

An Organizational 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 3<sup>rd</sup> day of January 2022.

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

Absent: Mary Stelley, Councilman James Musacchio, Attorney

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

**RESOLUTION # 1 – 62: ADOPT THE 2022 ORGANIZATIONAL RESOLUTIONS**

Motion made by Councilman Hotnich, seconded by Councilman Sion to adopt the following Organizational Resolutions # 1 – 62 for 2022 as presented:

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

1. That a Bond in the amount of not less than \$100,000.00 be obtained as a blanket undertaking for all Town employees; excepting: the Justices to have not less than \$200,000.00 each, the positions of Town Clerk/Tax Collector, Supervisor and Deputy Town Clerk to have not less than \$250,000.00 each.
2. That the Town Clerk retains the amount of \$ 250.00 Petty Cash Fund.
3. That the two Town Justices retain the amount of \$ 50.00 each Petty Cash Fund.
4. That the Town Recreation Program retains the amount of \$ 225.00 Petty Cash Fund.
5. That the Town Senior Recreation Program retains the amount of \$ 200.00 Petty Cash Fund.
6. That the Sales Tax received from Erie County be retained and applied to reduce the Real Estate Taxes to be collected by the Town.
7. Designating the official banks of the Town of Collins as Community Bank, N.A., M & T Bank and Cattaraugus County Bank.
8. Establishing the time of the Collins Town Board Meetings as the second Monday of the month at 7:00 PM. All meetings will be held in the Collins Town Hall, and when the meeting date falls on a legal holiday, it shall be held on the following business day.
9. Authorizing the Superintendent of Highways to rent equipment at rates not to exceed NY State rates.
10. Setting the mileage rate expense incurred while on Town business at 50 cents per mile.
11. Authorizing the Supervisor to invest Town Funds not immediately needed in Time Open Accounts (Certificates of Deposit) and in Interest-Bearing Accounts pursuant to the Town's Investment Policy.
12. Authorizing the Supervisor to attend meetings and schools pertaining to the Office of Supervisor with expenses paid.
13. Authorizing the Town Clerk to attend meetings and schools pertaining to the Office of Town Clerk, Office of Tax Collector and the Office of Registrar of Vital Statistics with expenses paid.

14. Authorizing the Highway Superintendent to attend meetings and schools pertaining to the Office of Highway Superintendent with expenses paid.
15. Authorizing the Assessor to attend training programs pertaining to the Office of Assessor and to reimburse the Town of Evans for such training up to \$ 750.00 for 2022.
16. Designating the Dunkirk Observer as the Town's official paper and the Gowanda / Lakeshore Penny Saver and News and Springville Pennysaver as secondary publications.
17. Setting the salary of the elected Town Supervisor at \$ 38,500.00 annually plus an additional amount of \$1,500.00 to oversee the water department; totaling \$ 40,000.00.
18. That the appointed Deputy Supervisor serves at no additional salary.
19. Setting the salary of the four (4) elected Town Councilmen at \$ 7,096.12 each annually.
20. Setting the salaries of the three Assessment Board of Review members at \$ 332.34 each annually and appointing Helen Zimmerman to the Assessment Board of Review for a five (5) year term to expire September 30, 2026.
21. Appointing James Musacchio as Attorney for the Town for a two-year term to expire December 31, 2023 and setting the salary at \$ 13,577.40 annually.
22. Appointing Ronald Paluch as Town Emergency Manager and Anthony Paluch as Assistant Emergency Manager for 2022 at no salary.
23. Setting the salary of the Code Enforcement Officer at \$ 9,596.45 annually, and the Assistant Code Enforcement Officer at \$ 6,592.68 annually.
24. Setting the salary of the elected Town Clerk at \$ 46,462.82 annually.
25. Setting the salary of the two (2) appointed Deputy Town Clerks at \$ 16.10 per hour each.
26. Setting the salary of the Dog Control Officer at \$ 5,913.45 annually.
27. Authorizing the Highway Superintendent to supervise the transfer station and the parks department employees of the Town of Collins with the authority to schedule workers in those departments.
28. Setting the base salary of the elected Town Superintendent of Highways at \$ 61,836.88 annually, plus an additional amount of \$ 2,000.00 for overseeing the transfer station and the parks department; totaling \$ 63,836.88.
29. Setting the salary of the experienced Highway Department workers (Motor Equipment Operators) as follows: Nicholas Gernatt at \$ 25.87 per hour, Mark Hobson at \$ 25.37 per hour, Mark Mangano at \$24.79 per hour until October 20, 2022 when he shall receive a step increase to \$ 25.39 per hour and F. Howard Lamb at \$ 23.04 per hour until November 6, 2022 when he will receive a step increase to \$ 23.62 per hour.
30. Setting the salary of the Highway Department Automotive Mechanic at \$ 27.97 per hour.
31. That the appointed Deputy Highway Superintendent serves at an additional \$ 1,000.00 annually.
32. Authorizing that all employees of the Highway Department, of the Transfer Station, of the

Summer Beautification Program and the park Crew Chief be given up to a maximum of \$ 150.00 for safety apparel allowance.

33. That the Highway Department Laborers be paid \$18.10 per hour (if not experienced, \$13.20 per hour for the first six months).

34. Setting the salary of the Town Historian at \$ 236.53 annually

35. Setting the salary of the two Town Justices at \$ 18,314.46 annually .

36. Setting the salary of the two (2) Court Clerks at \$ 14,899.32 each annually.

37. Setting the salary of the six (6) Constable positions at \$ 16.10 per hour.

38. Setting the salary of the Caretaker at \$ 16.10 per hour.

39. Setting the salary of the Maintenance Supervisor (Buildings & Grounds) at \$ 20.70 per hour.

40. Setting the salary of the five (5) Town of Collins Planning Board Members at \$ 928.41 each annually.

41. Appointing John Bentley to the Planning Board for a five-year term to expire December 31, 2026.

42. Setting the salary of the Chairman of the Planning Board at an additional \$ 600.00 annually.

43. Setting the salary of the Secretary of the Planning Board at \$ 29.58 per meeting.

44. Appointing James Musacchio as Town Prosecutor for a two-year term to expire December 31, 2023 and setting the salary at \$ 5,913.45 annually.

45. Setting the salary of the Registrar of Vital Statistics at \$ 655.64 annually.

46. Appointing the two Deputy Town Clerks as Deputy Registrars of Vital Statistics at no salary.

47. Setting the salary of the Seniors Program Coordinator at \$ 18.56 per hour.

48. Setting the salary of the Seniors Program Assistant at \$ 15.41 per hour.

49. Setting the salary of the Director of Recreation II (PT) at \$ 18.56 per hour, for the Summer and Winter Recreation programs.

50. Setting the salary of the Recreation Supervisor (PT) at \$ 15.41 per hour for the Summer and Winter Recreation programs.

51. Setting the salary of the Summer Beautification workers at \$ 15.20 per hour; and the Summer Recreation and Winter Youth Center workers at \$ 13.20 per hour.

52. Setting the salary of F. Howard Lamb, Park Crew Chief at \$ 23.04 until November 6, 2022 when he shall receive a step increase to \$ 23.62 per hour.

53. Setting the salary of the Transfer Station Attendants at \$ 16.10 per hour.

54. Setting the salary of the five (5) members of the Zoning Board of Appeals at \$ 136.01 each annually.

55. Appointing Robert Hummel to the Zoning Board of Appeals for a five (5) year term to expire December 31, 2026.
56. Appointing Helga Ciminesi, Barbara Ferro and one vacant position as Trustees for the Town of Collins Public Library for a five (5) year term to expire December 31, 2026.
57. That the Tax Collector collect a \$ 1.00 surcharge for delinquent taxes for 2022 and \$ 1.00 for copies of tax bills.
58. Appointing the Town Clerk as the ADA Coordinator, Affirmative Action Officer and Bingo Inspector at no additional salary.
59. To adopt the Town Employee Salary schedule for full-time employees.
60. To adopt the Town Investment Policy.
61. To adopt the Town Procurement Policy.
62. To adopt the Town Rules of Procedure.

FOR THE TOWN OF COLLINS, N.Y.  
Resolution No. 2022 - 60

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are in priority order:

- \* to conform with all applicable federal, state and other legal requirements (legal);
- \* to adequately safeguard principal (safety);
- \* to provide sufficient liquidity to meet all operating requirements (liquidity); and
- \* to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Town Supervisor who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Collins to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Town of Collins to diversify its deposits and investments by financial institution, by investment instrument and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the Town of Collins for all moneys collected by any officer or employee of the government to transfer those funds to the (chief fiscal officer) within seven (7) days of deposit, or within the time period specified in law; whichever is shorter.

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The Town Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are

safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

#### VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of money up to the maximum accounts are:

Community Bank NA, Gowanda, N Y or its successor  
Manufacturers and Traders Trust Co.  
Cattaraugus County Bank

#### VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, § 10, all deposits of Town of Collins, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, of any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

#### IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depositary and/or a third-party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Collins or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be

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commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible

securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

#### X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, § 11, the Town of Collins authorized the Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- \* Special time deposit accounts
- \* Certificates of deposit
- \* Obligations of the United States of America
- \* Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America
- \* Obligations of the State of New York
- \* Obligations issued pursuant to LFL § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Collins
- \* Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments
- \* Certificates of Participation (COPS) issued pursuant to GML § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Collins within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Collins within two years of the date of purchase.

#### XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Town of Collins shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Collins. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Town of Collins is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

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#### XII. PURCHASE OF INVESTMENTS

The Town Supervisor is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations; unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Collins by the bank or trust company. Any obligations held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

### XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- \* All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- \* Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- \* Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- \* No substitution of securities will be allowed.
- \* The custodian shall be a party other than the trading partner.

Adopted January 3, 2022  
By THE COLLINS TOWN BOARD

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#### APPENDIX A Schedule of Eligible Securities

\_\_\_\_ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government



sponsored corporation.

\_\_\_ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank

\_\_\_ (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

\_\_\_ (iv) Obligation issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

\_\_\_ (v) Obligations issued by states (other than the State of New York) of the United States in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

\_\_\_ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended which may be purchased by banks under the limitations established by bank regulatory agencies.

\_\_\_ (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of no longer than 60 days from the date they are pledged.

\_\_\_ (xi) Zero coupon obligations of the United States government marketed as "Treasury strips".

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TOWN OF COLLINS PROCUREMENT POLICY- 2022  
Resolution No. 2022 - 61

WHEREAS, General Municipal Law (GML) § 104-b requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML § 103 or any other law; and

WHEREAS, comments have been solicited from those officers of the town involved with procurement; NOW THEREFORE, BE IT

RESOLVED: that the Town of Collins does hereby adopt the following procurement policies and procedures:

GUIDELINE 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML § 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "Purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

GUIDELINE 2.

All purchases of

- a) supplies or equipment which will exceed \$20,000 in the fiscal year or
- b) public works contracts over \$35,000 shall be formally bid pursuant to GML § 103.

GUIDELINE 3.

All estimated purchases of supplies or equipment:

- Less than \$20,000 but greater than \$3,000 require a written request for a responsible formal proposal (RFP) and written/fax quotes from three vendors
- Less than \$3,000 is left to the discretion of the Purchaser

All estimated public works contracts of:

- Less than \$35,000 but greater than \$3,000 requires a written RFP and written/fax proposals from three contractors.
- Less than \$3,000 is left to the discretion of the purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax quotes have been requested and the written/fax quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and a copy filed with the documentation (voucher) supporting the subsequent purchase of supplies, equipment or public works contract.

GUIDELINE 4. The lowest responsible proposal or quote shall be awarded the purchase of public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

GUIDELINE 5. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

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GUIDELINE 6. Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- (a) Acquisition of professional services
- (b) Emergencies
- (c) Sole-source situations

- (d) Goods purchased from agencies for the blind or severely handicapped
- (e) Goods purchased from correctional facilities
- (f) Goods purchased from another governmental agency
- (g) Goods purchased through municipal auction
- (h) Goods purchased from county, state or federal contracts: documentation must accompany voucher submitted for payment
- (i) Goods purchased for less than \$3,000.00
- (j) Public works contracts for less than \$3,000.00.

GUIDELINE 7. The following is a list of authorized "Purchasers" for the Town of Collins:

- (a) Supervisor/Town Board
- (b) Assessor
- (c) Code Enforcement Office
- (d) Town Clerk
- (e) Town Highway Superintendent
- (f) Town Justices
- (g) Maintenance Supervisor
- (h) Planning Board
- (i) Seniors Program Director
- (j) Water Department
- (k) Youth Service Director

GUIDELINE 8. This policy shall be reviewed annually by the town board at its organizational meeting or no later than March 1<sup>st</sup>.

Adopted January 3, 2022  
By THE COLLINS TOWN BOARD

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TOWN BOARD OF THE TOWN OF COLLINS  
Resolution No. 2022 - 62  
RULES OF PROCEDURE

**RESOLVED**, that pursuant to Town Law Section 63, the Town Board of the Town of Collins adopts the following Rules of Procedure:

1. **MEETINGS OF THE TOWN BOARD.** The Town Board shall hold the following meetings at the Collins Town Hall, Collins, New York:

- a. **Organizational Meeting.** The Town Board shall meet to organize on the first Monday in January of each year at 7:00 PM.
- b. **Monthly Meetings.** The Town Board shall have monthly meetings on the second Monday of the month. All meetings will be held in the Collins Town Hall, and when the meeting date falls on a legal holiday, it shall be held on the following business day.
- c. **Workshop Sessions.** Workshop Sessions can be called for the purpose of receiving or reviewing detailed information and discussing Town business. To maximize the best use of workshop time, if possible, board members shall have facts, law and information well researched. Public Hearing may be scheduled within this time slot, following proper public notice.

d. **Special Meetings.** The Town Board shall meet in a special session whenever a special Meeting is called. A Special Meeting may be called by the Supervisor at their discretion and shall be called by the Supervisor upon written request by two (2) members of the Town Board and held within ten (10) days. In the absence or disability of the Supervisor, a Special Meeting may be called by a majority of the members of the Town Board. The notice of Special Meeting shall be in writing and shall state the object of the Special Meeting. The notice shall be filed with the Town Clerk as soon as practical after the signing of such notice. Time and place shall as a minimum be posted at the Town Hall with appropriate media notification. Special Meeting shall be called on not less than two (2) days' notice.

e. **Emergency Meetings.** The Town Board shall hold an Emergency Meeting whenever required to protect the health, safety and welfare of the residents of the Town of Collins. An Emergency Meeting shall be called by the Supervisor by his giving such notice as is practicable under the emergency circumstances then existing. In the absence or disability of the Supervisor, an Emergency Meeting may be called by a majority of the members of the Town Board. Only matters of a true emergency nature may be considered at such Emergency Meeting.

**2. EXECUTIVE SESSION.** All meetings of the Town Board shall be open to the public, except when the Town Board shall withdraw to meet in Executive Session. Experts or invited members of the public may be asked by the Board to participate in the closed-door session. The Town Board may meet in executive session only to discuss matters permitted by the New York State Open Meeting Law (Public Officers Law Article 7).

**3. PUBLIC NOTICE OF MEETINGS.** Notice of meetings shall be posted on the Town Clerk's signboard and on the Town's Website as soon as practical after it is issued. The giving of public notice shall be made in compliance with the provisions of the New York State Open Meetings Law.

**4. PRESIDING OFFICER.** The Supervisor shall preside over all meetings of the Town Board. In the event of the absence of the Supervisor, the designated Deputy Supervisor shall preside over the meeting. In the absence of the Deputy Supervisor, the most senior member, in terms of continual service, will preside.

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**5. QUORUM.** Three (3) members of the Town Board constitute a quorum for the conduct of business. In the absence of a quorum, the members present shall adjourn the meeting.

**6. ORDER OF BUSINESS.** At the Regular Monthly Meetings, the order of business shall be as follows, with the tentative agenda completed by 5:00 pm Thursday before the meeting:

- a. Call to Order by Supervisor
- b. Salute to the Flag (The Pledge of Allegiance)
- c. Approval of Agenda
- d. Approval of Budget Transfer
- e. Adoption / Amendment of the Minutes Board Members are requested to review minutes

- prior to Regular Monthly Meetings
- f. Audit of Bill. Board Members are encouraged to review bills prior to Regular Monthly Meetings.
- g. Upcoming Meetings
- h. Correspondence
- i. Public Access
- j. Reports of Department Heads and Committees
- k. Reports of Town Board Written reports
- l. Public Hearings on proposed Local Laws and Ordinances if any
- m. Unfinished Business and Resolutions (In writing, with supporting documents by 5:00 PM on previous Wednesday)
- n. New Business and Resolutions
- o. Executive Session, if necessary
- p. Close of Meeting

The Supervisor shall determine the Order of Business at Special Meetings, Emergency Meetings and Workshop Sessions.

**7. RESOLUTIONS, ORDINANCES AND LOCAL LAWS.** This rule is intended to insure that members of the Town Board will have adequate time to study and consider matters submitted for official action, and that the public will know the content of the resolutions to be acted upon.

- a. **Filing.** All proposed resolutions intended to be acted upon at Monthly Meetings and Special Meetings shall be submitted to the Town Clerk, in writing for review by the Board members and public, by 5:00 PM on the Wednesday prior to such meeting. Proposed resolutions not submitted in accordance with this rule shall not be considered at such meeting without the consent of a majority of the Town Board members present. Proposed resolutions shall be numbered consecutively by year by the Town Clerk at the time of passage.
- b. **Sponsorship of Resolutions.** All resolutions shall have a sponsor and co-sponsor or second. At any time before, during, or after debate, a resolution made by a member / sponsor that has been seconded / co-sponsored may be modified, amended, or tabled for consideration at a later date or time, or withdrawn by the sponsor. When a sponsor modifies or amends a resolution, the co-sponsor may withdraw his second.
- c. **Reading of Resolutions.** After the close of debate, the Clerk shall read the final resolution as presented by the sponsor and co-sponsor and the resolution shall be brought to vote.
- d. **Resolutions of Appointment.** Resolutions of appointment or designation shall be deemed to be resolutions of the Town Board and shall so state. The name of appointed or designee shall be so noted in the resolution.
- e. **Ordinances and Local Laws.** Ordinances and local laws shall bear the name of the sponsor or sponsors of such ordinance, or local law. Proposed ordinances and local laws shall be given introductory designation but numbered only upon adoption. Procedural aspects of local laws and ordinances must be strictly adhered to. References to the same may be found in the Town Law Manual published by the Association of Towns.

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- f. **Preparation and Distribution of Agenda and Agenda Related Materials.** The Supervisor, with assistance from the Town Clerk, shall prepare a written agenda of matters to be considered at the Organizational Meeting, Monthly Meetings, Special Meetings and Workshop Sessions. The tentative Agenda shall be made available to each member of the Town Board by 5:00 pm Thursday prior to such meeting. Such Agenda shall have attached thereto a copy of each filed proposed resolution, ordinance, or local law. In addition to the foregoing items, a copy of informational or back up materials, if any, relevant to Agenda items, including proposed resolutions, ordinances, or local laws shall at the same time be make available.

**8. INFORMATION TO BE FURNISHED TO TOWN BOARD MEMBERS.** It is important that the members of the Town Board be kept informed on all matters affecting the Town of Collins. Accordingly,

it shall be the duty of the Supervisor to make copies of appropriate correspondence or communications directed to the Town Board weekly (other than personal correspondence or communications protected under the Freedom of Information Law) and furnish a copy for all members of the Town Board.

All completed vouchers must be submitted to the Town Clerk by 5:00 PM on the Wednesday prior to the regular monthly meetings and will be available for audit / review at the Town Clerk's office. **Audit by the finance committee shall be completed by 9:00 am of the following Monday.** Any questions by the finance committee should be directed to the person submitting the voucher.

In accordance with the Open Meetings Law, unapproved minutes will be available for review within two weeks from the date of the meeting. Copies will be distributed for pick-up at the Town Clerk's office. Minutes of Executive Sessions will be available for review within one week from the date of the session.

All boards and committees must record minutes for any meeting held, including all agenda items discussed, together with a list of attendees and provide written copies to Town Board members each month, prior to the first regularly scheduled Town Board meeting.

#### **9. DISCUSSION AND DEBATE.**

- a. Discussion and debate shall adhere to agenda items as set forth in the Order of Business. However, when expedient, a motion may be made to consider, discuss or debate a non-agenda matter or resolution upon a second and with the consent of the majority of the Board.
- b. The Supervisor shall allow board members reasonable time for discussion and debate on agenda items, motions or resolutions before the board prior to putting the matter to vote.
- c. Upon recognition by the Supervisor, board member remarks must be addressed to the Supervisor and confined to the matter before the board, avoiding all personalities and reflections upon any member's motives.
- d. The board member who made a motion or resolution shall have the privilege of making the first and / or final statement.
- e. When any member notices a breach of order, he can call for enforcement of rules. The Supervisor shall immediately decide the validity of the point of order prior to further discussion or debate.

#### **10. VOTE OF THE BOARD.**

- a. No motion or resolution shall be discussed or voted upon unless it is seconded. At the request of any member, any motion shall be reduced to writing prior to a vote thereon.
- b. Unless a member shall have a prohibited conflict of interest with regard to a motion under consideration, every member present when a vote is taken shall vote thereon. In the event that a member shall have a prohibited conflict of interest, that member shall recuse himself from voting by abstaining on that motion and shall state on the record, to the

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extent permissible, the nature and source of conflict.

- c. The adoption of all local laws, ordinances, resolutions and motions, except a motion to adjourn in the absence of a quorum, requires three (3) affirmative votes.
- d. The members of the Town Board shall vote in the inverse order of their continual service on the Town Board, except the Supervisor shall vote last. In the event that two or more members are of the same seniority, they shall vote in alphabetical order.
- e. All votes, except the vote on a motion to adjourn or terminate the meeting, shall be taken by roll call and the vote of the members shall be entered into the minutes.
- f. Members shall vote yes, no or abstain where prohibited conflicts exist, and refrain from making anything other than a short comment during the vote. The Supervisor shall announce the result of the vote.

#### **11. PUBLIC ACCESS.** It is the intent of the Town Board to provide an opportunity for members of

the public

to communicate informally with the Town Board without interrupting its orderly proceedings. In order to implement this intention, members of the public shall have the right to address the Town Board during the Public Access period of the Organizational Meeting, Monthly Meetings, Emergency Meetings and Workshop Sessions.

- a. During the Public Access period, each member of the public shall be entitled to speak once for not more than five (5) minutes. Members of the public may be permitted to address the Town Board at other times, or for additional periods, upon recognition by the Supervisor by raising a hand.
- b. Upon being recognized by the Supervisor, the speaker will be asked to give his name. If such person is speaking as a member of an organization, they shall identify the organization and state if representing it in an official position.
- c. Persons who make a written request to address the Town Board during the Public Access Portion of the meeting shall be permitted to speak in the order of their filing such written request and shall receive first priority. Written requests to address the Town Board shall be given to the Supervisor at least one (1) business day prior to the meeting for which it is requested.

## **12. CONDUCT OF PUBLIC HEARINGS.**

- a. The Supervisor shall preside at all public hearings. Following the reading of the notice of public hearing by the Town Attorney, the Supervisor shall state the rules of the conduct of the public hearing to those present. The Town Clerk shall make copies of the proposed ordinances or local laws to individuals upon request, prior to the public hearing. Three copies will be made available to the entire assembled members of the public, for general use, if the public hearing has been called in connection with the adoption of an ordinance or local law.
- b. The rules governing the conduct of the Public Access portion of meeting of the Town Board shall similarly govern the conduct of Public Hearings.
- c. The Supervisor shall explain the general nature of the matter, which is the subject of the public hearing. If appropriate, the Supervisor may request that this presentation be made by the sponsor of a proposed ordinance or local law, or by the Legal Counsel or consultant.
- d. Members of the public shall then be permitted to ask the Town Board questions concerning the subject of the public hearing. Questions shall be answered by the Supervisor or referred by him to appropriate members of the Town Board, or to the Legal Counsel, for response. The question-and-answer phase of the public hearing shall be for the limited purpose of fostering an accurate understanding of the subject matter, and not for the purpose of expressing viewpoint by the Town Board.
- e. At the conclusion of the question-and-answer period, members of the public shall be permitted to state their opinions, if any, on the subject of the public hearing.
- f. The public hearing shall be closed by a vote of the Town Board after all members of the

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public who have requested an opportunity to make a statement have done so.

- g. The Town Board, at their discretion, may act immediately following a public hearing. In all cases, statutory procedures shall be strictly followed in the introduction, consideration and enactment of any resolution, ordinance or local law.

Adopted: January 3, 2022  
By THE COLLINS TOWN BOARD

## **Resolution # 63: AGENDA APPROVAL**

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

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

### **Departmental Appointments for 2022**

Supervisor Martin appointed Jacquelyn McLean as Deputy Supervisor and Douglas Martindale as Town Historian.

Highway Superintendent Gerling appointed Mark Hobson as Deputy Highway Superintendent.

Town Clerk Summers appointed Joanne Kibler and Karen Smith as Deputy Town Clerks.

Planning Board Chairman Martin appointed Debra Martin as Planning Board Secretary.

**2021 Town Board Meeting schedule** and observed holidays was gone through.

### **LIASONS AND COMMITTEES FOR 2022**

#### **Liaisons:**

Association of Erie County Governments	Kenneth Martin, Jacquelyn McLean (alternate)
Highway, Transfer Station	James Hotnich
Library	Kenneth Martin, Holly Martindale, James Smith
NEST	Jacquelyn McLean, Jane Sion
Rural Transit	Kenneth Martin
Prison Advisory	Mary Stelley, James Hotnich, Jane Sion, Jacquelyn McLean, Kenneth Martin
Seniors	Jacquelyn McLean, Jane Sion
Recreation	Mary Stelley, Jacquelyn McLean
Southtowns Planning & Development	Jane Sion, Brian Martin

#### **Committees:**

Bicentennial (2021)	Jacquelyn McLean, Candace Termer, Susan Jensen, Linda Wagner-Munro, Christopher Jeanniton, Doug Martindale
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Buildings / Grounds / Parks	Kenneth Martin, James Hotnich, Jane Sion, Doug Martindale, Brian Martin, Jacquelyn McLean
Codes	Kenneth Martin, James Musacchio, Brian Martin
Finance	Jane Sion, James Hotnich, Jacquelyn McLean
Insurance	Kenneth Martin, James Hotnich
IT / Website	Mary Stelley, Jacquelyn McLean
Liberty Fest	Mary Stelley, Jane Sion, Candace Termer,



Personnel	Jacquelyn McLean, Samantha D'Amaro
Safety	Mary Stelley, Jacquelyn McLean
Workplace Violence/ Sexual Harassment	Kenneth Martin, Mark Hobson, James Hotnich, Scott Martindale, Samantha D'Amaro Mary Stelley, Jacquelyn McLean

New Business

1. Resolution needed directing the Assessor grant exemptions on the 2022 roll to all owners who received a senior/disability exemption on the 2021 roll

Resolution #64: **DIRECTING THE TOWN ASSESSOR TO GRANT EXEMPTIONS ON THE 2022 ASSESSMENT ROLL TO ALL PROPERTY OWNERS WHO RECEIVED A SENIOR/DISABILITY REXEMPTION ON THE 2021 ASSESSMENT ROLL AND DISPENSING WITH THE NEED FOR RENEWAL APPLICATIONS FROM SUCH PERSONS, AS PER NYS GOVERNOR'S EXECUTIVE ORDER 11.1**

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

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

WHEREAS, on December 26, 2021, Kathy Hochul, Governor of the State of New York issued Executive Order Number 11.1, declaring a Disaster Emergency in the State of New York; and

WHEREAS, on December 26, 2021, the Governor issued Executive Order 11.1, a portion of which includes a local option pertaining to Senior Citizens' and Persons with Disabilities' partial property tax exemption, Subdivisions 7, 7-a and 8 of Section 459-c of the Real Property Tax Law (Partial Tax Exemption for Persons with Disabilities), and Subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law (Partial Tax Exemption for Low Income Senior Citizens), to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who received either of those exemption on the 2021 assessment roll, unless there has been a change in status that would no longer qualify the homeowner, dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons; and

WHEREAS, the Town is desirous to adopt such resolution while also allowing the assessor to require a renewal application to be filed when the assessor has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died.

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NOW,THEREFORE, BE IT RESOLVED, the Town Board of the Town of Collins directs the Town Assessor, pursuant to the NYS Governor's Executive Order 11.1 Continuing Temporary Suspension and Modification of Laws relating to the pandemic disaster emergency, specifically as it pertains to Senior and Disability Exemptions, Section 467 and 459c of the Real Property Tax Law, to grant exemptions on the 2022 Assessment Roll to all property owners who received that exemption on the 2021 Assessment Roll, except in the case that there is a change of status that would no longer qualify the homeowner, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons.

2. Resolution needed to approve change order No. 2 for Collins Park improvements project

Resolution # 65: **APPROVE CHANGE ORDER NO. 2 FOR COLLINS PARK IMPROVEMENTS PROJECT**

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

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

The Collins Town Board hereby approves Change Order No. 2 for the Collins Park Improvements

Project to increase the contract with KTG Services, Inc. by \$ 14,988.71 from \$ 111,139.17 to \$ 126,127.91 in order to cover the cost of installing underdrain pipes below Pickle Ball Courts and connect to existing 4-inch field tiling and authorize the Supervisor to sign Change Order No. 2.

3. Discussion on village of Gowanda recyclables hauling fee – we were charging them \$ 100.00 per load then increased it to \$ 350.00 per load. The Village asked if we would consider dropping the fee back to the \$ 100.00. After discussion, it was decided to charge the original \$ 100.00 per load.

4. Discussion on additional Kennel Special-Use permits – we received two applications after the public hearing. If both check out by the Building Inspector, the applications can be processed.

With no further business, on a motion of Councilman Sion seconded by Councilman Hotnich the meeting was adjourned at 8:10 PM.

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Becky Jo Summers, Town Clerk