

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 7th day of November 2016.

Present: David Tessmer, Supervisor Mary Stelley, Councilman
Kenneth Martin, Councilman Becky Jo Summers, Town Clerk
Mary Clark Councilman Pete Waterman, Highway Superintendent
Janet Vogtli Councilman James Musacchio, Attorney

Others Present: Doug Martindale; John Walgus, Town of Persia; Margaret Degenfelder; Jason Opferbeck; Joe DeCarlo and Andrew Kucakowski, Observer reporter

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

Resolution # 199: **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 # 200: **MINUTES APPROVAL**

Motion made by Councilman Martin seconded by Councilman Stelley to approve the minutes of the October 17th town board meeting.

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

Resolution # 201: **ABSTRACT APPROVAL**

Motion by Councilman Stelley seconded by Councilman Vogtli that the bills be paid on abstract # 19 for 2016 dated November 7, 2016 for listed vouchers 714-772 for \$ 132,274.99:

General – Townwide	15,405.14	Special Lighting	915.79
General – Part Town	3,330.31	Special Refuse	10,090.53
Highway	5,806.43	Water District # 1	20,921.68
Meter Replacement WD 1	49,000.95	Water District #3	6,121.47
Meter Replacement WD 3	15,026.96	Water District #4	474.04
Meter Replacement WD 4	1,306.69	Total	\$ 132,274.99
Library	3,875.00		

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

Public Access

Mitch Martin from Senator Patrick Gallivan's office asked if there are any state issues that they can help us with. Mr. Gallivan is co-sponsoring a bill to repeal the new Star Credit program.

John Walgus from the Town of Persia Board is here asking for a letter of support for the New York and Lake Erie Railroad.

Joe DeCarlo of Seneca Heights showed a sample of the water that comes into his house through a filter (it looks like cider). He has had to replace his refrigerator because of the 'mud' that has also gone through. Flushing of town water hydrants will take place next week and Jason Opferbeck with work with Mr. DeCarlo on this. Maybe they will pull the meter and then flush the line.

Reports of Department Heads

Assessor Ebersole reports approximately 20% of the town's parcels are mismatched and she has been working to correct this.

Public Hearing – 7:30PM on Transfer of Repair Reserve Funds

RESOLUTION #202: OPEN SCHEDULED PUBLIC HEARING ON REPAIR RESERVE FUND TRANSFERS

Motion made by Supervisor Tessmer and seconded by Councilman Clark to interrupt Board meeting to conduct a Public Hearing 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 at 7:30 PM.

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

Supervisor Tessmer read the notice of public hearing.

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.

There are three repair reserve funds earmarked solely for repairs and the town has moved away from that way of doing accounting and do repairs as capital projects and move to capital reserve funds.

RESOLUTION # 203: CLOSE PUBLIC HEARING ON REPAIR RESERVE FUND TRANSFERS

Motion made by Supervisor Tessmer and seconded by Councilman Vogtli to close the Public Hearing 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 at 7:34 PM.

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

RESOLUTION # 204: APPROVE REPAIR RESERVE FUND TRANSFERS

Motion made by Supervisor Tessmer and seconded by Councilman Clark to approve 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.

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

Reports of Department Heads, (cont'd)

Attorney Musacchio reviewed the interconnection of water with the state and the survey with Manguso Surveyors.

Code Enforcement Officer Degman handed out the October report; both have finished continuing education and helped the new CEO in the village.

Highway Superintendent reported they have finished blacktopping; put down 200 T of shoulder material; repaired some road problems; finished mowing; did equipment repairs; helped with projects around the town and North Collins with paving and the plow markers are about half done. The old loader was sold for \$55,000.00 and truck # 10 for \$22,500.00.

Transfer station's new shed is installed but still needs some work inside done.

Parks worker will be done the end of this week.

Recreation started Friday night and had 15 on Friday and Saturday.
Town Clerk reports sales of \$9,425.65 for October and the town's portion \$7,740.78.

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Board Reports

Councilman Vogtli has been working with the Assessor.

Councilman Martin reviewed the vouchers and has attended meetings of the town building committee, the Prison Advisory Board and on the municipal solar ordinance.

Councilman Stelley reviewed the vouchers; updated the website; did interviews and attended the Prison Advisory Board meeting.

Supervisor Tessmer attended the NYLE railroad meeting; the solar service meeting; the building committee meeting; worked on the budget presentation; sent out 34 letters to water customers and submitted the CDBG application.

Old Business

1. Status of water meter replacement project – Jason Opferbeck reported 445 meters have been installed and 189 remain. This month the National Meter installers will be done November 18th and will be back December 12th for one week to complete the installation; after that the water department will be responsible for the installation of any left. Councilmen Vogtli and Stelley have volunteered to make telephone calls to those that have not responded.

PUBLIC HEARING – 8:00 PM ON 2017 PRELIMINARY BUDGET

RESOLUTION # 205: OPEN SCHEDULED PUBLIC HEARING ON 2017 PRELIMINARY TOWN BUDGET

Motion made by Supervisor Tessmer and seconded by Councilman Clark to interrupt Board meeting to conduct a Public Hearing on the Town of Collins 2017 Preliminary Budget as advertised and scheduled for this evening at 8:00 PM.

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the annual preliminary budget of the Town of Collins for the year 2017 has been completed and filed in the office of the Clerk of the Town of Collins, where it is available for inspection by any interested person during office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Collins will meet and review said preliminary budget and hold a public hearing thereon at the Collins Town Hall, 14093 Mill Street, Collins, New York, Erie County, on the 7th day of November, 2016, at 8:00 P.M. and any person may be heard in favor of or against the preliminary budget, as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town law, the proposed salaries of the following town officials are hereby specified as follows:

1. Town Councilman \$6,181.20 each per annum, or \$24,724.80
2. Supervisor \$18,543.60 per annum base amount, and an additional \$1,500.00 to supervise the Water Department, making the total \$20,043.00 per annum
3. Town Clerk \$40,300.46 per annum
4. Superintendent of Highways \$53,863.98 base amount, and an additional \$2,000.00 to supervise the Parks and Transfer Station, making the total \$55,863.98 per annum

Supervisor Tessmer gave a power point presentation going through the tax rates then the budget summary. The Town Board met eight times to work on the budget. Supervisor Tessmer asked for comments on the budget. None were received.

RESOLUTION # 206: CLOSE PUBLIC HEARING ON 2017 PRELIMINARY TOWN BUDGET

Motion made by Supervisor Tessmer and seconded by Councilman Vogtli to close the Public Hearing on 2017 Preliminary Town Budget at 8:27 PM.

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

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RESOLUTION # 207: ADOPT 2017 PRELIMINARY TOWN BUDGET

Motion made by Supervisor Tessmer and seconded by Councilman Stelley to adopt 2017 Town Budget.

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

Old Business, (cont'd)

1. Status of water meter replacement project (cont'd)

Assessing a fee to any water customer that fails to set an appointment for the meter replacement was discussed.

RESOLUTION # 208: ASSESS FEE ON WATER ACCOUNTS FAILING TO SCHEDULE METER REPLACEMENT

Motion made by Supervisor Tessmer and seconded by Councilman Clark that the following resolution is:

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

WHEREAS, the Town of Collins has engaged the services of National Metering Services to replace all water meters, district-wide, and

WHEREAS, National Metering has attempted to contact all customers, through mailings, door hangers and direct solicitation, and

WHEREAS, approximately 150 customers have failed to make an appointment to have their meter replaced, and

WHEREAS, by refusing to make an appointment, these customers are denying the Town of Collins access to the meter as required by Town of Collins Code §296-8, and

WHEREAS, the failure to allow access under the terms and scope of the contract with National Metering Services will cause additional future costs to the Town of Collins.

NOW, THEREFORE BE IT RESOLVED that any customer who has failed to make an appointment for their water meter replacement within three business days of being contacted by the Town of Collins may be assessed a fee on the next quarterly billing cycle, to cover the cost of replacement at a later date, or have their water service shut off.

New Business

1. Resolution to set public hearing on 2017 Kennel Special Use Permits

RESOLUTION # 209: SET PUBLIC HEARING ON 2017 KENNEL SPECIAL-USE PERMITS

Motion made by Supervisor Tessmer and seconded by Councilman Clark to set a Public Hearing on 2017 Dog Kennel special-use permits for December 19, 2016 at 7:30 PM.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing under Section 30.65 Kennels of the Town of Collins Municipal Code on the year 2017 Dog Kennel Special Use Permit applications for the following:

Claudia Beaton, 2406 Cemetery Road, Collins, NY 14034

Linda M. Bowdish and Sarah A. Bowdish, 5076 Woodside Road, Springville, NY 14141

Karen Fedick, 13688 Brewer Road, Collins, NY 14034

Sandy Maloney, 14600 Collins Center Zoar Road, Collins, NY 14034
Richard Young, 2602 Lenox Road, Collins, NY 14034
Melody Espiosito, 4038 East Becker Road, Collins, NY 14034

A Public Hearing will be held on **Monday, December 19, 2016 at 7:30 p.m.** at the Town Hall, 14093 Mill Street, Collins, New York. The Town Board may, under Section 30.65 Kennel of the Town of Collins Municipal Code, impose conditions and restrictions upon said Dog Kennel Special Use Permit.

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2. Resolution to accept Rhiannon Starks' resignation as Caretaker

RESOLUTION # 210: **ACCEPT RHIANNON STARKS' RESIGNATION AS CARETAKER**

Motion made by Supervisor Tessmer and seconded by Councilman Clark to accept the resignation of Rhiannon Starks as Caretaker (custodian), effective October 27, 2016.

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

3. Resolution to advertise for Caretaker position

RESOLUTION # 211: **ADVERTISE FOR CARETAKER**

Motion made by Supervisor Tessmer and seconded by Councilman Clark that the following resolution is:

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

WHEREAS, due to the resignation of current Town of Collins Caretaker, effective October 27, 2016, it is necessary to advertise for qualified applicants.

NOW, THEREFORE BE IT RESOLVED that the Collins Town Board approve the placement of the following advertisement in the *Gowanda Pennysaver and News* the week of November 12, 2016, for the purpose of identifying candidates for the vacant Caretaker position:

TOWN OF COLLINS is accepting applications for part-time custodian
Must be available flexible hours for custodial duties at the
Town Hall and LK Painter Community Center.
Applications can be picked up at the Town Clerk's Office
and must be returned by 4:00 PM on November 28, 2016.
Preference given to Collins residents.

4. Resolution to approve temporary Caretaker stipend for Doug Martindale

RESOLUTION # 212: **APPROVE TEMPORARY CARETAKER STIPEND**

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

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

WHEREAS, as of October 27, 2016, the position of caretaker was vacated, and

WHEREAS, it is necessary to have daily custodial service at the Town Hall and LK Painter Community Center, and

WHEREAS, it will take approximately 30 days to advertise, interview, and appoint a replacement caretaker to fulfill the custodial duties, and

WHEREAS, it is not safe to operate public buildings without the completion of these duties.

NOW, THEREFORE BE IT RESOLVED that the Collins Town Board approve the stipend payment of \$104.00 per week, effective October 27, 2016, to Doug Martindale to provide limited essential custodial duties, until a permanent appointment can be made.

5. Resolution to accept Supervisors Report for September 2016

RESOLUTION # 213: **ACCEPT SEPTEMBER 2016 SUPERVISORS REPORTS**

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

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

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

Becky Jo Summers, Town Clerk

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