

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 December 2024.

Present: Kenneth Martin, Supervisor
 Robert O'Connor, Councilmember
 Jacquelyn McLean, Councilmember
 Jane Sion, Councilmember
 pm

James Hotnich, Councilmember
 Becky Jo Summers, Town Clerk
 Chris Gerling, Highway Superintendent
 James Musacchio Attorney for Town 7:29

Also Present: David Gamel, Brad Mohawk ESCO, Shane Miller ESCO,

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

RESOLUTION # 214: AGENDA APPROVAL

Motion made by Councilmember Hotnich, seconded by Councilmember McLean that the agenda be accepted as amended by adding Resolution # 231 approving a six-month extension to the twelve-month moratorium on the issuance of applications and granting of permits for siting of commercial solar panels, wind turbine and battery power projects in the Town.

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

RESOLUTION # 215: MINUTES APPROVAL

Motion made by Councilmember O'Connor, seconded by Councilmember McLean to approve the minutes of the November 12th 2024 meeting as presented.

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

RESOLUTION # 216: APPROVE 2024 BUDGET TRANSFERS

Motion made by Supervisor Martin, seconded by Councilmember Hotnich that the following 2024 Budget Transfers resolution is:

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

Fund	Budgeted:	Transfer from:	Transfer to:
A \$ 153.00	A1990.000	Special Items – Conting	A1355.400 Assessor – Contract
A \$ 28.00	A7620.410	LKP – 50+ Seniors	A7620.420 Senior Cit – Travel
A \$ 23,159.00	A8666.400	Clearance/Demolition	A9950.800 Tr to Cap Project
B \$ 2,404.00	B7110.430	Beautification - Contract	B7110.400 Parks Contract
B \$ 1,002.00	B9010.800	NYS Retire	B9040.800 Emp Bene/Wkrs Com
DB \$ 154.00	DB5130.200	Machinery - Eqpt	DB5130.400 Machinery/Contra
DB \$ 353.00	DB5130.200	Machinery – Eqpt	DB5130.410 Mach/Contract Test
SR \$ 354.00	SR 8160.200	Refuse – Eqpt	SR 8160.400 Refuse - Contract
SW1\$ 233.00	SW18397.200	Water Eqpt Cap Outlay	SW18340.400 Trans & Distrib - Cont
SW3 \$ 1,837.00	SW38320.415	Power – Light/Heat	SW38389.400 Water other - Contra

Reports of Department Heads and Committees

Highway Superintendent Gerling reported the small truck broke down and Gernatt's supplied the part needed to get the truck up and running. We have a new fuel provider, a pickup truck got hit by one of the town's plows on Bagdad Rd. and Route 39, our new truck is at the dealer and we should receive it sometime in April 2025. Erie County has changed some of its plowing routes: East Concord now covers Collins on County roads, so we would call them for any issues.

Planning Board minutes were received.

Public Hearing

A resolution is needed to interrupt this meeting to hold a Public Hearing on the 2025 Kennel Special-Use Permit Applications

RESOLUTION # 217: OPEN PUBLIC HEARING ON THE 2025 DOG KENNEL SPECIAL-USE PERMITS

Motion made by Councilmember O'Connor seconded by Councilmember Hotnich to interrupt this meeting to open the public hearing on the 2025 Dog Kennel Special-Use Permits as advertised and scheduled for this evening at 7:15 PM.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing under Section 30.65 Kennels of the Town of Collins Municipal Code on the 2025 Dog Kennel Special-Use Permit applications for the following:

Linda M. and Sarah A. Bowdish, 5076 Woodside Road, Springville, NY 14141
Troy Fedick, 13688 Brewer Road, Collins, NY 14034
Sandy Maloney, 14600 Collins Center Zoar Road, Collins, NY 14034
Melody Esposito, 4038 East Becker Road, Collins, NY 14034
Amy Malik, 14996 South Quaker Road, Gowanda, NY 14070
Debbie Degenfelder, 2858 Lennox Road, Collins, NY 14034
Todd & Paula Struble, 13127 Ottenbecker Road, Lawtons, NY 14091

A Public Hearing will be held on **Monday, December 9, 2025 at 7:15 p.m.** at the Town Hall, 14093 Mill Street, Collins, New York. The Town Board may, under Section 30.65 Kennel of the Town of Collins Municipal Code, impose conditions and restrictions upon said Dog Kennel Special-Use Permit.

Supervisor Martin explained the seven people who hold kennel permits wish to have them approved for another year. No one wished to be heard, so the hearing was closed.

Resolution needed to close public hearing and return to regular session.

RESOLUTION # 218: CLOSE PUBLIC HEARING ON THE 2025 DOG KENNEL SPECIAL-USE PERMITS

Motion made by Councilmember O'Connor, seconded by Councilmember Hotnich to close the public hearing on the 2025 Dog Kennel Special-Use Permits and return to regular session at 7:22 PM.

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

Resolution needed to approve the 2025 dog kennel special-use permits

RESOLUTION # 219: APPROVE 2025 DOG KENNEL SPECIAL-USE PERMITS

Motion made by Councilmember Hotnich and seconded by Councilmember Sion to approve the 2025 Dog Kennel Special-Use permits for the following applicants:

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

Linda M. and Sarah A. Bowdish, 5076 Woodside Road, Springville, NY 14141
Troy Fedick, 13688 Brewer Road, Collins, NY 14034
Sandy Maloney, 14600 Collins Center Zoar Road, Collins, NY 14034
Melody Esposito, 4038 East Becker Road, Collins, NY 14034
Amy Malik, 14996 South Quaker Road, Gowanda, NY 14070
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Reports of Department Heads and Committees (cont'd)

Recreation – interviews were done for the winter program.

Senior program will have a Christmas party on December 17th.

Town Clerk had sales in November 2024 of \$ 5,537.65 with the Town's portion \$ 5,039.67.
Water department sent their last report.

Board Reports

Supervisor Martin reported on the letter he received from MDA regarding a change order. Industrial Appraisals has started doing the town's appraisal. Supervisor Martin handed out changes to the highway inventory.

New Business

1. Resolution needed to hire the staff for 2025 winter recreation program

RESOLUTION # 220: APPROVE HIRING STAFF FOR 2025 WINTER RECREATION PROGRAM

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 is sponsoring an abbreviated Winter Recreation Program for the purpose of providing activities for the youth of our town and to provide employment, and

WHEREAS, the Town wishes to fill the positions necessary to carry out this program and,

WHEREAS, the Town advertised for the positions of Recreation Supervisor PT and Recreation Attendants and interviewed 16 applicants responding to the ad.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board follow the recommendations of the interviewers and hire the following applicants for the 2025 abbreviated Winter Recreation program:

Recreation Supervisor PT at \$17.41 per hour effective December 16, 2024: Thomas McMullen

Recreation Attendants at \$15.95 per hour effective January 2, 2025:

Cecelia Young, Erin Barker, Mackenzie I. Gordon, Dylan Joseph Benkelman, Malarie Carroll, Josalyn Degenfelder, Brooke Gabel, Trent Moesch-Morciniak, Chase Bolen, Fantasy Jimerson-Kenjockey and Christopher Payne

2. Resolution needed to approve payment application No. 2 to Matt Kolo Excavating LLC for the drainage improvements project

RESOLUTION # 221: APPROVE PAYMENT APPLICATIONS NO. 2 TO MATT KOLO EXCAVATING LLC (CONTRACTOR) FOR THE DRAINAGE IMPROVEMENTS PROJECT

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

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

WHEREAS, the contractor for the Drainage Improvements Project, Matt Kolo Excavating LLC, has submitted progress payment application No. 2 for work performed for the period of October 26, 2024 through November 22, 2024, 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. 2 to Matt Kolo Excavating LLC, in the amount of \$390,445.55, and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

Attorney Musacchio arrived at the meeting at 7:29 PM.

Public Hearing

Resolution needed to interrupt this meeting to hold a public hearing on the Wireless telecommunications tower special-use permit application

RESOLUTION # 222: **OPEN PUBLIC HEARING ON WIRELESS TELECOMMUNICATIONS TOWER SPECIAL-USE PERMIT APPLICATION**

Motion made by Councilmember O'Connor, seconded by Councilmember McLean to open the public hearing as advertised and scheduled for this evening at 7:30 PM on the Wireless Telecommunications Tower Special-Use Permit Application.

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

NOTICE OF PUBLIC HEARING
FOR THE TOWN OF COLLINS

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a Public Hearing under the Town of Collins Zoning Ordinance for an application for a Special Use Permit by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct a 185-foot-tall telecommunications tower located on Gowanda Zoar Road in the Town of Collins.

A Public Hearing will be held on December 9, 2024, at 7:30 p.m. at the Town Hall located at 14093 Mill Street, Collins, New York. The Town Board will receive oral and written comments regarding this application. The Town Board may, under the Town of Collins Zoning Ordinance, impose conditions and restrictions upon said Special Use Permit.

Attorney Musacchio read the notice of public hearing. They applied for the permit; the planning board recommends the town to do the project. No recommendation was received from Erie County after the application was sent to them. Jeffrey Twitty of Nixon Peabody gave an overview of the 185' tower in the southern portion of the town. The next tower is approximately two and one-half miles away and is overloaded. This site will not be able to cover the gorge; a 300+ foot tower would be needed to do that. Supervisor Martin asked if the audience has any comments either for or against the project. None were heard.

Resolution needed to close public hearing and return to regular session

RESOLUTION # 223: **CLOSE PUBLIC HEARING ON WIRELESS TELECOMMUNICATIONS TOWER SPECIAL-USE PERMIT APPLICATION**

Motion made by Councilmember O'Connor, seconded by Councilmember Hotnich to close the public hearing on the Wireless Telecommunications Tower Special-Use Permit Application at 7:38 PM and return to regular session.

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

3. Resolution needed for the designation of lead agency status for SEQR review of wireless telecommunications tower special use permit application for the Verizon Zoar site

RESOLUTION # 224: **DESIGNATION OF LEAD AGENCY STATUS FOR SEQR REVIEW OF WIRELESS TELECOM-MUNICATIONS TOWER SPECIAL-USE PERMIT APPLICATION (VERIZON "ZOAR" SITE)**

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

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

WHEREAS, an application dated August 23, 2024 was submitted to the Collins Town Board requesting a Special-Use Permit from the Town Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon ("Verizon") to construct and operate a 185' wireless telecommunications tower (plus 4' lighting rod) and associated improvements on land owned by Ricky and Debra Simmons located near Gowanda Zoar Road (S.B.L. #351.00-3-11.2) in the Town of Collins, Erie County, New York (Verizon "Zoar" Site), and

WHEREAS, a SEQR review of the proposed project must be conducted prior to approval of the Special-Use Permit.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby declares that the Town of Collins acts as Lead Agency for the purpose of SEQR review for the "Wireless Telecommunications Tower Special-Use Permit Application".

4. Resolution needed for the designation of a negative declaration for SEQR review of wireless telecommunications tower special use permit application for the Verizon Zoar site

RESOLUTION # 225: DESIGNATION OF A NEGATIVE DECLARATION FOR SEQR REVIEW OF WIRELESS TELE-COMMUNICATIONS TOWER SPECIAL-USE PERMIT APPLICATION (VERIZON "ZOAR" SITE)

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

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

WHEREAS, the Town of Collins has Lead Agency status for the SEQR Review of the "Wireless Telecommunications Tower Special-Use Permit Application" to construct a wireless telecommunications tower located near Gowanda Zoar Road, Collins, NY, (S.B.L. #351.00-3-11.2), and

WHEREAS, Bell Atlantic Mobil Systems, LLC has prepared a "Full Environmental Assessment Form Part 1 – Project and Setting" under the SEQR Review process for the Wireless Telecommunications Tower Special-Use Permit Application, and

WHEREAS, the environmental assessment shows that the construction of the wireless telecommunications tower will result in no significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby issues a Negative Declaration under SEQR Review for the construction of a wireless telecommunications tower to be located near Gowanda Zoar Road, Collins, NY (S.B.L. #351.00-3-11.2).

5. Resolution needed to approve Verizon Zoar site wireless telecommunications tower special-use permit

RESOLUTION # 226: APPROVE VERIZON "ZOAR" SITE WIRELESS TELECOMMUNICATIONS TOWER SPECIAL-USE PERMIT

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, an application dated August 23, 2024 was submitted to the Collins Town Board requesting a Special-Use Permit from the Town Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon ("Verizon") to construct and operate a 185' wireless telecommunications tower (plus 4' lighting rod) and associated improvements on land owned by Ricky and Debra Simmons located near Gowanda Zoar Road (S.B.L. #351.00-3-11.2) in the Town of Collins, Erie County, New York (Verizon "Zoar" Site), and

WHEREAS, the Town of Collins Planning Board reviewed the application, and at their October 15, 2024 meeting recommended the approval of the Special-Use Permit for the proposed telecommunications tower, and

WHEREAS, the application was referred to the Erie County Division of Planning on November 8, 2024 as required under NY General Municipal Law §239-m and the Erie County Division of Planning's response dated November 27, 2024 gave no recommendation on the proposed

telecommunications tower, and

WHEREAS, the Town Board scheduled, advertised and conducted a Public Hearing on the Wireless Telecommunications Tower Special-Use Permit Application at 7:30 PM on November 9, 2024.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board approves the Special-Use Permit for the proposed Wireless Telecommunications Tower to be located near Gowanda Zoar Road, Collins, NY (S.B.L. #351.00-3-11.2) the Verizon "Zoar" Site.

6. Resolution needed to set the date for the 2025 organizational meeting

RESOLUTION # 227: **SET DATE FOR 2025 ORGANIZATIONAL MEETING**

Motion made by Councilmember McLean seconded by Councilmember Hotnich that the Collins Town Board hereby sets the date of the 2025 Organizational Meeting to be Monday, January 6, 2025 at 7:00 PM.

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

7. Resolution needed to approve the dog control officer agreement

RESOLUTION #228 : **APPROVE DOG CONTROL OFFICER AGREEMENT**

Motion made by Supervisor Martin, seconded by Councilmember Hotnich that the Collins Town Board hereby approves the Town of Collins DCO Agreement with Samantha Smith.

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

8. Resolution needed to approve the Town of Collins and Phoenix Humane Society of the Greater Cattaraugus, Inc. Animal Shelter Agreement

RESOLUTION # 229: **APPROVE TOWN OF COLLINS – PHOENIX HUMANE SOCIETY OF THE GREATER CATTARAUGUS, INC ANIMAL SHELTER AGREEMENT**

Motion made by Councilmember Hotnich seconded by Councilmember O'Connor that the Collins Town Board hereby approves the Town of Collins – Phoenix Humane Society of the Greater Cattaraugus, Inc Animal Shelter Agreement, to provide dog kennel services for the Town of Collins.

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

9. Resolution needed to approve Colucci & Gallaher, PC letter of engagement to represent the Town of Collins in Schoenthal & Schoenthal Side Development Inc vs. Town of Collins, et al

RESOLUTION # 230: **APPROVE COLUCCI & GALLAHER, PC LETTER OF ENGAGEMENT TO REPRESENT THE TOWN OF COLLINS IN SCHOENTHAL & SCHOENTHAL SITE DEVELOPMENT, INC vs. TOWN OF COLLINS, et al**

Motion made by Councilmember O'Connor, seconded by Councilmember McLean that the Collins Town Board hereby approves the Colucci & Gallaher, PC letter of engagement to represent the Town of Collins in Schoenthal & Schoenthal Site Development, Inc v. Town of Collins, et al.

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

10. Resolution needed to

RESOLUTION # 231: **APPROVE SIX MONTH EXTENSION TO THE TOWN'S TWELVE (12) MONTHS MORATORIUM ON THE ISSUANCE OF APPLICATIONS AND GRANTING OF PERMITS FOR SITING OF COMMERCIAL SOLAR PANEL, WIND TURBINE AND BATTERY POWER PROJECTS IN THE TOWN OF COLLINS**

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

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

WHEREAS, on November 13, 2023 the Collins Town Board adopted a twelve (12) months moratorium on utilities scale Solar, Wind Turbine and Battery Energy Storage Projects in the Town of Collins, and

WHEREAS, the Town Board desires to extend the moratorium for six (6) months in order to finalize new Town codes that address the siting of the utilities scale, Solar, Wind Turbine and Battery Energy Storage Projects in the Town of Collins.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves a six (6) month extension, to run from December 1, 2024 through May 31, 2025, of the moratorium on the issuance of applications and granting of permits for siting of commercial solar panel, wind turbine and battery power projects in the Town of Collins.

Approval / Adoption of Abstract

Resolution # 232: **ABSTRACT APPROVAL**

Motion by Councilmember Hotnich seconded by Councilmember O'Connor that the bills be paid on abstract # 12 for 2024 dated December 9, 2024 for listed vouchers # 664 - 718 for \$ 429,164.49:

12 of 2024

General – Townwide	11,195.99	Special Refuse Fund	1,788.43
General – Part Town	1,440.24	Water District # 1	1,472.67
Highway	22,093.17	Water District # 3	<u>640.50</u>
Drainage Improvement Pro	390,519.55	Total	\$ 429,164.49
Special Lighting #1	13.94		

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

With no further business, on a motion of Councilmember Hotnich seconded by Councilmember O'Connor the meeting was adjourned at 8:03 PM.

Becky Jo Summers, Town Clerk