

## **Town of Grand Island – Regular Meeting #21**

A regular meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Rd., Grand Island, NY at 8:00p.m. on the 19<sup>th</sup> of November, 2018.

Present:	Nathan D. McMurray	Supervisor
	Beverly A. Kinney	Councilwoman
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Peter Marston Jr.	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.  
Michael Cancilla from CrossRiver Ministries gave the Invocation.  
Councilman Peter Marston, Jr. led the Pledge of Allegiance.

### **PROCLAMATION:**

#### **Light Up the Boulevard 2018**

### **PUBLIC COMMENTS:**

This is an opportunity for residents to comment on any matter regarding the meeting agenda items only.

Speakers: None

### **PUBLIC HEARING:**

#### **Create Lighting District #65 – Country Club Cottages Phase III**

A Public Hearing was held on Monday, November 19, 2018 at 8:00p.m. to hear anyone wants to comment on Creating Lighting District #65 – Country Club Cottages Phase III.

Speakers: None

Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to Adopt the Resolution after the Public Hearing creating Country Club Cottages Phase III Lighting District No. 65 as follows:

WHEREAS, the Town Board of the Town of Grand Island (the "Town Board"), received a petition, signed and acknowledged in the manner required by law by sufficient number of property owners (the "Petition"), together with a map, plan and report for the creation of the Country Club Cottages Phase III Lighting District No. 65 in the Town of Grand Island (the "Lighting District"), the boundaries of the Lighting District are set forth below, and the improvements proposed or services provided consist of an electric street lighting system serving the Lighting District; and

WHEREAS, pursuant to an Order adopted by the Town Board on November 5, 2018, reciting the filing of the map, plan and report, the improvements proposed, the method of financing, the boundaries of the proposed creation and all other matters required to be stated by law, the Town Board held a duly noticed public hearing at the Town Hall, 2255 Baseline Road, Grand Island, New York at 8:00 p.m. on November 19, 2018, to consider the creation of the Lighting District, including the environmental significance, if any, thereof, and to hear all persons interested in the subject thereof, concerning the same, and for such other further action on the part of the Town Board, with relation to the proposed district.

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NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND as follows:

1. Establishment of the Lighting District will not have a significant adverse impact on the environment and therefore a Negative Declaration of Environmental Significance or other appropriate documentation has been issued for the creation of the Lighting District.

2. That the Petition is signed and acknowledged or proved or authenticated as required by law, and is otherwise sufficient.

3. That the notice of public hearing was duly published and posted as required by law, and is otherwise sufficient.

4. That all properties and property owners benefitted by the improvements are included in the Lighting District.

5. That all properties and property owners included in the Lighting District are benefitted thereby.

6. That it is in the public interest to create the Lighting District.

7. That in the opinion of the Town Board, none of the properties included in the Lighting District will be unduly burdened by the creation of the Lighting District.

8. That creation of the Lighting District as set forth in the map, plan and report is approved, that the performance of supplying electrical street lighting service be contracted for by the Town Board acting for and on behalf of the Lighting District for the illumination of streets or highways in the Lighting District pursuant to the provisions of New York Town Law § 198(6), with an estimated first year annual total charge not to exceed \$1,251.32 with an expected annual cost to the typical property in the proposed Lighting District (which typical property is a single family home) of approximately \$69.44, which said expense shall be levied and collected from the several lots and parcels of land within said Lighting District on a benefit basis in just proportion to the amount of benefit conferred upon the same, except as otherwise provided by law.

9. The boundaries of the proposed district are bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot 12 on said Island, bounded and described as follows:

Beginning at the south west corner of Lot 35 and a point on the east line of Country Club Drive as shown on Map filed in the Erie County Clerk's Office under Cover 3744, Country Club Cottages, Phase 3;

Thence along the east line of Country Club Drive, N 1°01'15" W a distance of 287.69 feet to a point;

Thence N 88°58'15" E a distance of 100.00 feet to a point;

Thence N 1°01'15" W a distance of 22.13 feet to a point;

Thence N 88°58'15" E a distance of 477.41 feet to a point;

Thence S 19°53'12" E a distance of 184.83 feet to a point;

Thence S 17°35'09" W a distance of 115.86 feet to a point;

Thence S 1°01'15" E a distance of 94.61 feet to a point;

Thence S 88°58'45" W a distance of 470.22 feet to a point;

Thence N 1°01'15" W a distance of 69.41 feet to a point;

Thence S 88°58'45" W a distance of 129.99 feet to the POINT OR PLACE OF BEGINNING.

The above described parcel contains ± 5.043 acres (219672 sq. ft.)

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10. Within ten days after adoption the Town Clerk shall file one certified copy of this Resolution with the State Comptroller and record one certified copy of this Resolution in the Office of the Erie County Clerk.

11. This Resolution is effective immediately.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **MINUTES:**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to approve Minutes of Workshop Meeting #35, November 5, 2018, Minutes of Regular Meeting #20, November 5, 2018 and Minutes of Workshop Meeting #36, November 8, 2018.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **CONSENT AGENDA:**

1. Meeting Minutes – Conservation Advisory Board – September 27, 2018
2. Golden Age Center – Facility Usage – October 2018
3. Meeting Minutes – Zoning Board of Appeals – October 4, 2018
4. Meeting Minutes – Community Emergency Response Team (CERT) – October 2, 2018
5. Meeting Minutes – Planning Board – October 9, 2018

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve the consent agenda as distributed.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **COMMUNICATIONS –TOWN BOARD:**

#### **SUPERVISOR NATHAN D. McMURRAY:**

#### **Authorize Supervisor to Sign Proposal – Appraisal of Four Parcels**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt the following resolution:

WHEREAS, the Town Board advertised for bids from qualified individuals or companies for an appraisal of four parcels within the Town of Grand Island:

Town Hall  
2255 Baseline Rd, Grand Island, NY  
SBL 37.01-2-25

CannonDesign  
2170 Whitehaven Rd, Grand Island, NY  
SBL 36.00-2-11.121

Vacant Land Site  
1959 Whitehaven Rd, Grand Island, NY  
SBL 37.01-2-24

Vacant Land Site  
2170 Whitehaven Rd, Grand Island, NY  
SBL 36.00-2-11

WHEREAS, we received three proposals:

Emminger, Newton, Pigeon Magyar, Inc. .... \$2,900 (restricted) or \$5,700  
(complete)  
GAR Associates..... \$3,800  
KLW Appraisal Group.....\$5,900

WHEREAS, Emminger, Newton, Pigeon Magyar, Inc. is the lowest bidder;

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NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor to sign the proposal from Emminger, Newton, Pigeon Magyar, Inc for a \$2,900 restricted appraisal of the four above-mentioned parcels.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **Agriculture and Farmland Planning Committee**

The members of the Agriculture Plan Steering Committee put many hours into obtaining a grant to write the Agriculture and Farmland Protection Plan for Grand Island. The funding has been secured, and a planner has been selected and approved.

This committee is now working with New York State Department of Agriculture and Markets to implement the Agriculture and Farmland Protection Plan, and to address other pertinent topics.

During these meetings, a specific and more inclusive committee has been configured. From this point forward, the Agriculture Plan Steering Committee will be known as the Agriculture and Farmland Planning Committee, and the members will be as follows:

Sheila Daminski, Chairman  
Jim Sharpe, Vice-Chairman  
Tom Thompson  
Chris Beyer  
Dana Albert  
Jenn Pusatier  
Kevin Colosimo  
Elias Redden  
Wendy Salvati, Planner  
Jeff Kehoe, NYS Ag and Market planner and liaison;  
Beverly Kinney and Pete Marston Jr., Town Board co-liaisons

This is for information only, and does not require action by the Town Board.

### **COMMUNICATIONS – OTHER TOWN OFFICIALS:**

#### **DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL:**

##### **Change Order No. 1 – Scenic Woods Phase 1-1A Construction – Job No. M-176-2016 #C1000708**

LDC Construction has requested the completion date of the Scenic Woods Phase 1-1A construction contract be extended to May 31, 2019. It was suggested by the Town's wetland permit required vernal pools would be best be done in the spring. Construction of vernal pools needs to be completed prior to completion of the trail to avoid damage to the new trail with construction equipment. The contractor felt that the paving of the new parking lot along with the required shrubs & plantings would also best be done in the spring.

A motion was made by Councilman Marston, seconded by Councilwoman Baney to accept the recommendation of the Engineering Department approve Change Order No. 1 to extend the completion date to May 31, 2019 for Scenic Woods Phase 1-1A construction – Job No. M-176-2016 #C1000708.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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### **JUSTICE COURT – MARK J. FRENTZEL:**

#### **Budget Transfer**

The Grand Island Town Court was in receipt of a Justice Court (JCAP) NYS Grant for the court office for the 2018 Budget year. The grant check was received in the amount of \$27,201. Some of those funds were utilized to enhance the security in the front area of the court offices. The balance of the funds remaining of \$17,400 is not sufficient to complete the privacy/security of the Chief Clerk's office area. An additional \$16,800 is necessary to complete this phase of the project, and therefore not risk losing the funds. To do this in 2 phases will cost an additional \$1,500-\$2,000 to reorder and deliver. Your approval is requested for the following budget transfer for 2018:

Increase Appropriations

Justice Court – Equipment	001-1110-0200	\$16,800
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Decrease Appropriations

Contingency	001-1990-0475	\$16,800
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A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to approve the requested Budget Transfer.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **PLANNING BOARD:**

#### **Armstrong Landscaping, 2354 Bedell Road – Site Plan Approval – Proposed Landscape/Nursery**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to accept the recommendation of the Planning Board and grant Site Plan Approval with the following conditions:

- Front parking spaces are moved across the front of the building. One handicapped space is required. Parking spaces to be paved.
- Add 4 paved designated parking spaces to the rear of the building.
- Extend fence on the east side of the building to the Northeast corner
- Remove front garage door next to the man door and change to a window.
- Contingent on the Architectural Review Board's approval.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

#### **Brick Oven Pizzeria & Pub, 2457 Grand Island Boulevard – Site Plan Approval – New Vestibule, Bathrooms, Patio, Bar Expansion**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board and grant Site Plan Approval with the following conditions:

- Redo the chart on the Site Plan showing existing parking and the additional spaces in the agreement with the plaza.
- Increase length of parking stalls to 21'
- Add a handicapped space
- Add a light pole at the entrance to illuminate the entry way.
- Waive Design and Performance Standards because addition rounds off to 25%.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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### **REPORT OF THE AUDIT COMMITTEE:**

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to pay

Vouchers #125895 - #126064	
General	\$ 68,972.87
Highway	\$ 14,699.84
Sewer	\$ 23,489.40
Water	\$ 16,703.11
Capital	\$533,141.60
Garbage	<u>\$121,232.96</u>
Total	\$778,239.78

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **UNFINISHED BUSINESS:**

#### **Local Law Intro #7 of 2018 – Mining/Excavation Overlay – 2626 & 2640 Staley Road**

##### **A. Correspondence – Planning Board**

Supervisor Nathan McMurray declared the Public Hearing closed.

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to adopt Local Law #5 of 2018 for the Mining/Excavation Overlay – 2626 & 2640 Staley Road Mining/Excavation Overlay – 2626 & 2640 Staley Road as follows:

SECTION 1: This local law may be known as the “2626 & 2640 Staley Road Mining/Excavation Overlay District Amendment.”

SECTION 2: The Zoning Map of the Town of Grand Island, adopted pursuant to Section 407-15 of the Town of Grand Island Town Code, is hereby amended by adding a Mining/Excavation Overlay District on a portion of Parcel #'s: 50.02-3-3 and 50.02-3-4, Staley Road, Grand Island, New York described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot 37, and being more particularly bounded and described as follows:  
Beginning at the north east corner of Lot 1 as shown on Map Cover for Calidoe Forest as filed in the Erie County Clerk's Office under Cover 3686;  
Thence, along the east line of Lot 1 S.01°32'41"E a distance of 950.00 feet to the south east corner of Lot 1;  
Thence, along the south line of Lot 1 S.88°45'04"W a distance of 42.70 feet to a point;  
Thence S.01°32'41"E a distance of 210.00 feet to a point;  
Thence N.88°45'04"E a distance of 490.00 feet to a point on the extension southerly of the west line of Lot 4;  
Thence on the extension southerly of the west line of Lot 4, and along the west line of Lot 4, N.01°09'14"W a distance of 1159.98 feet to the north west corner of Lot 4 on said Map, said point also being a point on the south line of Staley Road;  
Thence S.88°45'04"W, along the south line of Staley Road a distance of 455.21 feet to the POINT OR PLACE OF BEGINNING, containing 12.223 acres more or less.

SECTION 3: This Local Law shall be effective upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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### **Local Law Intro #7 of 2018 – Mining/Excavation Overlay – 2626 & 2640 Staley Road – Site Plan Approval**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to grant Site Plan Approval and waive the requirements of a Certificate of Occupancy for the house before the pond is finished.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **Heron Pointe, Phase 2 – Whitehaven Road – Revised Site Plan**

#### **A. Correspondence – Traffic Safety Advisory Board**

Remains Tabled.

### **SUSPEND THE RULES:**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to Suspend the Rules to consider status changes in the Water Department & Wastewater Department and possibly adopting Local Law Intro #9 of 2018 – Stop Sign – West Oakfield Road.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **Status Change – Water Department & Wastewater Department**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to approve the status change of Michael Forbes from Laborer to Water/Sewer Maintenance Worker, \$18.96/hr. – Start year, effective November 20, 2018 and John Podlucky, Laborer to Water/Sewer Maintenance Worker, \$23.27/hr. – Year 1, effective November 20, 2018.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **Local Law Intro #9 of 2018 – Stop Sign – West Oakfield Road**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt Local Law #6 of 2018 for a Stop Sign – West Oakfield Road as follows:  
BE IT HEREBY ENACTED by the Town Board of The Town of Grand Island to amend Section 372-1 (A) of the Town Code by adding the following to the list of locations at which a driver of a vehicle shall bring the vehicle to a full stop:

<b>Location</b>	<b>At Intersection of</b>
West Oakfield Road	Commission House Road

**SECTION 2:** This Local Law shall be effective upon filing with the Secretary of State.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **PUBLIC COMMENTS:**

This is an opportunity for residents to comment on any matter regarding Town government on any subject.

Speakers: None

### **FROM THE BOARD:**

- Happy Thanksgiving!
- Light up the Boulevard – December 1, 2018 2:00p.m. – 8:00p.m.
- Veteran's Parade in schools

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### **ADJOURNMENT:**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adjourn the meeting at 8:33p.m.

APPROVED   Ayes   5           Kinney, Madigan, Baney, Marston, McMurray  
                  Noes   0

A moment of silence was observed in memory of the following:

Lorene Soares

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk