

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 13<sup>th</sup> day of February 2023.

Present: Kenneth Martin, Supervisor  
Jacquelyn McLean, Councilman  
Jane Sion, Councilman

Becky Jo Summers, Town Clerk  
Chris Gerling Highway Superintendent  
James Musacchio, Attorney

Absent: Councilman James Hotnich, Councilman Mary Stelley

Also Present: David Gamel, Brenda Overhoff, Candee Termer

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

**RESOLUTION #81: AGENDA APPROVAL**

Motion made by Supervisor Martin and seconded by Councilman Sion that the agenda be accepted as modified.

ADOPTED Aye 3 McLean, Sion, Martin  
Nay 0

**RESOLUTION #82: MINUTES APPROVAL**

Motion made by Councilman McLean, seconded by Councilman Sion to approve the minutes of the January 3<sup>rd</sup> and 9<sup>th</sup> meetings.

ADOPTED Aye 3 McLean, Sion, Martin,  
Nay 0

Approval / Adoption of Abstract

**Resolution # 83: ABSTRACT APPROVAL**

Motion by Supervisor Martin seconded by Councilman Sion that the bills be paid on abstract #14 for 2022 dated January 13, 2023 for listed vouchers # 774 – 777 for \$ 5,438.62 and abstract # 2 for 2023 dated January 13, 2023 for listed vouchers # 5 - 81 for \$ 181,518.28:

# 14 of 2022

General – Townwide	1,247.56	Highway	3,906.00
General – Part Town	285.06	Total	\$ 5,438.62

# 2 of 2023

General – Townwide	85,825.90	Water District # 1	20,569.07
General – Part Town	1,591.98	Water District # 3	6,387.59
Highway	53,895.66	Water District #4	456.11
Special Lighting	982.17	Total	\$ 181,518.28
Special Refuse Fund	11,809.80		

ADOPTED Aye 3 McLean, Sion, Martin  
Nay 0

Reports of Department Heads and committees

Building and grounds report was gone through by Councilman Hotnich.

Dog Control submitted his monthly report for January.

Highway, Transfer Station and Parks reports were gone through by Chris Gerling, Highway Superintendent. The highway crew has plowed snow, hauled salt, will be chipping roads and is looking into getting new radios.

Liberty Fest will have a meeting March 15, 2023.

Town Clerk had sales in January of \$ 3,487.11 with the Town's portion \$ 3,447.11. Tax bills will be mailed out and collection will begin February 15<sup>th</sup>.

Water department report was handed out.

Board Reports

Councilman McLean attended the Liberty Fest, windmill and building and grounds meetings, reviewed the vouchers, spoke with Mark Brown, worked on the website, reviewed the vouchers and updated Facebook.

Councilman Sion attended the liberty fest meeting and reviewed the vouchers.

Supervisor Martin reported on the transfer station recycling and the auditors will be here the week of March 3rd

New Business

1. Resolution needed to declare Town Court miscellaneous office equipment as surplus

**RESOLUTION # 84: DECLARE TOWN COURT MISCELLANEOUS OFFICE EQUIPMENT AS SURPLUS**

Motion made by Supervisor Martin, seconded by Councilman Sion, to declare the following computer/office equipment as surplus and that it be disposed of as scrap with all computers hard drives being removed and destroyed. The Office of Court Administration (OCA) has supplied written approval to destroy their equipment listed below.

ADOPTED           Aye    3    McLean, Sion, Martin  
                          Nay    0

**TOWN COURT SURPLUS OFFICE EQUIPMENT**

<b>Office of Court Administration Owned</b>
Fax Machine – HP 3180 – Serial # CN082BN13N; Asset Tag # DT0017285
Brother Fax 575 – Serial # U61227K6W659788
Dell Monitor 1708FP – Serial # CN0XYF7K7287204Q0UMSAO; Asset # T0002618
Dell CPU USC02D0T0080355: Asset Tag # T0008002 GJQTCZ1
Dell CPU USC02D0T0080335: Asset Tag # T0008025 GJXSCZ1
<b>Town of Collins Owned</b>
Fellows Shredder – C – 120C; Serial # Unknown
HP Printer – CE459A; Serial # CNB9034720

2. Resolution needed to maintain a second Clerk to the town Justice position as a part-time on-call clerk – Justice Kinnaird is looking for a second clerk for approximately 10 hours a week that would be able to keep up on what is going on at court.

**RESOLUTION # 85: MAINTAIN A SECOND “CLERK TO THE TOWN JUSTICE” POSITION AS A PART-TIME CLERK**

Motion made by Supervisor Martin seconded by Councilman Sion that the Collins Town Board hereby approves the retention of Dianna Evans as a Part-Time Court Clerk for the Town of Collins.

ADOPTED           Aye    3    McLean, Sion, Martin  
                          Nay    0

3. Resolution needed to approve an ad for an additional court officer

**RESOLUTION # 86: APPROVE AD FOR ADDITIONAL COURT OFFICER(S)**

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

ADOPTED           Aye    3    McLean, Sion, Martin  
                          Nay    0

WHEREAS, due to recent resignations and retirements, the Town has only three court officers, and

WHEREAS, the Collins Court wishes to maintain a pool of court officers from which to schedule three officers at each court session.

NOW, THEREFORE BE IT RESOLVED that the Collins Town Board approve the placement of

the following advertisement in the Gowanda/Lakeshore PennySaver & News, Springville PennySaver and the Eden-North Collins PennySaver the week of February 25, 2023, for the purpose of identifying candidates for Town Constable position(s):

Position Available: Town of Collins Part-Time Town Constable / Court Officer

If applicant is a retired Officer, must comply with HR 218.  
Active officer must complete annual firearms course recognized by their department.  
Knowledge and yearly review of Penal Law Article 35  
APPLICATIONS AVAILABLE AT THE TOWN CLERKS OFFICE OR ON THE TOWN WEB SITE AT:  
[www.townofcollins.com](http://www.townofcollins.com)  
ALL APPLICATIONS MUST BE RECEIVED BY MARCH 10, 2023, AT 4:00 PM

4. Discussion on employee picture ID badges - Judge Kinnaird has received information on picture ID badges and will get pricing.

5. Resolution needed to set the date for the 2023 Liberty Fest

**RESOLUTION # 87: SET DATE FOR 2023 LIBERTY FEST**

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

ADOPTED           Aye    3    McLean, Sion, Martin  
                      Nay    0

WHEREAS, the Town of Collins wishes to promote sociability among the Town residents, and  
WHEREAS, since 2011 the Town has sponsored the Liberty Fest, which has been well-received by the community, and

WHEREAS, the Town wishes to again provide the residents with a similar opportunity to enjoy this event and has budgeted \$7,500.00 of unreimbursed Town funds for it, and

WHEREAS, the Liberty Fest Committee met on January 18, 2023 to recommend Saturday, July 8, 2023 from 5-10:30 PM for the Liberty Fest celebration with a rain date of Sunday, July 9, 2023 for fireworks only.

NOW THEREFORE BE IT RESOLVED that the Town of Collins 2023 Liberty Fest will be held on Saturday, July 8, 2023 from 5-10:30 PM with a rain date of Sunday, July 9, 2023 with Fireworks only at 9:45 pm.

6. Resolution needed to approve an ad for summer beautification personnel.

**RESOLUTION # 88: APPROVE AD FOR SUMMER BEAUTIFICATION PERSONNEL**

Motion by Supervisor Martin, and seconded by Councilman McLean to approve placing the following ad in the Gowanda/Lakeshore Pennysaver and News and the Springville Pennysaver for the February 25, 2023 and March 4, 2023 issues, as follows:

**SUMMER POSITIONS:**

The Town of Collins is accepting application for  
Seasonal Beautification Laborers.

Positions are open to those 18 years and over.

Applications are available Monday – Friday at the  
Collins Town Hall, 14093 Mill Street, Collins, NY or on the  
Town's Website ([www.townofcollins.com](http://www.townofcollins.com)).

Application deadline March 8, 2023, 4:00 PM at the Town Clerk's Office

Preference given to Town of Collins Residents.

ADOPTED           Aye    3    McLean, Sion, Martin  
                      Nay    0

7. Resolution needed to approve the agreement to spend highway funds per § 284 of the Highway Law

**RESOLUTION # 89: APPROVE AGREEMENT TO SPEND HIGHWAY FUNDS PER §284 OF THE HIGHWAY LAW**

Motion made by Councilman McLean and seconded by Councilman Sion that the Town Board hereby approves entering into an agreement with Collins Highway Superintendent Chris Gerling for 2023 to spend Town Highway Funds, per §284 of the Highway Law, as read, and authorize the Town Board members to sign the agreement.

ADOPTED           Aye    3    McLean, Sion, Martin  
                      Nay    0

8. Resolution needed to approve the Town of Collins – County of Erie Intermunicipal agreement to

use Erie County funding to update the Town's Comprehensive Plan and Solar Law

**RESOLUTION # 90: APPROVE THE TOWN OF COLLINS – COUNTY OF ERIE INTERMUNICIPAL AGREEMENT TO USE ERIE COUNTY FUNDING TO UPDATE THE TOWN'S COMPREHENSIVE PLAN AND SOLAR LAW**

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

ADOPTED           Aye    3     McLean, Sion, Martin  
                          Nay    0

WHEREAS, the Town of Collins applied for, and is approved to receive, a \$16,000 grant from Erie County to help fund a minor update to the Town's Comprehensive Plan to address the potential impacts of large-scale solar projects, to update the Town's current Solar Law and to develop a Battery Energy Storage System Law for the Town.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves entering into the Intermunicipal Agreement with Erie County whereby the Town will receive \$16,000 in grant funds to be used for an update to the Town's Comprehensive Plan and Solar Law and to develop a Battery Energy Storage System Law for the Town; and that the Town Supervisor be authorized to sign such Intermunicipal Agreement.

9. Resolution needed to approve the Wendel Proposal to assist with the Town's comprehensive plan and solar law update

**RESOLUTION # 91: APPROVE THE WENDEL PROPOSAL TO ASSIST WITH THE TOWN'S COMPREHENSIVE PLAN AND SOLAR LAW UPDATE**

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

ADOPTED           Aye    3     McLean, Sion, Martin  
                          Nay    0

WHEREAS, the Town of Collins desires to update its Comprehensive Plan and Solar Law to address the potential impacts of large-scale solar projects on the Town, and

WHEREAS, the Town of Collins solicited a proposal from Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, P.C. (Wendel) to be the consultants on this project.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves the Professional Services Contract with Wendel to provide consultant services for the Town's Comprehensive Plan and Solar Law Update Project at a cost of \$16,000 and that the Town Supervisor be authorized to sign the contract.

10. Resolution needed to modify Resolution # 31 and # 54 of 2023 adopted on January 3, 2023

**RESOLUTION # 92: MODIFY RESOLUTIONS #31 AND #54 OF 2023 ADOPTED ON JANUARY 3, 2023**

Motion made by Supervisor Martin seconded by Councilman McLean to modify Organizational Meeting Resolutions #31 and #54 of 2023, Adopted on January 3, 2023 to read as follows:

#31 – Setting the salary of the experienced Highway Department Workers (Motor Equipment Operators) as follows: Bryan Bylbie at \$22.87 per hour until February 13, 2023 when he shall receive a step increase to \$23.46 per hour; Mark Hobson at \$26.37 per hour; F. Howard Lamb at \$24.62 per hour until November 6, 2023 when he shall receive a step increase to \$25.21 per hour and Mark Mangano at \$26.37 per hour.

#54 – Setting the salary of F. Howard Lamb, Park Crew Chief, at \$24.62 per hour until November 6, 2023 when he shall receive a step increase to \$25.21 per hour.

To be Effective January 1, 2023

ADOPTED           Aye    3     McLean, Sion, Martin  
                          Nay    0

11. Discussion ensued regarding the water maintenance agreements with the Village of Gowanda.

12. Discussion regarding a local law providing for real property tax exemption to volunteer fire fighters and ambulance workers. The Town would have to adopt a local law giving a percentage off or a \$ 200.00 credit off their income tax.

13. Resolution needed to approve Town of Collins Fire Protection District #1 for this contract with the Village of Gowanda

**RESOLUTION # 93: APPROVE TOWN OF COLLINS FIRE PROTECTION DISTRICT No. 1 CONTRACT WITH VILLAGE OF GOWANDA**

Motion made by Councilman McLean and seconded by Councilman Sion to approve the Town of Collins Fire Protection District No. 1 Contract with the Village of Gowanda for the years 2024, 2025 and 2026.

ADOPTED            Aye    3    McLean, Sion, Martin

With no further business, on a motion of Councilman Sion seconded by Councilman McLean the meeting was adjourned at 8:36 PM.

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Becky Jo Summers