

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 June 2022.

Present: Kenneth Martin, Supervisor                      Becky Jo Summers, Town Clerk  
Jacquelyn McLean, Councilman                      James Musacchio, Attorney (7:15P)  
James Hotnich, Councilman

Absent: Jane Sion, Councilman, Mary Stelley, Councilman

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

Resolution # 117: **AGENDA APPROVAL**

Motion made by Supervisor Martin seconded by Councilman Hotnick to approve the agenda as amended.

ADOPTED      Aye   3   McLean, Hotnich, Martin  
                     Nay   0

Resolution # 118: **MINUTES APPROVAL**

Motion made by Supervisor Martin seconded by Councilman McLean to approve the minutes of the May 9, 2022 meeting.

ADOPTED      Aye   3   McLean, Hotnich, Martin,  
                     Nay   0

## Resolution needed to modify Town of Collins Highway DB Fund

**RESOLUTION # 119: MODIFY TOWN OF COLLINS HIGHWAY DB FUND 2022 BUDGET TO INCLUDE 'PAVE OUR POTHOLES' (POP) PROGRAM FUNDING**

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

ADOPTED      Aye    3    McLean, Hotnich, Martin  
                     Nay    0

WHEREAS, on May 11, 2022 the Town of Collins was notified that it would be receiving \$15,131.50 in POP Program Funding from New York State, and

WHEREAS, the Collins Town Board wishes to modify the 2022 Town Budget to include this new program funding in order to make it available to the Town Highway Department for expenditure.

NOW LET IT BE RESOLVED that the Collins town Board hereby approves addition of the following budget lines to the 2022 Collins Town Budget:

## Appropriations

DB5112.250 Pave Our Potholes (POP)	\$15,131.50
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## Revenues

DB3505 Pave Our Potholes (POP)	\$15,131.50
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ADOPTED      Aye    3    McLean, Hotnich, Martin,  
                 Nay    0

## Reports of Department Heads and committees

Building and Grounds committee submitted their minutes .

Dog Control submitted his monthly report.

Highway, Transfer Station and Parks report was read by Supervisor Martin.

Liberty Fest committee reported the banners are up.

Projects engineer submitted reports on all projects.

Senior's program – some programs are going to increase their fees.

Town Clerk had sales in May of \$ 7,126.23 with the Town's portion \$ 6,890.20. We will continue to collect taxes until June 30<sup>th</sup>.

Water department report was read.

Zoning Board of Appeals – Chris Jeanniton REMOVED HIS application for a sign.

### Board Reports

Councilman McLean attended the prison advisory meeting, the zombie meeting, the memorial service at the Collins Center Cemetery, met with Howie Lamb, updated the website and reviewed vouchers.

Councilman Hotnich attended the prison advisory meeting, the building and grounds meeting and reviewed the vouchers.

Supervisor Martin attended the prison advisory meeting, the zombie meeting, the memorial service at the Collins Center Cemetery, reported our new equalization rate is 42%. Old paint cans can be taken to the Sherwin Williams store in Hamburg. The audit of 2021 will be ready for the July meeting.

### Old Business

1. Resolution needed to establish the compensation for the Board of Assessment Review Secretary  
RESOLUTION # 120: **ESTABLISH COMPENSATION FOR BOARD OF ASSESSMENT REVIEW SECRETARY**

Motion by Councilman Hotnich, seconded by Supervisor Martin that the Collins Town Board hereby Establishes Compensation for the Board of Assessment Review Secretary for 2022 at \$200.00.

ADOPTED	Aye	3	McLean, Hotnich, Martin
	Nay	0	

### New Business

1. Resolution needed to establish a highway driveway permit application fee

RESOLUTION # 121: **ESTABLISH TOWN OF COLLINS HIGHWAY DRIVEWAY PERMIT APPLICATION FEE**

Motion by Councilman Hotnich, seconded by Councilman McLean that the Collins Town Board, per §260-9 Driveway Permits of the Town of Collins Code, hereby sets the Driveway Permit Application Fee at \$50.00.

2. Resolution needed to amend resolution #70 of 2022 – agreement to spend highway funds

RESOLUTION # 122: **APPROVE AMENDING RESOLUTION #70 OF 2022 - AGREEMENT TO SPEND HIGHWAY FUNDS PER §284 OF THE HIGHWAY LAWS**

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

ADOPTED	Aye	3	McLean, Hotnich, Martin
	Nay	0	

WHEREAS, in Resolution #70 of 2022 the Collins Town Board approved entering into a spending agreement with Highway Superintendent Chris Gerling per §284 of the Highway Law, and

WHEREAS, since the signing of that spending agreement, the Town of Collins has been notified that it will be receiving an additional \$70,240.57 in State Touring Route Program Funds and \$15,131.50 in Pave Our Potholes Program Funding to use on Town roads in Collins.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves entering into an amended agreement with Highway Superintendent Chris Gerling for 2022 to spend Town Highway Funds, per §284 of the Highway Law, as read, and authorize the Town Board members to sign the agreement.

3. Approve support of Erie County Clerk's Zombie Properties Initiative and 'Stay In Your Home' campaign

RESOLUTION # 123: **APPROVE SUPPORT OF THE ERIE COUNTY CLERKS' ZOMBIE PROPERTIES INITIATIVE AND 'STAY IN YOUR HOME' CAMPAIGN**

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

ADOPTED	Aye	3	McLean, Hotnich, Martin
	Nay	0	

WHEREAS, a "Zombie Foreclosure" occurs when a homeowner vacates their property after a mortgage default and threat of foreclosure, with the home becoming a "Zombie" because the bank has not completed the foreclosure process; and

WHEREAS, the longer a property remains in the foreclosure process, the more often neighboring homeowners will struggle with a multitude of issues, such as an unattended home becoming a danger to children, a potential place for vagrants and squatters to move in without fear of eviction, as well as unkept landscaping leading to an increase in unwanted wildlife during the summer months and obstructed sidewalks during the winter months; and

WHEREAS, vacant homes diminish the value of surrounding properties, sometimes significantly lowering the sale price of an entire street, and blighted properties may result in demolition; and

WHEREAS, diminished property values present budgetary and property tax revenue challenges for town, village and cities in Erie County; and

WHEREAS, the Erie County Clerk, Michael P. Kearns, and the Western New York Law Center (the "Law Center") for over a decade have been undertaking various efforts and initiatives to combat the impacts that Zombie Foreclosures have on neighborhoods in Erie County; and

WHEREAS, the New York State Legislature passed the 216 Zombie Property and Foreclosure Prevention Law (the "Zombie Foreclosure Law"), which in part amends New York Real Property Actions and Proceedings Law ("RPAPL") Section 1308 to require holders of first lien mortgages, or their servicing agents, to secure and maintain vacant one-to-four family properties; and

Whereas, the Law provides the following tools in the fight against Zombies: banks or servicers that fail to maintain properties can face potential penalties of up to \$500 per day per property; creation of an expedited foreclosure process; and, RPAPL Section 1310's establishment of a statewide database of abandoned properties to be maintained by the New York State Department of Financial Services; and

WHEREAS, the Erie County Legislature has provided the Erie County Clerk, Michael P. Kears, and the Western New York Law Center with effective resources to: deliver technical assistance to County municipalities; engage the community to persuade lenders to complete the foreclosure process and perform regular property maintenance; and enforce the Zombie foreclosure Law; and

WHEREAS, in September of 2019, Erie County Clerk, Michael P. Kearns, announced the creation of the Erie County Clerk's ZOMBIES Initiative (Zero tolerance; Open lines of communication; Municipal participation; Band accountability; Investment in neighborhoods; Engage and educate communities; Solutions) to provide additional resources to Erie County municipalities and communities facing Zombie Foreclosures; and

WHEREAS, the emergence of the COVID-19 pandemic and its widespread financial impacts caused the statewide default on mortgages to soar to 11.8% at the height of the pandemic, and recent numbers from October 2021 showed that 7>4% of all homeowners in New York State were behind on their mortgage payments; and

WHEREAS, in February of 2021, the Erie County Clerk and members of the Erie County Zombie Foreclosure Task Force created the "Stay in Your Home Campaign" to introduce effective strategies to combat foreclosures caused by the COVID-19 pandemic, and

WHEREAS, ever changing state and federal regulations have temporarily staved off a surge in foreclosures but it is anticipated that foreclosures will sharply increase once these measures end; and

WHEREAS, hundreds of homes in Erie County are currently considered "Zombies", stuck in foreclosure limbo and a drastic increase in the number of foreclosures will escalate the possibility of more Zombie properties; and

WHEREAS, the Erie County Clerk's ZOMBIES initiative has resolved issues with dozens of Zombies in Erie County; and

WHEREAS, the County of Erie is New York State's leader in combatting Zombies; and

WHEREAS, tackling the problem of Zombies in Erie County requires effective communication and cooperation to ensure properties are appropriately targeted and municipalities have potent and practical resources to protect their communities.

NOW, THEREFORE BE IT

**REGULAR MEETING**

**TOWN OF COLLINS**

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RESOLVED, that the Town of Collins supports the Erie County Clerk's ZOMBIES Initiative and

the Stay in Your Home Campaign; and be it further

RESOLVED, that the Town of Collins hereby pledges to avail itself of the technical assistance available from the ZOMBIES Initiative to develop a strategy to address and prevent Zombies; and be it further

RESOLVED, that the Town of Collins encourages community engagement to report Zombies; and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of the resolution to Erie County Clerk, Michael P. Kearns.

4. Resolution needed to approve Jameson Roofing, Inc.'s quote to repair the LKP Community Center roof

RESOLUTION # 124: **APPROVE JAMESON ROOFING, INC. QUOTE TO REPAIR LKP COMMUNITY CENTER ROOF**

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

ADOPTED            Aye    3    McLean, Hotnich, Martin  
                              Nay    0

WHEREAS, the Roof on the original section of the LKP Community Center is in need of repairs, as the wall flashing is falling away from the sidewalls and causing leaks in the upper classrooms, and

WHEREAS, the Town of Collins has solicited quotes for repair of the roof from Jameson Roofing, Inc., Murray Roofing and Sahlem's Roofing; and received only one quote, that of Jameson Roofing, Inc.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby contracts with Jameson Roofing, Inc., 106 Evans Street, Hamburg, NY 14075, to repair the roof of the LKP Community Center by pulling the falling wall flashing back into place, installing metal termination bar fasteners into wall to secure flashing and installing SP1 caulk at the top of termination bar at a cost of \$8,300.00, and that the Collins Supervisor be authorized to sign the contract.

5. Resolution needed to submit the question of abolishing one elected Town Justice position at the next biennial Town election.

RESOLUTION # 125: **SUBMITTING QUESTION OF ABOLISHMENT OF ONE ELECTED TOWN JUSTICE TO VOTERS AT BIENNIAL TOWN ELECTION**

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

ADOPTED            Aye    3    McLean, Hotnich, Martin  
                              Nay    0

WHEREAS, the Town of Collins currently has two elected Town Justices; and

WHEREAS, the Town Board has determined that it would be in the best interests of the Town of Collins to reduce the number of Town Justices to one; and

WHEREAS, the term of office of one of the elected Town Justices will expire on December 31, 2022.

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of New York Town Law Section 60-a(2), the Town of Collins hereby reduces to one, the number of Town Justices for the Town of Collins, with the Town Justice position having an elected term of office expiring on December 31, 2022, being eliminated.

BE IT FURTHER RESOLVED that this Resolution shall be subject to permissive referendum as provided by New York State Town Law Article 7, Section 90 through Section 94.

BE IT FURTHER RESOLVED, the Town Clerk is hereby authorized and directed to publish notice of this Resolution in the official newspaper of the Town within ten (10) days, and also within ten (10) days post on the signboard of the Town.

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**TOWN OF COLLINS**

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BE IT FURTHER RESOLVED that this resolution shall take effect on the thirtieth day, or upon such resolution having been approved by an affirmative vote of a majority of qualified electors of

such town, if a valid petition be filed within the statutorily authorized time period forcing such question on the ballot at a general or special town election.

The resolution as stated above is hereby adopted by a majority vote of the Town of Collins Town Board at an official meeting held on the 13<sup>TH</sup> day of June, in the year 2022, the ayes and nays taken and recorded below:

Aye	Ken Martin, Supervisor
Aye	Jackie McLean, Deputy Supervisor
Aye	Jim Hotnich, Councilman
Absent	Mary A. Stelley, Councilman
Absent	Jane Sion, Councilman

CERTIFIED: Becky Jo Summers

Becky Jo Summers, Town Clerk Town of Collins

The Supervisor declared that the foregoing Resolution was duly carried, and further directed to the Town Clerk of the Town of Collins to, within 10 days, post on the signboard of the Town, a copy of this Resolution, and also within 10 days, to publish a copy of this Resolution in the newspaper designated by the Town for such publication.

6. Resolution needed to approve payment application No. 4 to KTG Services LLC for town park improvements

**RESOLUTION # 126: APPROVE PAYMENT APPLICATION NO. 4 TO KTG SERVICES LLC (CONTRACTOR) FOR THE TOWN PARK IMPROVEMENTS PROJECT**

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

ADOPTED	Aye	3	McLean, Hotnich, Martin
	Nay	0	

WHEREAS, the contractor for the Town Park Improvements Project, KTG Services LLC, has submitted progress payment application No. 4, and

WHEREAS, MDA Consulting Engineers, PLLC have verified the quantities included in this payment application.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves payment application No. 4 in the amount of \$17,760.25, pending receipt of Certified Payroll, and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

6. Discussion on approving professional services agreement with MDA Consulting Engineers for the transfer station improvements project. The Town Board deferred taking action on the proposed service agreement, as the proposal was just received at 4:00 pm today, June 13, 2022.

7. Resolution needed to enter into Executive Session

**RESOLUTION #127: ENTER INTO EXECUTIVE SESSION**

Motion made by Supervisor Martin and seconded by Councilman McLean to interrupt this meeting to enter into an Executive Session to discuss matters relating to the employment of a particular person at 8:56 PM.

ADOPTED	Aye	3	McLean, Hotnich, Martin
	Nay	0	

**REGULAR MEETING**

**TOWN OF COLLINS**

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6. Resolution needed to return to regular session

**RESOLUTION # 128: RETURN TO REGULAR SESSION**

Motion made by Councilman Sion and seconded by Councilman Hotnich to return to regular session at 9:11 PM.

ADOPTED            Aye    5    McLean, Hotnich, Martin  
                         Nay    0

**RESOLUTION # 129: APPROVE COMPLETION OF PROBATIONAL PERIOD AND PAYRATE INCREASE FOR HIGHWAY DEPARTMENT NEWEST EMPLOYEE**

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

ADOPTED            Aye    3    McLean, Hotnich, Martin  
                         Nay    0

WHEREAS, Town Highway Department MEO Bryan Bylbie was hired on February 13, 2022, and has spent seventeen (17) weeks on probationary status, and

WHEREAS, Collins Highway Superintendent Christian Gerling has evaluated Mr Bylbie's performance and is recommending that he be removed from probationary status and that he be given some credit toward a pay increase based on his previous ten (10) years of highway experience with the Village of Gowanda.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby agrees that Bryan Bylbie's probationary period has been completed and that the Town Board award Mr Bylbie one year(s) of service credit based on his years of experience with the Village of Gowanda, and that his pay be increased from \$21.29 per hour to \$21.87 per hour effective June 19, 2022.

**Resolution # 130: ABSTRACT APPROVAL**

Motion by Councilman Hotnich seconded by Councilman McLean that the bills be paid on abstract # 6 for 2022 dated June 13, 2022 for listed vouchers # 278 - 352 for \$ 120,262.02:

General – Townwide	26,540.91	Special Refuse Fund	3,897.45
General Part Town	3,496.02	Water District # 1	2,462.43
Highway	63,034.78	Water District # 3	965.93
Highway Cold Storage	1,411.28	Water District # 4	14.75
Park Improvements	17,760.25	Total	\$ 120,262.02
Special Lighting	678.22		

ADOPTED            Aye    3    McLean, Hotnich, Martin  
                         Nay    0

**New Topics**

1. Town summers recreation program fees – keep them the same as last year.
2. Update local code enforcement program - needs to be updated by the end of the year. Set a meeting in two weeks to go over.

**Resolution # 131: SET MEETING ON JUNE 27, 2022 AT 7:00 pm**

Motion by Supervisor Martin seconded by Councilman Hotnich to set a meeting on June 27<sup>th</sup> at 7:00 PM to go over the code enforcement program and to review the proposed professional services agreement with MDA Consulting Engineers, PLLC for the Transfer Station Improvements Project.

ADOPTED            Aye    3    McLean, Hotnich, Martin  
                         Nay    0

With no further business, on a motion of Supervisor Martin seconded by Councilman Hotnich the meeting was adjourned at 9:27 PM.

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Becky Jo Summers, Town Clerk