

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 12<sup>th</sup> day of December 2022.

Present: Kenneth Martin, Supervisor  
 Jacquelyn McLean, Councilman  
 James Hotnich, Councilman  
 Chris Gerling, Highway Superintendent  
 Jane Sion, Councilman  
 Mary Stelley, Councilman  
 Becky Jo Summers, Town Clerk

Also Present: Howie Lamb, Brenda Overhoff and David Gamel

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

Resolution # 203: **AGENDA APPROVAL**

Motion made by Supervisor Martin seconded by Councilman Hotnich to approve the agenda with the addition of correspondence and remove the resolution to endorse efforts to apply for a Restore NY Grant funding:

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

Resolution # 204: **MINUTES APPROVAL**

Motion made by Councilman McLean seconded by Councilman Sion to approve the minutes of the November 7<sup>th</sup> and 14<sup>th</sup>, 2022 meetings.

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

Resolution #205: **APPROVE BUDGET TRANSFERS**

Motion made by Councilman Hotnich, seconded by Councilman McLean to approve the following Budget Transfers for Budget Year 2022.

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

Transferred From:	A1620.470 Building – Improvements	4,000.00
Transferred To:	A1620.400 Building – Contractual	4,000.00
Transferred From:	A9010.800 State Retirement	700.00
Transferred To:	A5010.400 Superintendent – Contractual	700.00
Transferred From:	A9010.800 State Retirement	1,500.00
Transferred To:	A5132.420 Garage – Light	1,500.00
Transferred From:	A9010.800 State Retirement	300.00
Transferred To:	A5132.430 Garage – Heat	300.00
Transferred From:	B7110.100 Parks – Personal	2,000.00
Transferred To:	B7110.110 Parks – Beautification	2,000.00
Transferred From:	B9010.800 Employee Benefits – Retirement	1,000.00
Transferred To:	B9040.800 Employee Benefit – Workers Comp	1,000.00
Transferred From:	DB5110.110 General Repairs – Part Time	2,000.00
Transferred To:	DB5110.100 General Repairs – Personal	2,000.00
Transferred From:	DB5110.400 General Repairs – Contractual	3,000.00
Transferred To:	DB5110.410 General Repairs – Diesel	3,000.00

Transferred From:	DB5110.400 General Repairs – Contractual	3,000.00
Transferred To:	DB5110.420 General Repairs – Gas	3,000.00
Transferred From:	DB9010.800 Employee Benefits – Retirement	200.00
Transferred To:	DB9050.800 Employee Benefits – Unemployment	200.00
Transferred From:	SR8160.400 Refuse – Contractual	300.00
Transferred To:	SR8160.410 Refuse – Bags/Stickers	300.00
Transferred From:	SR9010.800 State Retirement	200.00
Transferred To:	SR9040.800 Workers Comp	200.00
Transferred From:	SW1 8320.400 Source & Supply – Contractual	400.00
Transferred To:	SW1 8330.400 Water Purification – Contractual	400.00

#### Public Access

1. Omni has been sold to Green Street Power Projector, but we have not heard anything.

#### Reports of Department Heads and Committees

Building and Grounds reported on the drainage project and schedule of work for the new highway storage building.

Dog control submitted his monthly report.

Highway Department - the new sign is up for the transfer station, diesel has increased in price and a tree went down on Albee Road.

Senior's Christmas dinner is December 20<sup>th</sup>, the dish to pass luncheons will be starting.

Town Clerk reported November sales were \$ 4,030.23 with the town's portion \$ 3,573.80.

#### Board Reports

Councilman McLean attended the senior lunch, interviewed for the new Deputy Town Clerk position, reviewed the vouchers and worked on the website.

Councilman Sion reviewed the vouchers.

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

Councilman Stelley reviewed the vouchers.

All board members attended the sexual harassment training session.

Supervisor Martin attended the building and grounds meeting and reported Legislator John Mills had money put to the 2023 county budget to purchase back-up generators.

#### Old Business

1. Resolution needed to approve registration fees for the 2023 Town recreation program

#### **RESOLUTION 206: APPROVE REGISTRATION FEES FOR 2023 TOWN RECREATION PROGRAMS**

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

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

WHEREAS, the Town of Collins offers Recreation Programs for its residents, and

WHEREAS, the costs for providing the programs have increased considerably.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby adopts the following rate structure to be effective immediately:

#### **MINI WINTER RECREATION PROGRAM – PRO-RATED RATES:**

Town of Collins Resident - \$ 30.00 per child

Non-Resident - \$ 60.00 per child

#### **SUMMER RECREATION PROGRAM – FULL RATES:**

Town of Collins Resident - \$ 50.00 per child

Non-Resident - \$ 100.00 per child

**NO REFUNDS EXCEPT FOR PHYSICIAN AUTHORIZED EXCUSE**

**PUBLIC HEARING 7:30 PM – 2023 Dog Kennel Special-Use Permit**

Resolution needed to interrupt this meeting and open the public hearing.

**Resolution # 207: OPEN PUBLIC HEARING ON THE 2023 DOG KENNEL SPECIAL-USE PERMITS**

Motion made by Councilman Hotnich, seconded by Councilman McLean to open the public hearing on the 2023 Dog Kennel Special-Use Permits at 7:30 PM.

ADOPTED      Aye    5    McLean, Sion, Stelley, Hotnich, Martin  
                    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 2023 Dog Kennel Special-Use Permit applications for the following:

Linda M. Bowdish and Sarah A. Bowdish, 5076 Woodside Road, Springville, NY 14141  
Troy Fedick, 13688 Brewer Road, Collins, NY 14034  
Sandy Maloney, 14600 Collins Center Zoar Road, Collins, NY 14034  
Melody Esposito, 4038 East Becker Road, Collins, NY 14034  
Debbie Degenfelder, 2858 Lennox Road, Collins, NY 14034  
Paula Struble, 13127 Ottenbecker Road, Lawtons, NY 14091  
Jacob & Lori Hirsch, 14014 Spring Street, Collins, NY 14034

A Public Hearing will be held on Monday, December 12, 2022 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.

Resolution needed to close the public hearing and return to the regular meeting.

**RESOLUTION # 208: CLOSE PUBLIC HEARING ON THE 2023 DOG KENNEL SPECIAL-USE PERMITS**

Motion made by Supervisor Martin, seconded by Councilman Sion to close the public hearing on the 2023 Dog Kennel Special-Use Permits at 7:33 PM.

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

**RESOLUTION # 209: APPROVE 2023 DOG KENNEL SPECIAL-USE PERMITS**

Motion made by Councilman Hotnich and seconded by Councilman McLean to approve the 2023 Dog Kennel Special-Use permits for the following applicants:

Linda M. Bowdish and Sarah A. Bowdish, 5076 Woodside Road, Springville, NY 14141  
Troy Fedick, 13688 Brewer Road, Collins, NY 14034  
Sandy Maloney, 14600 Collins Center Zoar Road, Collins, NY 14034  
Melody Esposito, 4038 East Becker Road, Collins, NY 14034  
Debbie Degenfelder, 2858 Lennox Road, Collins, NY 14034  
Paula Struble, 13127 Ottenbecker Road, Lawtons, NY 14091

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

**Old Business**

2. Resolution needed to hire staff for the 2023 abbreviated winter recreation program

**RESOLUTION # 210: APPROVE HIRING STAFF FOR 2023 ABBREVIATED WINTER RECREATION PROGRAM**

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

ADOPTED      Aye    4    McLean, Sion, Hotnich, Martin  
                    Nay    1    Stelley

WHEREAS, the Town of Collins is sponsoring an abbreviated Winter Recreation Program for the purpose of providing activities for the youth of our Town and to provide employment, and WHEREAS, the Town wishes to fill the positions necessary to carry out this program and,

WHEREAS, the Town advertised for the positions of Recreation Supervisor PT and Recreation Attendants; and the Personnel Committee, along with the Recreation Director interviewed 15 of the 16 applicants responding to this ad.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Collins follow the recommendations of the Personnel Committee and hire the following applicants for the 2023 Abbreviated Winter Recreation program effective January 13, 2023:

**Recreation Supervisor PT** at \$16.41 per hour: THOMAS McMULLEN

**Recreation Attendants** at \$14.20 per hour: SARA GERNATT, REBECCA ALIMONTI, JOSEPH COOPER, CECELIA M. YOUNG, KAILYN ROSE FARNER, BENJAMIN TIMMEL, QUENTIN J. CENTNER, MATHIAS ARBEITER VI, ALEXA KREBS, TREVOR KRAWCZYK, SARA NOYES, KAYLEE CORBIN and JOSALYN DEGENFELDER.

### **NEW BUSINESS**

1. Resolution needed to set a date for the 2023 organizational meeting.

RESOLUTION # 211: **SET DATE FOR 2023 ORGANIZATIONAL MEETING**

Motion made by Supervisor Martin, seconded by Councilman Sion that the Collins Town Board hereby sets the date of the 2023 Organizational Meeting to be Tuesday, January 3, 2023.

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

2. Resolution needed to accept resignation of Town court officer Thomas Povhe

RESOLUTION # 212: **ACCEPT RESIGNATION OF TOWN COURT OFFICER THOMAS POVHE**

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

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

WHEREAS, Court Officer Thomas Povhe has submitted his Letter of Resignation to the Town of Collins.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby accepts the Resignation of Thomas Povhe effective December 16, 2022.

3. Resolution needed to approve purchase of new compactor with installation for the Town

RESOLUTION # 213: **APPROVE PURCHASE OF NEW COMPACTOR WITH INSTALLATION FOR THE TOWN TRANSFER STATION**

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

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

WHEREAS, the stationary compactor at the Collins Transfer Station needs major repairs, and WHEREAS, the Collins Town Board desires to replace the compactor with new equipment.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves the purchase of a new Model RJ-500, 4.5 cubic-yard Stationary Compactor painted Dark Brown at a cost of \$45,920.00, plus installation cost of \$4,200.00, plus freight cost of \$2,950.00, totaling \$53,070.00 from Environmental Equipment Sales & Service LLC, 269 Alvanar Road, Rochester, NY 14606 per their quote of 12/12/22 through the Sourcewell #040621-MEC Marathon Contract using the Collins Highway Sourcewell ID #129076, and that the Town Supervisor be authorized to sign the purchase

4. Resolution needed to approve change order # 1 for the highway cold storage building project

RESOLUTION # 214: **APPROVE CHANGE ORDER NO. 1 FOR THE HIGHWAY COLD STORAGE BUILDING PROJECT**

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

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

WHEREAS, Ehrhart Construction Management Services Inc, the contractor for the Town's Highway Cold Storage Building Project, has requested a Change Order to revise the roof truss spacing and bracing by reducing the truss spacing to 32-inches, by increasing the size of the 9.5-inch LVL header, by adding typical knee bracing at each post in rear of the building and by increasing the number of trusses by seven.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves Change Order No. 1 for the Highway Cold Storage Building Project, to increase the contract with Ehrhart Construction Management Services Inc by \$10,097.00 from \$1,059,600.00 to \$1,069,697.00 and to authorize the Town Supervisor to sign Change Order No. 1.

5. Resolution needed to approve payment # 4 to Ehrhart Construction Services Inc.

**RESOLUTION # 215: APPROVE PAYMENT APPLICATIONS NO. 4 TO EHRHART CONSTRUCTION MANAGEMENT SERVICES INC (CONTRACTOR) FOR THE COLD STORAGE BUILDING PROJECT**

Motion made by Councilman Hotnich, seconded by Councilman McLean that the following resolution 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. 4, 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. 4 in the amount of \$95,000.00, pending receipt of Certified Payroll, and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

6. Resolution needed to set date for public hearing on Restore NY Grant Application for 2297 Main Street, Collins, NY

**RESOLUTION # 216: SET DATE FOR PUBLIC HEARING ON RESTORE NY GRANT APPLICATION FOR 2297 MAIN STREET, COLLINS, NY**

Motion made by Supervisor Martin, seconded by Councilman Sion to set a Public Hearing on the proposed Restore NY Communities Initiative Grant Application for 2297 Main Street, Collins, NY for January 9, 2023 at 7:30 PM.

**NOTICE OF PUBLIC HEARING FOR RESTORE NY COMMUNITIES INITIATIVE  
GRANT APPLICATION FOR 2297 MAIN STREET, COLLINS, NY**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Collins on Monday, January 9, 2023 at 7:30 PM at the Collins Town Hall located at 14093 Mill Street, Collins, NY concerning the submission of a Grant Application for 2297 Main Street, Collins, NY to Restore NY/ Empire State Development. 2297 Main Street is a 4,880-square foot building, with intended rehabilitation into both commercial and residential usage. At said hearing, all persons wishing to comment on the Restore NY Grant Application for 2297 Main Street, Collins, NY shall be given an opportunity to be heard.

Dated: November 14, 2022

By order of the Town Board of the Town of Collins

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

Discussion on Highway employees' concerns regarding: health insurance buyout program, safety shoe allowance, overtime after eight hours per day and holiday pay – work required.

1. health insurance buyout program - a school system allows their employees who do not take the health insurance a buyout of \$1,250.00 per year. Four highway workers take the insurance and one does not. If this is passed, those that do not take the town insurance would have to fill out a form proving they have other insurance and the buyout would be divided by pay and would be taxable. The amount discussed was \$ 1,200.00.

**RESOLUTION # 217: APPROVE MEDICAL INSURANCE BUYOUT OPTION FOR FULL-TIME TOWN EMPLOYEES**

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

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

WHEREAS, the Collins Town Board wishes to offer a medical insurance buyout option to the Town's full-time employees.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby adopts the policy that a full-time employee or Town Clerk or Highway Superintendent who is eligible for medical insurance coverage made available through the Town may receive a cash buyout in lieu of receiving medical insurance benefits provided they provide documentation of comparable medical health insurance coverage and sign an appropriate waiver of health insurance coverage and waiver of liability to the Town and this policy becomes effective January 1, 2023.

2. safety shoe allowance – the workers would like the allowance increased to \$ 200.00.

**RESOLUTION # 218: INCREASE SAFETY SHOE ALLOWANCE FOR ELIGIBLE EMPLOYEES**

Motion made by Councilman Hotnich, seconded by Supervisor Martin to increase the safety boots / shoe allowance from up to \$ 150.00 to up to \$ 200.00 for all highway, transfer station, summer beautification and park crew chief employees effective January 1, 2023.

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

3. overtime after eight hours per day – the current policy is one- and one-half times the regular hourly rate over 40 hours per week. Supervisor Martin says if we go with this – two policies would be needed and it would have to be run by Jeff Travers, our employee handbook representative.

4. holiday pay schedule change to receive holiday pay – Supervisor Martin sees nothing wrong with the current policy. Superintendent Gerling stated Erie County does the same as us. We will stick with our current policy.

Approval / Adoption of Abstract

**Resolution # 219: ABSTRACT APPROVAL**

Motion by Councilman Hotnich seconded by Councilman Sion that the bills be paid on abstract # 12 for 2022 dated December 12, 2022 for listed vouchers # 658 - 711 for \$ 166,153.26:

General – Townwide	17,584.47	Special Refuse Fund	2,784.84
General Part Town	769.20	Water District # 1	8,223.70
Highway	36,433.43	Water District # 3	<u>926.63</u>
Highway Cold Storage	98,581.53	Total	\$ 166,043.26
Special Lighting	739.46		

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

With no further business, on a motion of Councilman Hotnich seconded by Councilman Sion the meeting was adjourned at 8:42 PM.