

A 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 11<sup>th</sup> day of May 2020.

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

Also Present: Brett Morgan representing Blue Sky Towers and Verizon Wireless, Jared Lusk of Nixon Peabody (Laura Landers from Freed Maxick via telephone)

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

Resolution # 118: **AGENDA APPROVAL**

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

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

Resolution #119: **MINUTES APPROVAL**

Motion made by Councilman McLean seconded by Councilman Hotnich to approve the minutes of the April 13, 2020 meeting.

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

Resolution # 120: **ABSTRACT APPROVAL**

Motion by Supervisor Martin seconded by Councilman Sion that the bills be paid on abstract #5 for 2020 dated May 11, 2020 for listed vouchers # 234 – 289 for \$ 40,731.99:

General – Townwide	23,905.60	Water District # 1	579.60
General – Part Town	465.12	Water District # 3	1,030.56
Highway	13,357.29	Water District #4	11.05
Special Lighting	971.36	Total	\$ 40,731.99
Special Refuse Fund	411.41		

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

Presentation – 7:15 PM - Laura Landers, Freed Maxick CPA – 2019 Audit Report

Ms. Landers started by going through each fund in the basic financial statements recapping the figures. She asked the Board to look at the cash flow and try to anticipate the upcoming expenditures. Overall, the town is in a good financial position and has good reserves that can be tapped into if needed. Ms. Landers asked for questions – none.

In the report to the board during the field work it was noted there were outstanding payroll checks from prior years still include on the bank reconciliations. She recommends the board remit the outstanding payroll checks to New York State as unclaimed funds for checks outstanding more than one year. With no more questions, Supervisor Martin thanked Ms. Landers and Sue Gamel for their work.

Public Hearing – 7:30 PM – Wireless Telecommunications Tower Special-Use Permit Application  
 Attorney Musacchio read the notice of public hearing

RESOLUTION # 121: **OPEN PUBLIC HEARING ON WIRELESS TELECOMMUNICATIONS TOWER SPECIAL-USE PERMIT APPLICATION**

Motion made by Councilman Hotnich, seconded by Councilman McLean, to open the public hearing as advertised and scheduled for this evening at 7:30 PM on the Wireless Telecommunica-

tions Tower Special-Use Permit Application.

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

#### **NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Town Board of the Town of Collins will hold a public hearing under Section 30.65 "Telecommunications Towers" of the Town of Collins Municipal Code for the following:

Proposed "Wireless Telecommunications Tower" (Verizon Wireless' "Morton Corners" site) – near 5492 NYS Route 39, Tax Parcel S.B.L. #332.2-10.11 in the Town of Collins, Erie County, New York. A Public Hearing will be held on Monday, May 11, 2020 at 7:30 PM at the Town Hall, 14093 Mill Street, Collins, NY. The Town Board may, under Section 30.65 "Telecommunications Towers" of the Town of Collins Municipal Code, impose conditions and restrictions upon said Telecommunications Tower Special-Use Permit.

Supervisor Martin explained the project and introduced Brett Morgan of Nixon Peabody, who explained they went before the Town Planning Board and received recommendation on the project from them. This tower will be like the one in Collins Center filling in for deficiencies in coverage as the local towers are overloaded. A number of sites were looked at and the Hammond one was chosen. They will lease the land from the owner for 25 – 30 years and the tower will be co-locatable (others can be put on the tower). Construction will start later this year.

Supervisor Martin asked for comments for or against. None were voiced.

#### **RESOLUTION # 122: CLOSE PUBLIC HEARING ON WIRELESS TELECOMMUNICATIONS TOWER SPECIAL-USE PERMIT APPLICATION**

Motion made by Councilman Stelley, seconded by Councilman Hotnich to close the public hearing on the Wireless Telecommunications Tower Special-Use Permit Application at 8:09 PM.

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

#### **RESOLUTION # 123: DESIGNATION OF LEAD AGENCY STATUS FOR SEQR REVIEW OF WIRELESS TELECOMMUNICATIONS TOWER SPECIAL-USE PERMIT APPLICATION**

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

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

WHEREAS, an application dated February 28, 2020 was submitted to the Collins Town Board requesting a Special-Use Permit from the Town Board by Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems LLC to construct and operate a 150' wireless telecommunications tower (plus 4' lighting rod) and associated improvements on land owned by Gary Hammond located near 5492 NYS Route 39 (S.B.L. #332-2-10.11) in the Town of Collins, Erie County, New York (Verizon Wireless' "Morton Corners" site), and

WHEREAS, a SEQR review of the proposed project must be conducted prior to approval of the Special-Use Permit.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby declares that the Town of Collins act as Lead Agency for the purpose of SEQR review for the "Wireless Telecommunications Tower Special-Use Permit Application".

#### **RESOLUTION # 124: DESIGNATION OF A NEGATIVE DECLARATION FOR SEQR REVIEW OF WIRELESS TELECOMMUNICATIONS TOWER SPECIAL-USE PERMIT APPLICATION**

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

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

WHEREAS, the Town of Collins has Lead Agency status for the SEQR Review of the "Wireless Telecommunications Tower Special-Use Permit Application" to construct a wireless telecommunications tower near 5492 NYS Route 39, Collins, NY, and

WHEREAS, Blue Sky Towers III, LLC has prepared a "Full Environmental Assessment Form Part 1 – Project and Setting" under the SEQR Review process for the Wireless Telecommunications Tower Special-Use Permit Application, and

WHEREAS, the environmental assessment shows that the construction of the wireless telecommunications tower will result in no significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board hereby issues a Negative Declaration under SEQR Review for the construction of a wireless telecommunications tower to be located near 5492 NYS Route 39, Collins, NY.

**RESOLUTION # 125: APPROVE WIRELESS TELECOMMUNICATIONS TOWER SPECIAL-USE PERMIT**

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

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

WHEREAS, an application dated February 28, 2020 was submitted to the Collins Town Board requesting a Special-Use Permit from the Town Board by Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems LLC to construct and operate a 150' wireless telecommunications tower (plus 4' lighting rod) and associated improvements on land owned by Gary Hammond located near 5492 NYS Route 39 (S.B.L. #332-2-10.11) in the Town of Collins, Erie County, New York (Verizon Wireless' "Morton Corners" site), and

WHEREAS, the application was referred by the Town Board to the Town Planning Board for review and recommendation on March 9, 2020, and

WHEREAS, the Planning Board reviewed the application, and at their April 21, 2020 meeting recommended the approval of the Special-Use Permit for the proposed telecommunications tower, and

WHEREAS, the application was referred to the Erie County Department of Environment and Planning (ECDEP) on April 9, 2020 as required under NY General Municipal Law §239-m and ECDEP's response dated April 30, 2020 gave no recommendation on the proposed telecommunications tower, and

WHEREAS, the Town Board scheduled, advertised and conducted a Public Hearing on the Wireless Telecommunications Tower Special-Use Permit Application at 7:30 PM on May 11, 2020.

NOW THEREFORE BE IT RESOLVED that the Collins Town Board approve the Special-Use Permit for the proposed Wireless Telecommunications Tower to be located near 5492 NYS Route 39.

Board Reports

Councilman McLean worked on setting up the computer and facebook, spoke with mark Brown and reviewed the vouchers.

Councilman Sion reviewed the vouchers.

Councilman Hotnich reviewed the vouchers.

Councilman Stelley updated the website, put special notices up, worked on setting up the computer and facebook.

Supervisor Martin spoke with a local landscaper and they expressed interest in mowing some areas of the town.

Old Business

1. Resolution to accept the January and February Supervisor's reports

**RESOLUTION # 126: ACCEPT JANUARY AND FEBRUARY 2020 SUPERVISOR'S REPORTS**

Motion made by Councilman Hotnich and seconded by Councilman Sion to accept the Town of Collins Supervisor's Reports as submitted, for the months of January and February 2020.

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

**REGULAR MEETING**

**TOWN OF COLLINS**

**MAY 11, 2020    4**

2. Resolution to continue membership in the Erie County Community Development Block Grant Consortium – Supervisor Martin explained the program

Motion made by Supervisor Martin and seconded by Councilman McLean that the Town of Collins continue membership in the Erie County Community Development Block Grant Consortium for an additional three years (2021 through 2023).

WHEREAS, the federal government recently enacted the Coronavirus Aid, Relief, and

Economic Security (CARES) Act to address the economic fallout from the coronavirus pandemic in the United States, and

WHEREAS, Section 601 of the CARES Act (P.L. 116-136) provides a \$150 billion fund for states, tribal governments, and units of local government with a population in excess of 500,000 people, and

WHEREAS, less than one-half of 1 percent of municipalities in the entire United States meet this population threshold and are thus ineligible to receive direct funding from the federal government, and

WHEREAS, of the 933 towns in New York, 931 are not eligible for direct federal funding under the CARES Act, including the 3 Cities, 25 Towns and 16 Villages in Erie County; (including the Town of Collins), and

WHEREAS, Towns, Cities and Villages, provide essential services to the over 19 million New York Town, City and Village residents, including, but not limited to, ambulance, police and fire protection services, building and code enforcement, and highway maintenance, and have continued to do so throughout the ongoing health crisis, and

WHEREAS, the coronavirus pandemic has created significant financial stress for local governments in New York as an estimated \$2 billion in sales tax revenue has been lost, as well as other sources of revenue such as permit fees, justice court fines, and mortgage recording tax, and

WHEREAS, the depletion of different revenue sources for local governments, combined with lack of funding, will result in reducing essential services or shifting the cost onto real property taxpayers, many of whom are experiencing their own financial stress.

NOW THEREFORE BE IT RESOLVED, that the Town of Collins calls upon Congressional Representatives Brian Higgins and Tom Reed (who came forth to help with the constituency of the 27<sup>th</sup> District which has no representation), Senator Charles Schumer and Senator Kirsten Gillibrand, to support federal funding related to the coronavirus pandemic that is directly delivered to all municipalities, regardless of population size.

FURTHER BE IT RESOLVED that the Town of Collins urges the United States Senate and United States House of Representatives to support this Resolution.

#### 5. Discussion on status of Town of Collins summer Recreation Program

#### RESOLUTION # 132: **AUTHORIZE DISCONTINUANCE OF SUMMER RECREATION PROGRAM FOR 2020**

Motion made by Councilman Hotnich and seconded by Councilman McLean that the 2020 Town of Collins Summer Recreation Program be cancelled due to the Covid-19 pandemic.

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

#### New Topics

#### Collins – DOCCS water connection memorandum of understanding

The State finished the waterline project four years ago except a twelve-foot section that was not completed and does not have a pipe. Four years ago it would have cost about \$27,000.00 to complete that area. The State will turn it over to the Town with both sharing the cost to complete the project with the Town being the lead agency. The Board discussed what it would charge for water usage and they came up with \$2.10 per gallon pumped to the State.

With no further business, on a motion of Councilman Hotnich seconded by Councilman Sion the meeting was adjourned at 8:53 pm.

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Becky Jo Summers, Town Clerk