

THE REGULAR MONTHLY MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS WAS HELD ON WEDNESDAY, NOVEMBER 14TH, 2018, AT 7:00PM IN THE NORTH COLLINS TOWN HALL, 10569 MAIN STREET, NORTH COLLINS, NEW YORK.

PRESENT:	Supervisor	John Tobia
	Councilmen:	Ellen M. Mathis
		Michael W. Perry
		Peter Robbins
		William Moritz
	Town Clerk	Lynn M. DiVincenzo
	Town Attorney	Richard Schaus
	Highway Supt.	David J. Winter (EXCUSED)

Item 1. Supervisor John Tobia called the meeting to order at 7pm and led the Pledge to the Flag, and held a moment of silence for Sue Alessi, North Collins Library President, who passed away.

Item 2. Approved the October 2018 special meeting and regular minutes as previously presented:

Moved: Ellen Mathis. Second: Mike Perry

ROLL CALL: Ayes: Mathis, Robbins, Moritz, Perry and Tobia. Noes 0. Motion carried.

#### AUDIT OF BILLS

Item 3. Moved: Mike Perry

BE IT RESOLVED that the following claims, as set forth in Abstract #11 in the amount of \$48,052.42 are approved for payment by the Town Board:

Second: William Moritz

ROLL CALL: Ayes: Mathis, Robbins, Moritz, Perry and Tobia. Noes 0. Motion carried.

#### Item 4. VISITORS:

**Jim Lint** - Veterans Site is coming along. They are getting things ready for the winter months.

**Madison Gaglione** - Leadership program for Leukemia. Selling buffalo's made out of ply wood with your own special decal.

**Douglas Smith** - with NYS DOT. Gave a presentation on the upcoming work on Sherman Avenue in the spring, in the village that will have a detour up to Langford Road.

**Jason Kulaszewski** - gave a presentation on clean energy for the Town of North Collins. William Moritz will head up the committee.

**Karen from Senator Gallivan office** - Things are going good.

**Marty Neifergold** - asked about the signs in the village and, things that are going on with the park, asked what is going on with Belcher Road- Richard explained.

#### PUBLIC HEARING #1

Motion by Ellen Mathis, seconded by Mike Perry, to close the Regular Business Meeting at 7:30pm. Carried

Motion by Ellen Mathis, seconded by Mike Perry, to open Public Hearing at 7:30pm. Carried

Proof of Publication was on 10/22/2018

Public Hearing:

Lawton's Water originally was approved for \$675,000.00 but there was a clerical error and should have been \$695,000.00 - that would include adopting an amendment.

MOVED: William Moritz

EXTRACT OF MINUTES

TOWN OF NORTH COLLINS  
ERIE COUNTY  
NEW YORK  
November 14, 2018

At a duly called meeting of the Town Board of the Town of North Collins, Erie County, New York, convened in a public hearing at the Town Hall located at 10569 Main Street, North Collins, New York 14111 on November 14, 2018 at 7:30 p.m.

The meeting was called to order by the Town Supervisor and upon roll being called, the following members were present: John M. Tobia, Town Supervisor, Town Councilmen Ellen M. Mathis, Michael W. Perry, Peter D. Robbins and William Ross Mortiz.

Those absent: None

The following resolution was offered by Supervisor John Tobia and seconded by Councilman William Ross Moritz:

BE IT RESOLVED, that after due deliberation, the Town Board of the Town of North Collins does hereby adopt the following:

Town Board Amended Order Establishing the Lawton's Water District of the Town of North Collins as follows:

At a regular meeting of the Town Board of the Town of North Collins, in the County of Erie, State of New York, held at the North Collins Town Hall on the 14<sup>th</sup> day of November, 2018.

PRESENT: John M. Tobia, Town Supervisor  
Ellen M. Mathis, Councilman  
Michael W. Perry, Councilman  
Peter D. Robbins, Councilman  
William Ross Mortiz, Councilman

Establishment of the Lawton's Water District in the Town of North Collins,  
County of Erie, State of New York

AMENDED ORDER  
ESTABLISHING LAWTONS WATER DISTRICT

WHEREAS, previous hereto, a map, plan and report relating to the establishment of the Lawtons Water District in the Town of North Collins, was duly prepared by MDA Consulting Engineers, PLLC, in a manner and in such detail as has been determined by the Town Board to

be in compliance with law, and has been duly filed with the Town Clerk, all in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, previous hereto, an “Order Establishing Water District” was adopted by the Town Board on the 2<sup>nd</sup> day of May, 2017, establishing the Lawtons Water District, all in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, the abovementioned Order dated May 2, 2017 mistakenly stated that the estimated maximum cost of supplying said Water District would be \$675,000, rather than the correct amount of \$695,000, and said Order also mistakenly stated the amount to be financed by the issuance of serial bonds would be in an amount not to exceed \$675,000, rather than the correct amount of \$695,000, as stated in the map, plan and report; and

WHEREAS, the Town Board desires to adopt and amend the previously adopted proceedings in order to correctly state the estimated cost of establishing the Water District to be \$695,000 and to further correctly state the amount to be financed by the issuance of serial bonds in an amount not to exceed \$695,000; and

WHEREAS, an Order was adopted by this Town Board on the 16<sup>th</sup> day of October, 2018, calling for a Public Hearing to be held on November 14, 2018, at 7:30 p.m. in order to consider the Amended Order Establishing the Lawtons Water District by increasing the stated cost of the Water District to \$695,000 and also increasing the amount to be financed by the issuance of serial bonds to an amount not to exceed \$695,000, and to hear all persons interested in the subject matter thereof and to take such action thereon as is required or authorized by law; and

WHEREAS, as stated in the map, plan and report, the project has an estimated maximum cost of \$695,000 which amount is to be financed by the issuance of serial bonds in an aggregate amount not to exceed \$695,000, such amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the cost of the water improvement will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed Lawtons Water District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed Lawtons Water District (which is a single family home) during the first year will be approximately \$841.46; and

WHEREAS, the Town has heretofore complied with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law, and in connection therewith, the Town has determined that this project is a Type 1 Action under SEQRA and has issued a Negative Declaration as defined under SEQRA and therefore, no further action under SEQRA is required; and

WHEREAS, legal notice of the aforesaid Order was duly published and posted as required by law; and

WHEREAS, a Public Hearing on said matter was duly held by the Town Board on the 14<sup>th</sup> day of November, 2018, commencing at 7:30 p.m. in the North Collins Town Hall, 10569 Main Street, North Collins, New York, at which all interested persons desiring to be heard were heard, including those in favor of and those opposed to the establishment of said Lawtons Water District;

NOW THEREFORE, upon the evidence adduced at such public hearing; be it

RESOLVED AND DETERMINED, that (i) the petition aforesaid is signed and acknowledged or proved as required by law and it duly complies with the requirements of Section 191 of the Town Law; (ii) that all property and property owners within the proposed water district are benefitted thereby; (iii) that all property and property owners benefitted are included within the limits of the proposed district; and (iv) that it is in the public interest to establish said water district; and be it further

RESOLVED AND DETERMINED, that the Notice of Public Hearing was legally published and posted as required by law, and is otherwise sufficient; and be it further

RESOLVED AND DETERMINED, that the establishment of the proposed Lawtons Water District, as set forth in said map, plan and report, be and the same is hereby approved; and such water district shall hereafter be known and designated as the Lawtons Water District of the Town of North Collins; and said district shall be bounded and described as set forth in Exhibit A attached hereto and made part hereof; and be it further

RESOLVED, that the proposed improvements, including costs of rights of way, construction costs and all other reasonable expenses therein, shall be constructed and the service therein described shall be provided for upon the required funds being made available or provided in order to pay for such improvements; and be it further

RESOLVED, that the Town Clerk, is hereby authorized and directed to file a certified copy of this Resolution in the Office of the Clerk of the County of Erie, which is the County in which the said Town of North Collins is located, and also in the Office of the State Department of Audit and Control, within ten days after the adoption of this Resolution, pursuant to the provisions of Section 195 of the Town Law.

Seconded Peter Robbins

ROLL CALL: Ayes: Mathis, Robbins, Moritz, Perry and Tobia. Noes 0. Motion carried.

Motion by Peter Robbins, seconded by Mike Perry, to close the Public Hearing at 7:38pm.  
Carried

Motion by Peter Robbins, seconded by Ellen Mathis, to open Regular Business Meeting at 7:38pm. Carried

PUBLIC HEARING #2

Motion by Ellen Mathis, seconded by Mike Perry, to close the Regular Business Meeting at 7:45pm. Carried

Motion by Mike Perry, seconded by Ellen Mathis, to open Public Hearing at 7:45pm. Carried

Proof of Publication was on 10/22/2018.

Planning Board approved 2<sup>nd</sup> windmill on property at 3249 Langford Road. Board is ready to move forward to approve the windmill.

**TOWN BOARD OF THE TOWN OF NORTH COLLINS**  
**SEQRA DETERMINATIONS**

**Date: November 14, 2018**

**RE: Application by Winter’s Properties, LLC for permission to construct a 100kW wind energy conversion system at 3249 Langford Road, North Collins, NY 14111  
SBL # 287.00-1-1**

WHEREAS, the Town Board of the Town of North Collins (hereinafter Town Board) has before it an application dated September 11, 2018, submitted by TJ Winter of Winter’s Properties, LLC, 2110 Sherman Avenue, North Collins, NY (the “Applicant”), which application seeks permission to construct a 100kW wind turbine at the above listed property; and

WHEREAS, a public hearing was held by the Town Board on November 14, 2018 at 7:45 p.m. and the Town Board has had time to deliberate and review the Application and all exhibits thereto; and

WHEREAS, the Town Board has reviewed and considered the Short Environmental Assessment Form (Part 1 – Project Information) (“SEAF”) submitted by Applicant and has also received and considered the findings and recommendation of the Code Enforcement Officer and the North Collins Town Planning Board, both in favor of the Application; and

WHEREAS, as part of the Public Hearing, the Town Board has completed Part 2 (Impact Assessment) and Part 3 (Determination of Environmental Significance) of the SEAF Form; and

WHEREAS, the Town Board desires to make the required findings under the State Environmental Quality Review Act (SEQRA) as required in Part 3 of the SEAF;

NOW THEREFORE, upon consideration by this Board of all submissions contained in the Application and upon the completion of the Public Hearing and having given this matter careful consideration, the Town Board makes the following findings:

1. The Town Board has reviewed the SEAF completed by the Applicant and reviewed by the Code Enforcement Officer. This application has been reviewed by the Code Enforcement Officer. The application was also reviewed at a prior public meeting held by the Town Planning Board. The Town Planning Board has now recommended the application be approved.
2. The Town Board hereby designates itself as Lead Agency in this uncoordinated review of an unlisted action under the SEQRA laws.
3. The Town Board held a Public Hearing on the Applications on November 14, 2018 at 7:45 p.m.
4. The Town Board finds that only one 100kW wind turbine is being proposed.
5. The Town Board finds the wind turbine will not create any adverse change in the existing air or water quality, Nor are any adverse changes foreseen regarding erosion or drainage problems. The Project will produce a minimal disturbance of soil and vegetation upon the affected land during construction. The Project will not adversely affect agricultural, archeological, historical, natural or cultural resources. The Project will have no impact upon plant or animal life. The Project will not have any significant adverse environmental effect and will not have an adverse impact upon any critical environmental area. Overall, the Board finds there is no significant adverse impact upon the public health, safety or welfare from this proposed activity.
6. It is noted that pursuant to the Town's applicable WECS Law, the Town Planning Board has recommended the issuance of the requested small scale Wind Energy Permit to the Applicant and the Applicant has otherwise complied with Chapter 258 of the Town Code governing Wind Energy Conversion Systems.

NOW THEREFORE, BE IT RESOLVED, the Town Board hereby finds that the proposed Project is an Unlisted Action under the SEQRA Law and the Town Board hereby determines that based upon all of the information available, the proposed action will not result in any significant adverse environmental impact; and be it further

RESOLVED, the Town Supervisor is hereby directed to complete and sign Part 3 of the SEAF determining that there is no significant adverse environmental impact.

The foregoing resolution was put to a vote which resulted in the following:

AYES: Tobia, Perry, Mathis, Robbins and Moritz

NOES: 0 Carried

**TOWN BOARD OF THE TOWN OF NORTH COLLINS**

**RESOLUTION APPROVING ISSUANCE OF WECS PERMIT**

November 14, 2018

**RE: Application by Winter's Properties, LLC for permission to construct a 100kW wind energy conversion system at 3249 Langford Road, North Collins, NY 14111  
SBL # 287.00-1-1**

WHEREAS, the Town Board of the Town of North Collins (hereinafter ATown Board@) has before it an application dated September 11, ,2018, submitted by TJ Winter of Winter's Properties, LLC, 2110 Sherman Avenue, North Collins, NY (the Applicant@) seeking a permit allowing Applicant to construct a 100kW wind turbine at ; and

WHEREAS, North Collins Town Law, and in particular, Chapter 258 (AWind Energy Conversion Systems@) permits the Town Board to issue a Wind Energy Permit subject to the provisions therein; and

WHEREAS, the above referenced Application was previously referred to the Town Planning Board for a site plan review and report and recommendation thereon to the Town Board as required under Chapter 258; and

WHEREAS, the Planning Board has submitted a recommendation in favor of granting a WECS permit approving theApplication; and

WHEREAS, a public hearing was held by the Town Board on November 14, 2018 at 7:45 p.m., and the Town Board has had time to deliberate and review the Application and consider all comments received at the Public Hearing; and

WHEREAS, the Town Board has reviewed and considered the Short Form Environmental Assessment Form submitted by Applicant and the Town Board has completed its review under the State Environmental Quality Review Act (ASEQRA@) and has completed Parts 2 & 3 thereof;

NOW THEREFORE, upon consideration by this Town Board of all written and oral submissions in the Application and upon the completion of the Public Hearing and having given this matter due consideration, this Board makes the following findings:

1. The Town has in place a law governing Wind Energy Conversion Systems (WECS)(Chapter 258 of the Town Code) of the type proposed by Applicant.
2. The project consists of a proposed wind energy turbine to be constructed at 3249 Langford Road, North Collins, NY. The proposed wind turbine is a100kW wind turbine.

3. The Applicant has submitted all required and requested documentation and has Conferred with the North Collins Planning Board.
4. The North Collins Planning Board recommended approval of the Application on or about October 4, 2018.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby grants a Wind Energy Permit to construct a 100kW wind turbine at the Applicant's property at 3249 Langford Road, North Collins, NY, in according with the terms of the Application and in accordance with the terms and provisions of the towns Planning Board's findings and recommendations of the proposed Wind Energy Permit Use Permit.

The final WECS Permit is to be drafted and issued by the Town Clerk consistent with these findings and Chapter 258 of the Town Code.

AYES: Tobia, Perry, Mathis, Robbins and Moritz

NOES: 0 Carried.

Motion by Mike Perry, seconded by Ellen Mathis, to close the Public Hearing at 7:50pm. Carried

Motion by Peter Robbins, seconded by Mike Perry, to open Regular Business Meeting at 7:50pm. Carried

Item 5. HIGHWAY- Report submitted and excused

Item 6. CODE ENFORCEMENT OFFICER – Excused

Item 7. LIBRARY- Supervisor Tobia read report.

Item 8. HISTORIAN – Not Present

Item 9: RECREATION – High School Open Gym with basketball, women's volleyball, pickleball and track on Saturday 12/1 and Sat 12/8 – 12:00 to 1:30  
Stay tuned for more dates.

**Youth Paint Night** – Grades 3 to 6: Friday 11/30 at 6:30 pm at the Senior Center, \$10.00 per student.

Trained a few folks on CPR and AED. Next step is to inventory equipment and put together instructions. After that we should be able to schedule some **HS Weight Room** dates. Afterschool Program Halloween Party was a huge success and have other activities planned.

Item 10: SENIORS: Not present

Item 11. COUNCILMEN

**Moritz** : Sexual Harassment- policy needs to updated. If anyone would like to help with the clean energy for the Town of North Collins, let him know.

**Robbins**: Highway is working with the DEC and would like them to keep the town board updated.

**Mathis**: Working on park quotes.

**Perry**: Winterized the Snack shack at the park, working with Janice with EMS, light burned out by the back door.

**Item 12: RESOLUTIONS:**

MOVED John Tobia

BE IT RESOLVED that the Town Board of North Collins Authorizes the Town Bookkeeper to create an SW fund in the 2019 budget to accommodate the Lawton's Water district. All properties in the Lawton's Water district will see an additional \$290.00 on their tax bill in 2019.

SECONDED Ellen Mathis

ROLL CALL: Ayes: Mathis, Moritz, Robbins, Perry and Tobia. Noes 0. Motion carried.

MOVED John Tobia

BE IT RESOLVED THAT THE TOWN BOARD APPROVES THE TOWN CLERK, HIGHWAY SUPERINTENDENT, TOWN COURT JUSTICES, CODE ENFORCER AND TOWN SUPERVISOR TO ATTEND THE NYS TOWN ASSOCIATION TRAINING IN NYC FEBRUARY 2018.

SECONDED Ellen Mathis

ROLL CALL: Ayes: Mathis, Moritz, Robbins, Perry and Tobia. Noes 0. Motion carried.

TOWN CLERKS OFFICE WAS IN RECEIPT OF THE LANGFORD SALOON AND GRILLS 30 DAY LIQUOR LICENSE AT 10806 SISSON HIGHWAY ON NOVEMBER 7<sup>TH</sup> 2018.

Moved John Tobia:

BE IT RESOLVED, that the 2019 annual contract between the Town of North Collins and the Village of North Collins for **Intermunicipal Police Agreement** in the amount of \$30,000.00, is hereby approved and shall be executed by the Town Supervisor.

Seconded: Ellen Mathis

ROLL CALL: Ayes: Mathis, Robbins, Mortiz, Tobia and Perry. Noes 0. Motion carried.

**Item 13. SUPERVISOR:**

Motion by Mike Perry, seconded by William Moritz, to accept the Supervisors Report. Carried

Continue support for the Emergency Squad and Veterans Tribute.

Reminder the December Meeting is changed to Thursday December 13<sup>th</sup>

Discussed Flood insurance

Cell Tower - John received an email about the Towns Cell Tower.

Motion by John Tobia, seconded by Ellen Mathis, to allow Richard Schaus to make an offer with the cell tower that will benefit the town. Carried

Roof Bids:

Action Roofing \$71,500.00

Sahlems Roofing \$63,396.00

Murray Roofing \$75,350.00

Moved John Tobia:

BE IT RESOLVED, the North Collins Town Board accepts the Sahlem's Roofing & Siding bid in the amount of \$ 63,396.00 to replace the roof at the Town Hall.

Seconded: William Moritz

ROLL CALL: Ayes: Mathis, Robbins, Mortiz, Tobia and Perry. Noes 0. Motion carried.

Item 14. Old Business- Policy for renting Senior Center

Item 15. New Business

Motion by John Tobia, seconded Mike Perry to close the regular business meeting and go into executive session to discuss employment history of an employee at 8:55pm

Motion by John Tobia, seconded William Moritz to close executive session and open regular meeting at 9:20pm.

Item 16. TOWN CLERK:

Monthly Town Clerks Report – Total Revenues \$7,155.00, Dog \$207.00, NYS Environmental \$1130.96.00, Supervisors \$ 5,817.04

Christmas Parade Dec 7<sup>th</sup>

AED will be ready to go soon.

Dog Control reports given

Item 13. ATTORNEY – Nothing

Item 14. ADJOURNMENT. Motion to adjourn at 9:38pm by John Tobia. Second: William Moritz. Carried.

Respectfully Submitted By,

Lynn DiVincenzo  
Town Clerk