

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 19th day of December 2016.

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

Others Present: Dick Clark, Jason Opferbeck and Shawn Malek

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

Resolution # 228: **APPROVAL OF AGENDA**

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

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

Resolution # 229: **APPROVAL OF MINUTES**

Motion made by Councilman Martin seconded by Councilman Vogtli to approve the minutes of the December 5th town board meeting.

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

RESOLUTION # 230: **APPROVE 2016 BUDGET MODIFICATIONS**

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

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

DB Fund:

Transfer From:

DB5110.400 Hwy Part Town Contractual \$3,983.78

Transfer To:

DB5130.400 Hwy Mechanic Contractual \$3,983.78

(Sale of John Deere Loader)

Increase:

DB2665 Sale of Equipment \$42,772.67

Increase:

DB5130.210 Highway Mechanic Equip \$42,772.67

A Fund:

Increase:

A3089 State Aid \$2,311.65

Increase:

A1110.400 Judicial Contractual \$2,311.65

Transfer From:

A1940.400 Contingency Fund \$600.00

A5132.430 Highway Heat \$110.00

A8810.400 Cemeteries Contractual \$119.55

Transfer To:

A3120.100 Law Enforce – Safety Officer \$600.00

A5132.440 Highway Telephone \$110.00

A8810.100 Cemeteries Personnel \$119.55

Resolution # 231: **APPROVAL OF ABSTRACT**

Motion by Councilman Stelley seconded by Councilman Martin that the bills be paid on abstract # 22 for 2016 dated December 19, 2016 for listed vouchers 843 - 885 for \$ 73,011.07:

General – Townwide	14,130.21	Special Lighting	983.91
General – Part Town	295.86	Special Refuse	1,446.61
Highway DB	156,674.19	Water District # 1	1,107.90

WD1 Meter Replacement	13,535.59	Water District #3	587.31
WD3 Meter Replacement	4,150.92	Water District #4	0.32
WD4 Meter Replacement	360.94	Total	\$ 193,273.76
ADOPTED	Aye 5	Vogtli, Martin, Stelley, Clark, Tessmer	
	Nay 0		

Old Business

1. Update on Town Language Access Plan – Supervisor Tessmer Contacted Congressman Chris Collins' office with information and they will try to get us exempted. A few samples have been obtained that we could pass if need be and Mr. Tessmer will put together four paragraphs similar to what the Town of Newstead has just passed.

2. 2017 Committees and Liaisons – Supervisor Tessmer handed out a list and asked the board members to look it over.

New Business

1. Resolution to approve Change Order No. 1 for Town Hall ADA restroom

RESOLUTION # 232: APPROVE CHANGE ORDER NO. 1 FOR TOWN HALL ADA RESTROOM PROJECT

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

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

WHEREAS, during construction of the Town Hall basement ADA restroom project, it was decided to upgrade the door size and type to match the newer doors, and

WHEREAS, it is our desire to maintain consistency in the Town Hall with all new construction finishes and materials.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board approve Change Order Number 1 for the Town Hall basement ADA restroom project contract by Wings LLC., in the amount of \$820.00, and authorize the Supervisor to notify the contractor.

2. Resolution to advertise for ZBA member

RESOLUTION # 233: ADVERTISE FOR ZONING BOARD OF APPEALS

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 relocation of one member, the Town of Collins Zoning Board of Appeals currently has an opening.

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 December 24, 2016, for the purpose of identifying candidates for the Zoning Board of Appeals position:

TOWN OF COLLINS is accepting applications for

ZONING BOARD OF APPEALS MEMBER

Must be available for periodic meetings, hearings and training requirements.

Applications can be picked up at the Town Clerk's Office
 or at townofcollins.com

and must be returned by 4:00 PM on January 6, 2017

Must be a resident of the Town of Collins

3. Resolution to approve change in our Workers Compensation provider – The Evans Agency did a cost comparison of NYSIF, PERMA and NY COMP ALLIANCE and there would be a substantial savings to go with NYSIF.

RESOLUTION # 234: APPROVE CHANGE IN WORKERS COMPENSATION PROVIDER

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 currently carries Workers Compensation Insurance through PERMA, and

WHEREAS, the cost of the insurance has been steadily increasing, and

WHEREAS, the Town's General Liability Insurance provider has completed a cost and benefit analysis of three Workers Compensation Insurance providers and recommended a change based on several factors.

NOW, THEREFORE BE IT RESOLVED, that the Town of Collins change Workers Compensation Insurance providers to the New York State Insurance Fund, administered by the Glatfelter Insurance Group at a cost of \$43,948.00 for 2017, effective January 1, 2017

Public Hearing 7:30 PM – 2017 Dog Kennel Special-Use Permits

RESOLUTION # 235: MOVE TO SCHEDULED PUBLIC HEARING ON 2017 KENNEL SPECIAL-USE PERMITS

Motion made by Supervisor Tessmer and seconded by Councilman Clark to interrupt Board meeting to conduct a Public Hearing on 2017 Dog Kennel special-use permits as advertised and scheduled for this evening at 7:30 PM.

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

Supervisor Tessmer read the notice of public hearing.

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~~ (This permit was withdrawn.)

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 Esposito, 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.

Mr. Tessmer stated all have been inspected by Charles Siegle, Code Enforcement Officer and all passed. He then asked if anyone wants to speak for or against any of the applications. With no one wishing to be heard, the hearing was closed.

RESOLUTION # 236: MOVE TO CLOSE PUBLIC HEARING ON 2017 KENNEL SPECIAL-USE PERMITS

Motion made by Supervisor Tessmer and seconded by Councilman Clark to close the Public Hearing on 2017 Kennel special-use permits at 7:33 PM.

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

RESOLUTION # 237: APPROVE 2017 DOG KENNEL SPECIAL-USE PERMITS

Motion made by Supervisor Tessmer and seconded by Councilman Vogtli to approve the 2017 Dog Kennel Special-Use permits for the following applicants:

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 Esposito, 4038 East Becker Road, Collins, NY 14034

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

New Business, (cont'd)

4. Resolution to approve Supervisors Report for November 201

RESOLUTION # 238: **ACCEPT NOVEMBER 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 November 2016.

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

Jason Opferbeck, Gowanda Water reported there were approximately 121 appointments to install meters between Collins and Gowanda and 127 were installed. He thinks there is between 20 – 30 to still do. A reading will be done the end of December which will be the starting number for the next quarter's billing.

The outcome of the discussion on not charging the homeowner the cost of the removal of the meters with the backflow preventers was to leave it the way it is. A few more people still owe the \$125.00.

RESOLUTION # 239: **ENTER INTO EXECUTIVE SESSION**

Motion made by Supervisor Tessmer seconded by Councilman Clark that the Board moves into an executive session at 7:44 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 # 240: **RETURN TO REGULAR SESSION**

Motion made by Supervisor Tessmer seconded by Councilman Clark that the Board returns to regular session at 8:05 PM.

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

With no further business, on a motion of Supervisor Tessmer seconded by Councilman Martin the meeting was adjourned at 8:06 pm.

Becky Jo Summers, Town Clerk