

## Regular Meeting, Town Of Otto

A regular meeting of the town board of the Town of Otto, Cattaraugus County and the State of New York was held via Zoom meeting and at the Otto Town Hall, 8842 Otto- East Otto Road, Cattaraugus, NY on the 21st day of December 2020.

**Present:** Ron Wasmund .. Town Supervisor  
Brenda Mallaber .. Councilmember  
Paul Stang .. Councilmember  
Kevin Walker ..Councilmember Elect  
Robert Barber ..Highway Superintendent

### **Absent:**

Trisha Priest .. Town Clerk - Quarantine  
Marlene Gregory .. Councilmember

Supervisor Wasmund called the regular Town Board Meeting to order at 7:00pm.

### RESOLUTION 2020-54

#### Approval of minutes

On a motion made by Councilmember Mallaber and seconded by Councilmember Stang, the following resolution was

ADOPTED Ayes 4 Mallaber, Stang, Walker, Wasmund

Nays 0

Resolved that the minutes of November 16th, 2020 are approved as submitted via email.

### Report of town officials

**Town Clerk** Trisha Priest presented the monthly review of the town clerk activities for the month of November 2020.

\$1368.00 was collected during the month of November. The following disbursements were made:

Town Supervisor	\$ 1203.71
Department of ag & markets	\$ 15.00
Catt Co. DPW	\$ 0.00
DEC	\$ 149.29
NYS-DOH	\$ 0.00

The Town Clerk submitted the December Assessors report to the Town Board via email.

### RESOLUTION 2020-55

#### SEQRA Resolution

On a motion made by Councilmember Mallaber and seconded by Councilmember Stang , the following resolution was

ADOPTED Ayes 4 Mallaber, Stang, Walker, Wasmund

Nays 0

DETERMINING that the undertaking of a certain project at the request of OTTO CSG1 LLC will not have a significant effect on the environment.

**WHEREAS**, the Town of Otto (the "**Town**") is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "**State**"), as amended, together with Chapter 641 of the Laws of 1979 of the State of New York, as amended from time to time (collectively, the "**Act**"), to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, for the purpose of promoting economically

sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State and to improve their recreation opportunities, prosperity and standard of living; and

**WHEREAS**, OTTO CSG 1 LLC, or an entity to be formed (the “*Company*”), by application dated September 4, 2020 (the “*Application*”), requested the Town undertake a project (the “*Project*”) consisting of: Otto CSG 1 LLC is proposing to construct a ground-mounted solar farm with associated electrical appurtenances at 9350 Dunkleman Hill Road in the Town of Otto, Cattaraugus County. The solar photovoltaic (PV) system is proposed for installation within an approximate 127.75-acre site. The project will generate approximately 5-megawatts AC. The interconnection wiring will be pole mounted, overhead wiring. The project will provide clean energy in accordance with strategies identified to support NYS’s attainment of 70% renewable energy by 2030 as outlined in Governor Cuomo’s Reforming the Energy Vision Initiative (REV).

The project will consist of photovoltaic cell racks along with balance of system equipment including but not limited to switchboards and transformers mounted on concrete pads, an electric corridor, and an access road to allow appropriate access during construction and future maintenance activities. The electrical wiring for the project will be predominantly underground, but will tie into National Grid’s distribution line via pole mounted, overhead wiring; and

**WHEREAS**, pursuant to State Environmental Quality Review Act and the regulations promulgated there under (“*SEQRA*”), the Town is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Town and the approval of a project and grant of financial assistance constitute such an action; and

**WHEREAS**, to aid the Town in determining whether undertaking the Project may have a significant impact upon the environment, the Company has prepared and submitted to the Town Part 1 of an Environmental Assessment Form (the “*EAF*”) with respect to the Project, a copy of which is attached here as **Exhibit "A"** and on file at the office of the Town; and

**WHEREAS**, the Town examined the EAF in order to classify the Project; and

**WHEREAS**, by resolution adopted November 10, 2020, the Town classified the Project as a Type 1 Action and declared the intent of the Town to be "lead agency" (as defined by SEQRA) for the purposes of a conducting a coordinated environmental review pursuant to SEQRA; and

**WHEREAS**, by letter dated November 13, 2020 notice was given to each "involved agency" (as defined by SEQRA) identified by the Company of the Town's declaration to act as lead agency; and

**WHEREAS**, as a result of its careful review and examination of the Project, the Town finds that, on balance, and after careful consideration of all relevant Project documentation, it has more than adequate information to evaluate as required by SEQRA all of the relevant benefits and potential impacts of the Project; and

**WHEREAS**, the Town has prepared a negative declaration that summarizes its consideration of potential impacts in accordance with SEQRA; and

**NOW, THEREFORE**, be it resolved by the members of the Otto Town Board, as follows:

(1) Based upon an examination of the EAF prepared and other information furnished by the Company, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Town’s knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the Project, and such further investigation of the Project and its environmental effects as the Town has deemed appropriate, the Town makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the second WHEREAS clause of this Resolution and constitutes a “project” as such term is defined in the Act;

(b) The Project constitutes a Type 1 Action;

(c) The Town declared itself lead agency with respect to a coordinated review of the Project pursuant to SEQRA;

(d) The Project will not have a significant effect on the environment, and the Town will not require the preparation of an Environmental Impact Statement with respect to the Project; and

(e) As a consequence of the foregoing, the Town has prepared a Parts 2 and 3 of the Full EAF with respect to the Project, a copy of which is attached hereto as **Exhibit “B”**, which shall be filed in the office of the Town in a file that is readily accessible to the public and the Executive Director of the Town is hereby authorized to execute and cause publication of and distribution of this negative declaration in accordance with SEQRA.

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Town where the same shall be available for public inspection during business hours.

(3) The Secretary of the Town is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

#### RESOLUTION 2020-56

##### Audit of Claims

On a motion made by Councilmember Mallaber and seconded by Councilmember Stang , the following resolution was

ADOPTED Ayes 4 Mallaber, Stang, Walker, Wasmund  
Nays 0

Resolved that the bills contained on Abstract #212 in the amount of \$ 15486.06 have been reviewed by Town Board and are authorized for payment in the following amounts:

General Fund	No.	41 through 45	\$ 1390.27
Highway Fund	No.	95 through 106	\$ 14065.79
Water District	No.	15	\$ 30.00
Sewer District	No.		

#### RESOLUTION 2020-57

##### Supervisor's Monthly Report-November

On a motion made by Councilmember Stang and seconded by Councilmember Mallaber, the following resolution was

ADOPTED Ayes 3 Mallaber, Stang, Walker  
Nays 0

Resolved that the Supervisor's Monthly report for the month of November 2020 be accepted as submitted.

#### RESOLUTION 2020-58

##### Town Clerk's Report-November

On a motion made by Councilmember Gregory and seconded by Councilmember Mallaber, the following resolution was

ADOPTED Ayes 4 Mallaber, Stang, Walker, Wasmund  
Nays 0

Resolved that the Clerk's monthly report for the month of November 2020 be accepted as submitted.

With no further discussion, on a motion of Councilmember Mallaber and seconded by Supervisor Wasmund, the meeting was adjourned at 8:37m. Carried unanimously.

The Organizational Meeting will be held January 5, 2021 7pm at the Otto Town Hall.

A Public hearing on opting out of the 487 will be held January 19, 2021 at 6:45pm.

The next board meeting will be held January 19, 2021 7PM at the Otto Town Hall.

Respectfully Submitted,

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Trisha Priest, Town Clerk