line with the impoundment fees the Town must pay out under the Dog Shelter Agreement.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby sets the following fees to be collected on impounded dogs, effective October 16, 2024:

1st Impoundment - \$25.00 per day

2nd Impoundment - \$50.00 per day

3rd impoundment - \$75.00 per day

Public Hearing – 7:30 pm – 2025 Community Development Block Grant (CDBG) Eligible Projects

Resolution needed to interrupt this meeting to conduct a public hearing advertised and scheduled on 2025 Community Development Block Grant eligible projects.

RESOLUTION # 186: OPEN PUBLIC HEARING ON 2025 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE PROJECTS:

Motion made by Supervisor Martin and seconded by Councilmember McLean to interrupt this meeting to conduct a public hearing advertised and scheduled for this evening at 7:30 PM on the 2025 Community Development Block Grant eligible projects.

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

NOTICE OF PUBLIC HEARING 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 on 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 Collins 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 532-4887 ext. 101 by October 10, 2023.

Supervisor Martin declared the public hearing open and read the Notice of Public Hearing. Mr. Martin went through a list of previous projects that the Town obtained money for. The money is to help low to moderate income people. Since 1991 Rural Transit has been one of our projects. We can put in for ADA at the town hall and the LKP Senior Center. Mr. Martin then asked anyone in the audience if they had any project. Janice Ninan spoke about the Blossom Garden Friends School is now the Blossom Garden Center offering a garden, meditation path and senior center. They have received grants in previous years.

RESOLUTION # 187: CLOSE PUBLIC HEARING ON 2025 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE PROJECTS:

Motion made by Councilmember Hotnich and seconded by Councilmember O'Connor to close the Public Hearing on 2025 Community Development Block Grant eligible projects, at 7:50 PM.

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

New Business (cont'd)

7. Resolution needed to set town board meeting on Monday, October 21st for a workshop on the 2025 tentative budget

RESOLUTION # 188: SET TOWN BOARD MEETING FOR MONDAY, OCTOBER 21, 2024 FOR WORKSHOP ON 2025 TENTATIVE BUDGET

Motion made by Supervisor Martin and seconded by Councilmember O'Connor to set a Town Board Meeting for Monday, October 21, 2024 at 7:00 PM to conduct a Workshop on the 2025 Tentative Budget.

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

8. Resolution needed to approve fixed assets appraisal agreement with Industrial Appraisal Company

RESOLUTION # 189: APPROVE FIXED ASSETS APPRAISAL AGREEMENT WITH INDUSTRIAL APPRAISAL COMPANY

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

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

WHEREAS, the Town of Collins contracted with Industrial Appraisal Company in 2007 to do an appraisal of the Town's Fixed Assets, making the Town's appraisal seventeen-years (17) old, and

WHEREAS, it is recommended that a re-appraisal be conducted about every seven-years (7), and

WHEREAS, not all additions / subtractions of Town Assets were sent to Industrial Appraisal Company for inclusion in the annual Revaluation Program, resulting in the asset values maintained by Industrial Appraisal Company not matching those maintained by the Town's Auditor Drescher Malecki.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves the Appraisal Agreement with Industrial Appraisal Company in the amount of \$8,950.00, to update the valuation of Town Assets, and that the Town Supervisor be authorized to sign the agreement.

9. Discussion on proposed dog control officer and dog shelter agreements

Supervisor Martin handed out copies of both agreements for the board to go through. Attorney Musacchio stated tickets should be served on those that need to be.

Resolution needed to enter into an executive session

RESOLUTION # 190: ENTER INTO EXECUTIVE SESSION

Motion made by Councilmember Hotnich, seconded by Councilmember McLean to interrupt this meeting to enter into an Executive Session to discuss current litigation at 8:06 PM.

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

10. Resolution needed to return to regular session

RESOLUTION# 191: RETURN TO REGULAR SESSION

Motion made by Supervisor Martin, seconded by Councilmember O'Connor to close the executive session and return to the Regular Session at 8:44 PM.

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

No action was taken in the executive session.

11. Resolution needed to

RESOLUTION# 192: **RESOLUTION NEEDED TO SOLICIT LETTER OF ENGAGEMENT TO REPRESENT THE TOWN**

Motion made by Councilmember Hotnich, seconded by Councilmember Sion that the Collins Town Board hereby approves having Town Attorney James Musacchio solicit a letter of engagement from the law firm of Colucci and Gallaher, P.C. 424 Main Street Room 2000, Buffalo, NY 14202 to represent the Town of Collins in the litigation concerning Schoenthal Site Development Inc. vs Ehrhart construction Management Services Inc. et al.

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

Approval / Adoption of Abstract

Resolution # 193: **ABSTRACT APPROVAL**

Motion by Councilmember McLean seconded by Councilmember O'Connor that the bills be paid on abstract # 10 for 2024 dated October 15, 2024 for listed vouchers # 532 - 593 for \$ 101,677.30:

10 of 2024

General – Townwide	9,422.74	Special Refuse Fund	2,828.97
General – Part Town	5,403.05	Water District # 1	7,038.06
Highway	17,086.32	Water District # 3	1,055.07
Parking lots Improvements	54,372.40	Water District # 4	<u>3,601.10</u>
Special Lighting #1	869.59	Total	\$ 101,677.30

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

New Topics – Discussion and Comments

1. 2025 Town Budget -

With no further business, on a motion of Councilmember O'Connor seconded by Councilmember Hotnich the meeting was adjourned at 8:54 PM.

Becky Jo Summers, Town Clerk