

THE REGULAR MONTHLY MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS WAS HELD ON WEDNESDAY, MAY 11th, 2016, AT 7:00PM IN THE NORTH COLLINS TOWN HALL, 10569 MAIN STREET, NORTH COLLINS, NEW YORK.

PRESENT:	Supervisor	John M. Tobia
	Councilmen:	Ellen M. Mathis
		Michael W. Perry
		John Mrozek G.
		Peter Robbins D.
	Town Clerk	Lynn M. DiVincenzo
	Highway Superintendent	Excused
	Town Attorney	Richard M. Schaus

Item 1 Supervisor John Tobia called the meeting to order, led the Pledge to the Flag, short prayer after pledge

Item 2. **MINUTES.** John Mrozek moved to approve the April Regular minutes as previously presented: Moved: Mrozek. Second: Perry.
ROLL CALL: Ayes: Mathis, Robbins, Mrozek, Tobia, Perry. Noes 0. Motion carried.

Item 3. **AUDIT OF BILLS** John Tobia moved:
BE IT RESOLVED as set forth in Abstract #501 were approved for payment by the Town Board:

Abstract 501

A: #97-104,124-134,136-155,158-161,172-193	
B: #102-104,126,131,135,156,157	
DA: #159,162,182	
DB: # 130,159,163,164-171,178-181,183-188	
SF: # 120-123	
SM: #	
SR: # 189	
TOTAL:	\$319,198.60

Second: John Mrozek
ROLL CALL: Ayes: Mathis, Perry, Robbins, Mrozek, Tobia. Noes 0. Motion carried.

Item 4. **VISITORS:**

Scott Taylor School Superintendent – discussed the budget with the town board and to the public.

Jim Sager – Running for a school board, come out and vote May 17th.

Jim Lint – they are breaking ground on June 12th and they have a meeting on June 7th at 6pm. They have sold 1,000.00 in bricks.

Motion by John Mrozek seconded by Michael Perry to do a site plan on the Veterans Site.
Carried

Lawtons Resident: Came to discuss the water issue and how long will this be until they get a water district and new water. Richard explained that this is a process and about a year or so.

Item 5. **HIGHWAY-** Mr. Winter has been excused from the meeting.

Item 6. **DEPARTMENTAL REPORTS**

Code Enforcement: Things are going smooth and things are slow, Solar Panels people really need to look into before getting them. Also the Town board should look into the rules for Solar panels too.

Library: Would like to Thank Eagle Energy for doing great things at the Library, also summer reading will begin. Legislator Mills is having a Hot Dog Roast in June watch for the Date.

Historian: Submitted report for March and April, Also would like to go to a conference for three nights. Town Board asks her to submit a letter in writing.

Recreation: Day camp will be from July 6th-Aug 4th, Next week interviews, the student body government is making a donation to the After School program then they will submit the money to the Clerk.

PUBLIC HEARING: Motion by John Mrozek seconded by Mike Perry to Close Regular meeting and open Public Hearing at 7:26pm.Carried.

Town Clerk showed proof of advertisement of Bid.

Richard Schaus discussed the General Code and that there are a few changes to some wording and spelling corrections. The cost of this book and putting all the new laws in the updated book cost about 10,000.00. One Change was the ZBA historically it's a 5 member board, they requested 2 alternates. Coding Fines, Richard open up for discussion. No Comments from the public.

Motion by John Mrozek seconded by Mike Perry to close public hearing and open regular meeting at 7:33. Carried.

Moved: John Mrozek

TOWN OF NORTH COLLINS
RESOLUTION TO ADOPT LOCAL LAW # 1 - 2016
NORTH COLLINS TOWN CODE ADOPTION

WHEREAS the Town Board of the Town of North Collins has entered into a project for the codification of local laws, ordinances and certain resolutions of the Town of North Collins for the purposes of increasing the effectiveness of town governmental administration, providing for greater public awareness of and access to town legislation and protecting the health, safety and welfare of town inhabitants; and

WHEREAS the proposed codification has been published in loose-leaf form (which is on file in the Town Clerk=s Office);

WHEREAS, a PUBLIC HEARING NOTICE was duly published in the Hamburg Sun on March 24, 2016; and

WHEREAS, a public hearing was duly held on May 11, 2016 at 7:30 p.m. in the North Collins Town Hall, 10469 Main Street, North Collins, New York;

WHEREAS, the Town Board does hereby find that adoption of this local law is a Type II action under the SEQR law and that this law does not have or create a significant adverse impact on the environment as provided under 6 NYCRR 617.5;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of North Collins does hereby adopt Local Law No. 1 of the year 2016 being a local law to provide for the codification of the local laws, ordinances and certain resolutions of the town of North Collins into a single Municipal Code to be hereafter designated as the ACode of the Town of North Collins@ and be it further

RESOLVED, that the Town Clerk immediately file a copy of Local Law No. 1 of the year 2016 with the New York Secretary of State.

Seconded by Mike Perry

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

Item 7. Supervisor:

Moved John Tobia

BE IT RESOLVED, the town board hereby awards the Refuse & Garbage Collection & Disposal contract for the term 2017 to 2021 to waste Management Company of West Seneca, NY for a Total bid amount of \$815,456.29 and authorizes the town attorney to draft the required contract pursuant to the published specifications and the Town Supervisor is authorized to execute said contract; and it is further

BE IT RESOLVED, that the town board hereby agrees to change the service day from Tuesday to Friday of each week, provided that the contractor shall bear the expense of properly notifying residents through ads and public notices as may be determined by the town board.

SECONDED Mike Perry

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

May 1st-May 7th was Clerks Week

Still working on the Train for our town

Would like to have volunteers to help with a Boucher for new residents

Motion by John Tobia seconded by Ellen Mathis to move next months meeting From June 8th to June 15th. Carried

Supervisor Tobia met with Marie Thornton from Community Development for grant money for Luther Gulf.

Moved John Tobia

BE IT RESOLVED the Town has resolved to follow the Federal Guidelines regarding travel reimbursement (meals hotels and mileage) for Town Officials and employees as outlined on the www.gsa.gov

Seconded John Mrozek

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

Supervisors report submitted

For next meeting Town Supervisor and Lawyer will discuss solar panels in North Collins and discussed resolution.

Item 8. OLD BUSINESS:

Nothing

Item 09: TOWN CLERK:

Monthly Check been submitted to the Town Supervisor in the amount of \$2,557.01.

Motion by Mike Perry seconded by Ellen Mathis to accept the resignation letter of Julie McInoo from the ZBA. Carried.

Motion by Mike Perry seconded by Ellen Mathis to allow the Clerk to purchase a pamphlet holder for the space in the hallway.

Item 10. Councilmen Reports:

Mathis-Natures Pride can spray they ball diamonds they are qualified to do so. Swings and bleachers will be in soon.

Perry- still working on cable connection senior center

Robbins- All set for tonight

Mrozek- Asked if anyone has looked at the draft from the architects. They will be out in the June meeting to discuss the plans.

Item 9. **TOWN ATTORNEY**

Motion by John Mrozek seconded by Mike Perry to approve the Supervisor to sign a resolution to buy Glenn Kerwin a new protective vest. Carried

Motion by Mike Perry seconded by Ellen Mathis to authorize the supervisor to sign the Mutual Aid Policy with Eden for Code Enforcement. Carried

Nation fuel applied to construct new pipe lines replacing about 14 miles start in the spring of 2017 thru fall of 2018.

Moved John Tobia

BE IT RESOLVED the Town will sign the lease agreement 1,000.00 with the Erie County Board of Elections for Dates April 19th, June 28th, September 13th and November 8th.

BE IT RESOLVED, that the town board appoints Michael Perry to be the Contact person for the Erie County Board Of Elections.

SECONDED Mike Perry

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

Motion by John Tobia seconded by mike Perry to close regular meeting and go into executive Session to talk about employment history and litigation. Carried

Motion by Ellen Mathis seconded by Mike Perry to close executive session and open regular meeting.

Moved John Mrozek

Rocky Mountain Road Insurance Coverage Litigation

WHEREAS, the Town of North Collins was sued in the summer of 2010 in the Supreme Court of the State of New York, over efforts by the Supt. of Highways to reconstruct Rocky Mountain Road; and

WHEREAS, the Town=s insurance carrier, New York Municipal Insurance Reciprocal (NYMIR) denied insurance coverage to the town upon the basis that the acts underlying the lawsuit were intentional and willful and thus not covered under the town's insurance; and

WHEREAS, a final decision has been rendered by Justice NeMoyer of the Supreme Court wherein Judge NeMoyer found and determined that Rocky Mountain Road was partially abandoned by the Town and said decision further awarded damages to the plaintiff for trespass; and

WHEREAS, a claim was filed by the Town of North Collins against NYMIR demanding reimbursement for the Town=s expenses in defending said lawsuit and in satisfying the judgment rendered against the Town; and

WHEREAS, a settlement agreement has been tentatively agreed upon between the Town and NYMIR to resolve the Town=s claim for coverage in the above mentioned action; and

WHEREAS, the town board desires to avoid the uncertainty of outcome, the delay and the further expense that any further litigation against NYMIR would entail, and the town board further desires to settle the matter and authorize the Supervisor to sign a Release;

NOW THEREFORE,

BE IT RESOLVED, the Town Supervisor is hereby authorized and directed to settle the town=s claim against NYMIR for the sum of Thirty-Four Thousand (\$34,000.00) Dollars and he is further authorized and directed to execute a General Release on behalf of the Town of North Collins in favor of NYMIR in exchange for said sum and thereby forever releasing NYMIR from any claims over the above mentioned state litigation over Rocky Mountain Road, it being understood that this Release is limited to the state court action and shall not apply to any claim over pending federal court litigation.

Seconded by Mike Perry

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

Item 11. **ADJOURNMENT**. Motion by Ellen Mathis seconded by Mike Perry to adjournment at 8:35pm.

Respectfully submitted,

Lynn DiVincenzo
North Collins Town Clerk