

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 10th day of July, 2017.

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

Others Present: Doug Martindale; Linda Munro; Sam D'Amaro; Jason Opferbeck and Andrew Kuczkowski, reporter The Observer

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

Resolution # 144: **AGENDA APPROVAL**

Motion made by Councilman Clark seconded by Councilman Vogtli to approve the agenda.

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

Resolution # 145: **MINUTES APPROVAL**

Motion made by Councilman Martin seconded by Councilman Stelley to approve the minutes of the June 19, 17 Town Board meeting.

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

Resolution # 146: **ABSTRACT APPROVAL**

Motion by Councilman Stelley seconded by Councilman Martin that the bills be paid on abstract #13 for 2017 dated July 10, 2017 for listed vouchers # 440 - 489 for \$ 172,130.35:

General – Townwide	22,367.65	Special Refuse	443.15
General – Part Town	1,481.07	Water District #1	18,235.15
Highway	116,902.50	Water District #3	5,937.85
LKP Roof Replacement	2,364.26	Water District #4	<u>3,607.34</u>
Special Lighting	791.38	Total	\$ 172,130.35
ADOPTED Aye 5	Vogtli, Martin, Stelley, Clark, Tessmer		
Nay 0			

Reports of Department Heads

Attorney Musacchio is working on Collins Center Cemetery land purchase.

Highway Superintendent Waterman reported they have oiled and chipped, skid paved and continuing to mow roadsides.

The Transfer Station reported filled a compactor and three open tops.

Town Clerk Summers reported June sales of \$5,829.05 with the town's portion \$5,475.27.

Water – hydrants were flushed, billing was done and in three weeks will do a trial run as had some telemetry issues with the 'cloud' regarding the leaves on the trees.

Recreation started last week and have had up to 65 – 70 kids. A lot of kids are coming from Gowanda.

Reports of Board and Committees

Councilman Vogtli is still working on Verizon's poor cell reception and is dealing with a situation on a 911 call.

Councilman Martin reviewed the vouchers, and attended the building committee meeting.

Councilman Stelley reviewed the vouchers, updated the website and attended the Liberty Fest meetings.

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Councilman Clark attended the Liberty Fest meetings.

Supervisor Tessmer finished the bid package on the LKP roof project, attended the Southtowns Community Enhancement Meeting, the County Wide Shared Services Initiative meetings, Building Committee meeting and worked on the Draft Solar Law.

Old Business

1. Thanks to all who helped with 7th annual Liberty Fest

2. Resolution to set Public Hearing on Local Law No. 2 of 2017

RESOLUTION # 147: **SET PUBLIC HEARING ON LOCAL LAW NO. 2 OF 2017**

Motion made by Supervisor Tessmer seconded by Councilman Clark to set a public hearing on Monday, August 14, 2017 at 7:30 pm, on the proposed Local Law No. 2 of 2017 – Solar Energy Law of the Town of Collins, which proposes to amend the Town Zoning Code, and authorize publication of Hearing Notice as follows:

NOTICE OF PUBLIC HEARING FOR THE TOWN OF COLLINS

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a Public Hearing and receive public comment regarding the proposed local law entitled "Solar Energy Law of the Town of Collins" which proposes to amend the Town Zoning Code in regard to "provisions that advance and protect the health, safety and welfare of the community and to make provisions for the accommodation of solar energy systems and equipment and access to sunlight necessary therefore", on August 14, 2017, at 7:30 PM, at the Town Hall located at 14093 Mill Street, Collins, New York 14034.

Copies of the proposed local law are available at the Town Clerk's Office located at the Town Hall, 14093 Mill Street, Collins, New York, during regular business hours.

All persons interested shall have the opportunity to be heard, for or against, this local law at the time and place aforementioned.

The Town of Collins will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

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

We will have to research renewal fees on Cell Towers.

Special Use permits are good for the permitted use and would expire when the permitted use is no longer in existence.

3. Resolution authorizing the Unified Solar Permit application submittal

RESOLUTION # 148: **ADOPT NYS UNIFIED SOLAR PERMIT PROCESS**

On motion of Supervisor Tessmer seconded by Councilman Martin the following resolution was

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

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) is offering financial incentives to municipalities that adopt a uniform New York State solar permit process, and

WHEREAS, the Town of Collins Code Enforcement Officer has advised the Town Board of the Town of Collins that the New York State uniform process is consistent and compatible with the Town Zoning Code and permitting practices, and

WHEREAS, the Town Board supports the use of solar energy as a renewable energy source.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE Town of Collins, that the Town of Collins hereby fully and formally adopts the New York State Unified Solar Permit process for NY - Sun Solar Powering New York, and establishes the permit fee at \$0.15 per square foot, and

BE IT FURTHER RESOLVED, the Town Board, in regular session duly convened, does hereby

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authorize and direct the Supervisor of the Town of Collins to execute such other and additional documents as may be required for to perfect the resolutions herein.

New Business

1. Resolution to accept May 2017 Supervisors Report

RESOLUTION # 149: **ACCEPT MAY 2017 SUPERVISORS REPORT**

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 May 2017.

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

2. Resolution to accept 2016 Financial Audit

RESOLUTION # 150: **ACCEPT AUDITORS 2016 REPORT**

On motion of Supervisor Tessmer seconded by Councilman Martin the following resolution was

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

WHEREAS, the Town has retained Freed Maxick CPA's to complete annual financial audits, and

WHEREAS, Freed Maxick submitted their Financial Audit for 2016, and presented their findings on June 5, 2017.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board acknowledges that the financial records of the Town have been audited and that the Town Board accepts the audit report for the year ending December 31, 2016, prepared by Freed Maxick CPA's P. C.

3. Resolution to accept Town Justices 2016 Financial Audit

RESOLUTION # 151: **ACCEPT TOWN JUSTICES 2016 AUDIT REPORT**

On motion of Councilman Vogtli, seconded by Councilman Clark, the following resolution was

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

WHEREAS, the N.Y.S. Unified Court System's "Action Plan" for the Justice Courts includes initiatives to improve accountability and controls over Justice Court finances and records, and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited, and

WHEREAS, the Collins Town Board has retained the firm of Freed Maxick, CPA's to audit the towns financial records, including those of the two (2) town justices.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board acknowledges that the records of Town Justices Walter Cain and Brian Gernatt have been audited and that the Town Board hereby accepts the audit report for the year 2016, as prepared by Freed Maxick CPA's.

4. Resolution to approve 2017 Budget Modification

RESOLUTION # 152: **APPROVE 2017 BUDGET MODIFICATION**

Motion made by Supervisor Tessmer seconded by Councilman Clark to approve the following 2017 Budget Transfer to recognize additional revenue from NYSDOT; consisting of \$15,124.70 from Pave NY and \$12,820.31 from EWR (Extreme Winter Recovery):

DB Fund:

Increase:

Increase:

DB 3501 Consolidated Hwy Aid \$27,945.01 DB 5112.200 Capital Imprvmnts - CHIPS \$27,945.01

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

Nay 0

5. Resolution to declare 1995 Mack truck as surplus

RESOLUTION # 153: **DECLARE 1995 MACK TRUCK AS SURPLUS**

On motion of Supervisor Tessmer, seconded by Councilman Stelley, the following resolution was

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

Nay 0

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WHEREAS, the Town of Collins recently purchased a 2017 Mack truck with roll-off chassis for the Transfer station to replace a 1995 Mack truck that is in need of major repairs, and

WHEREAS, the Town of Collins has no use for the 1995 Mack truck.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board hereby declares the 1995 Mack truck, model RG690S, VIN No. IM2P264C85M019743 as surplus, and

BE IT FURTHER RESOLVED, that the following ad be placed in Gowanda Press and Springville Journal for the July 15, 2017, issues for sealed bids marked "1995 Mack Truck," to be submitted to the town clerk by 4:00 PM on Friday, August 4, 2017:

TOWN OF COLLINS – SURPLUS EQUIPMENT SEALED BIDS

The Town of Collins is accepting sealed bids for the sale of a 1995 Mack truck Model RD690S, equipped with roll-off chassis.

This Transfer Station truck has 175,022 miles and is in need of frame repairs

The truck is being sold "as-is" and may be viewed by contacting the Highway Superintendent at 532-2830, Monday – Thursday from 5:30 AM to 4:00 PM.

All bids must be in a sealed envelope clearly marked "1995 Mack Truck" and be received at the office of the Collins Town Clerk, 14093 Mill Street, Collins, New York by 4:00 PM on August 4, 2017.

6. Resolution to set standard work day

RESOLUTION # 154: **SET STANDARD WORK DAY**

On motion of Supervisor Tessmer, seconded by Councilman Martin, the following resolution was

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

Nay 0

BE IT RESOLVED, that the Town of Collins hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

All Elected Officials

Supervisor, Council Person, Assessors -- Five day work week, six hour day.

Town Clerk -- Five day work week, seven hour day.

Superintendent of Highways -- Five day work week, eight hour day

Appointed Officials

Members of: Planning Board, Zoning Board of Appeals, Dog Control Officer -- Five day work week, six hour day

Next meeting will be Monday August 14, 2017

With no further business, on a motion of Councilman Clark seconded by Councilman Martin the meeting was adjourned at 8:07 pm.

Becky Jo Summers, Town Clerk