

Town of Grand Island – Regular Meeting #19

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 20th of November 2023.

Present:	Peter J. Marston	Deputy Supervisor
	Michael H. Madigan	Councilman (*Via ZOOM)
	Thomas A. Digati	Councilman
	Christian J. Bahleda	Councilman
	Patricia A. Frentzel	Town Clerk
	Charles W. Malcomb	Town Attorney

Deputy Supervisor Peter J. Marston called the meeting to order at 8:00p.m.
Pastor Kevin Slough from Trinity Church gave the Invocation.
Councilman Thomas A. Digati led the Pledge of Allegiance.

PUBLIC COMMENTS:

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

Speakers: Dave Reilly, Rose Bugman, Cathy Rayhill, Mike Rayhill, Scott Allen, Sherri Kern

PUBLIC HEARING:

Local Law Intro #7 of 2023 – Amend Chapter 155 of the Town Code – Flood Damage Prevention

A Public Hearing was held on Monday, November 20, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #7 of 2023 – Amend Chapter 155 of the Town Code – Flood Damage Prevention.

Speakers: None

Deputy Supervisor Marston declared the Public Hearing closed.
A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt Local Law #4 of 2023 amending Chapter 155 Amend Chapter 155 of the Town Code – Flood Damage Prevention – Section 6, Basis for Establishing Areas of Special Flood Hazard as follows:

SECTION I. Section 155-6, Basis for Establishing Areas of Special Flood Hazard, of the Town Code of the Town of Grand Island is amended to read in its entirety as follows:

- A. The areas of special flood hazard for the Town of Grand Island, Community Number 360242 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panels: 36029C0010J, 36029C0020J, 36029C0028J, 36029C0029J, 36029C0036J, 36029C0037J, 36029C0039J, 36029C0041J, 36029C0042J, 36029C0043J, 36029C0044J, 36029C0160J, 36029C0177J, 36029C0180J, 36029C0181J, 36029C0183J whose effective date is June 16,

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2021, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Erie County, New York (All Jurisdictions)" dated June 16, 2021.

(3) Letter of Map Revision (LOMR) Case No. 23-02-0651X, effective March 13, 2024, revising the Flood Insurance Study. Floodway Data Table 12 and Flood Profiles 290P, 316P, 3 19P, and 321P have been updated. Flood Profiles 188P, 189P, 190P, 191P, and 192P have been removed from the Flood Insurance Study.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the office of the Town Engineer, located at Grand Island Town Hall, First Floor, 2255 Baseline Road, Grand Island, New York 14072.

SECTION II SEVERABILITY

The invalidity of a word, section, clause, paragraph, sentence, or part of provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

SECTION III EFFECTIVE DATE

This law shall take effect immediately, as provided by the law, upon filing with the Secretary of State.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

MINUTES:

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve Minutes of Workshop Meeting #27, November 6, 2023, Minutes of Regular Meeting #18, November 6, 2023, and Minutes of Workshop Meeting #28, November 9, 2023

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

CONSENT AGENDA:

1. Meeting Minutes – Zoning Board of Appeals – October 5, 2023
2. Building Permits Issued – October 2023
3. Meeting Minutes – Historic Preservation Advisory Board – October 18, 2023
4. Meeting Minutes – Planning Board – October 10, 2023

A motion was made by Councilman Bahleda, seconded by Councilman Digati to approve the consent agenda as distributed.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

COMMUNICATIONS – TOWN BOARD:

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DEPUTY SUPERVISOR – PETER J. MARSTON:

Sewer Rents – 2024 – Set Public Hearing

A motion was made by Councilman Bahleda, seconded by Councilman Digati to set a Public Hearing for Monday, December 4, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on the proposed 2024 Sewer Rents of \$5.80 per 1,000 gallon of water usage.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

2023 Holiday & Payroll Schedule

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to change the 2023 Holiday schedule to align with the AFSCME, CSEA and Teamsters contracts. Christmas Eve will be changed from Friday, December 22, 2023, to Tuesday, December 26, 2023. As a result of the adjustment and the two-day transfer period required by the Town's bank, the payroll #26 will change from Thursday, December 28, 2023, to Friday, December 29, 2023, for dates worked December 9th – 22nd, 2023. The payroll deadline will remain on Monday, December 25, 2023, at 10:00a.m.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

Panic Alert System

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the upgrade of the current alarm system in Town Hall to include a panic alarm system in an amount not to exceed \$4,400.00.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

Special Event Permit – Chanukah Celebration

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the Special Event Permit for a Chanukah Celebration in the Town Commons, Tuesday, December 12, 2023, at 7:00p.m.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

Local Law Intro #8 of 2023 – Amend the Town of Grand Island Zoning Code to Eliminate the Use of Planned Unit Development Districts in the Town – Set Public Hearing and Refer to Planning Board

A motion was made by Councilman Bahleda, seconded by Councilman Digati to set a Public Hearing for Monday, December 18, 2023 at 8:00p.m. for the purpose of hearing anyone who wants to comment on a proposed Local Law Intro #8 of 2023 – Amend the Town of Grand Island Zoning Code to Eliminate the Use of Planned Unit Development Districts in the Town, and to refer the matter to the Planning Board for review and recommendation.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

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COUNCILMAN MICHAEL H. MADIGAN:

Amend the Town of Grand Island Zoning Code to Limit Buildings to 300,000 square feet in the M1 and M2 Zoning Law – Set Public Hearing

Councilman Madigan withdrew the matter.

No Town Board action.

*Councilman Madigan (*via ZOOM) left the meeting at 8:29p.m.*

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

NYSOLAR06 LLC, SBL #:36.00-1-28 – Emery Farm, 2595 Whitehaven Road – Solar Energy Farm – Resolution Authorizing the Deputy Supervisor to Execute PILOT Agreement

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the Deputy Supervisor to execute PILOT Agreement with NYSOLAR06 LLC, SBL #36.00-1-28 – Emery Farm, 2595 Whitehaven Road – Solar Energy Farm and adopt the following resolution:

WHEREAS, on or about May 27, 2022, NYSOLAR06 LLC (the “Project Owner”) filed applications for a Special Use Permit and Site Plan Approval of “Emery Farm Solar” to be located at 2595 Whitehaven Road in the Town of Grand Island, and

WHEREAS, the Project has received all necessary approvals from the Town of Grand Island, and

WHEREAS, pursuant to New York State Real Property Tax Law 487 Section 487 (9)(a), the Town of Grand Island has indicated its intent to require a Payment in Lieu of Taxes (“PILOT”) Agreement with the Project Owner, under which the Project Owner (or any successor owner of the Project) will be required to make annual payments to the Town of Grand Island for each year during the term of this Agreement, and

WHEREAS, a copy of the proposed PILOT Agreement between the Project Owner and the Town of Grand Island is attached hereto, and

NOW, THEREFORE, the Town Council resolves to authorize the Deputy Town Supervisor to execute the PILOT Agreement on behalf of the Town of Grand Island.

AND THEREFORE, the Town Clerk is hereby directed to enter this resolution in the minutes of the meeting.

APPROVED Ayes 3 Marston, Digati, Bahleda
 Noes 0

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

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Award Bids – Water & Wastewater Chemical Bids

Town Engineer Robert Westfall reported that on November 15, 2023, bids were opened for the purchase of chemicals for Municipal Water and Wastewater Treatment facilities.

Chemicals for Municipal Water & Wastewater Treatment Facilities - 2024

Bid Opening: 11/15/2023 @10:00AM

Bidders	Chlorine	Ferrous Chloride	Hydrofluorosilicic Acid	Sodium Hypochlorite	Polyaluminum Chloride	Phosphorous Removal Floc.	Sludge Dewatering Polymer
Bison Laboratories, Inc.	NO BID	NO BID	NO BID	\$2.218/gallon	NO BID	NO BID	NO BID
Holland Company	NO BID	NO BID	NO BID	NO BID	\$1,300.00/wet ton PCH 101	NO BID	NO BID
JCI- Jones Chemicals Inc.	\$550.00/cyl	NO BID	NO BID	\$2.23/gal ** Sunny Sol 100 Plus	NO BID	NO BID	NO BID
Kemira Water Solutions	NO BID	\$1.248 / lb Fe Kemira PIX-201	NO BID	NO BID	\$947.00/ wet ton Kemira Stern PAC	NO BID	NO BID
Kuehne Chemical Co.	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
Polydyne, Inc.	NO BID	NO BID	NO BID	NO BID	NO BID	\$1.28/lb Clarifloc A-210P	\$1.55/lb Clarifloc NE-2512
PVS Technologies	NO BID	\$1.80/lb Fe	NO BID	NO BID	NO BID	NO BID	NO BID
USALCO, LLC	NO BID	NO BID	NO BID	NO BID	\$840.00/wet ton DelPAC 2000	NO BID	NO BID
Univar Solutions USA	NO BID	NO BID	\$6.25/gal	NO BID	NO BID	NO BID	NO BID

** JCI Sodium Hypochlorite price only in effect until 3/31/2023. Will give 30 days notice of any rate change.

After careful review, it was recommended that the Town purchase chemicals from the supplier with the lowest price for the desired item.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Town Engineer, and authorize the Town purchase chemicals from the supplier with the lowest price for the desired item.

APPROVED Ayes 3 Marston, Digati, Bahleda
Noes 0

CODE ENFORCEMENT OFFICE:

Special Use Permit Amendment - Kelli Swagel, 2488A Grand Island Boulevard – Expand a Dog Training and Boarding Center, in an existing retail plaza, in the NBD (North Business District) – Set Public Hearing and Refer to Planning Board

A motion was made by Councilman Digati, seconded by Councilman Bahleda to set a Public Hearing for Monday, December 18, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on a Special Use Permit Amendment - Kelli Swagel, 2488A Grand Island Boulevard – Expand a Dog Training and Boarding Center, in an existing retail plaza, in the NBD (North Business District) and refer the matter to the Planning Board for review and recommendation.

APPROVED Ayes 3 Marston, Digati, Bahleda
Noes 0

Special Use Permit Renewal – Jennifer Tirone, 993 Whitehaven Road – Keeping of up to 4 Agricultural Animals on 5.9 Acres

A motion was made by Councilman Digati, seconded by Deputy Supervisor Marston to renew the Special Use Permit – Jennifer Tirone, 993 Whitehaven Road – Keeping of up to 4 Agricultural Animals on 5.9 Acres. The property has been inspected and it is unchanged.

APPROVED Ayes 3 Marston, Digati, Bahleda
Noes 0

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TOWN ACCOUNTANT – KORIN FRANTZ:

Budget Amendment – General Fund – Franchise Fees

The 2023 Budget for Franchise Fees is \$265,000. To date we have received over \$341,000 in Franchise Fee Revenue. Town Accountant requests to transfer \$76,000 of the excess Franchise Fee funds received in 2023 from the General Fund to the IT Capital Reserve Fund.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the transfer of Franchise Fee Revenue funds to the IT Capital Reserve Fund in the amount of \$121,000 and approve the following budget amendment for 2023:

Increase Revenue:

General Fund-Franchise Fee Revenue	001.0001.1170	\$ 76,000
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Increase Appropriations:

General Fund: Transfer to Other Funds-Capital Reserve	001.9901.0903	\$ 76,000
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APPROVED	Ayes	3	Marston, Digati, Bahleda
	Noes	0	

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay Vouchers #143550 - #143687

General	\$103,062.38
Highway	\$ 7,819.82
Sewer	\$ 27,787.68
Water	\$ 77,174.48
Lighting	\$ <u>1,366.45</u>
Total	\$217,210.81

APPROVED	Ayes	3	Marston, Digati, Bahleda
	Noes	0	

UNFINISHED BUSINESS:

John Valenti, Alvin Road Incubator Building – Site Plan Approval – 14,000 S.F. One Story Multi-Unit Building

Remains Tabled.

Reapprove Preliminary Plat (Modified Plan) – Ashbrooke Court Estates (Subdivision #49.06) – 48 Lots

Remains Tabled.

Local Law Intro #6 of 2023 – Amend Chapter 407, the Zoning Code of the Town of Grand Island, Regarding Allowable Uses in the M-1 District

A. SEQRA Resolution and Negative Declaration with EAF Parts 2 and 3

B. Resolution Adopting Local Law Intro #6 of 2023

Remains Tabled. To be discussed at the December 4, 2023, Workshop.

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PUBLIC COMMENTS:

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

Speakers:

Dave Reilly, Mary Pfalzer, Cathy Rayhill

FROM THE BOARD:

- **Happy Thanksgiving!**
- **M-1 Local Law Intro Timeline**
- **Small Business Day – Saturday, November 25, 2023**
- **Light up the Boulevard – Saturday, December 2, 2023**

ADJOURNMENT:

A motion was made by Councilman Bahleda, seconded by Councilman Digati to adjourn the meeting at 8:49p.m.

APPROVED Ayes 3 Marston, Digati, Bahleda
 Noes 0

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

Erik Robinson	David Edwards
Scott Stoberl	Edward Zuchowski
James Ackerman	Jan Smudski
Geraldine Witkowski	Linda Kutzbach
Peter Gornicki	Tilak Bommaraju

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

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