

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 12<sup>th</sup> day of February 2024.

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

Absent: James Hotnich, Councilmember

Also Present: Lynn & Mike Krencik, David Gamel, Brenda Overhoff, Howie Lamb

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

**RESOLUTION # 79: AGENDA APPROVAL**

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

ADOPTED Aye 4 O'Connor, McLean, Sion, Martin  
Nay 0

**Resolution # 80: MINUTES APPROVAL**

Motion made by Councilmember McLean, seconded by Councilmember O'Connor to approve the minutes of the January 8, 2024 meeting.

ADOPTED Aye 4 O'Connor, McLean, Sion, Martin  
Nay 0

**RESOLUTION # 81: APPROVE 2024 BUDGET MODIFICATION AND TRANSFERS**

Motion made by Councilmember McLean and seconded by Councilmember Sion to approve the following 2024 Budget Modifications & Transfers.

Transferred from:	Transferred to:	
A1990.400 Contingent	A1910.400 Unallocated Insurance	\$1,695.00
ADOPTED Aye 4	O'Connor, McLean, Sion, Martin	
Nay 0		

Public Access

We have not heard anything from the solar people. (The new name is Green Street Power Project.)

Reports of Department Heads and committees

Attorney Musacchio has been looking at contracts.

Building and grounds report was gone through by Councilmember McLean.

Code Enforcement

Dog Control submitted the monthly report for February.

Highway, Transfer Station and Parks report was read by Chris Gerling, Highway Superintendent.

Town Clerk had sales in January 2024 of \$ 3,790.98 with the Town's portion \$ 3,658.98. Received tax warrant of \$ 2,699,786.50.

Water department report was emailed to all.

Board Reports

Councilmember O'Connor stopped in at winter recreation confirmed receipts, interviewed prospective hires for recreation, met with MDA, attended building and grounds meeting and reviewed the vouchers.

Councilmember McLean attended the building and grounds, updated Facebook and the website and reviewed the vouchers.

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

Supervisor Martin reported the auditors will be in the last week of February, met with Mitch Martin

from Sheriff Garcia's office, met with windmill people who are all working together and hopes the EDF project does not go forward. If it does go forward the group will have a joint attorney.

Old Business

1. Resolution needed to hire part-time highway laborer

**RESOLUTION # 82: HIRE PART-TIME HIGHWAY LABORER**

Motion made by Councilmember Sion seconded by Councilmember O'Connor that the following resolutions is:

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                    Nay    0

WHEREAS, Highway Superintendent Christian Gerling advised the Collins Town Board of a pending vacancy in a Part-Time Highway Laborer Position, and

WHEREAS, it is necessary to have additional Part-Time help to call on during the Winter months to assist with keeping roads open.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby reaffirms the Superintendent's hiring of Scott J Pfeiffer as a Part-Time Laborer in the Town Highway Department at a salary of \$20.10 per hour during his probationary period, effective January 16, 2024.

2. Resolution needed to hire alternate attendants for 2024 winter recreation program

**RESOLUTION # 83: HIRE ALTERNATE ATTENDANTS FOR THE 2024 WINTER RECREATION PROGRAM**

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

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                    Nay    0

WHEREAS, the 2024 Winter Recreation Program has experienced an occasional absence of staff, and

WHEREAS, the Town wishes to provide a well supervised program, it has been necessary to hire four (4) additional recreation attendants as alternates.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approve the hiring of Tessa Kohn, Jonathan Kuznicki, Destiny Golden and Kaylee Corbin effective February 2, 2024 at a rate of \$15.20 per hour.

3. Resolution needed to approve contract change orders No. 1 & 2 with Hunting Valley Construction for transfer station improvements project

**RESOLUTION # 84: APPROVE CONTRACT CHANGE ORDERS No. 1 AND No. 2 WITH HUNTING VALLEY CONSTRUCTION, INC. FOR THE TRANSFER STATION IMPROVEMENTS PROJECT**

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

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                    Nay    0

WHEREAS, Hunting Valley Construction, Inc, contractor for the Town's Transfer Station Improvements Project, has requested two Change Orders for the contract, and

WHEREAS, change order No. 1 reflects the additional work required for the stepped footing modification and for the container rail installation, by increasing the contract price by \$13,443.15, and

WHEREAS, change order No. 1 also changes the Substantial Completion Date from July 31, 2023 to November 7, 2023, along with changing the Ready for Final Payment date from August 15, 2023 to December 15, 2023, and

WHEREAS, change order No. 2 is a credit for unused bid items (existing wall underpinning, flowable fill and trash disposal) in the amount of \$11,070.00, and

WHEREAS, the net result of change orders No. 1 and No. 2 is an overall increase of the contract price of \$2,373.15.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves Change Orders No. 1 and No. 2 for the Transfer Station Improvements Project, to increase the contract with Hunting Valley Construction, Inc by \$2,373.15 from \$211,870.00 to \$214,243.15 and to authorize the Town Supervisor to sign Change Orders No. 1 and No. 2.

4. Resolution needed to approve payment application No. 2 (final payment) to Hunting Valley Construction for transfer station improvements project

**RESOLUTION # 85: APPROVE PAYMENT APPLICATION No. 2 TO HUNTING VALLEY CONSTRUCTION, INC (CONTRACTOR) FOR THE TRANSFER STATION IMPROVEMENTS PROJECT**

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

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                     Nay    0

WHEREAS, the contractor for the Transfer Station Improvements Project, Hunting Valley Construction, Inc, has submitted progress payment application No. 2 (Final Payment), 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 (Final Payment) in the amount of \$33,523.15 (which includes return of all retainages), and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

5. Resolution needed to approve 2024 Town of Collins kennel agreement

**RESOLUTION # 86: APPROVE 2024 TOWN OF COLLINS KENNEL AGREEMENT**

Motion made by Supervisor Martin, seconded by Councilmember McLean that the Collins Town Board hereby approves the 2024 Kennel Agreement with Samatha Smith to provide Dog Kennel Services for the Town of Collins.

After Supervisor Martin went through the agreement and discussion ensued, Mr. Martin withdrew his motion and Councilmember McLean withdrew her second to the motion. The resolution was tabled.

New Business

1. Resolution needed to set the date for the 2024 Liberty Fest

**RESOLUTION # 87: SET DATE FOR 2024 LIBERTY FEST**

Motion made by Councilmember Sion seconded by Councilmember O'Connor that the following resolutions is:

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                     Nay    0

WHEREAS, the Town of Collins wishes to promote sociability among the Town residents, and  
WHEREAS, since 2011 the Town has sponsored the Liberty Fest, which has been well received by the community, and

WHEREAS, the Town wishes to again provide the residents with a similar opportunity to enjoy this event and has budgeted \$10,000 of unreimbursed Town funds for it, and

WHEREAS, the Liberty Fest Committee met on August 10, 2023 to recommend Saturday, July 13, 2024 from 5-11 PM for the Liberty Fest celebration with a rain date of Sunday, July 14, 2024 for fireworks only.

NOW THEREFORE BE IT RESOLVED that the Town of Collins 2024 Liberty Fest will be held on Saturday, July 13, 2024 from 5-11 PM with a rain date of Sunday, July 14, 2024 with Fireworks only.

2. Resolution needed to approve an ad for summer 2024 beautification laborers

**RESOLUTION # 88: APPROVE AD FOR SUMMER 2024 BEAUTIFICATION LABORERS**

Motion made by Councilmember O'Connor, seconded by McLean to approve placing the following ad in the Gowanda/Lakeshore Pennysaver and News and the Springville Pennysaver for the February 24, 2024 and March 2, 2024 issues, as follows:

ADOPTED     Aye    4    O'Connor, McLean, Sion, Martin  
                  Nay    0

#### **SUMMER POSITIONS**

The Town of Collins is accepting applications for  
SUMMER BEAUTIFICATION LABORERS

Positions are open to those 18 years and over.

Applications are available Monday-Friday at the Collins Town Hall,  
14093 Mill St, Collins or on the Town's website ([www.townofcollins.com](http://www.townofcollins.com))

Application deadline is Wednesday, March 6, 2024, 4pm at the Town Clerk's Office.

Preference given to Town of Collins residents.

3. Resolution needed to grant USDA property access request

#### **RESOLUTION# 89: GRANT UDSA PROPERTY ACCESS REQUEST**

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

ADOPTED     Aye    4    O'Connor, McLean, Sion, Martin  
                  Nay    0

WHEREAS, the United States Department of Agriculture (USDA) has requested permission from the Town of Collins to place traps on Town owned properties for the purpose of monitoring the spread of the European Cherry Fruit Fly (ECFF) and the Box Tree Moth (BTM) across NYS.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby grants permission to the USDA to place traps on Town Properties for the purpose of monitoring the spread of the ECFF and the BTM.

4. Resolution needed to approve scheduled preventative maintenance agreement (PMA) for the highway building standby generator

#### **RESOLUTION # 90: APPROVE SCHEDULED PREVENTATIVE MAINTENANCE AGREEMENT (PMA) FOR THE HIGHWAY BUILDING STANDBY GENERATOR**

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

ADOPTED     Aye    4    O'Connor, McLean, Sion, Martin  
                  Nay    0

WHEREAS, the warranty period for the Highway Building Backup Generator has expired, and

WHEREAS, the generator must remain in top operating condition in order to be reliable during power outages.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves the scheduled preventative maintenance agreement for the Highway Building Backup Generator with Emergency Power Systems, LLC, 95 Stark Street, Tonawanda, NY 14150 in amount of \$845.00 annually, and that the Town Supervisor be authorized to sign the agreement.

5. Resolution needed to approve Town of Collins solid waste management private haulers license application

#### **RESOLUTION # 91: APPROVE TOWN OF COLLINS SOLID WASTE MANAGEMENT PRIVATE HAULERS LICENSE APPLICATION**

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

ADOPTED     Aye    4    O'Connor, McLean, Sion, Martin  
                  Nay    0

WHEREAS, several Solid Waste Haulers are providing curbside pickup presently in the Town of Collins, and

WHEREAS, Chapter 253 Solid Waste Section 18 Authorized Collectors; License of the "Code of the Town of Collins" requires that all authorized Solid Waste Collectors must obtain a Solid Waste Collection License from the Town of Collins.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves the Town of Collins Solid Waste Management Private Haulers License Application form for the purpose of licensing Waste Haulers in the Town of Collins, and that the Annual Fee for such license be set at \$100.00.

6. Resolution needed to purchase standby generator for water district No. 3 pumphouse

**RESOLUTION # 92: PURCHASE STANDBY GENERATOR FOR WATER DISTRICT No. 3 PUMPHOUSE**

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

ADOPTED      Aye     4     O'Connor, McLean, Sion, Martin  
                     Nay     0

WHEREAS, the Town of Collins received a \$25,000 Grant through Erie County Legislator John Mills to purchase a Standby Generator for the Town of Collins Water District No. 3 Pumphouse, and

WHEREAS, the Town determined that a 24 KW Generator is of sufficient size to supply power to the pumphouse during a power outage, and

WHEREAS, the Town solicited bids to supply and install a 24 KW Backup Generator at the Water District No. 3 pumphouse and received two bids:

S. Mandiak Electric, LLC	\$14,386.00	
Dynamic Electric Solutions, Inc	\$11,310.04	and,

WHEREAS, the Town can purchase the Generator, 200-amp Transfer Switch, Generator Pad and Cold Weather Kit for \$7,048.94 and have it installed by Burzak Electric for \$1,650.00 for a total cost of \$8,698.94.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves the purchase of a Generac Guardian 24 K Dual Fuel 200-amp Home Standby Generator with 200-amp Automatic Transfer Switch, Generator Pad, Cold Weather Kit, and Service Kit, from Lowes at a cost of \$7,048.94 and to have it installed by Burzak Electric at a cost of \$1,650.00, totaling \$8,698.94.

7. Resolution needed to declare obsolete fire hydrants to be surplus and sold at auction

**RESOLUTION # 93: DECLARE OBSOLETE FIRE HYDRANTS TO BE SURPLUS AND SOLD AT AUCTION**

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

ADOPTED      Aye     4     O'Connor, McLean, Sion, Martin  
                     Nay     0

WHEREAS, the Town of Collins Water District No. 1 has replaced four (4) fire hydrants in recent years, and

WHEREAS, the four (4) hydrants that were replaced, seem to be R.D. Wood/Mathews Fire Hydrants, which are obsolete and replacement parts are no longer available, and

WHEREAS, these vintage fire hydrants may have value to collectors above that of salvage value.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby declares the four (4) fire hydrants to be surplus and that they be sold through Auctions International.

8. Resolution needed to approve letter of support for ErieNet to apply for municipal infrastructure program grant funding

**RESOLUTION # 94: APPROVE LETTER OF SUPPORT FOR ErieNet TO APPLY FOR MUNICIPAL INFRASTRUCTURE PROGRAM GRANT FUNDING**

Motion made by Supervisor Martin, seconded by Councilmember McLean that the Town Supervisor be authorized to send a Letter in Support of ErieNet's efforts to obtain Grant Funding

through the Municipal Infrastructure Program on behalf of the Town of Collins, such funds to be used for connecting Town buildings (Town Hall, Highway Facility and LKP Community Center) to the ErieNet Internet System.

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                    Nay    0

9. Resolution needed to approve engineering services contract for improvements to the Town Library, Town Hall and LKP Community Center parking lots

**RESOLUTION # 95: APPROVE ENGINEERING SERVICES CONTRACT FOR IMPROVEMENTS TO THE TOWN LIBRARY, TOWN HALL AND LKP COMMUNITY CENTER PARKING LOTS**

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

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                    Nay    0

WHEREAS, the Town of Collins desires to upgrade the Town Library Parking Lot and replace the Town Hall and LKP Community Center Parking Lots, 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 \$32,000.00 and that the Town Supervisor be authorized to sign the agreement.

10. Enter into an executive session to discuss an appointment to the Building Safety Inspector position

**RESOLUTION # 96: ENTER INTO EXECUTIVE SESSION**

Motion made by Supervisor Martin, seconded by Councilmember O'Connor to enter into an Executive Session to discuss an appointment to the Building Safety Inspector position at 8:15 PM.

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                    Nay    0

**RESOLUTION # 97: RETURN TO REGULAR SESSION**

Motion made by Councilmember Sion, seconded by Councilmember McLean to return to Regular Session at 10:14 PM.

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                    Nay    0

Resolution needed to hire assistant code enforcement officer

**RESOLUTION # 98: HIRE ASSISTANT CODE ENFORCEMENT OFFICER**

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

ADOPTED      Aye    4    O'Connor, McLean, Sion, Hotnich, Martin  
                    Nay    0

WHEREAS, the town of Collins has the position of Assistant Code Enforcement Officer, and

WHEREAS, the Town wishes to fill the upcoming vacancy, and

WHEREAS, the Town advertised for the position and the Personnel Committee interviewed seven(7) of the eight (8) applicants responding.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Collins follow the recommendation of the Personnel Committee and hire Jeneen Hill for the position of Assistant Code Enforcement Officer effective February 26, 2024 with an annual salary of \$ 7,500.00 to be prorated for 2024 and an additional \$ .67 per mile incurred while completing the duties of that position.

Approval / Adoption of AbstractResolution # 99: **ABSTRACT APPROVAL**

Motion by Councilmember McLean seconded by Councilmember Sion that the bills be paid on abstract #14 for 2023 dated February 12, 2024 for listed vouchers # 755 – 758 for \$ 39,940.97 and abstract # 2 for 2024 dated February 12, 2024 for listed vouchers # 19- 86 for \$ 227,027.37:

## # 14 of 2023

General – Townwide	3,993.00	Transfer Station Improvements	<u>33,523.15</u>
Highway	2,424.82	Total	\$ 39,940.97

## # 2 of 2024

General – Townwide	83,247.15	Street Lighting	948.86
General – Part Town	5,593.72	Special Refuse Fund	1,731.09
Highway	100,596.11	Water District # 1	3,320.48
Drainage Improvements Proj	4,884.00	Water District # 3	<u>3,503.36</u>
Transfer Station Improvements	1,392.60	Total	\$ 227,027.37
Rosenburg Fire District	21,810.00		

ADOPTED      Aye    4    O'Connor, McLean, Sion, Martin  
                       Nay    0

With no further business, on a motion of Councilmember Sion seconded by Supervisor Martin the meeting was adjourned at 10:17 PM.

---

Becky Jo Summers, Town Clerk