

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 8<sup>th</sup> day of April 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 (7:22)

Also Present: David Gamel, Patti Meckes from CAWTILE

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

**RESOLUTION # 112: AGENDA APPROVAL**

Motion made by Supervisor Martin and seconded by Councilmember McLean that the agenda be accepted as modified.

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

**Resolution # 113: MINUTES APPROVAL**

Motion made by Councilman McLean, seconded by Councilmember Hotnich to approve the minutes of the March 11, 2024 meeting.

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

Public Access

Patti Meckes from CAWTILE spoke in opposition to placing windmills in Lake Erie.

Reports of Department Heads and committees

Building and grounds report was gone through by Councilmember Hotnich.

Dog Control – Supervisor Martin read the mileage report for March.

Highway, Transfer Station and Parks report was read by Chris Gerling, Highway Superintendent. They will start sweeping roads next week, have ditching projects coming up and have not heard anything yet on the CHPS money. The portables were put in the parks April 1<sup>st</sup>.

Planning board minutes were gone through.

Recreation – The committee met and an ad will be placed for counselors.

Town Clerk had sales in March 2024 of \$ 4,747.01 with the Town's portion \$ 4,446.01 and collected \$ 1,082,789.33 in taxes

Water department report was emailed to all.

Board Reports

Councilmember O'Connor attended the Prison Advisory meeting, the building and grounds meeting, met with the recreation department and reviewed the vouchers.

Councilmember McLean attended the Prison Advisory meeting, the building and grounds meeting, updated the website and facebook, spoke with Grabar, met with recreation, attended the bid opening and reviewed the vouchers.

Councilmember Sion attended the Prison Advisory meeting, the building and grounds meeting, the NEST meeting, attended the bid opening and reviewed the vouchers.

Councilmember Hotnich attended the building and grounds meeting and attended the Prison Advisory meeting and checked in at the transfer station.

Supervisor Martin attended the Prison Advisory meeting and reported they are having trouble getting correction officers, there is less minimum-security inmates and more violent ones at the facility.

New Business

1. Resolution needed to approve ad for summer 2024 recreation supervisor PT and recreation attendants' positions

RESOLUTION # 114: **APPROVE AD FOR SUMMER 2024 RECREATION SUPERVISOR PT AND RECREATION ATTENDANT'S POSITIONS**

Motion made by Councilmember Hotnich, seconded by Councilman Sion 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 Summer Recreation Program requires a Recreation Supervisor PT and Recreation Attendants to oversee the activities of the participants.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board authorize the Town Clerk to place the following ad for these positions in the Gowanda/Lakeshore Pennysaver and News and the Springville Pennysaver for the weeks of April 20, 2024 and April 27, 2024 issues as follows:

**SUMMER POSITIONS**

Town of Collins is accepting applications for  
**RECREATION SUPERVISOR PT & RECREATION ATTENDANTS**  
Positions are open to all area residents 16 years of age and over.  
Preference given to Collins residents.

Applications available Monday - Friday at Collins Town Hall,  
14093 Mill St, Town Website ([www.townofcollins.com](http://www.townofcollins.com)) or  
Town of Collins Youth Recreation Facebook page.

Applications accepted until Wednesday, May 1, 2024 at 4 pm  
at the Town Clerks Office by  
mail (PO Box 420, Collins, NY 14034) or in person only.

2. Resolution needed to approve purchase of courtroom lighting

RESOLUTION # 115: **APPROVE PURCHASE OF COURTROOM LIGHTING**

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

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

WHEREAS, the Town of Collins desires to replace the non-functioning light fixtures in the Town Hall Court Room with new LED Pendant Light Fixtures similar to those in the Town Library, and

WHEREAS, Town Justice Colleen Kinnaird has secured a Justice Court Assistance Program (JCAP) Grant in the amount of \$17,875.34, of which \$11,065.27 is to be used to purchase new lights for the Courtroom, and

WHEREAS, the Town Board designated \$20,000.00 in the 2024 Town Budget for new Courtroom Lighting, and

WHEREAS, lighting fixtures and installation are available from Graybar Electric, Co., 425 Cayuga Road, Suite 100, Cheektowaga, NY 14225 on contract #EV2370 with OMNIA Partners, Public Sector, Cooperative Purchasing Organization.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves the purchase of six (6) LED Pendant Light Fixtures, with fixture removal and installation included, for the Town Hall Courtroom from Graybar Electric Co, Inc. at a cost of \$21,005.00 through OMNIA Partners contract #EV2370, \$11,065.27 to come from the JCAP Grant and \$9,939.73 from the Town Budget and that the Town Supervisor be authorized to sign the purchase agreement.

3. Resolution needed to approve purchase of playground equipment with installation for Collins Center Town Park

RESOLUTION # 116: **APPROVE PURCHASE OF PLAYGROUND EQUIPMENT WITH INSTALLATION FOR COLLINS CENTER TOWN PARK**

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

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

WHEREAS, the Town desires to purchase Playground Equipment, including installation, for the Collins Center Town Park, and

WHEREAS, a Game Time Playground Equipment Package from MRC is available through OMNIA Partners, Public Sector, Cooperative Purchasing Organization on contract #2017001134.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves the purchase of a Playground Equipment Package including installation in the amount of \$89,478.87 per Quote #113767-01-01 date April 1, 2024 from MRC, PO Box 106, Spring Lake, NJ 07762 per OMNIA Contract #2017001134 and that the Town Supervisor be authorized to sign the purchase agreement.

4. Resolution needed to approve purchase of new 40-yard roll-off container with roof for the Town transfer station

**RESOLUTION # 117: APPROVE PURCHASE OF NEW 40-YARD ROLL-OFF CONTAINER WITH ROOF FOR THE TOWN TRANSFER STATION**

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

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

WHEREAS, the Town owns bins for use at the Transfer Station, and

WHEREAS, the bin used for waste tires is in deteriorated condition and in need of replacement, and

WHEREAS, in an effort to update equipment on a reasonable interval, the Highway Department solicited bids for a new 40-yard bin to be used for waste tires, receiving the following bids which include shipping fees:

Northeast Industrial Mfg., Inc.	\$ 8,925.00
640 Keystone Road, Greenville, PA 16125	
Stone Valley Welding, LLC	\$ 8,320.00
11582 Guyer Road, Huntingdon, PA 16652	
Bucks Fabricating A Deist Industries Co.	\$12,525.00
3547 Perry Highway, Hadley, PA 16130	

NOW THEREFORE, BE IT RESOLVED, that the Town board authorizes the purchase of a new 40-Yard Roll-Off Container with Roof from Stone Valley Welding, LLC, at a cost of \$8,320.00 including shipping, to be paid from Budget Line SR8160.220 - Equipment, and that the old bin be declared surplus and sold for scrap.

5. Resolution needed to approve budget modification

**RESOLUTION # 118: RESOLUTION TO APPROVE THE 2024 BUDGET MODIFICATIONS AND TRANSFERS**

Motion made by Councilmember Hotnich, seconded by Councilman McLean to approve the following 2024 Budget Modifications to create parking lot improvements / walking trail capital project budget.

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

Revenues:

\$577,609.00 Budget Line H25-5031 Transfer from General Fund Townwide Budget Line A9950.8

Appropriations:

\$ 32,000.00 Budget Line H25-1440.20 Engineering

\$ 545,609.00 Budget Line H25-1620.24 Construction

Budget Transfer

Fund	Budgeted:	Transfer from:	Transfer to:
A	\$100,000.00	A9950.900 Transfer to Reserve	A9950.800 Capital Projects
A	\$ 53,050.00	A1620.470 Shared Services Improvement	A9950.800 Capital Projects

6. Resolution needed to award the contract for Town of Collins parking lot improvements and walking trail project

RESOLUTION # 119: **AWARD CONTRACT FOR TOWN OF COLLINS PARKING LOT IMPROVEMENTS AND WALKING TRAIL PROJECT**

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

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

WHEREAS, the Town of Collins has resolved to undertake a capital improvements project to reconstruct the parking lots at the Town Hall, Library and LKP Community Center and to also construct a walking trail at the Collins Center Town Park, and

WHEREAS, the Town of Collins has publicly advertised the above referenced project to solicit bids to complete the scope of work defined within the Contract Documents, and

WHEREAS, nine (9) bids were received, opened and read aloud at a bid opening at 10:00 AM on Thursday, April 4, 2024, and

WHEREAS, Louis Del Prince & Sons, Inc of 580 Cayuga Road, Cheektowaga, NY 14225-1312 was the successful low bidder for the combined total of the base bid (to reconstruct the Town Hall and Library Parking Lots), Alternate A-1 (to reconstruct the LKP Community Center Parking Lot) and Alternate A-2 (to construct a Walking Trail at the Collins Center Town Park)

NOW THEREFORE BE IT RESOLVED, that

1. The Town Board authorizes the award of the Contract to Louis Del Price & Sons, Inc. in the amounts of \$292,750.00 for the base bid, \$175,079.00 for Alternate A-1 and \$77,780.00 for Alternate A-2, making a total contract price of \$545,609.00.
2. The Town Board authorizes the Town Supervisor to sign the Notice of Award for this contract.
3. The Town Board authorizes the Town Supervisor to sign the Agreement and Notice to Proceed for this contract, contingent upon receiving acceptable bonds and insurances from the Contractor (Louis Del Prince & Sons, Inc).
4. This resolution shall take effect immediately.

7. Resolution needed in opposing offshore wind facilities in Lake Erie

**FOREWARD**

After the New York State Energy Research and Development Authority (NYSERDA) released its second version of a Great Lakes Wind Energy Feasibility Study in December, 2022 (1) concern for the health of Lake Erie remains the top priority of the group Citizens Against Wind Turbines in Lake Erie (2) and conservationists statewide. The Lake's health has improved since NYSERDA's first feasibility study twelve years ago (3) despite continued man-made threats which are both historic and evolving. Industrialization of the Lake has left a legacy of toxic pollutants, invasive species and nutrient runoff from agricultural and municipal sources.

NYSERDA has concluded that placing offshore wind turbines in Lake Erie at this time offers no significant advantage in contributing towards the goals of NY State's Climate Leadership and Community Protection Act. As it also found in 2011, NYSERDA in 2022 acknowledged many uncertainties in the effects of offshore wind turbines and their industrial support.

Regardless of NYSERDA's findings, the industrialization of Lake Erie by the offshore wind industry remains a possibility from ongoing political actions. Merely four months after publication of the 2022 NYSERDA Feasibility Study, NY State Senator Pete Harckham (D, 40<sup>th</sup> District) introduce Senate Bill S7035 in May 2022 calling for NYSERDA to issue a request for proposal of a pilot program

whereby up to 200 Mega Watts of wind energy capacity would be installed. Placing 200 MW of generating capacity into context, that's thirteen 886 feet tall, 15 MW offshore wind turbines of the type used by the proposed Empire Wind Project off the shores of NY's Atlantic Coast. (4) Senate Bill S7035 currently is before the NY State Senate Environmental Conservation Committee, which is chaired by Senator Harckham. Movement of S7035 is anticipated with the resumption of the State Senate in January, 2024.

This proposed resolution by the Town of Hamburg recognizes that much has changed since NYSERDA's first feasibility study 2011. Yet many key questions remain. Answering these questions is the responsibility of a Lake Erie offshore wind energy developer who must submit an Environmental Impact Statement in accordance with the State Environmental Quality Review Act to be granted a Certificate of Environmental Compatibility and Public Need from the NY State Public Service Commission. None of the following concerns have received the "hard look" by NYSERDA as required by the State's Environmental Quality Review Act.

**RESOLUTION # 120: APPROVE RESOLUTION IN OPPOSITION TO OFFSHORE WIND FACILITIES IN LAKE ERIE**

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

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

WHEREAS, NY State has passed the Climate Leadership and Community Protection Act (the Climate Act) calling for 70 percent of electricity in the state to be produced by renewable resources by 2030, and 100 percent of the state's electricity be generated by renewable resources by 2040; and

WHEREAS, wind energy has been designated by the Climate Act as an essential form of renewable energy; and

WHEREAS, there are a number of commercial wind energy facilities operating in Western New York, with more in the planning and permitting stages; and

WHEREAS, NY State's power grid manager New York Independent Systems Operator(NYISO) has determined the Western New York zone of grid to be 89 percent free of carbon emissions in the generation of electricity; (5), and

WHEREAS, NYISO has described the lack of electricity transmission facilities capable of transmitting electricity from Western New York to downstate grid zones which are 90 percent dependent on fossil fuels for generating electricity; (6), and

WHEREAS, the New York State Energy Research and Development Authority determined in 2022 that this is not the right time to consider constructing offshore wind facilities in Lake Erie; (7),and

WHEREAS, the offshore wind industry is experiencing global difficulties related to inflation and supply line shortages as evidenced by the recent NY State Public Service Commission decision denying industry requests for higher power delivery rates: (8), and

WHEREAS, the long-planned Lake Erie offshore wind energy project known as Icebreaker Wind near Cleveland, Ohio, has recently been suspended (8a),

WHEREAS, questions concerning offshore wind energy facilities in freshwater bodies remain unanswered such as these which are not included in the NYSERDA reports of 2011 and 2022:

+ What assurances that toxic industrial wastes in the lakebed will not be disturbed to endanger safe drinking water and enter the food chain of Lake Erie's fish and bird species (9)

+ How would the placement of offshore wind turbines in Lake Erie affect the migratory pathways and behavior of economically important game fish (10)

+ What would be the impact on tourism of placing wind turbines in Lake Erie (11)

+ Specifically, how would offshore wind turbines in Lake Erie contribute to the emissions reduction goals of the Climate Act (12)

+ How would the radar interference created by offshore wind turbines in Lake Erie affect the safety of shipping, recreational boating, search and rescue operations and international border security (13)

- + How would microplastics and toxic chemicals like BPA and PFAS emitted by wind turbines impact water quality and the ecology of Lake Erie (14)
- + How much oil and other petroleum products are contained within each offshore wind turbine and how would oil spills from wind turbines be mediated, and other maintenance performed during annual periods of ice coverage on Lake Erie (15)
- + How would noise and vibrations emitted by wind turbines impact the quiet enjoyment of Lake Erie by fishers, boaters and nearshore residents and visitors (16)
- + What are the effects of vibrations emitted by wind turbines on the organisms living in the lakebed (17)
- + How would the blinking red lights atop each offshore wind turbines be reconciled with increased interest in preventing light pollution in dark skies (18)
- + What would be the impact of placing offshore wind turbines in Lake Erie's migratory flyways of birds, bats and butterflies (19)
- + What are the cumulative impacts of placing offshore wind turbines in Lake Erie given the already large concentration of onshore wind turbines along the Ontario shoreline and the elevations overlooking the lake in Chautauqua County
- + What restrictions or no-go zones would be imposed on fishers and boaters in Lake Erie (20)
- + How would the Public Trust Doctrine which serves to protect the interests of all Western New Yorkers in a healthy Lake Erie be honored in the context of primary financial benefits to the offshore wind industry
- + How would offshore wind turbines impact historic sites such as shipwrecks and lighthouses (21)
- + Would the rights of the Seneca Nation of Indians to administer water quality standards on the Cattaraugus Reservation be a consideration in placing offshore wind turbines in Lake Erie (22)
- + Would the high costs of offshore wind energy in Lake Erie be explained to Town of Hamburg electricity ratepayers in terms of monthly increases to their utility bills
- + How would property values along the lake shore be impacted by viewsheds including offshore wind turbines and their industrial support and maintenance activities.

Conclusion: Some of these questions cannot be answered or would be cost prohibitive to address. There are many documented examples of negative impacts of wind turbines on both terrestrial and aquatic environments. There are alternatives such as small modular nuclear and hydropower, which deserve significant consideration as possible future sources of power and do not negatively affect Lake Erie or other large bodies of water.

**NOW, THEREFORE BE IT RESOLVED:**

The Town opposes, at this time, any efforts to introduce offshore wind turbines in the waters of Lake Erie.

**BE IT FURTHER RESOLVED** that the Town Clerk shall forward an email copy of this Town Board resolution to:

Honorable Governor Kathy Hochul : [melissa.bochenski@exec.ny.gov](mailto:melissa.bochenski@exec.ny.gov)

Honorable United States Congressman Nicholas Langworthy: [repnicholaslangworthy@mail8.housecommunications.gov](mailto:repnicholaslangworthy@mail8.housecommunications.gov)

Honorable Senate Majority Leader Andrea Stewart-Cousins: [scousins@nysenate.gov](mailto:scousins@nysenate.gov)

Honorable Senate Minority Leader Rob Ortt : [ortt@nysenate.gov](mailto:ortt@nysenate.gov)

Honorable Speaker of the Assembly Carl E. Heastie: [speaker@nysenate.gov](mailto:speaker@nysenate.gov)

Honorable Majority Leader of the Assembly Crystal People-Stokes: [peoplesc@nyassembly.gov](mailto:peoplesc@nyassembly.gov)

Honorable Minority Leader of the Assembly William A. Barclay: [barclayw@nyassembly.gov](mailto:barclayw@nyassembly.gov)

Honorable New York State Senator Patrick Gallivan: [gallivan@nysenate.gov](mailto:gallivan@nysenate.gov)

Honorable New York State Senator George Borrello: [borrello@nysenate.gov](mailto:borrello@nysenate.gov)

Honorable New York State Assemblyman Andrew W. Goodell: [goodella@nyassembly.gov](mailto:goodella@nyassembly.gov)

Honorable New York State Assemblyman David DiPietro: [dipietrod@nyassembly.gov](mailto:dipietrod@nyassembly.gov)

Honorable New York State Assemblyman Jon Rivera: [riverajd@nyassembly.gov](mailto:riverajd@nyassembly.gov)

Honorable Erie County Executive Mark Poloncarz: [county.executive@erie.gov](mailto:county.executive@erie.gov)

Honorable Erie County Legislator John Mills: [john.mills@erie.gov](mailto:john.mills@erie.gov)

Honorable Erie County Legislator John Gilmour: [john.gilmore@erie.gov](mailto:john.gilmore@erie.gov)

Honorable Mayor of the City of Lackawanna Annette lafallo: [mayor@lackawannany.com](mailto:mayor@lackawannany.com)

Honorable Mayor of the City of Buffalo Byron Brown: [bbrown@city-buffalo.com](mailto:bbrown@city-buffalo.com)

### Literature Citations

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### Approval / Adoption of Abstract

#### Resolution # 121: **ABSTRACT APPROVAL**

Motion by Councilmember McLean seconded by Councilmember Hotnich that the bills be paid on abstract #4 for 2024 dated April 8, 2024 for listed vouchers # 155 - 214 for \$ 103,704.11:

# 3 of 2024

General – Townwide	31,427.41	Special Refuse Fund	943.50
General – Part Town	27,546.26	Water District # 1	1,648.29
Highway	22,953.40	Water District # 3	1,025.54
Drainage Improvements	3,391.50	Water District # 4	<u>3,310.77</u>
Parking Lot Improvements	10,564.65		
Street Lighting	892.79	Total	\$ 103,704.11
ADOPTED	Aye 5	O'Connor, McLean, Sion, Hotnich, Martin	
	Nay 0		

With no further business, on a motion of Councilmember Hotnich seconded by Councilmember Sion the meeting was adjourned at 8:23 PM.

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Becky Jo Summers, Town Clerk