

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 13<sup>th</sup> day of July 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: Scott Martindale; Brian Martin; Cory McCandless, Omni Navitas; Dick Agle; John and Marianne Bentley; Thomas Raymond; Zack Wilcox; Susan Gamel and Ronald Wittmeyer

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

Resolution # 142: **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 #143: **MINUTES APPROVAL**

Motion made by Supervisor Martin seconded by Councilman Hotnich to approve the minutes of the June 8, 2020 meeting.

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

**Public Access**

Chris Jeanniton's property on Main Street got the brunt of the last flash flood as his basement got a lot of water and questioned if this line can be separated from the library line. He asked if the line could have collapsed. The line was traced, and the water comes out 500 feet down the railroad tracks and the Supervisor will show him where. A study was done and the project will be engineered and Mr. Jeanniton will be kept apprised of the progress.

**Reports of Department Heads and committees**

Code Enforcement handed out their June monthly report.

Highway and Transfer Station report was read by the Supervisor.

Parks department has been mowing and the walking path has been repaired.

Seniors – Scott Martindale asked about opening the senior exercise program at the town park. They would use only the picnic tables, wear masks, social distance, sanitize and take temperatures three days per week – Monday, Wednesday and Friday. Attorney Musacchio stated gyms are still closed and we cannot sponsor the program.

Town Clerk had sales in June of \$ 5,202.00 with the Town's portion \$ 5,046.50. Total taxes collected was \$ 2,359,553.07 and total not paid was \$197,770.31

Water department reported the Seneca Nation is requesting a new water service on Taylor Hollow Road.

**Presentation:** Proposed Utility Scale Solar Project – Cory McCandless, Project Manager, Omni Navitas Holdings, LLC

Ms. McCandless stated they are working on several projects in Erie County and Ron's property at New Oregon and Lenox Roads is a great fit. The property has great local grid infrastructure. The application was submitted to the Supervisor for both projects, but changes can be made to the application if need to. There will be a 5 megawatts per solar project and the power stays local. They will request a subdivision and NYSEDA is in charge of the project and allows community solar projects (residents can sign up for power). Discussion is being held with Erie County that the pilot payment would be in-lieu of taxes. Usually the Town Board takes lead agency status and jurisdiction usually is up to the town. Numerous entities have to be contacted.

They would like to start in the Spring as it can take National Grid up to two months. Projects like this in the past have been done in approximately one year. They would maintain the property under the panels and all trackers.

Councilman Hotnich asks when the project gets closer to construction would Ms. McCandless come back and explain the process.

The north project is on 35 acres and the south project is on 31 acres.

#### Board Reports

Councilman McLean spoke with Ron Paluch, Disaster Manager regarding Covid supplies interviewed parks worker, worked on face book and the website and reviewed the vouchers.

Councilman Sion reviewed the vouchers.

Councilman Hotnich checked on the Hillview Avenue project, turned over an American Flag and a MIA/POW Flag donated from the VFW and reviewed the vouchers.

Councilman Stelley worked on guidelines and forms for opening up the town hall, interviewed parks worker, updated the website and reviewed the vouchers.

Supervisor Martin expressed concern on sales tax revenue. The second quarter of the year could be down by 15%. Blue Cross Blue Shield is looking for an increase of between 1.9% and 6.4% in premiums.

#### Old Business

1. Resolution to accept April and May 2020 Supervisor's reports

RESOLUTION # 144: **ACCEPT APRIL AND MAY 2020 SUPERVISOR'S REPORT**

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 April and May 2020.

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

2. Resolution to appoint 2020 Seasonal Beautification Laborer

RESOLUTION # 145: **APPOINT 2020 SEASONAL BEAUTIFICATION LABORER**

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, the Town of Collins sponsors a Summer Beautification program to assist in maintaining the Town Parks, cemeteries and other Town property, and

WHEREAS, the Town wishes to fill the positions necessary for this program, and

WHEREAS, the Town advertised for the position of Seasonal Beautification Laborer and recently received an application for employment.

NOW THEREFORE, BE IT RESOLVED, that the Collins Town Board follow the recommendations of the Personnel Committee, and hire Susan M. Harvey, effective June 23, 2020 at a starting rate of \$13.80 per hour for the Summer 2020 Beautification Program.

#### New Business

1. Resolution to purchase open top bin for transfer station

RESOLUTION # 146: **PURCHASE OPEN TOP BIN FOR TRANSFER STATION**

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 owns bins for use at the Transfer Station, and

WHEREAS, one of the open top bins is in deteriorated condition and in need of replacement, and

WHEREAS, in an effort to update equipment on a reasonable interval, the Highway Department solicited three bids for a new 40-yard open top bin, receiving the following bids which include shipping fees:

Northeast Industrial Mfg., Inc. 640 Keystone Road, Greenville, PA 16125	\$5,164.00
Bucks Fabricating A Deist Industries Co. 3547 Perry Highway, Hadley, PA 16130	\$5,670.00
Custom Container Solutions 391 Wolfland Road, Lewisburg, PA 17837	\$5,595.00

NOW THEREFORE, BE IT RESOLVED, that the Town board authorizes the purchase of an open top bin from Northeast Industrial Mfg., Inc. at a cost of \$5,164.00 including shipping, to be paid from Budget Line SR8160.220 - Equipment, and that the old bin be declared surplus and sold for scrap.

2. Approve change order #1 for highway barn electrical upgrades project

RESOLUTION # 147: **APPROVE CHANGE ORDER #1 FOR HIGHWAY BARN ELECTRICAL UPGRADES PROJECT**

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, on June 24, 2020 a project pre-construction meeting was held at the worksite and one of the main points of discussion was the work to switch over the electrical service and the necessary coordination with National Grid, and

WHEREAS, the condition of the existing steel conduit under the driveway that was proposed to be reused during the project is currently unknown, which means the existing conduit may need to be replaced before the new service can be installed, and

WHEREAS, an alternate plan was developed to install a new conduit under the driveway for feeding the new service wire through and running the conduit to a new utility pole, or along the existing pole, for National Grid to use when they remove the existing service and hook up the new service, thus allowing for the existing service to remain intact for as long as possible during the switch over.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board hereby approves Change Order #1 in the amount of \$5,556.00, to have the contractor The State Group International (USA) Limited install a new 2-1/2" electrical conduit from the utility pole to the building and that the Collins Town Supervisor be authorized to sign the change order in acknowledgement of acceptance.

3. Approve change order for Mill Street waterline replacement project

RESOLUTION # 148: **APPROVE CHANGE ORDER FOR MILL STREET WATERLINE REPLACEMENT PROJECT**

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, during the Mill Street Waterline Replacement project, the Town of Collins was unable to supply the contractor with the location of the service connection to the old watermain for 14518 Mill Street, and

WHEREAS, the contractor made several attempts to locate the service connection by excavation at logical possible locations with no success.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board hereby approves a change order in the amount of \$4,200.00 to have the contractor Legend Excavation LLC push a new water service line under Mill Street to connect to the new watermain and that the Collins Town Supervisor be authorized to sign the change order in acknowledgement of acceptance.

4. Resolution to approve payment in full to contractor for Mill Street waterline replacement project

RESOLUTION # 149: **APPROVE PAYMENT IN FULL TO CONTRACTOR FOR MILL STREET WATERLINE REPLACEMENT PROJECT**

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 contractor Legend Excavating LLC has completed their contractual scope of work for the project.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board hereby authorizes payment in full to Legend Excavating LLC in the amount of \$43,700.00, which includes the original contract price of \$39,500 plus the change order amount of \$4,200, and that the Collins Town Supervisor be authorized to sign the payment application.

5. Resolution to approve professional services agreement for drainage improvements project

RESOLUTION # 150: **APPROVE PROFESSIONAL SERVICES AGREEMENT FOR "DRAINAGE IMPROVEMENT PROJECT"**

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, upon request from the Town of Collins, MDA Consulting Engineers, PLLC has submitted a proposal for engineering services for a capital improvement project to upgrade portions of the Town-owned storm water drainage system along Mill Street, Maple Street, Mildred Street and School Street as well as the areas of the Town Hall and the LKP Community Center.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board hereby approves entering into a Professional Services Agreement with MDA Consulting Engineers, PLLC in the amount of \$24,000.00 to perform engineering services for Drainage Improvement Project and that the Collins Town Supervisor be authorized to sign the agreement.

6. Resolution authorizing mowing of lawn at 2386 Main Street, Collins NY

RESOLUTION # 151: **AUTHORIZE MOWING OF LAWN AT 2386 ROUTE 39, COLLINS, NY**

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 lawns at 2386 Route 39 in Collins, NY have not been mowed and the

vegetation height exceeds Town Code, and

WHEREAS, attempts to contact the property owner have been unsuccessful, and

WHEREAS, the 2020 Town and County taxes were paid by Selene Finance LP on 03/02/2020, but Selene Finance, LP claims to now have no further association with the property.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board hereby authorizes that Town Personnel be directed to mow the property at 2386 Route 39, in Collins, NY and that the Town shall be reimbursed for the cost of the work performed by assessment and levy upon the property and collected in same manner and at the same time as other Town charges.

7. Resolution proposing utility scale solar project application referral to Town Planning Board. Omni Navitas has not paid the application fee yet and the program of pilot in lieu of taxes payment needs to be looked into. They would have to have a de-commissioning plan in place. Supervisor Martin asks the Board to read the code and not approve sending this to the Planning Board at this time.

**RESOLUTION # 152: PROPOSED UTILITY SCALE SOLAR PROJECT APPLICATION REFERRAL TO TOWN PLANNING BOARD**

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

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

WHEREAS, Omni Navitas Holdings, LLC has submitted an application to the Town of Collins for construction of two 5 MW AC ground-mounted photovoltaic solar systems to be located in the Town of Collins on a parcel of land with the Tax ID 319.00-4-4, and

WHEREAS, this project will require the insurance of a Special-Use Permit from the Collins Town Board.

NOW THEREFORE, BE IT RESOLVED that the Collins Town Board hereby refers the application of Omni Navitas Holdings, LLC, to construct two 5 MW AC ground-mounted photovoltaic solar systems, to the Collins Planning Board for its forty-five (45) day review and comment period and Site Plan Review.

**Resolution # 153: ABSTRACT APPROVAL**

Motion by Councilman Sion seconded by Councilman Hotnich that the bills be paid on abstract #7 for 2020 dated July 13, 2020 for listed vouchers # 349 – 428 for \$ 165,418.03:

General – Townwide	49,407.82	Special Refuse Fund	4,678.29
General – Part Town	1,683.14	Water District # 1	19,478.93
Highway	26,964.26	Water District # 3	6,516.10
Water Line Replacement Mill	49,137.35	Water District #4	<u>4,074.24</u>
Highway Electrical Upgrades	1,803.05	Total	\$ 165,418.03
Special Lighting	1,674.85		

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

**New Topics**

1. Purchase of "Welcome to Collins" signs – Chris Jeanniton worked on getting quotes for signs coming into Town at Routes 39, 62 and 75 and a town hall sign. The information will go back to the committee.

2. Remove one port-a-john at the Collins Town Park that is near the back pavilion.

3. Opening of playgrounds at the town parks and LKP Painter Center – will not open at this time.
4. New vendor and costs for town recyclables - Modern Disposal bought out Republic in Tonawanda. Modern will take cardboard at no charge and comingled recyclables at \$70.00 per ton.

With no further business, on a motion of Councilman Hotnich seconded by Councilman Sion the meeting was adjourned at 9:42 pm.

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Becky Jo Summers, Town Clerk