

THE SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS WAS HELD ON OCTOBER 7TH, 2018, AT 8:00PM IN THE NORTH COLLINS TOWN HALL, 10569 MAIN STREET, NORTH COLLINS, NEW YORK.

PRESENT:	Supervisor	John Tobia
	Councilmen:	Ellen M. Mathis
		Michael W. Perry
		Peter Robbins
		William Moritz
	Town Clerk	Lynn M. DiVincenzo
	Town Attorney	Richard Schaus
	Highway Supt.	David J. Winter

Item 1. Supervisor John Tobia called the meeting to order and led the Pledge to the Flag, and prayer.

Moved: Ellen Mathis

BE IT RESOLVED that the Town Board of North Collins close the special meeting to go into executive session to discuss employment history and possible litigation at 8:02pm.

Seconded: Mike Perry

ROLL CALL: Ayes: Perry, Mathis, Robbins, Mortiz, Tobia Noe's 0.

The North Collins Town Board invited Highway Superintendent David Winter and his Lawyer, John Collins into the executive session.

Moved: Mike Perry

BE IT RESOLVED that the Town Board of North Collins close executive session to go into open Special Meeting at 9:25pm.

Seconded Peter Robbins

ROLL CALL: Ayes: Perry, Mathis, Robbins, Mortiz, Tobia Noe's 0.

Supervisor John Tobia stated the meeting was called because he received a Notice of Violation from NYS DEC in regards to the Belcher Road Project. The letter stated that the Town could incur a \$37,500 fine for each day of violation. Supervisor John Tobia wanted to make sure that the tax payers are protected.

Supervisor Tobia asked Attorney John Collins and Highway Superintendent David Winter if they were good with discussing what the Town Board expects from Highway Superintendent David Winter:

- 1) Highway Superintendent David Winter or any town employee will not work on private property on Belcher Road.
- 2) Highway Superintendent David Winter will abide to all DEC regulations.
- 3) Highway Superintendent David Winter will call the Town Attorney, Richard Schaus, if there is any work that the Highway Superintended needs to complete on Belcher Road.
- 4) Highway Superintendent David Winter will turn in an estimate on Belcher Rd and a time line of completion.

Supervisor John Tobia asked Highway Superintendent David Winter if he understands and agrees with these terms. Highway Superintendent and his Lawyer, John Collins, both answered yes to each.

If the Town incurs any fines for Belcher Road, Highway Superintendent David Winter will be held responsible for the fines.

Moved: Peter Robbins

BE IT RESOLVED, that the Town Board of the Town of North Collins hereby repeats the prior resolution of September 12, 2018 and hereby directs David J. Winter, Superintendent of Highways, to CEASE AND DESIST from using any town equipment, town materials and/or directing any town highway employee to perform any work or services on private property located on Belcher Road in the Town of North Collins while being paid by the Town of North Collins.

Seconded: Ellen Mathis

ROLL CALL: Ayes: Perry, Mathis, Robbins, Mortiz, Tobia Noe's 0.

Moved: Ellen Mathis

BE IT RESOLVED that the Town Board directs the Town Supervisor, John M. Tobia, to retain the law firm of Hurwitz & Fine, P.C., pursuant to the terms and provisions of an engagement letter dated October 2, 2018; if the CEASE AND DESIST order is violated.

Seconded: William Moritz

ROLL CALL: Ayes: Perry, Mathis, Robbins, Moritz, Tobia Noe's 0.

ADJOURNMENT. Motion to adjourn at 8:30pm by John Tobia. Second: William Moritz. Carried.

Respectfully Submitted By,

Lynn DiVincenzo
Town Clerk

THE REGULAR MONTHLY MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS WAS HELD ON TUESDAY, OCTOBER 16TH, 2018, AT 7:00PM IN THE NORTH COLLINS TOWN HALL, 10569 MAIN STREET, NORTH COLLINS, NEW YORK.

PRESENT:	Supervisor	John Tobia
	Councilmen:	Ellen M. Mathis
		Michael W. Perry EXCUSED
		Peter Robbins
		William Moritz
	Town Clerk	Lynn M. DiVincenzo
	Town Attorney	Richard Schaus
	Highway Supt.	David J. Winter UNEXCUSED

Item 1. Supervisor John Tobia called the meeting to order at 7pm and led the Pledge to the Flag, and prayer.

Item 2. Approved the September 12th, 2018 regular minutes as previously presented:

Moved: Ellen Mathis. Second: Peter Robbins.

ROLL CALL: Ayes: Mathis, Robbins, Moritz and Tobia. Noes 0. Motion carried.

AUDIT OF BILLS

Item 3. Moved: Ellen Mathis

BE IT RESOLVED that the following claims, as set forth in Abstract #10 in the amount of \$63,799.71 are approved for payment by the Town Board:

Second: Peter Robbins

ROLL CALL: Ayes: Mathis, Robbins, Moritz and Tobia. Noes 0. Motion carried.

Item 4. VISITORS:

Jim Lint- Veterans Site coming along, having a chicken BBQ on the 27th of October at 4pm. Jim asked if the Town can move some dirt. He was told to contact Mike Perry.

Ann Converso: Plaque for the two trees, meeting for the fall festival to discuss the pros and cons.

Joe Guadagno: Lives on Theil Road and has some concerns that the speed limit goes 35 to 45 and is too fast for that road. Also he would like a "No Jake Brake" sign. Richard Schaus will check with the state.

Theresa Roman – Lives at 2501 Marshfield Road. Her issue on Marshfield Road is getting better but would like her neighbor to move his camper and boat because she doesn't want to look out her window and see it.

Larry Schlick- President of a rescue group- talked about how puppy mills are cruel to animals and how they came about. Richard explained that the town inspects the building and the business is governed by the State.

Deb Bodenschatz- Rescues dogs from puppy mills. Asked if anyone from the board has been to Dan's Kennels to see what the place looks like or what they do there.

Elizabeth- Stated that she is a cleaner and a groomer at Dan's Kennels and also stated that the dogs are not mistreated.

Item 5. HIGHWAY- No Report- UNEXCUSED per Supervisor John Tobia.

Item 6. CODE ENFORCEMENT OFFICER – Phil discussed a \$200.00 General Construction Fee be added to the permit fees. This is for contractors who buy houses and flip them.

Moved: John Tobia

BE IT RESOLVED, the Town Board approves general construction permit fee for \$200.00 to be added to the adopted permit fees.

Seconded: Ellen Mathis

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Item 7. LIBRARY- Not Present

Item 8. HISTORIAN – Not Present

Item 9: RECREATION – Would like to thank Kissy and the Winter Family for another successful Fishing Day at their pond. Kids and parents alike really appreciated the opportunity to be able to fish locally.

HS OPEN GYM w/ Track and Pickleball

Th11/ 1 - 6 to 7:30 pm

Th11/8 - 6 to 7:30 pm

Tu11/13 - 6 to 7:30 pm

Th11/15 - 6 to 7:30 pm

Runners. Walkers and Kids from 6:00 to 6:45

Runners and Walkers (NO KIDS*) 6:45 to 7:30

Sat 12/1 - noon to 1:30

Sat 12/15 - noon to 1:30

Runners and Walkers (NO KIDS*) noon to 12:45

Runners. Walkers and Kids from 12:45 to 1:30

We will be adding more dates based on participation

Youth Soccer wrapped up 10/10

Afterschool Program has 54 students. There will be some upcoming events for Afterschool Program.

There will be a Recreation Meeting to visit the High School weight room on Monday 10/22 at 6:30. Hoping to make it available for the public, but we need to have a representative present at all times.

Stay tuned for info on Kids Indoor Soccer and a Kids Paint Night.

Supervisor John Tobia stated that he has the gym on Saturdays from 9am-11am at the Elementary School.

Item 10: SENIORS: Not present

Motion by William Moritz, seconded by Ellen Mathis, to close the Regular Business Meeting at 7:30pm. Carried

Motion by Peter Robbins, seconded by William Moritz, to open Public Hearing at 7:30pm. Carried

Proof of Publication was shown.

Public Hearing: Community Development Block Grant

Town Board discussed naming 1) Rural transit

Motion by John Tobia, seconded by Ellen Mathis, to close the Public Hearing at 7:33pm. Carried

Motion by Ellen Mathis, seconded by William Mortiz, to open Regular Business Meeting at 7:33pm. Carried

Moved: John Tobia

BE IT RESOLVED that the North Collins Town Board ranks the following projects for consideration for the Erie County Community Development Block Grant Program: 1) Rural Transit

Second: Ellen Mathis

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Item 11. COUNCILMEN

Moritz : Nothing at this time

Robbins: Fall Fest went well. He discussed some things to make it better for next year.

Mathis: Parks and Recreation meeting October 22nd. Lost a dumpster and picnic tables at New Oregon Park due to flooding. New Oregon Park is closed until further notice. Ellen will be working with DEC to help with the flooding issue at the park.

Perry: Excused

Item 12: RESOLUTIONS:

Moved: John Tobia

BE IT RESOLVED, the Town Board acknowledges receipt of the Ketchum Road Landfill quarterly report and further directs the attorney to file a copy of the report with the New York State Department of Environment and Conservation.

Seconded: William Moritz

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Moved: John Tobia

BE IT RESOLVED, the Town of North Collins grants permission authorizing NYDOT to utilize the section of Langford Rd. from the Village Town line to the intersection of Thiel Rd. from Jan 24th 2019 for a period of approximately 4 weeks as a detour to install drainage systems and do culverts work.

Seconded Ellen Mathis

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Moved: John Tobia

BE IT RESOLVED, the Town of North Collins approves the purchase of Utility Billing System from BAS in the amount of \$3,000 for the first year and then \$900.00 annual maintenance.

Seconded William Moritz

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Moved: John Tobia

BE IT RESOLVED that the North Collins Town Board approves the recommendations from the Planning Board for the windmill at 3249 Langford Rd.

FURTHER BE RESOLVED the Town Board will hold a public hearing on November 14th ,2018 at 7:30pm and directs the Town Clerk to put a public notice in the Dunkirk Observer.

Seconded : Ellen Mathis

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

**MOVED: John Tobia
(LAWTONS WATER)**

In the Matter
of the

AMENDED TOWN BOARD
ORDER CALLING FOR
A PUBLIC HEARING

Increase in cost of the Lawtons Water District
in the Town of North Collins, County of
Erie, State of New York

WHEREAS, previously hereto, a map, plan and report was prepared by the firm of MDA Consulting Engineers, PLLC, at the direction of the North Collins Town Board, in such manner and in such detail as has heretofore been determined by the Town Board of the Town of North Collins, New York, relating to the establishment of a proposed Water District to be known and designated as the "Lawtons Water District" in the Town of North Collins; and

WHEREAS, the aforesaid map, plan and report states that the estimated maximum amount to be expended for the supplying of said water district would be \$695,000; and

WHEREAS, on May 2, 2017, the Town Board adopted an Order establishing the Lawtons Water District and mistakenly stated in said Order that the estimated maximum cost of supplying said Water District would be \$675,000 and further mistakenly stated that the amount to be financed by the issuance of serial bonds would be in an amount not to exceed \$675,000 rather than the correct amount of \$695,000 as stated in the map, plan and report; and

WHEREAS, the Town Board desires to adopt and amend the previously adopted proceedings in order to correctly state the estimated cost of establishing the Water District shall

be \$695,000 and to further correctly state the amount to be financed by the issuance of serial bonds would be in an amount not to exceed \$695,000; and

WHEREAS, such map, plan and report prepared by MDA Consulting Engineers, PLLC, have previously been duly filed in the office of the Town Clerk of the Town of North Collins, New York; and

WHEREAS, the boundaries of the Water District have not changed; and

WHEREAS, the proposed improvements in the Water District have not changed; and

WHEREAS, the prior environmental determinations made by the Town Board pursuant to the State Environmental Quality Review Act (SEQRA) have not changed; and

WHEREAS, the maximum amount to be expended for the performance or supplying of said water district shall hereafter be contracted by the North Collins Town Board acting for and on behalf of said Water District, for the provision of public water pursuant to the provisions of Section 198(6) of the Town Law of the State of New York at a total cost of \$695,000 resulting in an estimated annual charge not anticipated to exceed \$841.46 per annum per serviced equivalent dwelling unit (EDU), which expenses shall be levied and collected from the lots and parcels of land located within said Water District;

NOW THEREFORE, be it ORDERED, that a meeting of the Town Board of the Town of North Collins will be held at the North Collins Town Hall, 10569 Main Street, North Collins, New York 14111, on the 14 day of November, 2018, at 7:00 p.m. on said date, to consider the increase in the stated cost of the Lawtons Water District and to hear all persons interested in the subject matter thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the Lawtons Water District.

Seconded : Ellen Mathis

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Moved John Tobia

WHEREAS, the North Collins Veterans Site, Inc., is constructing a Veterans Memorial at the North Collins Marion J. Fricano Town Park located on Route 62, next to the Senior Citizens Building, North Collins, New York; and

WHEREAS, the Town Board of the Town of North Collins ("Town Board") has completed Part 1 of the Short Environmental Assessment Form ("SEAF") describing the nature of the project; and

WHEREAS, such action is an unlisted action subject to uncoordinated environmental review under the State Environmental Quality Review Act ("SEQRA") and pursuant to SEQRA the Town Board is the lead agency for such review; and

WHEREAS, Part 1 of the SEAF has been completed by the Town Supervisor and SEQRA review proceedings have been conducted by the Town Board in order to complete Part 2 of the SEAF; and

WHEREAS, as part of that process it was determined that the site of construction of the Veterans Memorial lies within an archeological sensitive area; and

WHEREAS, that archeological sensitive area was previously disturbed in the late 1990's by the construction of the Senior Citizens Building and a paved parking lot and access driveways and those activities resulted in a significant site disturbance and any potential for recovery of archaeological resources was precluded by those prior construction activities; and

WHEREAS, the current work being done involves minor excavation and placement of pavers and flagpoles; and

WHEREAS, the Town Board has reviewed and considered Part 1 of the SEAF and has completed Part 2 of the SEAF in connection with this proceeding;

NOW THEREFORE, BE IT RESOLVED, the Town Board as lead agency in the present uncoordinated review finds and declares that for the reasons stated above, the Board finds and determines that the proposed construction of the Veterans Memorial will have no significant impact upon archaeological resources and said construction will not result in any significant adverse environmental impact; and be it further

RESOLVED, the Town Supervisor is hereby directed to complete and sign Part 3 of the SEAF ("Determination of Significance") by completing and signing the same to indicate that the proposed action will not result in any significant adverse environmental impact.

Seconded : William Moritz

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Moved: John Tobia

For Dormitory Authority of the State of New York Program for
Veterans' Tribute Memorial Project #14346

WHEREAS, the Town Board desires to continue the process of acquiring the funds to complete the Town of North Collins's Veterans' Tribute Memorial Project.

WHEREAS, the Town Board desires to provide this type of facility to residents at the lowest possible cost to the Town and Town taxpayers, and

WHEREAS, the Town Board desires to apply for financial assistance from the Dormitory Authority of the State of New York Project, and

THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits an application to the Dormitory Authority of the State of New York Program for the Town of North Collins's Veterans' Tribute Memorial Project #14346 requesting \$50,000 in grant funding and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the Dormitory Authority of the State of New York Program application

RESOLVED, That John Tobia, as Supervisor of the Town of North Collins, is hereby authorized and directed to file an application for grant funds from the Dormitory Authority of the State of New York Program, in an amount of \$50,000 of the approved funding and upon approval of said request to enter into and execute a project agreement with the Dormitory Authority of the State of New York Program for such financial assistance to the Town of North Collins for the Veterans' Tribute Memorial Project #14346.

Seconded: Peter Robbins

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Motion by Ellen Mathis, seconded by Peter Robbins, to close the Regular Business Meeting at 7:45pm. Carried

Motion by Peter Robbins, seconded by Ellen Mathis, to open Public Hearing at 7:45pm. Carried

Proof of Publication for 2019 Budget was shown.

Supervisor John Tobia

Highlights: Revenues senior center rental, afterschool program fees and recreation fees
Expenditures Budget to Budget decreased 158,335.00, salary increase 2%, shared services, tax levy within tax cap, securing fund balance for long term financial planning.

Question was asked where the Dog Control comes out of; explained it came out of the B fund.

Motion by John Tobia, seconded by Ellen Mathis, to close the Public Hearing at 7:50pm. Carried

Motion by Ellen Mathis, seconded by William Moritz, to open Regular Business Meeting at 7:50pm. Carried

Item 13. BUDGET

Motion by Ellen Mathis, seconded by William Moritz, to accept the Supervisors Report. Carried

Moved: William Moritz

BE IT RESOLVED that the Town Board adopts the Preliminary Budget as the **TOWN BUDGET for the year beginning January 1, 2019.**

Second: Ellen Mathis.

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Item 14. SUPERVISOR:

Search and Survey came back on the Day property on Belcher Rd. Supervisor John Tobia said his personal feeling is that the Town doesn't need the property on Belcher Road.

Peter Robbins stated there have been 3 accidents in the past 20 years; he feels that we should decline the property.

William Moritz wants to hire an engineer to see how much it would cost and to see if the road is safe or needs to be made safer.

Moved: John Tobia

WHEREAS Mr. & Mrs. Day of Belcher Road, North Collins, have offered to donate land to the Town of North Collins, located on the south side of Belcher Road, North Collins, NY, which would reportedly be used by the Town Highway Superintendent to straighten out a curve on Belcher Road as it approaches New Oregon Road; and

WHEREAS, the Town Board Members have visited the site and observed the roadway in its present condition; and

WHEREAS, the Superintendent of Highways previously commenced work on private property without consent or approval of the Town Board and before requested documentation were provided to the Town Board;

NOW THEREFORE, THE Town Board hereby adopts the following Resolutions:

BE IT RESOLVED, the Town Board of the Town of North Collins hereby declines to accept any donated land from Mr. & Mrs. Day for purposes of reconstructing Belcher Road and also thanks Mr. & Mrs. Day for their offer.

Second: Ellen Mathis

Town Clerk Lynn DiVincenzo called for a roll call

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Noes Moritz. Motion carried.

Supervisor will meet with the Power Authority to see if we could save money on street lighting. Letter discussing a walking track- letter was given to Ellen Mathis.

There is no asbestos in the Town Hall building.

Moved: John Tobia

BE IT RESOLVED that the North Collins Town Board changes the Regular Meeting in December to the 13th, 2018 at 7pm. Also directs the Town Clerk to post and publish it.

Seconded : Peter Robbins

ROLL CALL: Ayes: Tobia, Mathis, Robbins, Moritz. Noes 0. Motion carried.

Item 15. TOWN CLERK:

Monthly Town Clerks Report – Total Revenues \$11,383.00, Dog \$1064.00, NYS Environmental \$1064.00, Marriage Licenses \$22.50, Supervisors \$ 5,780.91.

AED: If you are interested in training for AED let me know.

ZBA meeting on October 25th at 7pm at the Town Hall.

Town Clerks office Closed: November 6th, November 12th, Thanksgiving 22nd-23rd

Item 13. ATTORNEY – Nothing

Item 14. ADJOURNMENT. Motion to adjourn at 8:20pm by Ellen Mathis. Second: Peter Robbins. Carried.

Respectfully Submitted By,

Lynn DiVincenzo
Town Clerk