

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 Monday the 13th day of July 2026.

Present: Kenneth Martin, Supervisor
Brenda Overhoff, Councilmember
Jeffrey Pfeifer, Councilmember
Raymond Porter, Councilmember

Jacquelyn McLean, Councilmember
James Musacchio, Atty for Town
Becky Jo Summers, Town Clerk

Also Present: Wayne, Elian and Devina Awald, Candee Termer, Gene Majchrzak, Cathleen Allen, Zachary Nobles

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

RESOLUTION #126: AGENDA APPROVAL

Motion made by Supervisor Martin seconded by Councilmember Overhoff that the agenda be accepted as presented:

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
Nay 0

RESOLUTION # 127: MINUTES APPROVAL

Motion made by Councilmember McLean seconded by Councilmember Porter to approve the minutes of the May 8, 2026 regular meeting.

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
Nay 0

RESOLUTION # 128: BUDGET MODIFICATIONS AND TRANSFERS

Motion made by Supervisor Martin seconded by Councilmember Overhoff to approve the following Modifications and Transfers for Budget Year 2026:

BUDGET TRANSFER: A FUND:

From: A1355.400 Assessor Contractual To: A1355.110 Assessor - BAR \$ 3.00

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
Nay 0

Approval / Adoption of Abstract

Resolution # 129: ABSTRACT APPROVAL

Motion by Supervisor Martin seconded by Councilmember McLean that the bills be paid on abstract # 7 for 2026 dated July 13, 2026 for listed vouchers # 355 – 442 for \$ 352,854.56:

General – Townwide	50,846.09	Special Refuse Fund	1,672.61
General – Part Town	2,888.14	Water District # 1	4,437.81
Highway	164,985.51	Water District # 3	1,132.39
Park Improvements	122,213.32	Water District # 4	<u>3,744.98</u>
Special Lighting	933.71	Total	\$ 352,854.56

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
Nay 0

Public Access

1. Candee Termer reported on the car show on Saturday, noon to 4:00 pm at the Collins Center Park.

2. Wayne Awald asked the status of the poultry issue. Supervisor Martin stated that there was a discussion at the last meeting. The Planning Board last year made recommendation of a sample local law. Mr. Martin will get a copy of the law to Mr. Awald.

3. Gene Majchrzak from Senator Gallivan's Office asked if there was anything that he should take back to the office. Mr. Awald mentioned solar, home rule law to open more land to solar. Attorney Musacchio arrives at 7:09 pm.

Reports of Department Heads and Committees

Attorney Musacchio reported a hearing on two properties. Zachary Nobles stated he tried to buy the Bagdad Inn and was not able to. He thinks Cattaraugus County funds the land bank program. Building and grounds report handed out. Liberty Fest report was handed out. Library hot dog roast was successful. Recreation report was handed out. Town Clerk reported sales of \$ 6,697.35 with the Town's portion \$ 6,406.27. Water report was sent out.

Board Reports

Councilmember Overhoff contacted the Springville Journal and Dunkirk Observer to find out how many residents receive the papers.

Councilmember Porter reported a resident sent him about Planning Board meetings, solar permits needing public input at meetings, and seems by reading this says looks like a chaotic mess. Zachary Nobles stated there was no notification of where Planning Board meetings are held, the demos were not brought up at the meeting. Second issue is regarding flock cameras on the Big Lots property by the road. Data is stored approximately for 30 days but there is no public access. Gene stated these cameras are at the entrance to the Thruway. Councilmember Porter asks if there is anything we can do to have the camera removed. It is Cattaraugus' camera and they would have to be contacted.

Old Business

RESOLUTION # 130: ACCEPT TOWN OF COLLINS 2025 AUDIT REPORT

Motion made by Supervisor Martin seconded, by Councilmember Pfeifer that the following resolution is:

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
 Nay 0

WHEREAS, the Town has retained Drescher & Malecki, LLP to complete the annual financial audits, and

WHEREAS, Drescher & Malecki, LLP submitted their Financial Audit Report for 2025 and presented their findings to the Collins Town Board on June 8, 2026.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board acknowledges that the financial records of the Town have been audited and that the Town Board accepts the audit report for the year ending December 31, 2025, prepared by Drescher & Malecki, LLP.

RESOLUTION # 131: ACCEPT TOWN JUSTICE 2025 AUDIT REPORT

Motion made by Councilmember Pfeifer seconded by Councilmember Porter that the following resolution is:

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
 Nay 0

WHEREAS, the N.Y.S. Unified Court System's "Action Plan" for the Justice Courts includes initiatives to improve accountability and controls over Justice Court finances and records, and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited, and

WHEREAS, the Collins Town Board has retained the firm of Drescher & Malecki, LLP to audit the town's financial records, including those of the town justice.

NOW THEREFORE, BE IT RESOLVED THAT the Collins Town Board acknowledges that the records of Town Justices Walter Cain and Melissa Zittel have been audited and that the Town Board hereby accepts the audit report for the year 2025, as prepared by Drescher & Malecki, LLP.

New Business**RESOLUTION # 132: DECLARE OBSOLETE COMPUTER TOWERS AS SURPLUS**

Motion made by Supervisor Martin, seconded by Councilmember Overhoff to declare the following obsolete computer towers as surplus and that they be disposed of as scrap with all computers hard drives being removed and destroyed.

SURPLUS OFFICE EQUIPMENT**COMPUTER TOWERS****SERIAL/TAG #**Code Enforcement Office

2012 Dell Optiplex 790

Model: D05D, Service Tag: 4DMRPW1, Express Service

Code:9531434449, Product Key: RJX2R-J6W6T-VCFCR-8PD88-GBPTY

Supervisor Office

Year ? Dell Inspiron

Model: D16M, Service Tag: 3BBRG42, Express Service Code:

7215231314

Water Office

2011 Dell Optiplex 790

Service Tag: B78DWR1, Express Service Code: 24381954829

Counter in Clerk Office

2012 Dell Optiplex 790

Service Tag: 4DMSPW1, Express Service Code: 9531481105

RESOLUTION # 133: DECLARE 2019 FERRIS MOWER TO BE SURPLUS AND SOLD AT AUCTION

Motion made by Councilmember Pfeifer, seconded by Councilmember McLean that the Collins Town Board hereby declares the following piece of equipment to be surplus and sold through online auction:

Declare Surplus for Sale at Auction

2019 Ferris, Model 5901577 Z-Turn Mower with 1123 Hours of Operation, Serial Number: 4000578823

RESOLUTION # 134: APPROVE CONTRACTOR FOR SEAL COATING AND STRIPING THREE TOWN PARKING LOTS

Motion made by Councilmember Overhoff seconded by Councilmember McLean that the following resolution is:

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
 Nay 0

WHEREAS, the Town put down new asphalt pavement on three (3) parking lots in the summer of 2024 (Town Hall, Town Library, and Town Community Center Parking Lots), and

WHEREAS, it is recommended to seal coat new asphalt after a period of two-years, and

WHEREAS, the Town sent out a Request for Proposal soliciting quotations for seal coating and re-stripping of three parking lots to six contractors and received the following quotes:

Land-On Enterprises, Inc of Lake View, NY *\$14,025.00

*(Bid rejected, RFP required 2 seal coats, only 1 seal coat was quoted)

Northeast Diversification, Inc of Lancaster, NY \$16,421.00

Lake Shore Paving of Jamestown, NY \$16,560.00

Baughman Magic Seal, Inc of Amherst, NY \$17,350.00

Bartz & Son Contracting, LLC of Ellicottville, NY \$20,063.28

Louis Del Prince & Sons, Inc of Cheektowaga No quote

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby accepts the proposal of Northeast Diversification, Inc DBA Northeast Paving, 2 Cadby Industrial Park, Lancaster, NY 14086, to seal coat and re-stripe the three Town parking lots at the Town Hall, Town Library, and Town Community Center at a cost of \$16,421.00 and that the Town Supervisor be authorized to sign the acceptance of proposal.

RESOLUTION # 135: APPROVE CONTRACT CHANGE ORDER No. 1 WITH TRUDIRT, LLC (CONTRACTOR) FOR THE TOWN OF COLLINS TOWN PARK STREET PARKING PROJECT

Motion made by Supervisor Martin, seconded by Councilmember Pfeifer that the following resolution is:

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
 Nay 0

WHEREAS, TruDirt, LLC, contractor for the Town's Town Park Street Parking Project, has requested a Change Order in the amount of \$1,676.68 for labor and materials as follows: Remove unknown catch basin (+\$600.00); less undercut material used (-\$203.00) and less cost to remove gravel from drainpipe (-\$2,073.68).

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves Change Order No. 1 for the Town's Town Park Street Parking Project, to decrease the contract with TruDirt, LLC by \$1,676.68 from \$115,016.00 to \$113,339.32 and to authorize the Town Supervisor to sign Change Order No. 1.

RESOLUTION # 136: APPROVE PAYMENT APPLICATIONS NO. 1 WITH TRUDIRT, LLC (CONTRACTOR) FOR THE TOWN OF COLLINS TOWN PARK STREET PARKING PROJECT

Motion made by Councilmember Porter seconded by Councilmember Pfeifer that the following resolution is:

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
 Nay 0

WHEREAS, TruDirt, LLC, contractor for the Town's Town Park Street Parking Project, has submitted progress payment application No. 1 for work performed for the period of April 1, 2026 through June 26, 2026, and

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

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves payment application No. 1 to TruDirt, LLC, in the amount of \$113,339.32, and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

RESOLUTION # 137: APPROVE CERTIFICATE OF SUBSTANTIAL COMPLETION WITH TRUDIRT, LLC (CONTRACTOR) FOR THE TOWN OF COLLINS TOWN PARK STREET PARKING PROJECT

Motion made by Supervisor Martin, seconded by Councilmember Pfeifer that the following resolution is:

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
 Nay 0

WHEREAS, the work to which this Certificate of Substantial Completion applies, has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The date of substantial completion of the work is hereby established as June 24, 2026, subject to the provisions of the contract pertaining to substantial completion. The date of substantial completion in the Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the contract.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves the Certificate of Substantial Completion for the Town Park Street Parking Project contract with TruDirt, LLC, and to authorize the Town Supervisor to sign the Certificate.

RESOLUTION # 138: ADOPT THE NEW YORK ASSOCIATION OF TOWNS BILL OF RIGHTS

Motion made by Supervisor Martin seconded by Councilmember Porter that the following resolution is:

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
 Nay 0

WHEREAS, Town Government provides services essential to the vitality of New York State, including but not limited to maintaining and repairing roads, protecting neighborhoods and businesses, guiding economic development, and serving as the first line of defense, communication, and safety for residence every day of the year, and

WHEREAS, the 933 Towns of New York State are home to more than 9.1 million New Yorkers and are diverse in population, geography, and demographic, such that decisions affecting daily life are best made at the local level by the government that best understands each community's character, challenges, and needs, and

WHEREAS, the Towns of New York are partners in shaping the State's future, and a true partnership between the state and its local governments will propel New York State forward to the benefit of all New Yorkers, and

WHEREAS, the New York Association of Towns has adopted a Bill of Rights articulating the core principles that should govern the relationship between the State and its Towns, and

WHEREAS, the Town of Collins shares and affirms those principles, namely:
Protection and defense of municipal home rule, recognizing that Towns, as the level of government closest to the people, are best positioned to balance competing interest and make decisions that shape daily life;

Local control of land and zoning, free from statewide zoning rules that override the voice of resident taxpayers and the officials they elect;

Freedom from unfunded mandates, so that local taxpayers are not made to bear the cost of orders imposed by State and Federal Authorities without the resources to carry them out;

Modernized transparency, accessibility, and engagement, including reform of outdated public-notice requirements that consume scarce municipal dollars on print notices often missed by the public; and

A meaningful voice in State decisions affecting the hometowns that Towns govern, so that Town Government is treated as a true partner rather than an afterthought or a hurdle to clear.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby endorses and adopts the New York Association of Towns Bill of Rights and affirms its commitment to the principals set forth therein,

AND BE IT FURTHER RESOLVED, that the Collins Town Board calls upon the Governor and the New York State Legislature to respect and uphold these principals in the enactment of Legislation and the Administration of State Programs affecting Towns,

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit Certified Copies of this Resolution to the Governor of the State of New York, the Temporary President of the Senate, the Speaker of the Assembly, the State Senator and Member of the Assembly representing the Town of Collins, and the New York Association of Towns.

RESOLUTION # 139: DESIGNATE TOWN OF COLLINS DELEGATE TO THE LEGISLATIVE MEETING OF THE NEW YORK ASSOCIATION OF TOWNS

Motion made by Councilmember Pfeifer seconded by Councilmember Overhoff that the following resolution is:

ADOPTED	Aye	5	Overhoff, Pfeifer, Porter, McLean, Martin
	Nay	0	

WHEREAS, Town Supervisor, Ken Martin will attend the New York Association of Towns ("NYAOT") Legislative Conference and Meeting on September 22nd through 23rd, 2026, and

WHEREAS, the Town of Collins benefits from having a delegate vote on what to include in NYAOT's 2027 legislative priorities, and

WHEREAS, the Town of Collins has the authority to designate any officer, employee, or representative of the Town as a delegate for this meeting.

NOW THEREFORE BE IT RESOLVED, that Kenneth E Martin be designated as a delegate for the Town of Collins, and

BE IT FURTHER RESOLVED, THAT in the absence of Kenneth E Martin, Raymond Porter be designated as the delegate for the Town of Collins.

RESOLUTION # 140: AUTHORIZE EMERGENCY DEMOLITION OF UNSAFE STRUCTURES

Motion made by Councilmember Overhoff seconded by Councilmember Porter that the following resolution is:

ADOPTED	Aye	5	Overhoff, Pfeifer, Porter, McLean, Martin
	Nay	0	

WHEREAS, the conditions of the following listed properties within the Town of Collins have been determined by the Town Code Enforcement Officer to be an endangerment to the public:

13619 Route 62 (SBL # 329.000-1-33.000) Owners: Daniel Halliman and Wendy Halliman
2327 Wheater Road (SBL # 341.000-1-18.000) Owner: Patricia Rose Labriola, and

WHEREAS, it is the determination of the Town Code Enforcement Officer based on their formal inspections and reports to the Town Board, and in accordance with the provisions of Chapter 131-9 of the Town Code of the Town of Collins, that these structures be removed, and

WHEREAS, the Town has received no response by the listed owners, nor has any remedial work been undertaken to alleviate the known hazards, and the unsafe conditions which persist on the listed premises have only become more hazardous to the community.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board accept the report prepared by the Town Code Enforcement Officer, and with the absence of response by the property owners, order the emergency demolition of the abandoned structures and completely remove all debris and refuse left on the premises, and

BE IT FURTHER RESOLVED, the Collins Town Board authorizes the Town Code Enforcement Officer and Supervisor to initiate the process to expedite the emergency demolition of said properties, including defining the scope of the demolitions and calculation of demolition cost estimates, and

BE IT FURTHER RESOLVED THAT all costs and expenses, including the cost of actually removing these buildings will be assessed against the land on which the buildings are located at the same time and in the same manner as general Town taxes.

RESOLUTION # 141: APPROVE CONTRACT CHANGE ORDER No. 2 WITH TRUDIRT, LLC (CONTRACTOR) FOR THE TOWN OF COLLINS TOWN PARK STREET PARKING PROJECT

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

ADOPTED Aye 5 Overhoff, Pfeifer, Porter, McLean, Martin
 Nay 0

WHEREAS, the Collins Town Board desires to modify the Collins Town Park Street Parking Project to include additional drainage work as follows: Re-armor storm water outlet with medium and small rip-rap, regrade/lower trail near the Mill Street entrance to allow water to flow over top and outlet in woods, repave approximately 20-linear-feet of the walking trail, regrade swale into the woods, final grade area and grass restoration, and remove dead standing tree beyond drainage outlet, and

WHEREAS, the project contractor TruDirt, LLC has proposed Change Order No. 2 to the Project contract to accomplish the additional work at a cost of \$39,780.00.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves Change Order No. 2 for the Town's Town Park Street Parking Project to increase the contract with TruDirt, LLC by \$39,780.00 from \$113,339.32 to \$153,119.32 and to authorize the Town Supervisor to sign Change Order No. 2.

New Topics – Discussion and comments

The Town has been talking about the Code Red Program and will continue to discuss what is best for the Town. If there is an emergency notification will be sent out to all even those not yet signed up. The company will help get everyone signed up, we will advertise and they will do a QR code and supply pamphlets. Cost would be between \$ 3,500.00 to \$ 4,000.00

With no further business, on a motion by Councilmember Porter seconded by Councilmember Pfeifer the meeting was adjourned at 8:35 PM.

Becky Jo Summers, Town Clerk