

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 the 14<sup>th</sup> day of August 2023.

Present: Kenneth Martin, Supervisor  
Jacquelyn McLean, Councilman  
Jane Sion, Councilman  
Mary Stelley, Councilman  
James Hotnich, Councilman  
Becky Jo Summers, Town Clerk  
James Musacchio, Attorney (7:11p)

Also Present: Fred & Brenda Overhoff, Diane & Carm Caruana, Tracy Horth, Ellen & Jeff Wilson, Ruth Hager, Ann Converso, David & Diane Gamel, Ann Mortiz, Barbara & Jeff Pfeifer, Candee Termer, Connie Fuhrmann, Dale Dils, Jennifer Gernatt, Chris Jeanniton, Bob Timmel and Scott Degenfelder

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

**RESOLUTION #140: AGENDA APPROVAL**

Motion made by Supervisor Martin, seconded by Councilman McLean that the agenda be accepted as presented.

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

**RESOLUTION #141: MINUTES APPROVAL**

Motion made by Councilman McLean, seconded by Councilman Sion to approve the minutes of the July 10<sup>th</sup> meeting.

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

Public Access

1. Connie Furmann spoke on the problems of turbines and asks for help to protect the quality of life and asks that studies be done and requests the Town put a moratorium on wind farms.
2. Ann Converso from North Collins stated two Collins property owners have signed leases. The Town of Concord put in a three-year moratorium, Town of Eden put it up for a vote and North Collins will share information with us.
3. James Musacchio stated the state will not go with locals on windmills. We have to keep on top of this and let our state officials know our stand.
4. Supervisor Martin stated we have a \$16,000.00 grant that we can use.
5. Nicole stated they are harassing elderly people two to three times a week by telling those that do not sign, their neighbors are signing. They have a gag order in place in the 49-year lease. If there is a leak, you cannot talk about it; cannot step on their own land because they do not own it. Frequencies are causing the death of birds; the turbines are larger than before and they vibrate.
6. Norm Sandall stated a group was started in 2006 that did not want turbines in Lake Erie.
7. Ann Converso stated the wind turbines are ugly. A representative would go to the residents numerous times and when they would not sign would call on the neighbors to ask for influence.
8. Bob Timmel stated if they catch fire on the top the firefighters cannot fight the fire that high up and water will not put out an electrical fire. If a solar farm storage battery catches fire it's an environmental hazard.
9. Kim Barrow from the Concerned Citizens of Collins Wind Project states they are going door to door.
10. Residents should send letters to our elected officials with very specific questions asked and ask at least three questions you want answered. Petitions will not help. The power generated here does not stay here -- most likely go to Pennsylvania.
11. Scott Degenfelder asks if they can use eminent domain. If the government wants it to go through it can be labeled "as public good".
12. Ellen Wilson stated her next-door neighbor wants to put one in.

### Reports of Department Heads and committees

Building and grounds last meeting report was gone through by Councilman Hotnich.

Attorney Musacchio did a notice of public hearing regarding area speed limits.

Code enforcement officers submitted their July monthly report.

Dog Control monthly report for July was submitted and Jason Perry will be leaving soon. We will have to put an ad in the paper for a new one.

Liberty Fest committee is working on 2024.

Library will be having a basket raffle and bake sale September 23, 2023.

Recreation report was submitted, received \$9,975.00 in registration fees and this Friday will be the last day of this program. Staffing was a problem this year; sixteen is too young to be a counselor.

Seniors program will start up in September.

Town Clerk reported sales in July of \$ 4,917.75 with the Town's portion \$ 4,702.01.

### Board Reports

Councilman McLean attended the Building & Grounds, Liberty Fest and planning board meetings, met with dog control officer, talked with recreation supervisor, ordered new refrigerator for the LKP, reviewed the vouchers and updated Facebook and the website.

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

Councilman Hotnich reviewed the vouchers.

Supervisor Martin met with Corrections regarding the finishing of the water line connection on Collins Road, handed out budget sheets for 2024, received new health insurance rates for next year and attended the Building and Grounds meeting

### New Business

1. Resolution needed to request a speed study be done on town roads

#### **RESOLUTION # 142: REQUEST SPEED STUDY ON TOWN ROADS**

Motion by Councilman Hotnich and seconded by Councilman McLean that the Collins Town Board hereby approves a request for a study to be conducted by Erie County for a speed reduction to 30 Miles Per Hour on the entire length of the following Town roads: Archer Street; Armes Court; Danna Drive; Eagle Crest Drive; Edgewood Drive; Erie Avenue; Flavia Circle; Highland Avenue; Hillview Avenue; Kathy Lane; Knight Street; Maple Street; Mildred Avenue; Mill Street (Collins); Mill Street (Collins Center); Palmerton Street; Orchard Place; Sara Lane; Sara Lane Extension; School Street (Collins); Smithcrest Drive; Spring Street; Twin Pine Drive; Wendy Drive; and Westview Drive.

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

2. Resolution needed to grant Assessor Jeneen Hill permission to attend the NYS Assessor's Assoc. annual conference and organizational meeting

#### **RESOLUTION # 143: GRANT PERMISSION FOR ASSESSOR JENEEN HILL TO ATTEND THE NYS ASSESSOR'S ASSOCIATION ANNUAL CONFERENCE AND ORGANIZATIONAL MEETING**

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

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

WHEREAS, the Assessor Jeneen Hill requests permission to attend the NYS Assessor's Association Annual Conference and Organizational Meeting, and

WHEREAS, said Annual Conference will be held in Saratoga, New York on October 2 – 6, 2023, and

WHEREAS, the Town Board recognizes Assessor Hill's duties, as the NYS Assessor's Association Past-President, is to improve the standards of assessment practice; to promote professionalism; to provide a clearing house for the collection and distribution of useful information relating to the Assessment of Real Property; to educate assessing officers; to engage in research and improve assessment technique and practice; to advocate for legislative proposals relating to assessing and taxation; to cooperate with other agencies interested in the improvement of tax administration throughout New York State.

NOW THEREFORE BE IT RESOLVED, that the Board of the Town of Collins shall grant permission to Assessor Jeneen Hill to perform her duties as the Past-President of the New York State Assessor's Association and attend said conference, installation and meetings and all the appropriate and reasonable expenses shall be reimbursed by the New York State Office of Real Property Tax Services with remaining training expense balance to be split between the Towns of Evans, Collins and North Collins equally not to exceed \$400 per Town.

3. Resolution needed to hire alternate recreation attendant for the 2023 summer program

RESOLUTION # 144: **HIRE ALTERNATE RECREATION ATTENDANT FOR THE 2023 SUMMER RECREATION PROGRAM**

Motion made by Councilman Hotnich, seconded by Councilman McLean that the following is:

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

WHEREAS, the 2023 Summer Recreation Program has experienced an increase in attendance, and

WHEREAS, the Town wishes to provide a well supervised program it has been necessary to hire 1 (one) additional recreation attendant as an alternate attendant.

NOW THEREFORE BE IT RESOLVED that the Town Board approves the hiring of Paige Szalay effective July 20, 2023 at a rate of \$14.20 per hour.

4. Resolution needed to approve placing an ad for a dog control officer

RESOLUTION # 145: **APPROVE AD FOR TOWN OF COLLINS DOG CONTROL OFFICER**

Motion made by Councilman Hotnich, seconded by Councilman Sion that the following is:

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

WHEREAS, the Town of Collins needs to fill the position of Dog Control Officer (DCO).

NOW THEREFORE BE IT RESOLVED that the Collins Town Board approve the following ad to be placed in the Springville Penny Saver and the Gowanda/Lakeshore Penny Saver and News, to run for one printing in each paper, the weeks of August 25, 2023 and September 2, 2023 and shall require all applications be delivered to the Collins Town Clerk no later than 4 pm, Wednesday September 6, 2023.

Town of Collins  
is accepting applications for  
DOG CONTROL OFFICER  
Position is part-time and requires weekend availability  
Preference given to Town of Collins residents  
Applications available at the Collins Town Clerk's Office  
or on the Town Website at  
[www.townofcollins.com](http://www.townofcollins.com)  
Application deadline is Wednesday Sep 6, 2023, 4 pm

Attorney Musacchio left the meeting at 8:25pm.

5. Resolution needed to approve payment application No. 10 to Ehrhart Construction Management Services Inc for the cold storage building project

RESOLUTION # 146: **APPROVE PAYMENT APPLICATION NO. 10 TO EHRHART CONSTRUCTION MANAGEMENT SERVICES INC (CONTRACTOR) FOR THE COLD STORAGE BUILDING PROJECT**

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

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

WHEREAS, the contractor for the Cold Storage Building Project, Ehrhart Construction Management Services Inc, has submitted progress payment application No. 10, 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. 10 in the amount of \$138,056.38, pending receipt of signed Payment Application and Certified Payrolls, and that the Collins Supervisor is authorized to sign the Application and Certification for Payment.

6. Resolution needed to approve contract change order No. 3 with Ehrhart Construction Management Services Inc for the cold storage building project

**RESOLUTION # 147: APPROVE CONTRACT CHANGE ORDER No. 3 WITH EHRHART CONSTRUCTION MANAGEMENT SERVICES INC FOR THE HIGHWAY COLD STORAGE BUILDING PROJECT**

Motion made by Councilman Hotnich, seconded by Councilman Sion that the following is:

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

WHEREAS, Ehrhart Construction Management Services Inc, contractor for the Town's Highway Cold Storage Building Project, has requested a Change Order to reflect the agreement whereby the Town of Collins would directly pay for concrete inspection and testing services provided by Encorus Group and that the amount would be reduced from Ehrhart contract.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves Change Order No. 3 for the Highway Cold Storage Building Project, to decrease the contract with Ehrhart Construction Management Services Inc by \$1,902.50 from \$1,069,697.00 to \$1,067,794.50 and to authorize the Town Supervisor to sign Change Order No. 3.

7. Resolution needed to approve substantial completion by Ehrhart Construction Management Services Inc for the cold storage building project

**RESOLUTION # 148: APPROVE SUBSTANTIAL COMPLETION BY EHRHART CONSTRUCTION MANAGEMENT SERVICES INC FOR THE HIGHWAY COLD STORAGE BUILDING PROJECT**

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

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

WHEREAS, on July 25, 2023 representatives from MDA Consulting Engineers, PLLC, Ehrhart Construction Management Services Inc and the Town of Collins met to perform a walk-through of the project site, and

WHEREAS, subsequent to that site visit a list of punch-list items was generated which will be completed before final payment is made, and

WHEREAS, after the meeting, it was determined that Ehrhart has substantially completed their work related to this contract and that the Certificate of Substantial Completion could be executed at this time.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves the Certificate of Substantial Completion for the Highway Cold Storage Building Project contract with Ehrhart Construction Management Services Inc, and to authorize the Town Supervisor to sign the Certificate.

Attorney Musacchio arrived at 8:45 pm.

8. Resolution needed to set public hearing for L.L. No. 1 of 2023 "Volunteer Firefighter and Volunteer Ambulance Workers Real Property Tax Exemption"

**RESOLUTION # 149: SET PUBLIC HEARING ON L.L. No. 1 OF 2023 "VOLUNTEER FIREFIGHTER AND VOLUNTEER AMBULANCE WORKERS REAL PROPERTY TAX EXEMPTION"**

Motion made by Councilman Hotnich and seconded by Councilman Sion to set a public hearing on September 11, 2023 at 7:30 pm to discuss Local Law No. 1 of 2023 "Volunteer Firefighter and Volunteer Ambulance Workers Real Property Tax Exemption".

**NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW NO. 1 OF THE  
YEAR 2023 FOR THE TOWN OF COLLINS**

PLEASE TAKE NOTICE that there has been introduced before the Town Board of the Town of Collins in the County of Erie and State of New York, on August 14, 2023, a Local Law No. 1 of the

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year 2023 entitled "A Local Law for property tax exemption for volunteer firefighters and volunteer ambulance workers".

Said Local Law provides that any real property owned by volunteer firefighters or volunteer ambulance workers shall be exempt from taxation to the extent of ten percent of the assessed value of such property. An applicant must be a resident of the Town of Collins and be an enrolled volunteer firefighter or volunteer ambulance worker for at least two years.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing will be held on the aforesaid proposed Local Law before the Town Board of the Town of Collins, New York, at the Town Hall, 14093 Mill Street, Collins, New York, at **7:30 o'clock p.m. on Monday, September 11, 2023**, at which time all interested persons will be heard.

The meeting room is wheelchair accessible. Those needing special arrangements should call the Town at (716) 532-4887 ext. 101 by September 5, 2023.

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

9. Resolution needed for Collins Center Cemetery Assn's request for funding assistance to remove trees from the cemetery

RESOLUTION # 150: **REQUEST FOR FUNDING ASSISTANCE TO REMOVE TREES FROM COLLINS CENTER CEMETERY ASSOCIATION**

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

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

WHEREAS, the Collins Center Cemetery Association Board of Directors, in a letter dated 8/8/23, has made a request of the Collins Town Board to supply funding for the removal of four trees and the grinding, soil and seeding of three stumps in the cemetery property, and

WHEREAS, the C. C. Cemetery Association Board of Directors obtained quotes to have the work done, and

WHEREAS, NYS General Municipal Law §165-a adopted in 2010 allows municipal corporations to provide funding, goods/or services to a public cemetery corporation, and

WHEREAS, the Collins Town Board wishes to assist the C. C. Cemetery Association with this matter.

NOW BE IT RESOLVED that the Collins Town Board hereby approves to provide funding in the amount of \$4,700.00 to Natures Pride for the removal of four trees and the grinding, soil and seeding of three stumps in the Collins Center Cemetery, and

BE IT FURTHER RESOLVED that the funds be taken from the 2023 Town Budget Line A8810.400 – Cemeteries.

10. Discussion/Resolution on requirements that all justices be attorneys

RESOLUTION # 151: **IN OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B AND ASSEMBLY BILL A-1358B**

Motion made by Councilman Hotnich, seconded by Councilman McLean that the following is:

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

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted b the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years, and

WHEREAS, the Town and Village Courts in Erie County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year, and

WHEREAS, the Town and Village Courts are known as the "Courts closest to the People" and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System, and

WHEREAS, the Town Court of Collins is a vital service to our residents and the Erie County community as a whole, and

WHEREAS, the Justices in Erie County's Town and Village Courts have pledged to be ever

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mindful of their neutrality and impartiality, and render equal justice to all, while continually

adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct, and

WHEREAS, the Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection, and

WHEREAS, the Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected, and

WHEREAS, the Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard, and

WHEREAS, the Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters, and

WHEREAS, the Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration, and

WHEREAS, the Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Erie County Magistrates Association and the New York State Magistrates Association, and

WHEREAS, the New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year, and

WHEREAS, the New York State's Commission on Judicial Conduct's most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either "State-paid" judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%), and

WHEREAS, this Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys, and

WHEREAS, this Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts, and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts but a blatant and unconscionable attempt by the New York State Bar Association, and organization that represents approximately only fifteen percent (15%) of the State's attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments.

NOW THEREFORE BE IT RESOLVED THAT the Governing board of the Town of Collins strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been in the case for almost two hundred years.

## **BUDGET MODIFICATIONS**

### **RESOLUTION # 152: APPROVE BUDGET MODIFICATIONS AND TRANSFERS**

Motion made by Councilman Hotnich, seconded by Councilman Sion to approve the following Budget Modifications and Transfers for Budget Year 2023:

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

### **BUDGET TRANSFER:**

Transfer From: A8810.100 Cemeteries Personal Services	2,000.00
Transfer To:     A8810.400 Cemeteries Contractual Expenses	2,000.00

### **BUDGET MODIFICATIONS:**

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The following reflect changes in State Aid after adoption of 2023 – 2024 NYS Budget:

### **Appropriations:**

DB5112.200	CHIPS	Increase from \$86,014.00 to \$97,799.45
DB5112.210	PAVE NY	Decrease from \$22,697.00 to \$22,680.52
DB5112.240	POP	Decrease from \$15,131.00 to \$15,120.35
DB5112.250	STR	Increase from \$70,240.00 to \$98,336.84

**Revenues:**

DB3501	CHIPS	Increase from \$86,014.00 to \$97,799.45
DB3502	PAVE NY	Decrease from \$22,697.00 to \$22,680.52
DB3505	POP	Decrease from \$15,131.00 to \$15,120.35
DB3504	STR	Increase from \$70,240.00 to \$98,336.84

The following new Budget lines reflect changes for the recognition of utilized ARPA Funds:

**Revenue:**

A4089	Federal Aid – ARPA	In the amount of \$21,958.88
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**Appropriations:**

A1320.490	Accounting – ARPA Contractual	In the amount of \$ 88.88
A9901.000	Interfund Transfer	In the amount of \$21,870.00

Attorney Musacchio left the meeting at 9:10 pm.

Approval / Adoption of Abstract

Resolution # 153: **ABSTRACT APPROVAL**

Motion by Councilman McLean seconded by Councilman Sion that the bills be paid on abstract # 8 for 2023 dated August 14, 2023 for listed vouchers # 410 - 474 for \$ 358,874.49:

General – Townwide	20,584.53	Special Refuse Fund	3,191.83
General – Part Town	6,165.21	Water District # 1	19,495.93
Highway	160,946.28	Water District # 3	6,060.93
Highway Cold Storage	141,184.98	Water District #4	451.07
Special Lighting	793.73	Total	\$ 358,874.49

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

With no further business, on a motion of Supervisor Martin seconded by Councilman Hotnich the meeting was adjourned at 9:16 PM.

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Becky Jo Summers, Town Clerk