

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 14th day of June 2021.

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

Also Present: Fred & Brenda Overhoff, David & Diane Gamel, Candee Termer, Dan & Chris Rychlik, Stefan Mychajliw Erie County Comptroller and a representative from his office

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 Stelley, seconded by Councilman Hotnich to approve the agenda as presented.

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

Resolution # 119: **MINUTES APPROVAL**

Motion made by Supervisor Martin, seconded by Councilman McLean to approve the minutes of the May 10th meeting.

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

Resolution # 120: **APPROVE 2021 BUDGET MODIFICATION AND TRANSFER**

Motion made by Councilman Hotnich and seconded by Councilman McLean to approve a modification of the 2021 Collins Town Budget to create a new budget line B1440.400 Engineering, Contractual Expenditures, to cover Engineering Expenses associated with SEQR Review of the proposed Omni Navitas Solar Projects and to transfer \$6,836.66 from budget line B1940.400 Contingency Fund to the new budget line B1440.400.

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

Resolution # 121: **ABSTRACT APPROVAL**

Motion by Councilman Hotnich, seconded by Councilman McLean that the bills be paid on abstract #6 for 2021 dated June 14, 2021 for listed vouchers # 309 – 379 for \$ 144,354.85:

General – Townwide	33,200.44	Special Lighting # 1	824.26
General – Part Town	1,033.09	Emergency Services	31,268.90
B – Omni Navitas Solar Proj	6,836.66	Special Refuse Fund	1,486.12
H-20 Road Drainage	11,638.75	Water District # 1	17,446.55
H-21 Parks Improv Proj	1,782.48	Water District # 3	5,841.00
H-22 Library Roof Proj	2,450.00	Water District # 4	441.17
Highway	30,105.43	Total	\$ 144,354.85

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

Public Access

Alan Butzer gave the Board a packet regarding the property at 13971 Route 62 (Thirsty's) requesting the Town pass a resolution that Buffalo Erie Niagara Land Improvement Corp. (BENLIC) purchase the property and sell it to him and he will renovate it better than before as he wants to expand the business. Supervisor Martin stated the Town will look into this.

Presentation – Nicole Ryan, Freed Maxick CPA – 2020 Audit Report

Ms. Ryan went through the basic financial statement. All funds have positive fund balances. She then went through the management report and stated the Town is in good financial shape. Ms.

Ryan then asked if there were any questions. None were asked.

Reports of Department Heads and Committees

Bicentennial committee sent minutes of their last meeting.

Code enforcement submitted their monthly report.

Highway and transfer station report was read by Christopher Gerling, the Highway Superintendent.

Town Clerk reported sales of \$ 9,999.15 with the Town's portion of \$ 9,749.59 and \$2,291,645.87 in taxes has been collected through the end of May.

Water report was read.

Stefan Mychajliw, Erie County Comptroller addressed the Board regarding the demolition of the Skyway. He is asking Town Boards to pass a resolution (like Hamburg and Sardinia) to keep it open as approximately 42,000 vehicles use it and it is an ideal bridge to the 990.

Town Board Reports

Councilman McLean attended meetings regarding the bicentennial, planning board, met with MDA, reviewed the vouchers and updated face book.

Councilman Sion went to the highway barn and saw some improvements have been made and reviewed the vouchers.

Councilman Hotnich reviewed the vouchers, went to the transfer station and got masks.

Councilman Stelley reviewed the vouchers, updated the website, contacted the Sheriff's Office regarding a situation on routes 39 and 62 and is researching telephone systems.

Supervisor Martin attended the Southtowns Community Coalition meeting, a zoom meeting on the Erie County Hazardous Mitigation Plan, received an inspection report of the air quality in the two senior rooms at the LKP, spoke about a new heat system and no-touch bathroom facilities that will be discussed at the next building committee meeting.

New Business

1. Resolution needed to modify Town of Collins Highway DB fund budget to reflect increases in NYS program funding

Resolution # 122: **MODIFY TOWN OF COLLINS HIGHWAY DB FUND BUDGET TO REFLECT INCREASES IN NYS PROGRAM FUNDING**

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

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

WHEREAS, the NYS 2021-22 State Budget provides funding to support the repair, rehabilitation, and modernization of local roads and bridges in the Consolidated Local Street and Highway Improvement Program (CHIPS), in PAVE NY funding and in Extreme Winter Recovery (EWR) funding, and

WHEREAS, in the NYS 2021-22 State Budget, amounts for CHIPS, PAVE NY and EWR were increased substantially from the amounts projected to be available to the Town of Collins for 2021 when the Town adopted the 2021 Budget in November of 2020, and

WHEREAS, The Town of Collins is also entitled to Cumulative Rollover Balances from previous years for all three funding programs, and

WHEREAS, the Collins Town Board wishes to modify the 2021 Town Budget to reflect these increases in funding in order to make them available to the Town Highway Department for expenditure.

NOW LET IT BE RESOLVED, that the Collins Town Board hereby approves the following modifications to the 2021 Collins Town Budget:

<u>APPROPRIATIONS</u>		<u>2021</u> <u>ADOPTED BUDGET</u>		<u>2021</u> <u>MODIFIED</u>
<u>BUDGET</u>				
Line DB5112.200 Capital Imp (CHIPS)	increase from	\$46,417.41	to	\$99,293.53

Line DB5112.210 PAVE NY	increase from	\$10,595.23	to	\$25,730.36
Line DB5112.220 EWR	increase from	\$ 8,974.21	to	\$22,287.60

REVENUES

Line DB3501 CHIPS	increase from	\$46,417.41	to	\$99,293.53
Line DB3502 PAVE NY	increase from	\$10,595.23	to	\$25,730.36
Line DB3503 EWR	increase from	\$ 8,974.21	to	\$22,287.60

2. Modify Town of "Collins Highway DB Fund budget to include state/local touring route program funding

Resolution # 123: **MODIFY TOWN OF COLLINS HIGHWAY DB FUND BUDGET TO INCLUDE STATE/LOCAL TOURING ROUTE PROGRAM FUNDING**

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, on April 22, 2021 the Town of Collins was notified that it would be receiving \$70,240.57 in State/Local Touring Route Program Funding from New York State, and

WHEREAS, the Collins Town Board wishes to modify the 2021 Town Budget to include this new program funding in order to make it available to the Town Highway Department for expenditure.

NOW LET IT BE RESOLVED, that the Collins town Board hereby approves addition of the following budget lines to the 2021 Collins Town Budget:

Appropriations

DB5112.230 Touring Route Program	\$70,240.57
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Revenues

DB3504 Touring Route Program	\$70,240.57
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3. Resolution needed to approve amending Resolution # 94 for 2021 – Agreement to Spend Highway Funds per § 284 of the Highway Laws

Resolution # 124: **APPROVE AMENDING RESOLUTION #94 OF 2021 - AGREEMENT TO SPEND HIGHWAY FUNDS PER §284 OF THE HIGHWAY LAWS**

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

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

WHEREAS, in Resolution #94 of 2021 the Collins Town Board approved entering into a spending agreement with then Highway Superintendent Peter Waterman per §284 of the Highway Law, and WHEREAS, since the signing of that spending agreement, the Town of Collins has been notified that it will be receiving an additional \$151,565.21 in State Aid to use on Town road in Collins.

NOW LET IT BE RESOLVED, that the Collins Town Board hereby approves entering into an amended agreement with newly appointed Highway Superintendent Chris Gerling for 2021 to spend Town Highway Funds, per §284 of the Highway Law, as read, and authorize the Town Board members to sign the agreement.

4. Resolution needed to place an ad to fill the vacant Board of Assessment Review position

Resolution # 125: **PLACE AD TO FILL VACANT BOARD OF ASSESSMENT REVIEW POSITION**

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

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

WHEREAS, there exist a vacancy on the Town of Collins Board of Assessment Review (BAR) due to the resignation of BAR member Anthony Hoppa.

NOW LET IT BE RESOLVED, that the Collins Town Board approves placing the following ad in the Gowanda/Lakeshore Pennysaver & News and the Springville Pennysaver for the June 26, 2021 issue.

BOARD OF ASSESSMENT REVIEW POSITION:

The Town of Collins is accepting applications for a
Board of Assessment Review Position.

Position is open to all Town residents 18 years and over.

Applications are available Monday – Friday at the
Collins Town Hall, 14093 Mill St, Collins, NY or on the
Town's Website (www.townofcollins.com).

Applications will be accepted at the Town Clerk's Office
Until July 7, 2021 at 4:00 PM.

5. Resolution needed to approve Town of Collins library Trustee's term reset

Resolution # 126: **APPROVE TOWN OF COLLINS LIBRARY TRUSTEES TERM RESET**

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

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

WHEREAS, the NYS Department of Library Development has required the Collins Town Library to reset the terms of its present Library Trustees so that they are more evenly staggered from year to year, and

WHEREAS, the Collins Library Board of Trustees, at its June 3, 2021 Board Meeting, drew names from the entire list of its present Trustees and assigned them to either 1-, 2-, 3-, 4-, or 5-year terms.

NOW LET IT BE RESOLVED, that the Collins Town Board confirms to be in agreement with the reassigned terms to begin January 1, 2021 with terms ending December 31 of the respective year for the Collins Town Library Trustees as follows:

One year: Helga Ciminesi, Barbara Ferro, Vacant
Two year: Cynthia Dishman, Becky Jo Summers
Three year: Kimberly Nobels, Robert Gaylord
Four year: Edith Schell, Elaine Thordahl
Five year: Holly Martindale, David Williams

6. Discussion on proposed Omni Navitas Solar Projects update

Resolution # 127: **REAFFIRM THE POSITIVE DECLARATION ESTABLISHED BY RESOLUTION ON JANUARY 25, 2021**

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, 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 ("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, in accordance with the provision of 6 NYCRR Part 617 (SEQR), the Board adopted a resolution on January 25, 2021, issued a Positive Declaration after determining that the project involved the potential for one or more significant adverse impacts on the environment; and

WHEREAS, said resolution also directed the Applicant to prepare and submit the draft

scoping document or the required Environmental Impact Statement (EIS) in accordance with 6NYCRR §617.8, within a period of thirty (30) days of the Positive Declaration and directed the Town Clerk to publish the Positive Declaration in the Environmental Notice Bulletin pursuant to 6 NYCRR §617.12(c).

WHEREAS, after the resolution was passed by a unanimous vote, the Applicant requested the SEQR timeline be temporarily suspended and the Town not publish the Positive Declaration, until such time as the Applicant and the Board could reach an understanding on additional mitigation efforts required to sufficiently meet the Board's concerns with potential adverse impacts on the environment, allowing the Board to withdraw the Positive Declaration and issue a Negative Declaration for the project; and

WHEREAS, the Applicant has not proposed mitigation efforts that change the Board's evaluation of the project and subsequent Positive Declaration.

NOW THEREFORE BE IT RESOLVED, that Board reaffirms the Positive Declaration established by resolution on January 25, 2021; and

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 6NYCRR §617.8, within a period of thirty (30) days of this resolution; 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).
By (unanimous/majority) vote of the Town Board of the Town of Collins at its regular meeting of June 14, 2021.

Resolution # 128: **REAFFIRM THE POSITIVE DECLARATION ESTABLISHED BY RESOLUTION ON JANUARY 25, 2021**

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 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, in accordance with the provision of 6 NYCRR Part 617 (SEQR), the Board adopted a resolution on January 25, 2021, issued a Positive Declaration after determining that the project involved the potential for one or more significant adverse impacts on the environment; and

WHEREAS, said resolution also directed the Applicant to prepare and submit the draft scoping document or the required Environmental Impact Statement (EIS) in accordance with 6NYCRR §617.8, within a period of thirty (30) days of the Positive Declaration and directed the Town Clerk to publish the Positive Declaration in the Environmental Notice Bulletin pursuant to 6 NYCRR §617.12(c).

WHEREAS, after the resolution was passed by a unanimous vote, the Applicant requested the SEQR timeline be temporarily suspended and the Town not publish the Positive Declaration, until such time as the Applicant and the Board could reach an understanding on additional mitigation efforts required to sufficiently meet the Board's concerns with potential adverse impacts on the environment, allowing the Board to withdraw the Positive Declaration and issue a Negative Declaration for the project; and

WHEREAS, the Applicant has not proposed mitigation efforts that change the Board's evaluation of the project and subsequent Positive Declaration.

NOW THEREFORE BE IT RESOLVED that Board reaffirms the Positive Declaration established by resolution on January 25, 2021; and

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 6NYCRR §617.8, within a period of thirty (30) days of this resolution; 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).

By (unanimous/majority) vote of the Town Board of the Town of Collins at its regular meeting of June 14, 2021.

7. Discussion on Town properties – COVID 19 PPE requirements – Attorney Musacchio reported the Court System received a notice that if you are fully vaccinated you do not have to wear a mask. The signs at the Town Hall will be changed accordingly.

8. Discussion on marijuana regulation and taxation act opt-out – Towns can opt in/out of places allowing adult use and consumption. If a law were enacted, it would be subject to permissive referendum. The deadline for opting out is the end of the year. Chris Jeanniton stated he has not had any issues, people that purchase are doing it legally. Supervisor Martin stated this is new and any future board can opt in or out. (Persia and Gowanda plan to opt out soon.)

9. Discussion – senior groups funding – Supervisor Martin and Councilman McLean went over the existing guidelines regarding bus trips.

With no further business, on a motion of Councilman Hotnich seconded by Councilman Sion the meeting was adjourned at 9:03 PM.

Becky Jo Summers, Town Clerk