

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 19<sup>th</sup> day of September 2016.

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

Absent: Mary Clark Councilman, Janet Vogtli Councilman,

Others Present: Peter Waterman Highway Superintendent; Joshua Rebmam; Dick Agle; Margaret Degenfelder; Karl Simmeth NYS Assembly Office; Samantha D'Amato and Andrew Kuczkowski, reporter Observer

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

Resolution # 167: **AGENDA APPROVAL**

Motion made by Councilman Stelley seconded by Councilman Martin to approve the agenda with the addition of removing a tree at the Collins Center Cemetery and discussion of a new loader for the Highway Department.

ADOPTED      Aye              3      Martin, Stelley, Tessmer  
                         Nay              0

Resolution # 168: **MINUTES APPROVAL**

Motion made by Councilman Martin seconded by Councilman Stelley to approve the minutes of the September 6<sup>th</sup> town board meeting.

ADOPTED      Aye              3      Martin, Stelley, Tessmer  
                         Nay              0

Resolution # 169: **ABSTRACT APPROVAL**

Motion by Councilman Stelley seconded by Councilman Martin that the bills be paid on abstract # 16 for 2016 dated September 19, 2016 for listed vouchers 642-662 for \$ 33,074.99:

General – Townwide	1,767.75	Water District #1	19,075.23
General – Part Town	479.98	Water District #3	5,718.58
Highway	3,510.05	Water District #4	471.98
Special Lighting	23.81	Total	\$ 33,074.99
Special Refuse	2,027.61		

ADOPTED      Aye              3      Martin, Stelley, Tessmer  
                         Nay              0

Supervisor Tessmer read the following public notice of the 30-day period for inclusion of predominantly viable agricultural lands into existing agricultural districts:

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at [www.erie.gov/environment](http://www.erie.gov/environment).

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

CONTACT: Elias Reden, Planner, E C Environment & Planning, 95 Franklin Street, 10<sup>th</sup> Floor, Buffalo, NY 14202, Phone: (716) 858-1911, Fax: (716) 858-7248 Email: [agriculture@erie.gov](mailto:agriculture@erie.gov)

#### New Business

1. Resolution to set Public Hearing on 2017 CDBG Project Requests

**RESOLUTION # 170: SET PUBLIC HEARING ON 2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE PROJECTS**

Motion made by Supervisor Tessmer seconded by Councilman Martin to set a public hearing on October 3, 2016 at 7:30 pm to discuss 2017 Community Development Block Grant eligible projects.

ADOPTED        Aye    3        Martin, Stelley, Tessmer  
                      Nay    0

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing on Monday, October 3, 2016 at 7:30 pm at the Collins Town Hall, 14093 Mill Street, regarding the use of Federal Community Development funds in the Town of Collins.

The Town of Collins is eligible for a Federal Community Development grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Collins.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Collins' selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town at 532-4887 ext. 101 by September 30, 2016.

2. Resolution authorizing Justice Court to apply for JCAP Grant

**RESOLUTION # 171: AUTHORIZE JUSTICE COURT TO APPLY FOR JCAP GRANT**

Motion made by Supervisor Tessmer and seconded by Councilman Stelley to authorize the Town Justice Court to apply for 2016-17 Justice Court Assistance Program (JCAP) grant money for the purpose of constructing improvements and upgrades to the Assistant District Attorney meeting room and Courtroom vestibule.

ADOPTED        Aye    3        Martin, Stelley, Tessmer  
                      Nay    0

Karl Simmeth from NYS Assemblyman's David DiPietro's office asked if there was any issued they could help us with and he will try to get Dave out to a meeting before the end of the year.

3. Resolution authorizing purchase of transfer station building

**RESOLUTION # 172: AUTHORIZE PURCHASE OF PREFABRICATED SHED FOR TRANSFER STATION**

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

ADOPTED        Aye    3        Martin, Stelley, Tessmer  
                      Nay    0

WHEREAS, due to the deteriorating condition of the existing building, the Collins Town board desires to replace the operations building at the Transfer Station, and

WHEREAS, the Town of Collins Highway Superintendent solicited bids from three vendors for the purchase of a 12' by 12' prefabricated shed to be used as the operations building, and

WHEREAS two bidders are unable to meet the specifications required.

NOW, THEREFORE LET IT BE RESOLVED, that the Collins Town Board hereby accepts the

quote from Concord Amish Village, of Springville, New York not to exceed \$5,250.00 for the purchase of one 12' by 12' insulated vinyl-sided shed, complete with 3 windows, electrical wiring and lights, 4' porch and 36" 9-lite pre-hung door, and authorize the Highway Superintendent to place the order.

4. The Collins Center Cemetery Association submitted a letter requesting the assistance to remove a downed tree limb. A resolution will be presented at the next meeting.

5. Purchase of new loader to replace the 2003

**RESOLUTION # 173: PURCHASE HIGHWAY DEPARTMENT LOADER**

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

ADOPTED        Aye    3        Martin, Stelley, Tessmer  
                      Nay    0

WHEREAS, in 2015 the Highway Department expressed the need for a new loader to replace the 2003 John Deere loader, and

WHEREAS, to the end, the Town Board approved in the 2016 budget \$95,000.00 for this purchase, and

WHEREAS, the Highway Superintendent feels that it is in the best interest of the Town to purchase the loader at this time, which is available on NYS OGS contract award #PC607075 at a price of \$138,000.00.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board approves the purchase of a new John Deere 544K 4WD Loader from Five Star Equipment of West Falls, New York for \$138,000.00 using the following 2016 Budget lines:

DB5130.200 Highway Mechanic – Equipment: \$19,513.00, and

By making the following Budget Modifications:

Transfer from:

DB5130.210 Hwy Mech – Eqpt Reserve    \$94,557.33  
DB9950.900 To Reserve                        \$24,000.00  
and

Transfer to:

DB5130.200 Hwy Mech – Eqpt    \$94,557.33  
DB5130.200 Hwy Mech – Eqpt    \$24,000.00

BE IT FURTHER RESOLVED, that the 2003 loader be advertised on an on-line auction site, with \$24,000.00 of the income to be returned to budget line DB9950.900 To Reserve and all excess to budget line DB2665 – Sale of Equipment.

**7:30 PM; Public Hearing on Local Law No. 1 of 2016 - Commercial Solar Moratorium**

**RESOLUTION # 174: OPEN PUBLIC HEARING ON LOCAL LAW NO. 1 OF 2016 TO IMPOSE MORATORIUM ON COMMERCIAL SOLAR PROJECTS**

Motion made by Supervisor Tessmer, seconded by Councilman Martin to open public hearing on Local Law # 1 of 2016 at 7:30 pm to impose a 6-month moratorium on commercial solar projects.

ADOPTED        Aye    3        Martin, Stelley, Tessmer  
                      Nay    0

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing will be held before the Town Board of the Town of Collins, New York, at the Town Hall, 14093 Mill Street, Collins, New York, on **Monday, September 19, 2016, at 7:30 p.m.** to consider the following:

**Town of Collins Proposed Local Law No. 1 - 2016**, which will impose a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the siting of commercial solar power projects in the Town of Collins for a period of six months from the effective date of this local law.

If adopted by the Town Board, this Local Law shall become effective immediately after being filed with the Secretary of State. Copies of the Proposed Local Law are available in the Collins Town Clerk's Office. All interested parties may attend and be heard.

Supervisor Tessmer read the notice of public then the proposed local law. He explained this moratorium will put a six month breather period to be able to put together regulations to protect all.

The floor was opened for comments for or against the proposed local law. Attorney Musacchio stated the six-month period can be extended to another six months if needed.

Supervisor Tessmer stated this time will give the town a chance to look at some other town codes. Karl Simmeth stated many towns have passed moratoriums.

With no other persons wishing to be heard the public hearing was closed.

**RESOLUTION # 175: CLOSE PUBLIC HEARING ON LOCAL LAW NO. 1 OF 2016 TO IMPOSE MORATORIUM ON COMMERCIAL SOLAR PROJECTS**

Motion made by Supervisor Tessmer and seconded by Councilman Stelley to close the Public Hearing on Local Law No. 1 of 2016 to impose a 6-month moratorium on commercial solar projects, at 7:43 PM.

ADOPTED	Aye	3	Martin, Stelley, Tessmer
	Nay	0	

**RESOLUTION # 176: ADOPT LOCAL LAW NO. 1 OF 2016 TO IMPOSE MORATORIUM ON COMMERCIAL SOLAR PROJECTS**

Motion made by Supervisor Tessmer and seconded by Councilman Stelley to adopt Local Law No. 1 of 2016 to impose a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the siting of commercial solar power projects in the Town of Collins for a period of six months from the effective date of this local law.

ADOPTED	Aye	3	Martin, Stelley, Tessmer
	Nay	0	

**Workshop Topics**

The Board has met with most department heads already and will meet with a few tonight. Jason Opferbeck will attend the meeting tomorrow afternoon at 2:00 pm. The Board discussed park projects and where they fit into the five-year plan.

Attorney Musacchio left the meeting at 7:48 pm. The Board discussed the recreation program budget with Director Samantha D'Amaro. Trips are to be budget neutral. The participants are to pay for the cost of the bussing. The Board will meet tomorrow on the water then the budget will be gone through and maybe get together the first of next week.

A call was received from an out-of-towner requesting to use the park pavilion. There is no fee structure in place for out-of-towners. The Board will come up with a policy. It is alright for this person to use the park at no charge. It was suggested to see the fee at \$25.00 with a \$50.00 deposit and a refund of \$25.00 if there are no damages. It was also suggested to charge a deposit for the LKP room rental when the key is picked up. We will need a good inspection system.

With no further business, on a motion of Councilman Martin seconded by Councilman Stelley the meeting was adjourned at 8:20 pm.

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Becky Jo Summers, Town Clerk