

A 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 the 9th day of March 2020.

Present: Kenneth Martin, Supervisor
 Mary Stelley, Councilman
 James Hotnich, Councilman
 Jacquelyn McLean, Councilman
 Jane Sion, Councilman
 Becky Jo Summers, Town Clerk
 Susan Gamel, Budget Officer
 James Musacchio, Attorney (7:35)

Others Present: Peter Waterman Highway Superintendent, Thomas Siegle DCO, Doug Martindale, Chris Jeanniton, Candace Termer, Margaret Degenfelder

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

Resolution # 95: **AGENDA APPROVAL**

Motion made by Councilman McLean seconded by Councilman Sion to approve the agenda as presented.

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

Resolution # 96: **MINUTES APPROVAL**

Motion made by Councilman Hotnich seconded by Councilman Sion to approve the minutes of the February 11, 2020 meeting.

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

RESOLUTION # 97: **APPROVE 2019 BUDGET MODIFICATIONS & TRANSFERS TO RESERVES**

Motion made by Supervisor Martin, seconded by Councilman Hotnich to approve the following 2019 Budget Modifications & Transfers to Reserves.

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

A Fund:

Transfer From:		Transfer To:	
A1620.410 Shared Services Repairs	465.26	A1620.440 Shared Services Telephone	455.63
		A1620.450 Shared Services Water	9.63
A5132.460 Highway Supplies	733.08	A5010.400 Transpor Admin Contrctul	301.00
		A5132.430 Highway Heat	305.13
		A5132.440 Highway Telephone	103.44
		A5132.450 Highway Water	23.51

B Fund:

Transfer From:		Transfer To:	
B7310.407 Youth Programs Contr'l Summer	310.70	B7310.408 Youth Progs Contr'l Winter	310.70

DB FUND:

Transfer From:		Transfer To:	
DB5130.400 Highway Mechanic Contr'l	83.65	DB5130.410 Highway Mechanic Tsting	83.65
DB5148.400 Snow C – Contractual	1,130.81	DB5148.100 Snow C – Personnel	1,130.81

SW1 FUND:

Transfer From:		Transfer To:	
SW1-8330.200 Water Purification Equip	540.96	SW1-8330.400 Water Purif - Contrctul	465.96
		SW1-8330.410 Water Purifi – Testing	75.00
SW1-9030.800 Social Security	3.74	SW19040.810 Comp Insurance	3.74

SW3 FUND:

Transfer From:		Transfer To:	
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SW3-8320.415 Source of Supply Power	27.99	SW3-8320.400 Source of Supply Power Contr'l	
\$ 27.99			
SW3-8330.400 Water Purification -Cont'l	63.50	SW3-8330.410 Water Purifi - Testing	63.50

SW4 FUND:

Transfer From:		Transfer To:	
SW4-8310.426 Water Admin- Coll of Bills	.99	SW4-8310.416 Water Admin – Ofc Exp	.99

Resolution # 98: **ABSTRACT APPROVAL**

Motion by Councilman Stelley seconded by Councilman McLean that the bills be paid on abstract #21 for 2019 dated March 9, 2020 for listed vouchers # 930 for \$ 148.48:

Highway		148.48
Total	\$	148.48

And, on abstract #3 for 2020 dated March 9, 2020 for listed vouchers # 95 – 159 for \$ 296,660.51:

General – Townwide	17,057.53	Special Refuse Fund	2,129.92
General – Part Town	4,410.83	Water District # 1	4,600.63
Highway	22,414.46	Water District # 3	214.58
Collins Fire District	244,748.50	Water District #4	7.33
Special Lighting #1	1,076.73	Total	\$ 296,660.51

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

Public Access

Matthew Cappella asks if a resident can voice their concerns on the tower that a special use permit was submitted for on the east end of the Town. There will be a public hearing in two months where anyone can attend and voice their concerns.

Thomas and Charles Siegle stated that it took about 12 hours between the times that their road was plowed during the last snow storm of two weeks ago. Road plowing is judged on safety and need. It costs about \$4,000.00 to plow the complete route. Supervisor Martin stated that when there is a large amount of snow to let the Highway Superintendent know.

Chris Jeanniton would like to display the slab of tree at this store – on loan from the town.

Department Reports

Bicentennial committee minutes were submitted.
 Building and grounds handed in their monthly report.
 Dog control submitted a January/February report.

PUBLIC HEARING – 7:30 pm Town of Collins Fire Protection District No. 1 contract with Village of Gowanda

RESOLUTION # 99: OPEN PUBLIC HEARING ON TOWN OF COLLINS FIRE PROTECTION DISTRICT No. 1 CONTRACT WITH VILLAGE OF GOWANDA

Motion made by Councilman Stelley, seconded by Councilman Hotnich to open the public hearing on the Town of Collins Fire Protection District No. 1 Contract with Village of Gowanda at 7:32 PM.

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

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing on Monday, March 9, 2020 at 7:30 PM at the Collins Town Hall, 14093 Mill Street, Collins, New York on the proposed contract with the Village of Gowanda for the years 2021, 2022 and 2023 to supply fire protection to the Town of Collins Fire Protection District No. 1 (Rosenburg District).

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The proposed fire protection contract with the Village of Gowanda includes payments of \$21,380.00

in 2021, \$21,594.00 in 2022, and \$21,810.00 in 2023.

Supervisor Martin read the notice of public hearing, explained the area covered and that this district has been in place for many years.

The floor was opened up for comments/complaints from the audience. Supervisor Martin asked for any comments in favor of or against. With none being received the public hearing was closed.

RESOLUTION # 100: CLOSE PUBLIC HEARING ON TOWN OF COLLINS FIRE PROTECTION DISTRICT No. 1 CONTRACT WITH VILLAGE OF GOWANDA

Motion made by Councilman Hotnich, seconded by Councilman McLean to close the public hearing on the Town of Collins Fire Protection District No. 1 Contract with Village of Gowanda at 7:43 PM.

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

RESOLUTION # 101: APPROVE TOWN OF COLLINS FIRE PROTECTION DISTRICT No. 1 CONTRACT WITH VILLAGE OF GOWANDA

Motion made by Supervisor Martin and seconded by Councilman Sion to approve the Town of Collins Fire Protection District No. 1 Contract with Village of Gowanda for the years 2021, 2022 and 2023.

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

Return to Department Reports

Highway report was read by the Superintendent - plowed 93 times, did truck repairs, filled pot holes, will start to sweep roads.

Transfer station – filled pot holes and hauled trash.

Parks – bought 18' trailer, have bid for new zero turn mower, summer help ad placed and will fill a few holes in the track at the park.

Liberty Fest – the band has cancelled so we need to find a new one.

Recreation submitted their monthly report.

Town clerk reported February sales of \$ 2,901.70, the towns' portion \$ 2,751.58. Out of a tax warrant of \$ 2,548,612.17, taxes collected so far are \$ 1,085,452.59.

Water report was given to the board members.

Board Reports

Councilman McLean attended the bicentennial meeting, Collins Fire Dept. Installation Dinner, liberty fest meeting and reviewed the vouchers.

Councilman Sion attended the Collins Fire Dept. Installation Dinner, liberty fest meeting and reviewed the vouchers.

Councilman Hotnich attended the Collins Fire Dept. Installation Dinner, rode in a highway truck and reviewed the vouchers.

Councilman Stelley attended the Collins Fire Dept. Installation Dinner, updated the website, dealt with issues with recreation and worked with Mark Brown on computers.

Supervisor Martin attended the Rural Transit meeting, had discussion with Dept of Corrections regarding the water connection between the facility and Town of Collins.

New Business

1. Resolution to set date for 10th annual Liberty Fest and appoint co-chairs with authority to expend funds

RESOLUTION # 102: SET DATE FOR 10TH ANNUAL LIBERTY FEST AND APPOINT CO-CHAIRS WITH AUTHORITY TO EXPEND FUNDS

Motion made by Councilman Stelley and seconded by Councilman Sion that the following resolution is:

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

WHEREAS, the Town of Collins wishes to promote sociability among the Town residents, and
WHEREAS, to this end, 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 \$5,500.00 of unreimbursed Town funds for it, and

WHEREAS, the Liberty Fest Committee met on March 4, 2020 to recommend the date of Saturday, July 11, 2020 for the 10th annual Liberty Fest with a rain date of Saturday, July 18, 2020 for fireworks only.

NOW THEREFORE BE IT RESOLVED that Mary Stelley and Jackie McLean be designated as co-chairs of the Liberty Fest Committee, with the authority to spend funds allocated to this celebration in the 2020 budget and any funds expected to be raised by select events and set the date of Saturday, July 11, 2020 for the 10th annual Liberty Fest, with a rain date of Saturday, July 18, 2020 for fireworks only.

2. Resolution to approve ad for summer beautification personnel

RESOLUTION # 103: APPROVE AD FOR SUMMER BEAUTIFICATION PERSONNEL

Motion made by Councilman Hotnich and seconded by Supervisor Martin to approve placing the following ad in the Gowanda/Lakeshore Pennysaver & News and the Springville Pennysaver for the March 21, 2020 and March 28, 2020 issues.

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

Summer Positions:

The Town of Collins is accepting applications for
Seasonal Beautification Laborers.

Positions are open to all residents 18 years and over.

Applications are available Monday – Friday at the
Collins Town Hall, 14093 Mill St, Collins, NY or on the
Town's Website (www.townofcollins.com).

Applications will be accepted at the Town Clerk's Office
until April 3, 2020 at 4:00 PM.

Preference given to Town of Collins residents.

3. Resolution to purchase new 2019 Ferris zero turn riding lawnmower

RESOLUTION # 104: PURCHASE OF A NEW 2019 FERRIS Z-TURN RIDING LAWNMOWER

Motion made by Supervisor Martin and seconded by Councilman Sion that the following resolution is:

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

WHEREAS, the Collins Town Board has decided to maintain a fleet of four (4) self-propelled riding mowers to maintain town properties and to replace the oldest mowers with new mowers on a rotating schedule, and

WHEREAS, the Town of Collins Five Year Capital Purchase Plan includes a 2019 purchase of a new lawnmower for the Parks Department.

NOW LET IT BE RESOLVED, that the Collins Town Board hereby approves the purchase of a new 2019 Ferris IS3200 61-inch Deck, Z-Turn Mower, Model #590157737 with a 37hp Big Block Vanguard engine for a purchase price of \$11,002.00 from Lamb and Webster, Inc., 601 West Main Street, Springville, NY 14141 through the Briggs & Stratton Corporation Ferris Direct Dealer Bid Assistance Program.

3. Resolution to declare 2017 Ferris zero turn mower surplus

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RESOLUTION # 105: DECLARE 2017 FERRIS Z-TURN MOWER AS SURPLUS

Motion made by Councilman Stelley and seconded by Councilman Hotnich that the following resolution is:

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

WHEREAS, at the March 9, 2020 Town Board Meeting, the Collins Town Board approved the purchase of a new 2020 Ferris Z-Turn Riding Mower to replace the present 2017 Ferris Z-Turn Riding Mower, and

WHEREAS, upon delivery of the new mower, the town will not have any further need of the 2017 Ferris Z-Turn Riding Mower.

NOW LET IT BE RESOLVED, that the Collins Town Board hereby declares the 2017 Ferris Z-Turn Riding Mower, Model #5901351, Serial #2017125338 with 768 Hours use, to be surplus and that it be sold at online auction upon delivery of the new mower.

4. Resolution to declare 2003 Betterbuilt 16-foot utility trailer surplus

RESOLUTION # 106: **DECLARE 2003 BETTERBUILT 16-FOOT UTILITY TRAILER AS SURPLUS**

Motion made by Councilman Sion and seconded by Councilman McLean that the following resolution is:

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

WHEREAS, the Town of Collins has purchased a new 2020 Utility Trailer for the Parks Department, and

WHEREAS, upon delivery of the new Utility Trailer, the town will not have any further need of the 2003 Betterbuilt 16-Foot Utility Trailer.

NOW LET IT BE RESOLVED, that the Collins Town Board hereby declares the 2003 Betterbuilt 16-Foot Utility Trailer, Serial #4MNFB162331001500, to be surplus and that it be sold at online auction upon delivery of the new Utility Trailer.

5. Resolution to approve agreement to spend highway funds for 2020

RESOLUTION # 107: **APPROVE AGREEMENT TO SPEND HIGHWAY FUNDS PER §284 OF THE HIGHWAY LAW**

Motion made by Councilman Hotnich and seconded by Councilman Stelley that the Town Board hereby approves entering into an agreement with Collins Highway Superintendent Peter Waterman for 2020 to spend Town Highway Funds, per §284 of the Highway Law, as read, and authorize the Town Board members to sign the agreement.

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

6. Resolution to oppose Gov Cuomo's budget amendment

RESOLUTION # 108: **OPPOSING GOV. CUOMO'S BUDGET AMENDMENT "ACCELERATED RENEWABLE ENERGY GROWTH AND COMMUNITY BENEFIT ACT"**

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

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

Whereas: On February 21, 2020, Governor Cuomo submitted a 30-day budget amendment entitled "Accelerated renewable energy growth and community benefit act" for the purposes of meeting the Governor's goals for renewable energy, and

Whereas: This amendment would establish a new system for permitting and siting renewable projects, setting aside the current "Article 10 Siting Board" process, and

Whereas: Permitting will now be under the jurisdiction of a new entity – Office of Renewable Energy Siting (ORES), and

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Whereas: the powers assigned to ORES will totally usurp and diminish local home rule, local zoning codes, local planning and Local Waterfront Revitalization Plans when permitting and siting renewable energy projects, and

Whereas: ORES will now have the power to

- Make available to developers "build – ready" sites
- Develop "uniform permitting standards"

- “coordinate, approve, evaluate, issue, amend, transfer and enforce siting permits”
- Limit the ability of local governments to raise objections to proposed projects
- Direct local appeals to ORES decisions to litigation through the Article 78 process
- Prohibit local governments from requiring any additional approvals or permits

Whereas: By filling this action as a 30-day budget amendment, is ignoring and bypassing the legislative process of formulating policy through public input, public hearings and public debate in favor of a rushed and secretive process, and

Whereas: This amendment represents a blatant attempt to usurp local government's historical and constitutionally power of home rule in the areas of planning, zoning and land use,

Now therefore be it resolved that the Town of Collins does hereby go on record strongly opposing this Governor's attempt to dilute and usurp the roles and powers of local governments in New York State, and

Further be it resolved that the Town of Collins urges State Legislators to oppose this amendment and have it removed from the final budget document and,

Further be it resolved that a copy of this resolution be transmitted to the Governor, Lieutenant Governor, Speaker of the Assembly and Majority Leader of the Senate.

7. Resolution to hire constable/court officers as alternates

RESOLUTION # 109: **HIRING OF CONSTABLE/COURT OFFICERS AS ALTERNATES FOR COLLINS TOWN COURT**

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

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

WHEREAS, the Town of Collins employs a pool of court officers to provide order and safety on Town Court nights, and

WHEREAS, one or more of the officers may be temporarily unable to work due to an injury etc, and WHEREAS, the Town of Collins Board wishes to have a pool of officers available to work throughout an officer's absence.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves the appointments of Kevin Parks and David Wall as alternates to the position of Constable/Court Officer for the Town of Collins Court at a starting salary of \$14.70 per hour.

8. Resolution to refer cell tower special use permit to planning board

RESOLUTION # 110: **CELL TOWER REFERRAL TO PLANNING BOARD**

Motion made by Supervisor Martin and seconded by Councilman Sion that the following resolution is:

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

WHEREAS, Blue Sky Towers III, LLC and Bell Atlantic Mobile System LLC has applied to the Town of Collins for a Special Use Permit to erect a 154-foot tall cell tower near 5492 Route 39 in the Town of Collins.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby officially refers the application of Blue Sky Towers III, LLC and Bell Atlantic Mobile System LLC to erect a 154-foot tall

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cell tower near 5492 Route 39 in the Town of Collins to the Collins Planning Board for its' forty-five (45) day review and comment period, to the Erie County Department of Environment and Planning for its' 30 day review and comment period in accordance with NYS General Municipal Law, § 239-m and to neighboring communities as required.

Supervisor Martin and Councilman McLean will work together coming up with a plan to shut off water service for non-payment of water bills.

With no further business, on a motion of Councilman Hotnich seconded by Councilman Sion the meeting was adjourned at 8:51 pm.

Becky Jo Summers, Town Clerk