

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 13th day of September 2021.

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

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

Absent: Mary Stelley, Councilman

Also Present: John Mills Leg # 1, Nancy Health, Jim Jensen, Mike Krencik, Lois Johnson, Scott Martindale, Bob O'Connor, Fred & Brenda Overhoff, David & Diane Gamel, Dennis Jensen, Kevin Gordon, Sarah Lowman, Ron Paluch, Pat Mesch and Chis Jeanniton

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

Resolution # 153: **AGENDA APPROVAL**

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

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

Resolution # 154: **MINUTES APPROVAL**

Motion made by Councilman McLean, seconded by Councilman Hotnich to approve the minutes of the August 9th and 27th meetings.

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

Resolution # 155: **ABSTRACT APPROVAL**

Motion by Councilman Sion, seconded by Councilman McLean that the bills be paid on abstract #9 for 2021 dated September 13, 2021 for listed vouchers # 514 – 573 for \$ 58,015.33:

General – Townwide	27,134.13	Special Refuse Fund	4,758.30
General – Part Town	3,835.04	Water District # 1	2,903.79
Highway Fund	12,634.16	Water District # 3	1,013.53
Parks Improvements Project	1,685.86	Water District # 4	1.58
Library Roof Project	3,015.55	Total	\$ 58,015.33
Special Lighting # 1	1,033.39		

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

2010 population of the Town of Collins was 6,601, 2020 population is 5,894 and 2021 population is 6,464 (per John Mills).

Presentation: John Mills Erie County Legislator presented the Town with a proclamation honoring our 200 years, reported on the condition of some County roads and which ones will be addressed this year. Mr. Mills stated he will help us with anything he can.

Public Access

1. Kevin Gordon, Collins Fire Chief has concerns of the number of fire hydrants that need repair, one that do not work are not "bagged". All town hydrants need to be exercised and the report sent to the town with a copy going to both fire companies. For the company's insurance, they need the flow off of each hydrant and when the hydrants do not work it changes our rating. Jim Jensen asked who is to mow and plow snow around the hydrants and paint them. This fall all hydrants will be checked. The Town would purchase parts and the Gowanda Water Dept. would repair them. If the job is too big, a contractor will do the job.

2. Chief Gordon asked what can be done regarding the Gowanda Ambulance that is going out of the way traveling to a call so they can bill the customer more. Janet Vogtli stated they double bill the customers.

PUBLIC HEARING – 7:30 PM – Local Law No. 1 of 2021 “Opting Out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites”

RESOLUTION # 156: MOVE TO SCHEDULED PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2021 FOR THE TOWN OF COLLINS

Motion made by Councilman Hotnich and seconded by Councilman Sion to interrupt this Board meeting to conduct a Public Hearing on Proposed Local Law No. 1 of the Year 2021 for the Town of Collins as advertised and scheduled for this evening at 7:30 PM.

**NOTICE OF PUBLIC HEARING
LOCAL LAW No. 1 OF 2021 “OPTING OUT OF ADULT
USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES”**

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing on **September 13, 2021 at 7:30 pm** at the Collins Town Hall, 14093 Mill Street, regarding Local Law No. 1 of 2021 “Opting Out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites”.

The purpose of the Hearing is to provide an opportunity for citizens to express their views on the proposed Local Law No. 1 of 2021 “Opting Out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites”.

The meeting room is wheelchair accessible. Those needing special arrangements should call the Town at 532-4887 ext. 101 by September 6, 2021.

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

After the public hearing was opened Supervisor Martin read the notice of public hearing, the Local Law and explained the process that if we opt out a future town board can opt back in. Supervisor Martin asks for comments for or against. Janet Vogtli asks why the Town would opt out as the State will have control. Veterans and other people use it in town and the local law is wrong and opting out is doing a dis-service to the town. There is no Town Board meeting reporting in the Penny saver to let anyone know what is going on and the agenda should be on the website and no one gets the Dunkirk Observer (Town's legal paper). A better way is needed to get information out to the people – like Code Red.

Chris Jeanniton stated most people in Collins are not engaged in local stuff and he wants the Town to do an informed decision. We have time to set rules and regulations that can be expanded. He has heard from people that want to grow and/or sell the product and asks the Town not to opt out.

Janet Vogtli said the state will regulate this and those who need it will purchase it and why take away something that the State will regulate.

Councilman Hotnich would like to go out and talk with residents.

RESOLUTION # 157: MOVE TO CLOSE PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2021 FOR THE TOWN OF COLLINS

Motion made by Councilman McLean and seconded by Councilman Sion to close the Public Hearing on Proposed Local Law No. 1 of the Year 2021 for the Town of Collins at 8:02 PM.

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

No resolution was presented for the Local Law.

3. Janet Vogtli asked about the Town urging Erie County tax to allow Alan Butzer to buy the

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Thirsty's property by having it taken out of the REM auction. It is too late for that. Chris Jeanniton asked how much is owing because checking on the website he gets different answers. The Town cannot earmark someone to purchase a parcel, we can just say we have a person of interest. Mrs. Vogtli states there is an issue in Gowanda about mental health and she is asking surrounding towns to help get a clinic in the area.

4. We have not heard anything regarding the solar project.

5. Denny Jensen asked about a room for storage of emergency supplies that Erie County would give. A room will be found.

6. Chris Jeanniton would like to see the board meetings go back to twice a month instead of monthly.

Reports of Department Heads and Committees

Assessor submitted her minutes.

Bicentennial committee submitted their minutes.

Building and grounds committee submitted their minutes.

Dog Control in July received no calls, August one dog at large taken to SPCA and the SPCA called and no dogs can be taken to the SPCA until October 1st. Councilman McLean asked how current dog licensing is. Mr. Siegle stated due to Covid he could not go out but can make calls.

Highway report – holes patched on Richardson Rd, 200' drainpipe installed on Taylor Hollow Rd, patched parking lot at LKP, working on drainage of shoulders, oiled and chipped some roads received the approval to lower the speed limit on Cemetery Road.

Transfer station – The Town will need to engineer a concrete wall work for the compactor, trimmed weeds and patched the road. Pizza boxes can be thrown in with the cardboard.

Parks – when rented let the know they are to pick up after and keep it clean. One party at the Collins Park left the area a mess and took one hour to clean it all up. Pickle ball court project is moving along and has to be done and the fence up by October 31st. The second coat will be done next spring.

Seniors – Scott Martindale thanked the highway dept. for the repairs to the parking lot. A luncheon will be held on September 28th.

Town Clerk reported sales of \$ 6,657.65 with the Town's portion of \$ 4,373.11.

Public Notice read by Town Clerk Summers:

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

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

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

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

CONTACT: Sarah Gatti, Senior Planner, E C Environment & Planning, 95 Franklin Street, 10th Floor, Buffalo, NY 14202, Phone: (716) 858-6014, Fax: (716) 858-7248 Email: agriculture@erie.gov

Water report given to the Supervisor.

Town Board Reports

Councilman McLean attended the Southtowns meeting, Bicentennial meeting, building and grounds meeting, Library project meeting with MDA, checked on the sidewalks at both parks and the historical room and reviewed the vouchers.

Councilman Sion reviewed the vouchers, reviewed CPA Dresser charges and attended the building and grounds meeting.

Councilman Hotnich vouchers and checked on the library project.

Supervisor Martin has been working on the refinancing of the water districts loans, attended the Rural Transit zoom meeting, reported on the ARPA money the town will receive and we are on the list to change the streetlights to led's.

Old Business

1. Resolution needed to ADOPT Local Law No. 1 of 2021 "Opting out of adult use cannabis retail dispensaries and on-site consumption sites.

After discussion and comments from the public, the Board decided to not vote on this resolution tonight.

2. Resolution needed to approve amending resolution # 124 of 2021 – Agreement to Spend Highway Funds per § 284 of the Highway Law

RESOLUTION # 158: **APPROVE AMENDING RESOLUTION No. 124 OF 2021 – AGREEMENT TO SPEND HIGHWAY FUNDS PER §284 OF THE HIGHWAY LAW**

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

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

WHEREAS, the cost to Micro Pave Richardson Road, Wheeler Road and Buffalo Street was more than the amount in the previous 284 Agreement of June 14, 2021.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves entering into an amended agreement with Highway Superintendent Chris Gerling for 2021 to spend Town Highway Funds, per §284 of the Highway Law, as read, and authorize the Town Board members to sign the agreement.

3. BENLIC Purchase of Property - the Town would have to have the property appraised then pass a resolution after inspection but this process is too late as the property is in the REM book and the Town cannot earmark the property for Mr. Butzer.

New Business

1. Resolution needed to grant permission of Town Assessor Jeneen Hill to take on the duties of President of the NYS Assessors' Association

RESOLUTION # 159: **GRANT PERMISSION FOR TOWN ASSESSOR JENEEN HILL TO TAKE ON THE DUTIES OF PRESIDENT OF THE NYS ASSESSORS' ASSOCIATION**

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

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

WHEREAS, the Assessor Jeneen Hill requests permission to attend the New York State Assessors' Association Annual Conference, Installation and Organizational meeting; and

WHEREAS, Assessor Jeneen Hill will be sworn in as the President of the New York State Assessor's Association representing over 900 members throughout New York State; and

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WHEREAS, said annual conference will be held in Niagara Falls, New York on October 3,

2021 to October 6, 2021; and

WHEREAS, the Town Board recognizes Assessor Hill's duties as the New York State Assessor's Association President is to improve the standards of assessment practice; to promote professionalism; to provide a clearing house for the collection and distribution of useful information relating to the assessment of real property; to educate assessing officers; to engage in research and improve assessment technique and practice; to advocate for legislative proposals relating to assessing and taxation and to cooperate with other agencies interested in the improvement of tax administration throughout New York State.

NOW, THEREFORE BE IT RESOLVED that the Board of the Town of Collins shall grant permission to Assessor Jeneen Hill to perform her duties as the President of the New York State Assessors' Association and attend said conference, installation and meetings and all appropriate and reasonable expenses shall be paid by the New York State Assessor's Association, and training expenses to be reimbursed by the New York State Office of Real Property Tax Services with remaining training expense balance to be split between Town of Evans, Collins and North Collins equally not to exceed \$400.00 per town.

2. Resolution needed to approve installation of waterline to Collins Town Park Shelter

RESOLUTION # 160: **APPROVE INSTALLATION OF WATERLINE TO COLLINS TOWN PARK SHELTER**

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

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

WHEREAS, the Town of Collins desires to install a water supply line to its newest shelter at the Collins Town Park, and

WHEREAS, the Town solicited bids to provide all labor and materials to install a 200-foot long 3/4-inch plastic waterline, a Murdock wall-mounted drinking fountain and a Simmons 4-foot yard hydrant, and

WHEREAS, the Town solicited bids from B&R Plumbing of Gowanda, Creekside Service, Inc of Gowanda, Vacinek Plumbing of Springville, Heineman Plumbing of Sardinia and Gallman Excavating of Eden; receiving only one bid, that of Creekside Service, Inc.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves the bid of Creekside Service, Inc. in the amount of \$3,709.09 to install a water service line to the Collins Town Park Shelter.

3. Resolution needed to purchase compactor bin for Town transfer station

RESOLUTION # 161: **PURCHASE COMPACTOR BIN FOR TOWN TRANSFER STATION**

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

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

WHEREAS, the Town owns bins for use at the Transfer Station, and

WHEREAS, one of the compactor bins is in deteriorated condition and in need of replacement, and

WHEREAS, in an effort to update equipment on a reasonable interval, the Highway Department solicited three bids for a new 40-yard compactor bin, receiving the following bids which include shipping fees:

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Northeast Industrial Mfg., Inc.
640 Keystone Road, Greenville, PA 16125

\$11,676.00

Bucks Fabricating A Deist Industries Co.
3547 Perry Highway, Hadley, PA 16130

\$18,390.00

Stone Valley Welding LLC
11582 Guyer Road, Huntingdon, PA 16652

\$10,525.00

and,

WHEREAS, the Town Highway Superintendent recommends purchasing the bin from Northeast Industrial Mfg., Inc. as it matches those bins presently being used which are easy to empty due to its hexagonal shape and easy to open rear door hinge assembly.

NOW THEREFORE, BE IT RESOLVED, that the Town board authorizes the purchase of a compactor bin from Northeast Industrial Mfg., Inc. at a cost of \$11,676.00 including shipping, to be paid from Budget Line SR8160.220 - Equipment, and that the old bin be declared surplus and sold for scrap.

4. Resolution needed to authorize purchase of playground equipment for the Collins Town Park
RESOLUTION # 162: **APPROVE PURCHASE OF PLAYGROUND EQUIPMENT FOR COLLINS TOWN PARK**
Motion made by Supervisor Martin, seconded by Councilman McLean that the following resolution is:

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

WHEREAS, the Town of Collins has received a \$160,000.00 CDBG Grant for improvements at the Collins Town Park, and

WHEREAS, the Town desires to purchase Playground Equipment with the CDBG Grant monies and install the equipment with Town Employees and Volunteers, and

WHEREAS, a Playground Equipment Package from MRC is available on NYS bid.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves the purchase of a Playground Equipment Package in the amount of \$58,056.13 from MRC, PO Box 106, Spring Lake, NY 07762 per State Contract NASPO PC#67834.

5. Resolution needed to authorize payment for removal of two trees in the Collins Center Cemetery

Since there would not be a quorum to vote on this resolution; as Supervisor Martin and Councilman Sion are officers on the Collins Center Cemetery Board and would not vote on the resolution, it has been withdrawn to a later date.

6. Resolution needed to set public hearing on 2022 Community Development Block Grant (CDBG) eligible projects

RESOLUTION # 164: **SET DATE FOR PUBLIC HEARING ON 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE PROJECTS**

Motion made by Councilman Hotnich, seconded by Councilman Sion to set a public hearing on October 12, 2021 at 7:30 pm to discuss 2022 Community Development Block Grant eligible projects.

NOTICE OF PUBLIC HEARING FOR TOWN OF COLLINS
FEDERAL COMMUNITY DEVELOPMENT FUNDS

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PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing on **October 12, 2021 at 7:30 pm** at the Collins Town Hall, 14093 Mill Street, regarding the use of Federal Community Development funds for 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 7, 2021.

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

7. Resolution needed to declare lead agency status for SEQR review of the library roof construction project

RESOLUTION # 165: **COLLINS TOWN BOARD DECLARES ITS INTENT TO ACT AS LEAD AGENCY FOR SEQR REVIEW OF THE PROPOSED TOWN OF COLLINS PUBLIC LIBRARY CONSTRUCTION PROJECT**

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

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

WHEREAS, the Town of Collins desires to replace the roof and upgrade the interior lighting to LEDs for the Collins Public Library, and

WHEREAS, the Collins Town Library is seeking financial assistance for the project through the NYS Library Construction Grant Program, and

WHEREAS, the grant application submission process requires SEQR Review of the project.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby declares itself SEQR Lead Agency for the Library Construction Project and that the Town Board hereby authorizes the Supervisor to sign Environmental Documents for the project on their behalf.

8. Resolution needed to set Town Board meeting for Monday, October 4, 2021 for presentation of 2022 Tentative Budget

RESOLUTION # 166: **SET TOWN BOARD MEETING FOR MONDAY, OCTOBER 4, 2021 FOR PRESENTATION OF THE 2022 TENTATIVE BUDGET**

Motion made by Councilman Sion, seconded by Councilman Hotnich to set a Town Board Meeting for Monday, October 4, 2021 at 7:00 PM for presentation of the 2022 Tentative Budget.

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

9. Discussion on 2022 budget salaries – hourly workers with receive a \$.70 per hour increase and elected will receive a 3% increase.

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10. Discussion on financial services agreement with Bahgat & Laurito Bahgat for administration of Federal ARPA funds – the report needs to be completed by October 31st. What we pay them at \$125.00 per hour can be taken from the grant. This is covered by the original agreement.

11. Discussion on Town of Collins hauling sludge from Gowanda Sewer Plant to the Ellery landfill - Gowanda is asking if the Town of Collins would haul the sludge from their sewer plant to Ellery. It is approximately a three-to-four-hour trip. It would be one trip every 25 days. The Town Board proposed \$400.00 per trip to haul sludge and \$350.00 per trip to haul recyclables for the Village of Gowanda.

12. Discussion on filling Town maintenance position covering three town buildings - we did advertise for a custodian and it should have been for a maintenance worker. We only had one applicant for cleaner and they were only able to give two hours a week.

13. Status of Winter Recreation program – received only three applicants. It was suggested to put signs up on the LKP grounds that we are hiring.

With no further business, on a motion of Councilman Sion seconded by Councilman Hotnich the meeting was adjourned at 10:20 PM.

Becky Jo Summers, Town Clerk