

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 14th day of August, 2017.

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

Absent: Mary Clark, Councilman

Others Present: Candee Termer; Doug Martindale; Thomas Siegle; Margaret Degenfelder; Jason Opferbeck; Jeanne Ebersole; Sam D'Amato and Andrew Kuczkowski, reporter The Observer

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

Resolution # 155: **AGENDA APPROVAL**

Motion made by Councilman Stelley seconded by Councilman Martin to approve the agenda.

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

Resolution # 156: **MINUTES APPROVAL**

Motion made by Councilman Martin seconded by Councilman Stelley to approve the minutes of the July 10, 17 Town Board meeting.

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

Resolution # 157: **ABSTRACT APPROVAL**

Motion by Councilman Stelley seconded by Councilman Vogtli that the bills be paid on abstract #14 for 2017 dated August 14, 2017 for listed vouchers # 490 - 580 for \$ 165,680.20:

General – Townwide	12,347.06	Special Refuse	4,874.26
General – Part Town	3,758.20	Water District #1	3,544.50
Highway	138,769.41	Water District #3	1,383.67
LKP Roof Replacement	133.00	Water District #4	1.54
Special Lighting	868.56	Total	\$ 165,680.20
ADOPTED Aye 4	Vogtli, Martin, Stelley, Tessmer		
Nay 0			

Reports of Department Heads

Assessor Ebersole thanked the board for the extra time and help to make changes to the roll and she is working on the mapping project. Some parcels were not created in the subdivisions.

Public Hearing – 7:30 pm on Local Law No. 2 of 2017 – Solar Energy Law

RESOLUTION # 158: **OPEN PUBLIC HEARING ON LOCAL LAW NO. 2 OF 2017**

Motion made by Supervisor Tessmer, seconded by Councilman Stelley to open public hearing on Local Law # 2 of 2017 at 7:30 pm – Solar Energy Law of the Town of Collins.

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

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

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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.

Supervisor Tessmer read the notice of public hearing and asked if the local law should be read again as it was read at the last meeting. No. Mr. Tessmer opened the floor to comments for or against the local law. Discussion covered the enforcement of the law

RESOLUTION # 159: CLOSE PUBLIC HEARING ON LOCAL LAW NO. 2 OF 2017

Motion made by Supervisor Tessmer and seconded by Councilman Martin to close the Public Hearing on Local Law No. 2 of 2017 – Solar Energy Law of the Town of Collins, at 7:49 PM.

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

RESOLUTION # 160: ADOPT LOCAL LAW NO. 2 OF 2017

Motion made by Supervisor Tessmer and seconded by Councilman Martin to adopt Local Law No. 2 of 2017 – Solar Energy Law of the Town of Collins.

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

Reports of Department Head, (cont'd)

Recreation Supervisor D'Amaro reported the program will finish up on Saturday. They had 25 overnights and 13 tents. The winter program will start the end of October.

Town Clerk Summers reported July sales of \$5,200.50 with the town's portion \$4,854.90.

Water – Jason Opferbeck will put in the budget to work on the GIS mapping and still have a handful of household meters that have not been changed yet.

Reports of Board and Committees

Councilman Vogtli is still working with Verizon on the poor reception and fines for no house numbers.

Councilman Martin reviewed the vouchers, attended the building committee meeting, the Prison Advisory Board meeting and reported rugs and floors in the town Hall and LKP will be cleaned

Councilman Stelley reviewed the vouchers, updated the website, attended the Prison Advisory Board meeting and the LKP tour with Senator Gallivan.

Supervisor Tessmer attended the two bid openings, the County wide Shared Services meeting and the LKP tour with Senator Gallivan

Old Business

1. Resolution to award bid for LKPCC lower roof replacement

RESOLUTION # 161: AWARD BID FOR LKPCC LOWER ROOF REPLACEMENT PROJECT

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

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

WHEREAS, the Town prepared the design specifications and bid package, and solicited bids for the lower roof replacement work at the LK Painter Center, and

WHEREAS, Sealed bid were received by, and opened on, June 28, 2017, at 3:00 PM, and
WHEREAS, two qualified contractors submitted bids for the project, and
WHEREAS, the lowest responsible bidder meets the terms and conditions of the project

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requirements.

NOW, THEREFORE BE IT RESOLVED, that the Town of Collins award the LK Painter Center lower roof replacement project to Northeast Building Solutions, Inc. of Lancaster, New York, for the lump sum bid of \$178,860.00, and

BE IT FURTHER RESOLVED, that the Collins Town Board Authorizes the Supervisor to initiate the Execution of Agreement with Northeast Building Solutions, Inc., and ensure all the terms therein are satisfied.

2. Resolution to set fees for large scale solar energy systems

RESOLUTION # 162: **SET FEES FOR LARGE OR UTILITY SCALE SOLAR ENERGY SYSTEMS**

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

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

WHEREAS, the Town of Collins has adopted Local Law No. 2 of 2017 which contains new zoning codes for Solar Energy Systems, and

WHEREAS, the new Solar Energy Systems codes require certain fees for the installation of Large or Utility Scale Solar Energy Systems.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board hereby sets an initial application fee of Five Thousand Dollars [\$5,000.00] to file for a special use permit, and a building permit fee of \$0.025 per square foot of the total footprint of the project for Large or Utility Scale Solar Energy Systems.

3. Resolution to authorize tax lien against 3585 Route 39 property

RESOLUTION # 163: **PLACE LIEN AGAINST 3585 MAIN STREET FOR DEMOLITION COSTS**

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

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

WHEREAS, The Collins Town Board awarded contracts to Pierce Services, Inc. and Northeastern Environmental Management (NEM) to survey and remove asbestos, monitor the air during the removal, disposal of all asbestos-containing material, complete a close-out inspection, and demolish and remove the structure at 3585 Route 39, which was ordered to be demolished by the Town of Collins Code Enforcement Officer, and

WHEREAS, all the project costs were included the Town of Collins Capital Plan and Budget for 2017.

NOW THEREFORE BE IT RESOLVED, the Town of Collins authorizes the placement of a lien upon the real property for which such services were provided, in the 2018 Tax warrant, to recoup all the costs involved.

4. Resolution to award sale of 1995 surplus Mack truck

RESOLUTION # 164: **AWARD SURPLUS 1995 MACK TRUCK SALE**

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

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

WHEREAS, the Collins Town Board declared a 1995 Mack truck, model RD690S, VIN No. IM2P264C85M019743 as surplus, and advertised for sealed bids, due by August 4, 2017, at 4:00 PM, and

WHEREAS, two sealed bids were received by that deadline.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board approve the sale of the 1995 Mack truck to Edward Arnold Scrap Processors, Inc. of Corfu, New York, for the lump sum amount of \$5,007.00.

New Business

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1. Resolution to accept Supervisors Reports for June 2017

RESOLUTION # 165: **ACCEPT JUNE 2017 SUPERVISORS REPORT**

Motion made by Supervisor Tessmer and seconded by Councilman Stelley to accept the Town of Collins Supervisor's Report as submitted, for the month of June 2017.

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

2. Discussion on the dedication of the right-of-way extension of Kathy Lane

3. Resolution to remove structure at 3467 Route 39

RESOLUTION # 166: **AUTHORIZE INITIATION OF DEMOLITION OF UNSAFE STRUCTURE**

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

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

WHEREAS, the conditions of the following listed residential property within the Town of Collins has been determined by the Town Code Enforcement Officer to be an endangerment to the public:

1. 3467 Route 39 (SBL # 343.11-1-44) Owner: Charles Enser

WHEREAS, it is the determination of the Town Code Enforcement Officer based on his formal inspection and report to the Town Board, and in accordance with the provisions of Chapter 131-3 of the Town Code of the Town of Collins, that this structure be removed, and

WHEREAS, the Code Enforcement Officer has received no response by the listed owners, nor has any remedial work been undertaken to alleviate the known hazards, and the unsafe conditions which persist on the listed premises are hazardous to the community.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board accept the report prepared by the Town Code Enforcement Officer, and with the absence of response by the property owner, order the demolition of this residential structure and completely remove all debris and refuse left on the premises, and

BE IT FURTHER RESOLVED, the Collins Town Board authorize the Town Code Enforcement Officer and Supervisor to initiate the process to expedite the demolition of said properties, including defining the scope of the demolitions, calculation of demolition cost estimates, and notifying the property owner of the date of the public hearing associated with the demolition, and

BE IT FURTHER RESOLVED, that all costs and expenses, including the cost of actually removing this building will be assessed against the land on which the building is located at the same time and in the same manner as general Town taxes.

4. Resolution to set public hearing on Demolition of 3467 Route 39 property

RESOLUTION # 167: **SET PUBLIC HEARING ON DEMOLITION OF STRUCTURE AT 3467 ROUTE 39**

Motion made by Supervisor Tessmer, seconded by Councilman Stelley to set a public hearing on Monday, September 18, 2017 at 7:30 pm, on the order to demolish the structure at 3467 Route 39, and authorize publication of Hearing Notice as follows:

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a Public Hearing and receive public comment regarding the order to demolish the structure located at 3467 Route 39, SBL # 343.11-1-44, and owned by Charles Enser. The Town of Collins, after receiving public comment, shall determine whether to proceed with the initiation of the demolition process or direct the owner to complete repairs to bring the property into compliance within a specified

time.

A Public Hearing will be held on Monday, September 18, 2017 at 7:30 p.m. at the Town Hall located at 14093 Mill Street, Collins, New York. The Town Board may, under the Town Code of the Town of Collins, impose additional conditions and restrictions upon said order.

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

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5. 2018 Budget requests will be out this week

With no further business, on a motion of Councilman Stelley seconded by Councilman Martin the meeting was adjourned at 8:51 pm.

Becky Jo Summers, Town Clerk