

THE REGULAR MONTHLY MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH COLLINS WAS HELD ON WEDNESDAY, JANUARY 15th 2020, 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 (Excused)
	Town Clerk	Lynn M. DiVincenzo
	Town Attorney	Richard Schaus
	Highway Supt.	David J. Winter

Item 1. Supervisor John Tobia called the meeting to order and led the Pledge to the Flag, and prayer.

Item 2. Approved the December 2019 Meeting, as previously presented.

Moved: Ellen Mathis

Second: Mike Perry

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

AUDIT OF BILLS

Item 3. Mike Perry Moved:

BE IT RESOLVED that the following claims, as set forth in Abstract #13 and in the amount of \$33,652.04 are approved for payment by the Town Board:

A# 720,721,722,723,724,725,729,730,731,732,733,735,736,737,738,749,750

B# 726,728,733,734

DA# 739,740,741,742

DB# 737,743,744,745,746,747,748,751

SR# 727

SW# 752

And

BE IT RESOLVED that the following claims, as set forth in Abstract #1 in the amount of \$28,349.57 are approved for payment by the Town Board:

A# 1,3,5,6,8,9,10,12,13,14,15,16,17,22,23,24,25,26,27,28,29,30,31,32,33,34,35,40,

B# 4,7,23,24,32,

DA#18,19,20

DB# 2,6,21,36,37,38,39

SF# 11

Second: Ellen Mathis

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

Item 4. **VISITOR:** Jim Lint- Asked about the gas well at the town park: Who owns it or who services it. He said that there's a name and number on the well. He also stated that when he called, they won't speak to him and would like for the Town to write a letter or to contact the name on the well to have them service it. Also, March 7th the Veterans Tribute is having a Spaghetti Dinner at 4pm.

Item 5. **HIGHWAY:** Accident on Belcher Road: A car hit a tree and stopped 2 feet from a propane tank. Mr. Winter asked about the setback for propane tanks. Also, on Shirley Road there is a house in the right-of-way and on Wilcox there is a shed in the right-of-way. Why?

Item 6. **CODE ENFORCEMENT OFFICER:** Has received 59 permits for the 2019 year. Submitted report to the Town Clerk. Supervisor John Tobia asked about the house on Shirley Road that was built too close to the road. Richard Schaus will call Elise Winter and ask them to render a decision. Supervisor Tobia also asked if everything at Turtles shop on Gowanda State Road is following all the recommendations placed on their business. Supervisor John Tobia asked Mr. Tremblay to get in touch with Mike Drumm from the Planning Board.

LIBRARY: Craft night. Report submitted to the Supervisor.

HISTROIAN: Excused

RECREATION: There will be sledding at Fricano Park on January 18th from 10-11 am. If there is no snow, they will still meet for the playground or to walk around the park. Also, the recreation report was submitted.

Motion by Peter Robbins, seconded Ellen Mathis, to close regular business meeting and open public hearing at 7:31pm. Carried

Peter Robbins asked if a windmill has taxable revenue. That would be a question for the assessor. No other questions were asked.

Motion by Mike Perry, seconded by Ellen Mathis, to close the public hearing and open the regular scheduled meeting at 7:34pm. Carried

MOVED: Ellen Mathis

TOWN BOARD OF THE TOWN OF NORTH COLLINS

RESOLUTION APPROVING ISSUANCE OF WECS PERMIT

RE: Application by Winter's Properties, LLC for permission to construct a 100kW SIVA 50/250 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 November 22, 2019, submitted by TJ Winter of Winter's Properties, LLC, 2110 Sherman Avenue, North Collins, NY (the AApplicant@) seeking a permit allowing Applicant to construct a 100kW wind turbine at 3249 Langford Road, North Collins, NY; and

WHEREAS, Chapter 258 of the North Collins Town Code (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 dated December 18, 2019 in favor of granting a WECS permit approving the Application; and

WHEREAS, a public hearing was held by the Town Board on January 15, 2020 at 7:30 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 a 100kW SIVA 50/250 wind turbine on a 131' tower for a total height of 182 feet.

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 December 18, 2019.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby grants a Wind Energy Permit to construct a 100kW SIVA 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 town=s 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.

Seconded Mike Perry

AYES: Ellen Mathis, Mike Perry, Peter Robbins and John Tobia

NOES: 0

MOVED: Mike Perry

TOWN BOARD OF THE TOWN OF NORTH COLLINS
SEQRA DETERMINATIONS

RE: Amended 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 November 22, 2019, submitted by TJ Winter of Winter's Properties, LLC, 2110 Sherman Avenue, North Collins, NY (the "Applicant"), which amended application seeks permission to construct a 100kW wind turbine at the above listed property; and

WHEREAS, the Applicant had previously received permission to erect a wind turbine at the above location by board approval on November 14, 2018, but as it turns out, the wind turbine proposed in that application is now no longer supported by the manufacturer; and

WHEREAS, the Applicant has now submitted an Amended Application which is identical in all respects, except that Applicant now proposes a wind turbine change to a SIVA 50/250 wind turbine on a 131' tower for a total height of 182 feet; and

WHEREAS, the Town Planning Board has reviewed the Amended Application and issued a written Approval and recommendation in favor of the application dated December 18, 2019; and

WHEREAS, a public hearing was held by the North Collins Town Board on January 15, 2020 at 7:30 p.m. and the Town Board has had time to deliberate and review the Application and all exhibits thereto as well as the Town Planning Board Approval dated December 18, 2019; 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, 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. 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 Application on January 15, 2020 at 7:30 a.m.
4. The Town Board finds that only one 100kW wind turbine is being proposed, said turbine to be a SIVA 50/250 wind turbine on a 131' tower with a total height to the high point of the blade of 182'.
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
Seconded Ellen Mathis

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

AYES: Tobia, Perry, Mathis, and Robbins

NOES:

Resolutions:

MOVED: Ellen Mathis

BE IT RESOLVED, the North Collins Town Board approves the following budget transfers
A-FUND

		DR FROM	CR TO
Municipal Courts - Contractual	A1110.4	65.00	
Municipal Courts - Constables	A1110.12		65.00
Administrative Reserve	A8686.4	1,060.00	
Supervisor - Contractual	A1220.4		1,060.00
Administrative Reserve	A8686.4	198.00	
Supervisor - Bookkeeper Contractual	A1220.41		198.00
Supervisor Bookkeeper	A1220.15	0.06	
Budget Officer	A1340.1		0.06
Attorney Legal Defense	A1420.41	25.00	
Attorney Contractual	A1420.4		25.00
Capital Project	A9950.9	20,000.00	
Buildings Contractual	A1610.4		20,000.00
State Retirement	A9010.8	20,000.00	
Buildings Contractual	A1610.4		20,000.00
Buildings Library	A1610.43	10,000.00	
Buildings Contractual	A1610.4		10,000.00
Buildings Town Hall Utilities	A1610.42	1,896.00	
Buildings Contractual	A1610.4		1,896.00
Buildings Town Hall Utilities	A1610.42	1,696.00	
Buildings Contractual	A1610.4		1,696.00
Programs for Aging - Seniors	A6772.43	1,250.00	
Programs for Aging - Contractual	A6772.44		1,250.00
Youth Program - After School	A7310.1	184.00	
Youth Program - Day Camp	A7310.14		184.00

Workers Compensation	A9040.8	491.00	
Social Security	A9030.8		491.00
Bldgs Cont	A1610.4	1,695.60	
Bldgs Senior	A1610.44		1,695.60
Youth Bus Lease	A7310.41	302.00	
Youth Contractual	A7310.41		302.00

B-FUND

		DR FROM	CR TO
Dog Control - Contractual	B3510.4	1,007.15	
Grant Writer	B1610.4		1,007.15
Dog Control - Contractual	B3510.4	752.18	
Street Lights - Contractual	B5182.4		752.18
Zoning Equipment	B8010.2	117.73	
Zoning Code Enforcement	B8010.1		117.73
Dog Control Contractual	B3510.4	667.20	
Registrar	B4020.4	95.06	
Parks Personnel Services	B7140.15	1,820.63	
Parks Equipment	B7140.2	5,000.00	
Park Enhancement	B7140.41	8,000.00	
Zoning – Equip	B8010.2	355.55	
Zoning Contractual	B8010.4	352.01	
Planning - Personnel Services	B8020.1	700.00	
Planning – Contractual	B8020.4	467.29	
Parks – Contractual	B7140.4		17,457.74
Planning Contractual	B8020.4	532.71	
Refuse – Contractual	B8160.4	400.00	
State Retirement	B9010.8	686.00	
Social Security	B9030.8	102.05	
Workmans Comp	B9040.8		1,720.76

Increase Budget			18,855.98
From 218,967.00 to 237,822.98	B7140.4 B599	18,855.98	
DB - FUND		DR FROM	CR TO
		3,635.00	
Snow Removal - Personnel	DB5142.1		3,635.00
Street Maintenance - Personnel	DB5110.1		
		5,770.00	
Workers Comp	DB9040.8		5,770.00
Health Insurance	DB9060.8		
		456.00	
Workers Comp	DB9040.8		456.00
Health for Retirees	DB9069.8		

SR - FUND

		DR FROM	CR TO
Increase Budget			
From 162992.00 to 163024.20	SR8160.4		32.20
	SR599	32.20	

Seconded by Mike Perry

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

MOVED: Ellen Mathis

BE IT RESOLVED, The North Collins Town Board approves the Town Supervisor to sign the new short SEAF for the HVAC system Replacement for the North Collins Library.

Seconded: Mike Perry

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

MOVED: John Tobia

BE IT RESOLVED, The North Collins Town Board aforesaid town has duly designated John Tobia to attend the annual business session of the Association of Towns and to cast the vote for the Town of North Collins,

Pursuant to 6 of Article III of the Constitution of the Bylaws of said Association.

FURTHER BE RESOLVED, Town of North Collins has assigned Lynn DiVincenzo to be an alternate to the Town of North Collins.

Seconded: Ellen Mathis

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

MOVED: Ellen Mathis

BE IT RESOLVED, the Town of North Collins hereby designates **On-Site Employee Testing**, of Hamburg, NY, as the chosen facility to perform the Town of North Collins employee testing, in accordance with Federal Highway Administration Regulations and the North Collins Drug and Alcohol Policy.

Seconded: Peter Robbins

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

MOVED: John Tobia

BE IT RESOLVED, the North Collins Town Board approves the **Motor Fuels and Related Services for One-Year Period** Bid Packet and instructs the Town Clerk to publish in the Dunkirk Observer. All sealed bids have to be in by February 12th, 2020 at 4pm.

Seconded: Ellen Mathis

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

MOVED: John Tobia

BE IT RESOLVED, the North Collins Town Board adopts the standard work day for the following positions: Recreation Co- Director at 6.00- Record of activities results at 1.78 per month, Effective 01/01/2020 same to be posted for 30 days on the Town Hall Bulletin Board and be mitted to the NYS and Local Retirement System.

Seconded: Ellen Mathis

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

MOVED: John Tobia

BE IT RESOLVED, the North Collins Town Board adopts the standard work day for the following positions: Highway Superintendent at 8.00- Record of activities results at 22.50 per month, Justice at 6.00- record of activities results 4.73 per month. Effective January 15th 2020. Same to be posted for 30 days on Town Hall Bulletin Board and be remitted to the NYS and Local Retirement System.

Seconded: Ellen Mathis

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

MOVED: John Tobia

BE IT RESOLVED, the North Collins Town Board approves the Agreement to Spend Town Highway funds pursuant to the repair and improvement of highways received from the state for the repair and improvement of highways

FURTHER BE IT RESOLVED general repairs in the sum of \$207,550.00 may be expanded for general repairs upon 20.72 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

Seconded: Ellen Mathis

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

TRUCK BIDS

1 Bid received from West Herr Ford of Hamburg

2020 F350 Plow Truck

Model X3B Supercab

\$48,329.00

Bids were sent out to West Herr Ford (only bid returned), West Herr Dodge of Orchard Park, Emerling Ford of Springville, Emerling Dodge of Springville, Towne Chevrolet Buick North Collins and Sands Auto Group of PA.

Richard Schaus asked if we could table this until the end of the meeting so that he and David Winter can review the bid.

MOVED: Mike Perry

BE IT RESOLVED, the North Collins Town Board will table the truck bid until the end of the meeting to discuss with David Winter, Highway Superintendent.

Seconded: Peter Robbins

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

Item 8, **COUNCILMEN**

Moritz - Excused

Robbins - All set

Perry - Will close the parks on Monday, January 20th, 2020.

Mathis - Recreation Committee is meeting Thursday, January 23rd at 6:30pm in room 114 at the Elementary School.

Item 9. **SUPERVISOR:**

Motion by Mike Perry, seconded by Ellen Mathis, to accept the Supervisors report for December 2019. Carried

Langford-NO Fire Co. Installation Dinner is Feb. 29th, please RSVP to Charlie Hohman. We were turned down for the play ground grant.

Motion by John Tobia, seconded by Ellen Mathis, that Judge Stevens records and docket are available for auditing by the Town Board. Carried

Motion by John Tobia, seconded by Ellen Mathis that Judge Ricotta's records and docket are available for auditing by the Town Board. Carried

Item 9. TOWN CLERK:

Monthly Town Clerks Report: Total Revenues \$3,696.00, Dog \$35.00, DEC \$14.17, Marriage \$22.50, Supervisors \$ 3,624.33.

Town Clerks Yearly Report: Total Revenues \$69,171.50, Dog \$1,914.00, DEC \$8,369.95, Marriage \$337.50, Supervisors \$ 58,550.05.

Dog Control submitted report for village and town
Closed Monday January 20th, 2020 for Martin Luther King, Jr. Day.

Item 10. **ATTORNEY:** Has contracts for the local Fire Companies to sign and for the dog shelter. Richard Schaus stated that the Truck Bid looks good.

MOVED: John Tobia

BE IT RESOLVED, The North Collins Town Board approves the 2020 Ford X3B Supercab F 350 truck for the North Collins Highway Superintendent in the amount of \$48,329.00 from West Herr Ford.

Seconded: Peter Robbins

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

MOVED: John Tobia

BE IT RESOLVED, the Town Supervisor is hereby authorized to execute and implement the Agreement between the towns of Evans, North Collins and Collins pursuant to General Municipal Law Section 119-O, Allowing the town of Evans to provide assessment services to the town of North Collins at a cost of \$20,090.

Seconded: Mike Perry

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

Motion by John Tobia, seconded by Mike Perry, to close regular meeting and go into executive session and invite Richard Schaus in to discuss an employment issue at 8:05pm. Carried

Motion by Mike Perry, seconded by Ellen Mathis, to close executive session and open regular meeting at 8:29pm. Carried

MOVED: John Tobia

BE IT RESOLVED, North Collins Town Board approves a yearly stipend in the amount of \$3,500.00, for Crystal Cocca to complete the Annual AUD report.

Seconded: Mike Perry

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

Item 11. **ADJOURNMENT.** Motion to adjourn at 8:31pm by John Tobia. Second: Mike Perry. Carried.

Respectfully Submitted By,

Lynn DiVincenzo
Town Clerk