

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 the 11th day of January 2021.

Present: Kenneth Martin, Supervisor Jane Sion, Councilman
 Mary Stelley, Councilman Becky Jo Summers, Town Clerk
 James Hotnich, Councilman James Musacchio, Attorney
 Jacquelyn McLean, Councilman Sue Gamel, Bookkeeper

Also Present: Cory McCandless of Omni, Ronald Wittmeyer, Zack Wilcox

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

Resolution # 67: **AGENDA APPROVAL**

Motion made by Supervisor Martin seconded by Councilman Hotnich to approve the agenda as presented.

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
 Nay 0

Resolution #68: **MINUTES APPROVAL**

Motion made by Councilman McLean, seconded by Councilman Hotnich to approve the minutes of the December 14th regular meeting and January 4th organizational meeting.

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin,
 Nay 0

Councilman Stelley questioned Computer Resolution's voucher for computer work on a number of town computers. She did not like how the invoice was done.

RESOLUTION # 69: **APPROVE BUDGET MODIFICATIONS AND TRANSFERS**

Motion made by Councilman Sion and seconded by Councilman McLean that the following budget modifications and transfers are:

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
 Nay 0

2020 Budget

A FUND

Increase:	A5010.400 Transportation Adm - Contractual	\$ 435.74
Decrease:	A1940.400 Contingency	\$ 435.74

B Fund

Increase:	B9010.800 State Retirement	\$2,471.27
Decrease:	B1940.400 Contingency	\$2,471.27

DB Fund

Increase:	DB5110.100 Highway Part Town Personnel	\$4,569.85
Decrease:	DB5110.400 Highway Part Town Contractual	\$4,569.85
Increase:	DB9010.800 Retirement	\$1,803.01
Decrease:	DB9040.800 Compensation Insurance	\$1,803.01

SR Fund

Increase:	SR8160.100 Refuse Garbage – Personnel	\$2,696.20
Decrease:	SR8160.400 Refuse Garbage Contractual	\$2,696.20

SW1 FUND

Increase:	SW1-9040.810 Comp Insurance	\$ 9.66
Decrease:	SW1-9010.810 Retirement	\$ 9.66

SW3 Fund

Increase:	SW3-8330.410 Water Purification Testing	\$ 942.00
Decrease:	SW3-1420.450 Legal	\$ 942.00
Increase:	SW3-9710.651 Filtration System Bond	\$ 0.01
Decrease:	SW3-9010.850 Retirement	\$ 0.01

2021 Budget

A FUND

Increase:	A1110.110 Judicial Employees – Court Clerk	\$1,112.72
Decrease:	A1940.400 Contingency Fund	\$1,112.72
Increase:	A1910.400 Special Items – Unallocated Insurance	\$ 960.56
Decrease:	A1940.400 Contingency Fund	\$ 960.56

Resolution # 70: **ABSTRACT APPROVAL**

Motion by Councilman Hotnich seconded by Councilman McLean that the bills be paid on abstract #13 for 2020 dated January 11, 2021 for listed vouchers # 776 – 823 for \$ 45,470.36 and abstract # 1 for 2021 dated January 11, 2021 for listed vouchers # 1- 7 for 62,707.99:

13 of 2020

General – Townwide	8,343.49	Water District # 1	2,373.68
Highway	10,185.29	Water District # 3	927.35
Highway Electrical Upgrades	18,717.38	Water District # 4	<u>3,116.60</u>
Special Lighting	1,175.57	Total	\$ 45,470.36
Special Refuse Fund	631.00		

1 of 2021

General – Townwide	50,710.02	Water District # 1	61.86
General – Part Town	764.89	Water District # 3	18.97
Highway	10,738.19	Water District # 4	<u>1.65</u>
Special Refuse Fund	412.41	Total	\$ 62,707.99

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
Nay 0

Reports of Department Heads and committees

Attorney Musacchio reviewed the agreement for bookkeeping services with Bahgat & Laurito-Bahgat.

Bicentennial committee sent minutes of their last meeting late.

Code Enforcement handed out their annual monthly report.

Dog Control submitted his monthly reports.

Highway, Transfer Station and Parks report was read by the Supervisor.

Town Clerk had sales in December of \$ 7,193.95 with the Town's portion \$ 7,156.79.

Water department report was read by the Supervisor.

Board Reports

Councilman McLean updated face book, spoke with Norm Johnson on tri-pods, spoke with Councilman Stelley and Bookkeeper Gamel on duties, spoke with Doug Martindale regarding the Seniors, attended the zoom meeting regarding the accounting and reviewed the vouchers.

Councilman Sion attended the prison advisory meeting, accounting zoom meeting and reviewed the vouchers.

Councilman Hotnich reviewed the vouchers, spoke with the highway regarding fogging all town buildings once a week and will check with the Library and the LKP.

Councilman Stelley updated the website, attended the zoom meeting and reviewed the vouchers.

Supervisor Martin attended the zoom meeting, reported on an increase to the town's insurance.

Old Business

1. Resolution needed to accept November 2020 Supervisor's report

RESOLUTION # 71: **ACCEPT NOVEMBER 2020 SUPERVISOR'S REPORT**

Motion made by Councilman McLean and seconded by Councilman Hotnich to accept the Town of Collins Supervisor's Report as submitted, for the month of November 2020.

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
Nay 0

New Business

1. Resolution needed to approve professional services agreement with Bahgat & Laurito-Bahgat for town payroll and accounting services.

RESOLUTION # 72: **APPROVE PROFESSIONAL SERVICES AGREEMENT WITH BAHGAT & LAURITO-BAHGAT FOR TOWN PAYROLL AND ACCOUNTING SERVICES**

Motion made by Councilman Hotnich and seconded by Supervisor Martin that the following resolution is:

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
 Nay 0

WHEREAS, the Town's Budget Officer/Bookkeeper is retiring as of February 19, 2021, and
WHEREAS, the Town solicited applicants to fill this position, receiving eleven employment applications and one proposal from an accounting firm for payroll and accounting services, and
WHEREAS, upon deliberation the Town Board has decided to engage the accounting firm for these services.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves hiring Bahgat & Laurito-Bahgat Certified Public Accounts & Advisors, 16 West Main Street, Suite 1, Fredonia, NY 14063 to provide payroll and accounting services for the Town of Collins for the year ending December 31, 2021 and that the Collins Town Supervisor be authorized to sign the letter of engagement.

2. Resolution needed to approve payment application No. 4 to the State Group Industrial (USA) Ltd for the highway barn electrical upgrades project

RESOLUTION #73: **APPROVE PAYMENT APPLICATION NO. 4 TO THE STATE GROUP INDUSTRIAL (USA) LTD FOR THE HIGHWAY BARN ELECTRICAL UPGRADES PROJECT**

Motion made by Councilman Hotnich and seconded by Councilman McLean that the following resolution is:

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
 Nay 0

WHEREAS, the contractor for the Highway Barn Electrical Upgrades Project, The State Group Industrial (USA) Ltd, has submitted progress payment application No. 4, and
WHEREAS, MDA Consulting Engineers, PLLC has verified the quantities included in this payment application.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby approves payment application No. 4 in the amount of \$2,251.50 and that the Collins Supervisor be authorized to sign the Application and Certification for Payment.

3. Discussion on PPE masks – In the first round, we received 3,500 masks with 500 to Concord for lunches. In the second round we received 4,000 masks with 750 shared with the Village of Gowanda for town residents. Supervisor Martin contacted Marilyn Calhoun and she does not know of any restrictions. The masks can be distributed to employees and town residents.

4. Discussion about loaning out of Tree with a Bank Account memorabilia (tree trunk slice)- Christopher Jeanniton of the Piece of Pie would like to display the tree trunk slab at his store. He measured it and the highway workers will move it. All agreed with a letter of the loan be done.

5. Discussion about senior trips subsidy – the Board received a report of what was done before the LKP and the 50+ Seniors group was turned over to the Town. (The 50+ group is a town group.) Supervisor Martin asks the Board to think this over and it will be discussed further.

6. Discussion on the Omni Navitas Community Solar Projects located at 12819 New Oregon Road, Collins, NY – A Special Use Permit application was submitted by Omni. The town was declared as lead agency. On January 8th Omni answered back so we had 20 days to act on a positive or negative declaration. We can have meeting on January 25th to do the declaration. Derek Rule

from MDA said all is good under the agricultural impact: Beams are anchored into the ground; some concrete will be on site that will not disturb the soil and will be removed when the project has finished to its end. Cory McCandless asked for comments from the MDA letter. Ag and Markets wants land to be able to be returned back to farming. Attorney Musacchio suggests Erie County IDA draft a uniform PIOLT agreement for all and not leave individual communities to have to do their own. A PILOT is based on 1 – 3% of revenue (payment in-lieu of taxes). After the 30-day comment period a public hearing can be held. All neighbors adjacent to this property will need notification of the public hearing.

7. Resolution needed to set a special meeting on Monday January 25, 2021 at 7:00 pm

RESOLUTION # 74: **SET SPECIAL TOWN BOARD MEETING ON THE SOLAR PROJECTS**

Motion made by Councilman McLean and seconded by Councilman Hotnich to set a Town Board meeting on the Omni Navitas Community Solar Projects on Monday January 25, 2021.

ADOPTED	Aye	5	McLean, Sion, Hotnich, Stelley, Martin
	Nay	0	

With no further business, on a motion of Councilman Hotnich seconded by Councilman McLean the meeting was adjourned at 8:22 PM.

Becky Jo Summers, Town Clerk

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 the 25th day of January 2021.

Present: Kenneth Martin, Supervisor Jane Sion, Councilman
Mary Stelley, Councilman Becky Jo Summers, Town Clerk
James Hotnich, Councilman James Musacchio, Attorney
Jacquelyn McLean, Councilman

Also present: Derek Rule of MDA Engineering, Cory McCandless of Omni

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

Resolution # 75: **AGENDA APPROVAL**

Motion made by Supervisor Martin seconded by Councilman McLean to approve the agenda as presented.

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
Nay 0

Discussion – April partial month rent – Little Einsteins program—Courtney Leith is closing the program as of April 12, 2021 and would like to pay all her rent. The Board agreed to charge her one-half the normal monthly amount of \$200.00 for the half she will occupy the community center.

Resolution needed to approve the contractor for the Route 62 waterline repair – Councilman Hotnich asks what specs we received from Gowanda to do the job. The Gowanda water department did this verbally.

RESOLUTION # 76: **APPROVE CONTRACTOR FOR ROUTE 62 WATERLINE REPAIR**

Motion made by Supervisor Martin and seconded by Councilman Sion that the following resolution is:

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
Nay 0

WHEREAS, the Collins Water District #1 had a substantial waterline break in the 6-inch water main along Route 62 early in the morning on December 25, 2020, and

WHEREAS, the break has been isolated and shut off since December 25, 2020 and needs to be repaired and brought back into service, and

WHEREAS, the Gowanda Water Department solicited bids for repair of the water main and received the following bids:

Gallman Excavating, Inc	\$6,200.00
4735 Zenner Road	
Eden, NY 14057	

Kandey Company, Inc	\$8,700.00
19 Ransier Drive	
West Seneca, NY 14224	

J.D. Northrup Construction, Inc	\$9,419.40
5767 Route 219 South	
Ellicottville, NY 14731	

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby authorizes Gallman Excavating, Inc to make repairs on the Water District #1 Route 62 water main in the amount of \$6,200.00 and that the expense be charged against budget line SW1-8397.200 Water Equipment and Capital Outlay, of the 2021 Collins Town Budget.

Resolution needed for Omni solar projects SEQR review – determination of significance – Derek Rule of MDA Engineers went through the Full Environmental Assessment Form Part 2 explaining whether no or small impact may occur or moderate to large impact may occur was checked off.

Part 3 expanded on the answers of Part 2 and provided the reasons in support of the determination of significance. With what was identified Mr. Rule prepared a Positive Declaration on the project.

With this declaration, the contractor will have to identify the issues and send the town their additional steps of what they will do for the town to review. Cory McCandless stated a positive declaration on the process of ag farmland can take up to a year and is very costly. The landowner, Ronald Wittmeyer is aware the land would be taken out of the farmland protection agency. His family does not farm this land and if a positive declaration is approved, there is a chance this project will not continue. This property is prime agricultural land that falls in one of six categories on the Erie County Protection Plan and non-farm development should not appear in these areas. Omni is happy to explore a Community Benefit Agreement so as not to get the positive declaration. This would require a negative declaration and would be some sort of financial compensation and that money could be put to agricultural resources for the town. Omni will draft a proposal to the Town to review. If the Town Board and Omni both agree the time limit can be extended.

RESOLUTION # 77: OMNI SOLAR PROJECTS SEQR REVIEW – DETERMINATION OF SIGNIFICANCE

Motion made by Supervisor Martin and seconded by Councilman Hotnich that the following resolution is:

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
 Nay 0

WHEREAS, the Town Board of the Town of Collins ("the Board") has been provided with an application for the development of a 5.00-megawatt solar project on a 74-acre property at 12819 New Oregon Road (North) by Omni Navitas Holdings, LLC; and

WHEREAS, in accordance with the provision of 6 NYCRR Part 617 (SEQR), the Board adopted a resolution on November 9, 2020, designating itself as Lead Agency for the proposed action pursuant to 6 NYCRR Part 617; and

WHEREAS, the Board has examined and considered the Full Environmental Assessment Form (EAF) Part 1; caused to be prepared Part 2 and 3 of the EAF to evaluate potential significant adverse environmental impacts associated with the Proposed Action based on a review of the EAF Part 1, the application documentation, and its own independent analysis of the Proposed Action; and

WHEREAS, the Board has compared the potential environmental impacts of the Proposed Action, as set forth in Parts 2 and 3 of the EAF with the criteria for determining significance under 6 NYCRR 617.7(c).

NOW THEREFORE BE IT RESOLVED, that based upon the information contained in the EAF and associated documents, the Board, as Lead Agency for the Proposed Action contemplated herein, and after due deliberation, review and analysis of the Proposed Action and the criteria set forth in 6 NYCRR §617.7(c), hereby determines that the Proposed Action may have one or more significant adverse impacts on the environment including removing significant acreage of important agricultural soils at this project site from production for a substantial period of time and setting an undesirable precedent which will lead to comparable developmental pressures on other valued agricultural resources in the Town of Collins, contrary to important policies set forth in the Town of Collins/Village of Gowanda Master Plan, the Solar Energy Systems local law and the Erie County Farmland Protection Plan, resulting in a Positive Declaration determination of significance;

NOW THEREFORE BE IT RURTHER RESOLVED, THE Board directs the Applicant to prepare and submit the draft scoping document for the required Environmental Impact Statement (EIS) in accordance with 6NYCRR §617.8, within a period of thirty (30) days of this Positive Declaration; and

NOW HTEREFORE BE IT FURTHER RESOLVED, the Board directs to Town Clerk to publish the Positive Declaration in the Environmental Notice Bulletin pursuant to 6 NYCRR §617.12(c).

RESOLUTION # 78: **OMNI SOLAR PROJECTS SEQR REVIEW – DETERMINATION OF SIGNIFICANCE**

Motion made by Supervisor Martin and seconded by Councilman Hotnich that the following resolution is:

ADOPTED Aye 5 McLean, Sion, Hotnich, Stelley, Martin
 Nay 0

WHEREAS, the Town Board of the Town of Collins ("the Board") has been provided with an application for the development of a 5.00-megawatt solar project on a 74-acre property at 12819 New Oregon Road (South) by Omni Navitas Holdings, LLC ("the Applicant"); and

WHEREAS, in accordance with the provision of 6 NYCRR Part 617 (SEQR), the Board adopted a resolution on November 9, 2020, designating itself as Lead Agency for the proposed action pursuant to 6 NYCRR Part 617; and

WHEREAS, the Board has examined and considered the Full Environmental Assessment Form (EAF) Part 1; caused to be prepared Part 2 and 3 of the EAF to evaluate potential significant adverse environmental impacts associated with the Proposed Action based on a review of the EAF Part 1, the application documentation, and its own independent analysis of the Proposed Action; and

WHEREAS, the Board has compared the potential environmental impacts of the Proposed Action, as set forth in Parts 2 and 3 of the EAF with the criteria for determining significance under 6 NYCRR 617.7(c).

NOW THEREFORE BE IT RESOLVED, that based upon the information contained in the EAF and associated documents, the Board, as Lead Agency for the Proposed Action contemplated herein, and after due deliberation, review and analysis of the Proposed Action and the criteria set forth in 6 NYCRR §617.7(c), hereby determines that the Proposed Action may have one or more significant adverse impacts on the environment including removing significant acreage of important agricultural soils at this project site from production for a substantial period of time and setting an undesirable precedent which will lead to comparable developmental pressures on other valued agricultural resources in the Town of Collins, contrary to important policies set forth in the Town of Collins/Village of Gowanda Master Plan, the Solar Energy Systems local law and the Erie County Farmland Protection Plan, resulting in a Positive Declaration determination of significance;

NOW THEREFORE BE IT FURTHER RESOLVED, the Board directs the Applicant to prepare and submit the draft scoping document for the required Environmental Impact Statement (EIS) in accordance with 6 NYCRR §617.8, within a period of thirty (30) days of the Positive Declaration; and

NOW THEREFORE BE IT FURTHER RESOLVED, the Board directs the Town Clerk to publish the Positive Declaration in the Environmental Notice Bulletin pursuant to 6 NYCRR §617.12(c).

Ms. McCandles asked the board to rescind the motion. Supervisor Martin asked if a Board member wants to. No response. If Omni waves the time period, both parties can negotiate. We can hold off posting the resolutions to the next meeting if we are going to negotiate the Community Benefit Agreement and then rescind the resolutions. But we need a written waiver notification from Omni that waives the time period of 20 days to the next meeting. She will talk with the financial team and make an offer to the Town.

With no further business, on a motion of Councilman Hotnich seconded by Councilman Sion the meeting was adjourned at 8:48 PM.

Becky Jo Summers, Town Clerk