

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 11th day of October 2022.

Present: Kenneth Martin, Supervisor
Jacquelyn McLean, Councilman
Mary Stelley, Councilman
James Hotnich, Councilman
Becky Jo Summers, Town Clerk

Absent: Jane Sion, Councilman

Also Present: Erie County Legislator John Mills, David and Diane Gamel, Brenda Overhoff, Candee Termer,

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

Resolution # 166: **AGENDA APPROVAL**

Motion made by Supervisor Martin seconded by Councilman Sion to approve the agenda as presented.

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
Nay 0

Resolution # 167: **MINUTES APPROVAL**

Motion made by Councilman McLean seconded by Councilman Hotnich to approve the minutes of the September 12, 2022 meeting.

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
Nay 0

RESOLUTION # 168: **APPROVE BUDGET TRANSFER**

Motion made by Supervisor Martin and seconded by Councilman Hotnich to approve the following Budget Transfer for Budget Year 2022:

| | | |
|-------------------|----------------------------------|----------|
| Transferred From: | B7110.100 Parks – Personal | 1,000.00 |
| Transferred To: | B7110.110 Parks – Beautification | 1,000.00 |

| | | |
|-------------------|--|-----------|
| Transferred From: | DB5110.400 General Repairs - Contractual | 10,000.00 |
| Transferred To: | DB5110.410 General Repairs – Diesel | 10,000.00 |

| | | |
|-------------------|---------------------------------|--------|
| Transferred From: | SR9050.800 Unemployment | 100.00 |
| Transferred To: | SR9040.800 Workers Compensation | 100.00 |

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
Nay 0

Public Access

1. We have not heard anything from Omni regarding the solar project.

Guest - Erie County Legislator Honorable John Mills reported the county is flush with money and he is fighting to cut spending and will put money in the 2023 Budget for the library and town. The County is working on roads, bridges, drainage problems and quality of water issues. Mr. Mills has checked out our county roads and especially Jennings Road leading to Zoar Valley. He spoke about the new stadium deal and it will take four years to build it.

Reports of Department Heads and committees

Building and Grounds report was gone through by Supervisor Martin and MDA's summary report of the active projects.

Dog Control submitted his monthly report.

Highway Department report was read by Supervisor Martin: trucks are ready for plowing, the salt bin is full, a few trees were taken down and a few more still need to be removed, new signs are being put up, the cold storage building is going up and Erie County will pave Collins Center Zoar

Road down to the dip.

Parks – the swings are down and getting ready for winter.

Senior's program has a trip October 25th.

Town Clerk had sales in August of \$ 8,040.16 with the Town's portion \$ 4,054.73

Water department report was received from Gowanda. Councilman asks who will be cleaning out the fire hydrants.

Board Reports

Councilman McLean discussed WNY Law re Zombie properties, met with Samantha McMullen about the recreation program, attended the NEST meeting (as of January 1, 2023 we will no longer charge for electronics), attended the building and grounds committee, spoke with JLC on the phone system, worked on the budget, updated the website and reviewed vouchers.

Councilman Hotnich reviewed the vouchers.

Supervisor Martin reported we received a check from Southtowns Community Enhancement Coalition as the group has disbanded and attended the rural transit meeting.

Public Hearing # 1 – 7:30 pm on 2023 Community Development Block Grant (CDBG)

RESOLUTION # 169: **OPEN PUBLIC HEARING ON 2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE PROJECTS:**

Motion made by Supervisor Martin seconded by Councilman Hotnich to interrupt this Board Meeting to conduct a Public Hearing at 7:30 PM on 2023 Community Development Block Grant eligible projects as advertised and scheduled for this evening.

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
 Nay 0

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing on **October 11, 2022 at 7:30 pm** at the Collins Town Hall, 14093 Mill Street, regarding the use of Federal Community Development funds on 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 October 5, 2022 .

Supervisor Martin declared the public hearing open, read the notice of public hearing and gave an overview of the program, reported on the projects in the past that had been approved for the Town.

The floor was opened for comments or ideas. Suggestions from the audience were for bathrooms for the LKP Community Center, funding for the Rural Transit Service and to replace the lift at the town hall. For next year possibly the roof on the Painter Center.

After all persons were heard, Supervisor Martin declared the public hearing closed.

RESOLUTION # 170: **CLOSE PUBLIC HEARING ON 2023 COMMUNITY DEVELOPMENT BLOCK GRANT**

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(CDBG) ELIGIBLE PROJECTS:

Motion made by Councilman Hotnich and seconded by Councilman McLean to close the Public Hearing on 2023 Community Development Block Grant eligible projects at 7:42 PM.

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
 Nay 0

Board Reports, (cont'd)

Supervisor Martin submitted a grant application to the Erie County Agricultural Committee. Erie County has made up to \$75,000.00 in grants funds available to update municipal Codes and Comprehensive Plans to address large scale solar projects. The town has applied for \$16,000.00 in grant funds from Erie County

Old Business

1. Resolution needed to accept auditor report for 2021

RESOLUTION # 171: ACCEPT AUDITORS 2021 REPORT

Motion made by Councilman Hotnich and seconded by Councilman McLean that the following resolution is:

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
 Nay 0

WHEREAS, the Town has retained Drescher & Malecki, LLP to complete the annual financial audits, and

WHEREAS, Drescher & Malecki, LLP submitted their Financial Audit Report for 2021 and presented their findings to the Collins Town Board on September 12, 2022.

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, 2021 prepared by Drescher & Malecki, LLP.

2. RESOLUTION NEEDED TO ACCEPT TOWN JUSTICES AUDIT REPORT FOR 2021

RESOLUTION # 172: ACCEPT TOWN JUSTICE 2021 AUDIT REPORT

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

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
 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 Drescher & Malecki, LLP to audit the towns financial records, including those of the town justice.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board acknowledges that the records of Town Justices Brian Gernatt and Colleen Kinnaird have been audited and that the Town Board hereby accepts the audit report for the year 2021, as prepared by Drescher & Malecki, LLP.

New Business

1. Resolution needed to approve payment application #3 to Ehrhart Construction Services (contractor) for cold storage building project

RESOLUTION # 173: APPROVE PAYMENT APPLICATIONS NO. 3 TO EHRHART CONSTRUCTION SERVICES (CONTRACTOR) FOR THE COLD STORAGE PROJECT

Motion made by Councilman McLean and seconded by Councilman Hotnich that the following resolution is:

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
 Nay 0

WHEREAS, the contractor for the Cold Storage Building Project, Ehrhart Construction

Services, has submitted progress payment application No. 3, and

WHEREAS, MDA Consulting Engineers, PLLC have verified the quantities included in these payment applications.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves payment application No. 3 in the amount of \$141,550.00, pending receipt of Certified Payroll, and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

2. Resolution needed to amend the MDA Consulting Engineers PLLC professional services agreement for the cold storage building project

We are paying extra on fault of the contractor and ate the last increase.

RESOLUTION # 174: AMENDMENT OF MDA CONSULTING ENGINEERS, PLLC PROFESSIONAL SERVICES AGREEMENT FOR THE COLD STORAGE BUILDING PROJECT

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

ADOPTED Aye 3 McLean, Stelley, Martin
 Nay 1 Hotnich

WHEREAS, during the construction of the Cold Storage Building, there have been some developments that have required additional work on the part of MDA Consulting Engineers, PLLC, such as: Delay in initial mobilization by General Contractor, mistakes made by first site subcontractor (since replaced), questions about responsibility for third party testing and redesign of the grading plan to accommodate differences in as-built location of drainage structures and building elevations.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves Amendment No. 1 to the MDA Consulting Engineers, PLLC Professional Services Agreement for the Cold Storage Building Project which increases the amount for General Services during construction from \$6,500.00 to \$12,000.00 and the amount for construction observation from \$5,000.00 to \$10,000.00, and that the Collins Town Supervisor be authorized to sign Amendment No. 1.

Public Hearing # 2 – 8:00 PM – Proposed Local Law No 1 of 2022 “Establishing a Local Government Code Enforcement Program”

RESOLUTION # 175: MOVE TO SCHEDULED PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2022 FOR THE TOWN OF COLLINS

Motion made by Supervisor Martin and seconded by Councilman Hotnich to interrupt this Board meeting to conduct a Public Hearing on Proposed Local Law No. 1 of the Year 2022 for the Town of Collins as advertised and scheduled for this evening at 8:00 PM.

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
 Nay 0

**NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1
OF THE YEAR 2022 FOR THE TOWN OF COLLINS**

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 Tuesday, October 11, 2022, at 8:00 PM to consider the following:

Town of Collins Proposed Local Law No. 1-2022, provides for the administration and enforcement of the New York State Uniform Prevention and Building Code and the State Energy Conservation Construction Code in this Town.

Copies of the Proposed Local Law are available in the Collins Town Clerk's Office. All interested parties may attend and be heard.

The meeting room is wheelchair accessible. Those needing special arrangements should call the Town at 532-4887 ext. 101 by October 6, 2022.

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Supervisor Martin declared the public hearing open, read the notice of public hearing and

then opened the floor to discussion. This local law would modify the present town Code by adopting the changes which have been made to the NYS Uniform Prevention and Building Code and the State Energy Conservation Construction Code.

After all persons were heard, the public hearing was closed.

RESOLUTION #176: MOVE TO CLOSE PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2022 FOR THE TOWN OF COLLINS

Motion made by Councilman McLean and seconded by Supervisor Martin to close the Public Hearing on Proposed Local Law No. 1 of the Year 2022 for the Town of Collins at 8:12 PM.

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
 Nay 0

3. Resolution needed to approve change orders 1 and 2 to AM Masonry for the town hall chimney repair

RESOLUTION # 177: APPROVE CHANGE ORDERS NO. 1 AND NO. 2 WITH A.M. MASONRY FOR THE TOWN HALL CHIMNEY REPAIR

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

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
 Nay 0

WHEREAS, during the repair of the Collins Town Hall Chimney, while removing the stucco, additional damage to the chimney was revealed which was not visible to the contractor when quoting the project, and

WHEREAS, during the chimney reconstruction, extensive water damage to the roof decking, rafters and cricket around the chimney was revealed.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves Change Orders No. 1 and No. 2 with A.M. Masonry for the Town Hall Chimney Repair Project as follows: Change Order No. 1 to repair additional chimney damage exposed during repairs in the amount of \$4,200.00 and Change Order No. 2 to repair water damaged roof around the chimney in the amount of \$15,000.00.

4. Resolution needed to cancel the 2022 – 2023 winter recreation program

RESOLUTION # 178: CANCEL 2022 – 2023 WINTER RECREATION PROGRAM

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

ADOPTED Aye 3 McLean, Hotnich, Martin
 Nay 1 Stelley

WHEREAS, the Town of Collins offers a Winter Recreation Program and,

WHEREAS, the Town of Collins advertised for Youth Recreation Staff and,

WHEREAS, the response to the advertisement was not sufficient to be able to provide the necessary staff to safely provide the Winter Recreation Program.

NOW THEREFORE BE IT RESOLVED that the Town of Collins Town Board finds it necessary to cancel the 2022 - 2023 Winter Recreation Program.

5. Resolution needed to rank the 2023 Erie County Community Development Block Grant project requests

RESOLUTION # 179: RANK 2023 ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT REQUESTS:

Motion made by Supervisor Martin, seconded by Councilman Hotnich to authorize Kenneth E. Martin, Town Supervisor to sign, submit and execute a contract with Erie County Community

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Development Block Grant (ECCDBG) program for the following project, upon approval of ECCDBG:

- 3.

Nay 0

Motion made by Councilman Hotnich, seconded by Councilman McLean to adopt the 2023 Tentative Budget as the 2023 *Preliminary* Budget and set a public hearing to be held on Monday, November 7, 2022 at 7:00 pm

Nay 0

ANNUAL PRELIMINARY BUDGET

1. Town Councilman \$7,309.00 each per annum, or \$29,236.00 in total
2. Supervisor \$39,655.00 per annum base amount, and an additional \$1,500.00 to supervise the Water Department, making the total \$41,155.00 per annum
3. Town Clerk \$47,856.70 per annum
4. Superintendent of Highways \$63,691.99 base amount, and an additional \$2,000.00 to supervise the Parks and Transfer Station, making the total \$65,691.99 per annum

Nay 0

Conservation Construction Code", and that this Local Law shall take effect immediately upon filing with the Secretary of State.

Approval / Adoption of Abstract

Resolution # 182: **ABSTRACT APPROVAL**

Motion by Councilman McLean seconded by Councilman Hotnich that the bills be paid on abstract # 10 for 2022 dated October 11, 2022 for listed vouchers # 536 - 586 for \$ 204,866.66:

| | | | |
|----------------------|------------|---------------------|-----------------|
| General – Townwide | 38,339.56 | Special Refuse Fund | 1,118.68 |
| General Part Town | 1,022.14 | Water District # 1 | 2,632.40 |
| Highway | 13,280.54 | Water District # 3 | 609.75 |
| Highway Cold Storage | 143,598.53 | Water District # 4 | <u>3,466.52</u> |
| Special Lighting | 798.54 | Total | \$ 204,866.66 |

ADOPTED Aye 4 McLean, Hotnich, Stelley, Martin
 Nay 0

Discussion and Comments

1. Discussion in opposition to NYS actions restricting Second Amendment rights

With no further business, on a motion of Councilman Hotnich seconded by Councilman McLean the meeting was adjourned at 8:47 PM.

Becky Jo Summers, Town Clerk