

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 14th day of September 2026.

Present: Kenneth Martin, Supervisor
Brenda Overhoff, Councilmember
Jeffrey Pfeifer, Councilmember
Raymond Porter, Councilmember
Jacquelyn McLean, Councilmember
Becky Jo Summers, Town Clerk
Mark Mangano, Hwy Superintendent
James Musacchio, Attorney (7:32: pm)

Also Present: Zachary Nobles, David Gamel, Don Tharnish and EC Sheriff Brad Mohawk

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

RESOLUTION #151: 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 # 152: MINUTES APPROVAL

Motion made by Councilmember McLean seconded by Councilmember Porter to approve the minutes of the July 13, 2026 regular meeting.

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

Approval / Adoption of Abstract

Resolution # 153: ABSTRACT APPROVAL

Motion by Councilmember Porter seconded by Councilmember McLean that the bills be paid on abstract # 9 for 2026 dated September 14, 2026 for listed vouchers # 491 – 556 for \$ 147,548.51:

General – Townwide	36,175.78	Special Refuse Fund	4,246.66
General – Part Town	6,233.47	Water District # 1	21,889.96
Highway	29,417.61	Water District # 3	7,249.98
Par Improvements	40,881.00	Water District # 4	<u>471.68</u>
Special Lighting	982.37	Total	\$ 147,548.51

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

Correspondence

1. ECDEP 30-Day period for inclusion of viable agriculture lands into existing agriculture districts was read.

2. Gowanda Ambulance service funding request received stating they cannot continue as is and needs a contract and funding received from neighboring Towns.

3. Collins Center Fire Company has surrendered their EMS Agency Code effective immediately and they no longer have EMT's on staff.

Public Access

EC Sheriff Brad Mohawk handed out the list of calls for the last month and reported they will be following school buses to and from school because there have been reports of cars passing them. Supervisor Martin stated he has received calls regarding speeders and large trucks on Richardson Road and 4-wheelers on town property.

Reports of Department Heads and Committees

Assessor reports the Bagdad Inn and Marty's Restaurant will be demolished.

Town Clerk reported August sales of \$ 6,559.65 with the Town's portion \$ 5,645.15.

Water report: Kirk Smuda will replace Jake Ivett the end of the month.

Board Reports

Councilmembers Overhoff and Pfeifer are working on setting the Code Red system and the contracts have been signed.

Councilmember Porter reported that the Sheriff's Department owns the Flock camera in the Big Lots lot. The camera is a license plate reader that can have other components added to it.

Supervisor Martin along with Councilmembers McLean and Pfeifer attended the Supervisor Forum regarding information for the Town's budget.

New Business

1. Resolution needed to approve payment applications No. 2 with Trudirt, LLC for the Town Park Street Parting project

RESOLUTION # 154: **APPROVE PAYMENT APPLICATIONS No. 2 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 submitted progress payment application No. 2 for work performed for the period of June 27, 2026 through August 28, 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. 2 to TruDirt, LLC, in the amount of \$39,780.00 and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

2. Resolution needed to approve the addition of delinquent water bills to the property taxes

RESOLUTION # 155: **APPROVE THE ADDITION OF DELINQUENT WATER BILLS TO PROPERTY TAXES**

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, in accordance with New York State Town Law, §198, the Collins Town Board has opted to enforce unpaid water bill charges and property maintenance fees, by placing a lien upon the real property for which such service was provided, and

WHEREAS, Erie County Real Property Tax Department requires that all such charges to be levied on the 2027 tax bills be voted on by the Town Board.

NOW, THEREFORE BE IT RESOLVED, that the Collins Town Board approves all unpaid water bill charges in the amount of \$21,704.94 plus Administration Fee of \$8,681.98 totaling \$30,386.92 be included in the 2027 tax warrant, and to authorize the Supervisor to sign the "Letter of Authorization" to Erie County.

3. Resolution needed to set the date for a public hearing in the 2027 Community Development Block Grant (CDBG) eligible projects

RESOLUTION # 156: **SET DATE FOR PUBLIC HEARING ON 2027 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE PROJECTS**

Motion made by Councilmember Pfeifer, seconded by Councilmember Porter to set a public hearing on October 13, 2026 at 7:30 pm to discuss 2027 Community Development Block Grant eligible projects.

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

NOTICE OF PUBLIC HEARING
NOTICE TO THE CITIZENS OF THE TOWN OF COLLINS

A public hearing will be held on October 13, 2026 at 7:30 pm in the Collins Town Hall, 14093 Mill Street, regarding the use of Federal Community Development funds on 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 (716) 532-4887 ext. 101 by October 8, 2026.

4. Resolution needed to set a town board meeting for Monday, October 5, 2026 for the presentation of the 2027 Tentative Budget

RESOLUTION # 157: SET TOWN BOARD MEETING FOR MONDAY, OCTOBER 5, 2026 FOR PRESENTATION OF THE 2027 TENTATIVE BUDGET

Motion made by Supervisor Martin, seconded by Councilmember McLean to set a Town Board Meeting for Monday, October 5, 2026 for presentation of the 2027 Tentative Budget.

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

5. Resolution needed to approve the Town of Collins – Erie County SPCA Agreement

RESOLUTION # 158: APPROVE TOWN OF COLLINS – ERIE COUNTY SPCA AGREEMENT

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

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

WHEREAS, Erie County SPCA has offered a new agreement to the Town of Collins covering the period October 1, 2026 through September 30, 2027, and

WHEREAS, the Town of Collins wishes to retain the services of the Erie County SPCA for dog adoption services.

NOW THEREFORE BE IT RESOLVED, that the Collins Town Board hereby approves entering into a new agreement with the Erie County SPCA commencing on October 1, 2026 and that Town Supervisor be authorized to sign the agreement.

TOWN OF COLLINS LOCAL LAW NO. 1 OF THE YEAR 2026

A local law imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the Siting of Battery Energy Storage Systems (BESS) Projects in the Town of Collins in order to allow for the adoption of appropriate regulations pertaining to such land uses.

Be it enacted by the Town Board of the Town of Collins ("Town") as follows:

WHEREAS, the Town of Collins residents have received inquiries about leasing, siting, and locating commercial BESS installations on land within the Town of Collins, and

WHEREAS, current local laws, ordinances, and regulations do not adequately address many of the issues and concerns which must be considered to fairly address the impacts of such uses upon the Town, and

WHEREAS, the Town Board has determined that it is necessary to protect the public interest and welfare by imposing a temporary moratorium on new siting, location, and establishment of BESS Projects while the Town undertakes a comprehensive review of concerns and issues raised by these uses, and

WHEREAS, such moratorium is intended to allow the Town sufficient and necessary time to address such concerns and issues and enact new laws, ordinances or regulations, and/or appropriate amendments to existing laws, ordinances or regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town's comprehensive plan.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Collins hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Collins with respect to the siting, location or establishment of BESS Projects within the Town of Collins for a period of twelve (12) months beginning October 13, 2026, unless earlier terminated by other local law, duly adopted. This local law is intended to supersede all applicable provisions of the Town of Collins Code, to the extent required to give effect to the provisions hereof for the effective period hereof.

6. Resolution needed to set a public hearing on LL No.1 of 2026 for a Twelve (12) Months Moratorium of the issuance of applications and grant of permits for siting of commercial battery energy storage systems (BESS) projects in the Town of Collins

RESOLUTION # 159: **SET PUBLIC HEARING ON L.L. No. 1 OF 2026 "TWELVE (12) MONTHS MORATORIUM ON THE ISSUANCE OF APPLICATIONS AND GRANTING OF PERMITS FOR SITING OF COMMERCIAL BATTERY ENERGY STORAGE SYSTEMS (BESS) PROJECTS IN THE TOWN OF COLLINS"**

Motion made by Supervisor Martin and seconded by Councilmember Overhoff to set a public hearing on October 13, 2026 at 8:00 pm to discuss Local Law No. 1 of 2026 "Twelve (12) Months Moratorium on the Issuance of Applications and Granting of Permits for Siting of Commercial Battery Energy Storage Systems (BESS) Projects in the Town of Collins".

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

NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW NO. 1 OF THE
YEAR 2026 FOR THE TOWN OF COLLINS

PLEASE TAKE NOTICE that pursuant to resolution of the Town Board of the Town of Collins, New York, a public hearing will be held before the Town Board of the Town of Collins, New York, at the Town Hall, 14093 Mill Street, Collins, New York, on Tuesday, October 13, 2026, at 8:00 p.m. to consider the following:

Town of Collins Proposed Local Law No. 1-2026, which, if approved, would impose a twelve (12) months moratorium on the issuance of applications and granting of permits for Siting of Commercial Battery Energy Storage Systems (BESS) Projects in the Town of Collins.

Copies of the Proposed Local Law are available in the Collins Town Clerk's Office. All interested parties may attend and be heard.

Dated: September 14, 2026

BECKY JO SUMMERS
Collins Town Clerk

RESOLUTION # 160: **APPROVE RESOLUTION APPROVING**

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

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

WHEREAS, Erie County Legislator Jeanne vinal, representing portions of the Towns of Amherst and Cheektowaga, has recently contacted local officials regarding a renewed effort reinstate the Erie county Planning Board; and

WHEREAS, proposals of this nature have been opposed and rejected numerous times over the past two decades

WHEREAS, based on the version of a draft local law shared and referenced by Legislator Vina's communication, this Planning Board would derive its mission and purpose from a regional growth plan adopted by Erie County in 2007; and

WHEREAS, under this version of the law, only two of the nine voting members of this board would reside outside the Cities of Buffalo, Lackawanna and Tonawanda or the Towns of Amherst, Cheektowaga, Tonawanda and West Seneca leaving a large representation gap for communities that make up a majority of the land area of Erie County and making no distinction between suburban and rural communities outside of first-ring suburbs; and

WHEREAS, according to New York State Law, this board could have authority to review and reject certain local project proposals, or set conditions for the approval thereof, or set conditions for the approval thereof, as well as act as lead agency under the State Environmental Quality Review Act, stripping away local control of the environmental impact review process; and

WHEREAS, creation of such a board would add an additional and unnecessary layer of bureaucracy to the already daunting task of fostering constructive economic development within our region; and

WHEREAS, the oversight and control conferred upon such a board would reduce the voice of local governments and the residents who would make decisions regarding land use within their own communities; and

WHEREAS, local municipalities and the residents who elect their government officials deserve to retain autonomy and authority to determine their own development and zoning plans that best suit their communities; and

WHEREAS, the State of New York has already been encroaching upon local control by proposing and enacting legislation that allows them to override local zoning regulations for various types of projects; and

WHEREAS, The Town of Collins desires to maintain the identity of our community and retain control over its vision for growth through local representation; and

WHEREAS, The Collins Town Board does not believe the establishment of an Erie County Planning Board would be in the est interests of the residents of Collins or similarly situated municipalities across Erie County.

NOW, THEREFORE BE IT

RESOLVED, That the Town Board of Collins believes it is crucial that local municipalities retain the right to determine their own planning actions, and be it further

RESOLVED, that certified copies of this resolution shall be sent to Erie County Executive Mark Poloncarz, members of the Erie County Legislature and the Erie County Association of Governments.

New Topics – Discussion and comments

1. Log jam removal proposal from TruDirt, LLC (\$41,260.00) for the log jam at the Taylor Hollow pump house.
2. Town of Orchard Park Resolution on Proposed County Planning Board of Commissioners would take over for local Planning Boards but all agreed to not proceed with this.
3. Town of Collins health insurance offering for seven full-time employees with a 8.3% increase this year and the Town pays 75% of the cost.
4. Option to adopt a full property tax exemption for Veterans with a 100% disability rating

With no further business, on a motion by Supervisor Martin seconded by Councilmember Porter the meeting was adjourned at 8:16 PM.

Becky Jo Summers, Town Clerk