

**THE REGULAR MONTHLY MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS WAS HELD ON WEDNESDAY, DECEMBER 18TH, 2019, AT 7:00PM IN THE NORTH COLLINS TOWN HALL, 10569 MAIN STREET, NORTH COLLINS, NEW YORK.**

<b>PRESENT:</b>	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.

Item 2. Approved the November 9<sup>th</sup>, 2019 Regular Meeting Minutes as previously presented:

Moved: Mike Perry. Second: Ellen Mathis

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

**AUDIT OF BILLS**

Item 3. MOVED: Ellen Mathis

BE IT RESOLVED that the following claims, as set forth in Abstract #13 and in the amount of \$153,483.47 are approved for payment by the Town Board:

A#660,661,663,664,665,666,667,668,669,672,673,674,675,676,677,679,680,681,682,683,684,685,  
686,696,697,698,699,701,702,703,707,708,709,710,711,712,713,714,716,719,

B# 678,696,697,700,703,707,711,717,718,

DA# 677,687,688,689

DB# 662,669,670,690,691,692,693,694,695,704,705,706,707,715,

SF#

SR #671

SW1#

SECOND: Mike Perry

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

Motion by John Tobia, Seconded by Mike Perry, to close the Regular Scheduled Meeting and go into Executive Session to discuss personnel issues of an employee. Also, to invite Crystal Cocca and Richard Schaus at 7:04pm. Carried

Motion by John Tobia, Seconded by Ellen Mathis, to amend the Executive Session to also invite Jeneen Hill and Mary Hosler, the Town Supervisor, from Evans at 7:04pm. Carried

Motion by Ellen Mathis, seconded by Mike Perry, to close Executive Session and open Regular Business Meeting at 7:41pm. Carried

Item 4. **VISITORS:**

**Padma** - Attended the North Collins Planning Board. They approved the wind turbine at 3249 Langford Road. Richard Schaus stated that it needs to go to a public hearing.

Motion by Mike Perry, Seconded by Ellen Mathis, to have Town Clerk publish a public hearing, which will be held on January 8<sup>th</sup> at 7:30pm for 3249 Langford Road. Carried

**John Mrozek** - Had some questions for Building Inspector, Phil Tremblay regarding the new building at the park. Are the specifications made available for review and did he check the building out as it was being built. Also wanted to know if it has footer and why doesn't it have a basement? Phil Tremblay stated that he checked the building and it has a certification of completion.

**Ann Converso** - Asked if prevailing wages were paid for the new building at the town park because the Amish were up there working.

**Karen Ricotta** - Stated that the parks commissioner was up by the Franklin Golf Park looking to set up a parking lot.

Item 5. **HIGHWAY:** Everything is going good.

Moved John Tobia:

BE IT RESOLVED, the North Collins Town Board approves the 2020 Highway Truck Bid Packet and instructs the Town Clerk to publish in the Dunkirk Observer. All sealed bids have to

be in by January 8<sup>th</sup> at 4pm.

Seconded Ellen Mathis.

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

**Item 6. CODE ENFORCEMENT OFFICER: No Report**

**Item 7. LIBRARY: No Report**

**Item 8. HISTROIAN: No Report**

**Item 9. RECREATION:** For the months of January-March of 2020, they will have open gym nights on Mondays and Thursdays, Sledding 1/18/2020 from 10am-11am, RC Car Day 2/29/2020 at the High School Gym from 10:00-11:00, Family Movie Night 3/19/2020 6pm-8pm.

**SENIORS:** Senior Group Election Results: President George Jablonski, Vice President James Lint. The current treasurer and secretary stayed the same.

**Item 10. COUNCILMEN:**

**Mathis** – Nothing.

John asked Ellen to set up a meeting for the Langford Park and figure out what they would like to do with it.

**Moritz** – Nothing

**Robbins** –Nothing

**Perry** – Nothing

Moved Mike Perry:

BE IT RESOLVED, The North Collins Town Board approves putting up a sign that says “Ski & Sled at your own Risk” at the North Collins Fricano Town Park.

Seconded Peter Robbins

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

**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 & Conservation.

Seconded Mike Perry

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

Moved John Tobia:

BE IT RESOLVED, the Town Board approves the North Collins Senior Club to purchase an AED in the amount of \$1549.00 to be used on senior trips.

Seconded Ellen Mathis.

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

Moved Mike Perry:

BE IT RESOLVED, the Town Board approves Crystal Cocca to do pay roll on December 24<sup>th</sup>, 2019, instead of December 26<sup>th</sup>, 2019

Seconded Ellen Mathis.

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

Moved John Tobia:

BE IT RESOLVED, the North Collins Town Board approves Supervisor John Tobia to sign the dog control contract, with the Town of Eden, starting January 1<sup>st</sup> 2020 - December 31<sup>st</sup> 2020 in the amount of \$4,100.00.

Seconded Ellen Mathis.

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

Moved John Tobia:

BE IT RESOLVED, the Town of North Collins approves the hiring of Goldberg Segalla to represent the Town of North Collins for union contract negotiations.

Seconded Peter Robbins.

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

Moved John Tobia:

BE IT RESOLVED, The North Collins Town Board supports the resolution made by The Association of Towns

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government. County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly and children. No group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect;

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families. These crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community. They also include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals and Aggravated Cruelty to Animals, Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and also include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting. Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and the

issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

BE IT RESOLVED, that the Town of North Collins hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

BE IT FURTHER RESOLVED, that the Town of North Collins asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. The New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York, The Association of Towns and NYCOM.

Seconded by Ellen Mathis.

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

**Item 11. SUPERVISOR:**

Motion by Ellen Mathis, Seconded by Michael Perry, to accept the Supervisor Report for November 2019. Carried

Holiday parade was great. Thanked Heidi and Bob Kibler for building the Town Christmas Tree.  
Working on an assessor agreement

John Mills reported that the state is funding the repair on the dam and the reservoir on Genesee Road.

Tobia discussed the parking lot at Franklin Gulf, with a possible 8-10 cars spots. They will be talking to residents before anything goes in

**Item 12. TOWN CLERK:**

Monthly Town Clerks Report – Total Revenues \$4760.00, Dog \$48.00, DEC \$677.58 Supervisors \$4074.24 and Marriage \$22.50.

Dog Control Reports were submitted.

Holiday Office Hours are posted.

Census is hiring for \$18.00 dollars/hr. plus mileage.

**Item 13. ATTORNEY :** 2193 Shirley Road wants to buy the land behind his house. He stated that is all wooded and is next to the town park.

The North Collins Town Board DOES NOT want to sell the property.

Motion by Peter Robbins, Seconded by Ellen Mathis, to go into Executive Session, to discuss personnel issues of a particular employee and to invite Richard Schaus and Crystal Cocca in Executive Session at 8:24pm.

Motion by Mike Perry, Seconded by Ellen Mathis, to close Executive Session and open up Regular Scheduled Business meeting at 9:00pm.

Moved Peter Robbins:

BE IT RESOLVED, The North Collins Town Board makes an amendment to the 2020 Highway truck bid. 9feet 2inches Boss Poly VXT plow and Rubber snow Deflector to 9feet-10 feet Poly VxT Plow and Rubber snow Deflector.

Seconded John Tobia

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

Item 14. **ADJOURNMENT.** Motion to adjourn at 9:01 pm by John Tobia. Second: Ellen Mathis . Carried.

Respectfully Submitted By,

Lynn DiVincenzo  
Town Clerk