

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 3<sup>rd</sup> day of October 2016.

Present: David Tessmer, Supervisor Mary Stelley, Councilman  
Kenneth Martin, Councilman Becky Jo Summers, Town Clerk  
Mary Clark Councilman Susan Gamel, Bookkeeper  
Janet Vogtli Councilman James Musacchio, Attorney

Others Present: Peter Waterman Highway Superintendent; Dick Agle; Margaret Degenfelder;

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

Resolution # 177: **AGENDA APPROVAL**

Motion made by Councilman Clark seconded by Councilman Martin to approve the agenda as presented.

ADOPTED Aye 5 Vogtli, Martin, Stelley, Clark, Tessmer  
Nay 0

Resolution # 178: **MINUTES APPROVAL**

Motion made by Councilman Martin seconded by Councilman Stelley to approve the minutes of the September 19<sup>th</sup> town board meeting.

ADOPTED Aye 4 Martin, Stelley, Clark, Tessmer  
Nay 0  
Abstained 1 Vogtli

Resolution # 179: **ABSTRACT APPROVAL**

Motion by Councilman Stelley seconded by Councilman Vogtli that the bills be paid on abstract # 17 for 2016 dated October 3, 2016 for listed vouchers 663-6680 for \$ 134,412.72:

General – Townwide	13,907.05	Special Refuse	22.79
General – Part Town	91.20	Water District #1	499.55
Highway	4,256.42	Water District #3	9.85
Water Meter Replacement #1	86,718.75	Water District #4	0.86
Water Meter Replacement # 3	26,593.75	Total	\$ 134,412.72
Water Meter Replacement #4	2,312.50		

ADOPTED Aye 5 Vogtli, Martin, Stelley, Clark, Tessmer  
Nay 0

Reports of Department Heads

Assessor Ebersole is receiving telephone calls regarding the equalization rate change.

Highway Superintendent Waterman reported the loader has been ordered; the Sterling is on the auction website; two trucks helped the State and got millings from Route 39; helped the Village of North Collins and at the LKP Community Center; made one plow out of two old ones to be sold; cleaning up the yard; mowing for the second time and ground off a hump on Vail Road. One compactor, one open top and the cardboard were hauled from the transfer station. Revised the quote on the shed for the transfer station.

Parks – this is the last week for mowing.

Recreation – interviews for the winter recreation employees were held tonight.

Planning board – met last week.

Town Clerk Summers reported September sales of \$12,047.04 with the Town's share \$ 6,008.84.

Water – flushed dead ends; read meters; fixed four main valves; shut off water for Main Street resident; did many underground located (UFPO); ordered shed for WD 1; ordered doors for both gates; worked on 2017 budget; meters will start being changed on October 10<sup>th</sup> and identification information for the National Metering workers will be at the Clerk's office.

#### Board Reports

Councilman Vogtli is working with the Assessor.

Councilman Martin reviewed the vouchers; attended the Gowanda Ambulance ground breaking ceremony, the Rural Transit meeting, building committee meeting and attended the budget workshop meetings.

Councilman Stelley updated the website; reviewed the vouchers and attended the budget workshops.

Councilman Clark attended some the of budget workshops.

Supervisor Tessmer worked on the budget and attended the workshop meetings; attended building committee meeting, Association of Erie County Governments, Rural Transit meeting and the CDBG meeting.

#### Old Business

1. Resolution to declare highway equipment as surplus

RESOLUTION # 180: **DECLARE HIGHWAY EQUIPMENT AS SURPLUS**

Motion made by Councilman Martin and seconded by Councilman Stelley to approve the following resolution:

ADOPTED           Aye    5    Vogtli, Martin, Stelley, Clark, Tessmer  
                          Nay    0

WHEREAS, The Town recently purchased a new 2017 Mack truck and approved the purchase of a 2017 John Deere 4WD loader as part of its vehicle replacement program, and

WHEREAS, the new truck replaces a 2004 Sterling truck with Tenco Plow and Wing that is no longer required, and

WHEREAS, the new loader replaces a 2003 John Deere loader that is no longer required.

NOW, THEREFORE BE IT RESOLVED, that the Town of Collins declare the Highway Department 2004 Sterling Dump Truck – VIN No. 2FZAAZCV54AM36966 with Tenco Plow and Wing and the 2003 John Deere 544H Loader – Serial No. DW544HX588653 as surplus to be listed on the Auctions International web site, under the direction of the Town of Collins Highway Superintendent.

Public Hearing – 7:30 PM on 2017 CDBG Project Requests

RESOLUTION # 181: **OPEN PUBLIC HEARING ON 2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE PROJECTS:**

Motion made by Supervisor Tessmer seconded by Councilman Martin to open public hearing at 7:30 pm to discuss 2017 Community Development Block Grant eligible projects.

ADOPTED           Aye    5    Vogtli, Martin, Stelley, Clark, Tessmer  
                          Nay    0

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing on Monday, October 3, 2016 at 7:30 pm at the Collins Town Hall, 14093 Mill Street, regarding the use of Federal Community Development funds in the Town of Collins.

The Town of Collins is eligible for a Federal Community Development grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Collins.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Collins' selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town at 532-4887 ext. 101 by September 30, 2016.

Supervisor Tessmer read the notice of public hearing. A few projects discussed: the lower roof at the LKP Community Center and Rural Transit.

Mr. Tessmer opened the floor for public input. Dick Agle asked about the park shelter in Collins Center. Councilman Clark brought up bathrooms for the parks.

HUD has released more money and the grant this year is \$150,000.00

With no more comments the public hearing was closed at 7:38 pm.

**RESOLUTION # 182: CLOSE PUBLIC HEARING ON 2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE PROJECTS:**

Motion made by Supervisor Tessmer and seconded by Councilman Martin to close the Public Hearing on 2017 Community Development Block Grant eligible projects, at 7:38 PM.

ADOPTED           Aye    5   Vogtli, Martin, Stelley, Clark, Tessmer  
                      Nay    0

**RESOLUTION # 183: RANK 2017 ECCDBG PROJECT REQUESTS:**

Motion made by Supervisor Tessmer, seconded by Councilman Stelley to authorize David F. Tessmer, Supervisor, to sign, submit, and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects, upon approval of ECCDBG:

1. LK Painter Community Center Lower Roof Replacement Project
2. Rural Transit Van Program

ADOPTED           Aye    5   Vogtli, Martin, Stelley, Clark, Tessmer  
                      Nay    0

Old Business – (Cont'd)

2. Resolution to accept August 2016 Supervisors Report

**RESOLUTION # 184: ACCEPT AUGUST 2016 SUPERVISORS REPORT**

Motion made by Councilman Clark and seconded by Councilman Vogtli to accept the Town of Collins Supervisor's Report as submitted, for the month of August 2016.

ADOPTED           Aye    5   Vogtli, Martin, Stelley, Clark, Tessmer  
                      Nay    0

3. Resolution authorizing tree removal in Collins Center Cemetery

**RESOLUTION # 185: APPROVE TREE LIMB REMOVAL AT COLLINS CENTER CEMETERY**

Motion made by Supervisor Tessmer and seconded by Councilman Clark to approve the following resolution:

ADOPTED           Aye    5   Vogtli, Martin, Stelley, Clark, Tessmer  
                      Nay    0

WHEREAS, the Collins Center Cemetery Association Board of Directors has made a request to the Collins Town Board to supply the labor and equipment necessary to remove a downed tree limb in the Collins Center Cemetery, 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 Collins Center Cemetery Association with this matter.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board hereby authorizes the Town of Collins Highway department to supply the labor and equipment necessary to remove the limb,

and that expenses be taken from the 2016 Town Budget A Fund Home and Community Services line A8810.400 – Cemeteries.

#### New Business

1. Resolution to set public hearing on the transfer to Repair Reserve funds to Capital Reserves

RESOLUTION # 186: **SET PUBLIC HEARING ON REPAIR RESERVE FUND TRANSFER**

Motion made by Supervisor Tessmer, seconded by Councilman Vogtli to set a public hearing on Monday, November 7, 2016, at 7:30 pm, on the transfer of unexpended balances in the Repair Reserve lines in the B, DA, and SR Funds to Capital Reserve lines in their corresponding Funds, and authorize the publication of Hearing Notice as follows:

ADOPTED	Aye	5	Vogtli, Martin, Stelley, Clark, Tessmer
	Nay	0	

NOTICE OF PUBLIC HEARING  
ON THE TRANSFER OF UNEXPENDED BALANCES  
IN REPAIR RESERVES FOR THE TOWN OF COLLINS

PLEASE TAKE NOTICE that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing will be held before the Town Board of the Town of Collins, New York, at the Town Hall, 14093 Mill Street, Collins, New York, on Monday, November 7, 2016, at 7:30 p.m. to consider the following:

The Town of Collins proposes the transfer of unexpended balances in the Repair Reserve funds to Capital Reserve funds, as follows:

B - \$28,678.64  
DA - \$5,405.26  
SR - \$153,931.59

If approved by the Town Board, this transfer shall become effective immediately and will include any additional interest acquired. All interested parties may attend and be heard.

2. Resolution to approve 2016 Budget Transfers and Modifications

RESOLUTION # 187: **APPROVE 2016 BUDGET MODIFICATIONS**

Motion made by Supervisor Tessmer and seconded by Councilman Clark to approve the following 2016 Budget modifications:

**A Fund:**

*Transfer From:*

A8810.400 Cemeteries Contractual      \$688.04

*Transfer To:*

A8810.100 Cemeteries Pers. Svcs      \$688.04

**B Fund:**

*Increase Revenue (recognize additional revenue)*

B2772 Recreation Field Trip Reimburse      \$1,247.00

*Increase Expenditure (Recreation Field Trips)*

B7310.404 Youth Progs-Rec field trips      \$1,247.00

ADOPTED	Aye	5	Vogtli, Martin, Stelley, Clark, Tessmer
	Nay	0	

3. Resolution to appoint Library Trustee

RESOLUTION # 188: **APPOINT LIBRARY TRUSTEE**

Motion made by Supervisor Tessmer and seconded by Councilman Martin to appoint Holly Martindale as Library Trustee, to a 5-year term to expire December 31, 2021.

ADOPTED	Aye	5	Vogtli, Martin, Stelley, Clark, Tessmer
	Nay	0	

4. Resolution to place delinquent bills on taxes

RESOLUTION # 189: **APPROVE THE ADDITION OF UNPAID TOWN SERVICE BILLS TO PROPERTY TAXES**

Motion made by Supervisor Tessmer and seconded by Councilman Martin to approve the following resolution:

ADOPTED           Aye    5   Vogtli, Martin, Stelley, Clark, Tessmer  
                      Nay    0

WHEREAS, in accordance with New York State Town Law § 198, the Town of Collins approves the enforcement of unpaid water bills and clean-up charges, by placing a lien upon the real property for which such service was provided, and

WHEREAS, Erie County Real Property Tax Department requires that all such charges to be levied on the 2017 tax bills, be voted on by the Town Board.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board approves all unpaid water bills and property cleanup charges be included in the 2017 tax warrant, and authorizes the Supervisor to sign the "Letter of Authorization" to Erie County.

5. Resolution to increase part-time snow plow driver wages

**RESOLUTION # 190: APPROVE AN INCREASE IN PART-TIME PLOW DRIVERS WAGES**

Motion made by Supervisor Tessmer and seconded by Councilman Clark to approve the following resolution:

ADOPTED           Aye    5   Vogtli, Martin, Stelley, Clark, Tessmer  
                      Nay    0

WHEREAS, The Town of Collins Highway Department hires part-time plow drivers when the need arises, and

WHEREAS, the Highway Superintendent has expressed concern over his lack of ability to hire adequately experienced drivers at the current hourly wage.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board approves the increase for part-time plow drivers, used on a temporary basis at the determination of the Highway Superintendent, from \$12.24 per hour to \$15.00 per hour, effective November 1, 2016.

**RESOLUTION # 191: ENTER INTO EXECUTIVE SESSION**

Motion made by Supervisor Tessmer seconded by Councilman Clark that the Board moves into an executive session at 7:55 PM to discuss the employment history of a particular person/persons relating to the appointment, promotion, demotion, discipline or removal.

ADOPTED           Aye    5   Vogtli, Martin, Stelley, Clark, Tessmer  
                      Nay    0

**RESOLUTION # 192: RETURN TO REGULAR SESSION**

Motion made by Supervisor Tessmer seconded by Councilman Stelley that the Board returns to regular session at 9:40 PM.

ADOPTED           Aye    5   Vogtli, Martin, Stelley, Clark, Tessmer  
                      Nay    0

With no further business, on a motion of Supervisor Tessmer seconded by Councilman Vogtli the meeting was adjourned at 9:40 pm.

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Becky Jo Summers, Town Clerk