

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 11<sup>th</sup> day of July 2016.

Present: David Tessmer, Supervisor Mary Stelley, Councilman  
 Mary Clark, Councilman Becky Jo Summers, Town Clerk  
 Janet Vogtli, Councilman James Musacchio, Attorney (7:40)

Absent: Kenneth Martin, Councilman

Others Present: Lois Johnson; Peter Waterman Highway Superintendent; Dick Agle; Karl Simmeth Representative from Assemblyman David DiPietro's office, Jason Opferbeck Gowanda water and Andrew Kuczkowski reporter from The Observer.

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

Resolution # 138: **AGENDA APPROVAL**

Motion made by Councilman Clark seconded by Councilman Stelley to approve the agenda after adding a resolution under New Business to support the Hollywood Theater's application for grant money.

ADOPTED Aye 4 Vogtli, Stelley, Clark, Tessmer  
 Nay 0

Resolution # 139: **MINUTES APPROVAL**

Motion made by Councilman Stelley seconded by Councilman Clark to approve the minutes of the June 20<sup>th</sup> town board meeting.

ADOPTED Aye 3 Vogtli, Stelley, Clark  
 Nay 0  
 Abstained 1 Tessmer

Resolution # 140: **ABSTRACT APPROVAL**

Motion by Councilman Stelley seconded by Councilman Vogtli that the bills be paid on abstract # 13 for 2016 dated July 11, 2016 for listed vouchers 432 – 504 for \$ 166,418.65:

General – Townwide	14,201.61	Water District #1	490.44
General – Part Town	11,746.19	Water District #3	267.04
Highway	134,893.30	Water District #4	3.25
Special Lighting	857.84	Total	\$ 166,418.65
Special Refuse	3,958.98		

ADOPTED Aye 4 Vogtli, Stelley, Clark, Tessmer  
 Nay 0

Public Access

Lois Johnson asks about the status of the pickle ball/basketball court's uneven surface. It is being looked into with the company that did the work.

Dick Agle thanked the committee on the liberty fest – the best one yet.

Karl Simmeth of Assemblyman David DiPietro's office asked if there were any issues and left some brochures.

Reports of Department Heads and Consultants

Assessor will have a power point presentation for the fall regarding a reval. Residents are coming in to file for veteran's exemptions.

CEO – working on three new distressed properties.

Highway & Transfer Station – finished blacktop and oil and chip, swept town roads, helped Eden and Brant, new truck is at Valley Fab and the new mower is in, assembled and will start using tomorrow. Transfer station – trash day used one container and two open-tops.  
Parks – mulching done and helped with liberty fest.

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Recreation report read by Councilman Clark – had between 61 and 91 attendees, 23 went to the movies, next field trip with be to Dave & Buster's. Each week will have a different theme.

***Public Hearing – 7:30 PM on demolition of 2296 Gowanda Zoar Road***

1. Resolution to move to scheduled public hearing

**RESOLUTION #141: MOVE TO SCHEDULED PUBLIC HEARING ON DEMOLITION OF STRUCTURE AT 2296 GOWANDA ZOAR ROAD**

Motion made by Supervisor Tessmer and seconded by Councilman Vogtli to interrupt this Town Board meeting to conduct a Public Hearing advertised and scheduled on the demolition of a structure at 2296 Gowanda Zoar Road.

ADOPTED      Aye    4      Vogtli, Stelley, Clark, Tessmer  
                     Nay    0

Supervisor Tessmer read the notice of Public Hearing and explained the reason to demolish this property. The audience was asked if anyone wants to speak in favor of or against this action. An asbestos survey will have to be done before the project is put out to bid. With no one wishing to speak for or against the Public Hearing was closed.

**RESOLUTION #142: MOVE TO CLOSE PUBLIC HEARING**

Motion made by Supervisor Tessmer and seconded by Councilman Clark to close the Public Hearing on the demolition of a structure at 2296 Gowanda Zoar Road at 7:34 PM.

ADOPTED      Aye    4      Vogtli, Stelley, Clark, Tessmer  
                     Nay    0

Attorney Musacchio arrived at 7:40 pm.

**Reports – cont'd**

Town Clerk reported June sales \$6,314.00 with the Town's portion \$5,675.99.

Water – Gowanda put the meter installation out to bid then had to extend bid due date to July 19<sup>th</sup> (from July 6<sup>th</sup>) at Hunt Engineers recommendation due to Contractors inability to meet schedule. Working on chlorine off-gassing issue at WD #1 pump house, this was caused by high temperatures in the building. An air conditioner was installed.

**Reports of Board and Committees**

Councilman Vogtli is working with the County on the Becker Road signs and she thanked the liberty fest committee, parks and highway departments.

Councilman Stelley attended the liberty fest meetings, updated the website and reviewed the vouchers.

Councilman Clark attended the liberty fest meetings. Highway Superintendent Waterman stated there were not enough portables.

Supervisor Tessmer has been working on the demo projects, building committee meeting and thanked everyone for everything.

***Public Hearing – 8:00 PM on demolition of 3585 Route 39***

**RESOLUTION #143: MOVE TO SCHEDULED PUBLIC HEARING ON DEMOLITION OF STRUCTURE AT 3385 ROUTE 39**

Motion made by Supervisor Tessmer and seconded by Councilman Clark to interrupt this Town

Board meeting to conduct a Public Hearing advertised and scheduled on the demolition of a structure at 3385 Route 39.

ADOPTED      Aye    4      Vogtli, Stelley, Clark, Tessmer  
                  Nay    0

Supervisor Tessmer read the notice of Public Hearing and explained the reason to demolish this

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property. The audience was asked if anyone wants to speak in favor of or against this action. An asbestos survey will have to be done before the project is put out to bid. With no one wishing to speak for or against the Public Hearing was closed.

**RESOLUTION #144: MOVE TO CLOSE PUBLIC HEARING**

Motion made by Supervisor Tessmer and seconded by Councilman Vogtli to close the Public Hearing on the demolition of a structure at 3385 Route 39 at 8:05 pm.

ADOPTED      Aye    4      Vogtli, Stelley, Clark, Tessmer  
                  Nay    0

Old Business

1. Thanks to all who helped with 6<sup>th</sup> annual Liberty Fest

New Business

1. Resolution to accept April and May 2016 Supervisors Reports

**RESOLUTION # 145: ACCEPT APRIL AND MAY 2016 SUPERVISORS REPORTS**

Motion made by Supervisor Tessmer and seconded by Councilman Vogtli to accept the Town of Collins Supervisor's Report as submitted, for the months of April and May 2016.

ADOPTED      Aye    4      Vogtli, Stelley, Clark, Tessmer  
                  Nay    0

2. Resolution to accept 2015 Financial Audit

**RESOLUTION # 146: ACCEPT AUDITORS 2015 REPORT**

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

ADOPTED      Aye    4      Vogtli, Stelley, Clark, Tessmer  
                  Nay    0

WHEREAS, the Town has retained Freed Maxick CPA's to complete annual financial audits, and  
WHEREAS, Freed Maxick CPA's submitted their Financial Audit for 2015; and presented their findings on June 6, 2016.

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, 2015, prepared by Freed Maxick CPA's P. C.

3. Resolution to accept Town Justices 2015 Financial Audit

**RESOLUTION # 147: ACCEPT TOWN JUSTICES 2015 AUDIT REPORT**

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

ADOPTED      Aye    4      Vogtli, 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 2015, as prepared by Freed Maxick CPA's.

4. Resolution to approve 2016 Budget Transfer

RESOLUTION # 148: **APPROVE 2016 BUDGET TRANSFER**

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Motion made by Supervisor Tessmer seconded by Councilman Vogtli to approve the following 2016 Budget Transfer:

**A Fund:**

Transfer From:

A-1989.000 Unclassified \$646.02

Transfer To:

A-1950.000 Taxes & Assessments on Property \$646.02

ADOPTED Aye 4 Vogtli, Stelley, Clark, Tessmer

Nay 0

With no further business, on a motion of Councilman Stelley seconded by Councilman Clark the meeting was adjourned at 8:11 pm.

\_\_\_\_\_  
Becky Jo Summers, Town Clerk

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