

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 18th of December 2023.

Present:	Peter J. Marston	Deputy Supervisor
	Michael H. Madigan	Councilman
	Christian J. Bahleda	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Excused:	Thomas A. Digati	Councilman
----------	------------------	------------

Deputy Supervisor Peter J. Marston called the meeting to order at 8:00p.m.
Pastor Calvin VanderMey from Bible Fellowship Center gave the Invocation.
Councilman Michael H. Madigan led the Pledge of Allegiance.

PUBLIC COMMENTS:

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

<i>Speakers:</i>	James Daigler, Paul Salonek, John Chin, Cathy Rayhill
------------------	---

PUBLIC HEARING:

Local Law Intro #8 of 2023 – Amend Town Code Chapter 407 – Eliminate the Use of Planned Unit Development Districts in the Town

A. Correspondence – Planning Board

A Public Hearing was held on Monday, December 18, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #8 of 2023 – Amend Town Code Chapter 407 – Eliminate the Use of Planned Unit Development Districts in the Town.

Speakers:	Paul Salonek, Jenn Pusatier
-----------	-----------------------------

Deputy Supervisor Marston declared the Public Hearing closed.
A motion was made by Deputy Supervisor Marston, seconded by Councilman Bahleda to refer Local Law Intro #8 of 2023 – Amend Town Code Chapter 407 – Eliminate the Use of Planned Unit Development Districts in the Town to the Town Board.

APPROVED	Ayes	3	Madigan, Marston, Bahleda
	Noes	0	

Special Use Permit Amendment – Kelly Swagel, 2488A Grand Island Blvd. – Expand a Dog Training and Boarding Center With ability to Kennel up to 60 Dogs Overnight

A. Correspondence – Planning Board

A Public Hearing was held on Monday, December 18, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on a request to amend a Special Use Permit Kelly Swagel, 2488A Grand Island Blvd. – Expand a Dog Training and Boarding Center with ability to Kennel up to 60 Dogs overnight.

Monday, December 18, 2023 - 1

Town of Grand Island – Regular Meeting #21

Special Use Permit Amendment – Kelly Swagel, 2488A Grand Island Blvd. – Expand a Dog Training and Boarding Center With ability to Kennel up to 60 Dogs Overnight

Speakers: Theresa Giambra, Janine Gallo, Kelli Swagel, Donny Booth, James Daigler

Deputy Supervisor Marston declared the Public Hearing closed.

A motion was made by Deputy Supervisor Marston, seconded by Councilman Bahleda to table the request to amend a Special Use Permit Kelly Swagel, 2488A Grand Island Blvd.

– Expand a Dog Training and Boarding Center with ability to Kennel up to 60 Dogs overnight, pending further investigation of the site and follow up with the applicant.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

Special Use Permit Amendment – Matthew & Cherrish Beals, 121 Amberwood Drive – Amend to Operate from a 2 to 3 Bedroom Bed & Breakfast – CANCELLED

A. Correspondence – Planning Board

The Public Hearing was cancelled, due to the Legal Notice not being published.

A motion was made by Councilman Bahleda, seconded by Deputy Supervisor Marston to reschedule the Public Hearing for a Special Use Permit Amendment – Matthew & Cherrish Beals, 121 Amberwood Drive – Amend to Operate from a 2 to 3 Bedroom Bed & Breakfast to January 2, 2024, at 8:00p.m.

NOT APPROVED Ayes 2 Marston, Bahleda
 Noes 1 Madigan

MINUTES:

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to approve Minutes of Workshop Meeting #30, December 4, 2023, and Minutes of Regular Meeting #20, December 4, 2023.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

CONSENT AGENDA:

1. Planning Board Minutes – November 13, 2023
2. Building Permits Issued – November 2023
3. Golden Age Center – Facility September 2023, October 2023
4. Grand Island Police Department – Service Calls – October 2023, November 2023
5. Meeting Minutes – Zoning Board of Appeals – November 2, 2023

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

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

Town of Grand Island – Regular Meeting #21

COMMUNICATIONS – TOWN BOARD:

DEPUTY SUPERVISOR – PETER J. MARSTON:

Supervisor's Monthly Report – October 2023

The Supervisor reported Cash Balance-Operating A/C of \$2,201,670 on October 1, 2023

Total Receipts of \$5,909,152

Total Disbursements of \$6,764,380

Operating A/C Interest \$5,724

Operating A/C Balance \$1,352,165

Investment Interest \$46,796

Investment Balance \$13,849,709

Total Cash Balance as of October 31, 2023, \$15,201,874

No action by the Town Board.

Supervisor's Monthly Report – November 2023

The Supervisor reported Cash Balance-Operating A/C of \$1,352,165 on November 1, 2023

Total Receipts of \$1,783,466

Total Disbursements of \$1,635,669

Operating A/C Interest \$5,136

Operating A/C Balance \$1,505,099

Investment Interest \$42,466

Investment Balance \$12,784,533

Total Cash Balance as of November 30, 2023, \$14,289,632

No action by the Town Board.

COUNCILMAN MICHAEL H. MADIGAN:

Request to Fairly and Consistently Enforce Town Code – Golfside Development Violation of Town Code 253-2A

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to instruct the Code Enforcement Officers to enforce Town Codes fairly and consistently without exception including Golfside Development.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

Request to Reject the Rezoning to PDD – Golfside Development – SBL #38.11-2-6.11

A motion was made by Councilman Madigan, seconded by Deputy Supervisor Marston to reject the rezoning request to PDD – Golfside Development – SBL #38.11-2-6.11.

NOT APPROVED Ayes 1 Madigan
 Noes 2 Marston, Bahleda

Monday, December 18, 2023 - 3

Town of Grand Island – Regular Meeting #21

Request Emminger Newton Pigeon Magyar Inc. to Investigate Assessment Error – 2408 Bedell Road

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to request the Town Assessor and Emminger Newton Pigeon Magyar Inc. to investigate Assessment Error – 2408 Bedell Road, review and determine the root cause and provide a report of their findings to the Town Board. Additionally, a complete review of the most recent 100% re-assessment conducted in 2020-2021 to determine if other concerns exist that require corrective action.

NOT APPROVED	Ayes	1	Madigan
	Noes	2	Marston, Bahleda

COMMUNICATIONS – OTHER TOWN OFFICIALS:

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

Award Traffic Signal Inspection and Emergency Service Contract

Town Engineer Robert Westfall reported that on December 12, 2023, the Town received bids on the Traffic Signal and Emergency Service contract. The Town requested prices from 4 firms with the following response:

Bidder Name	Bid Price (First Year/Second Year)
J.J. Emergency Electric	\$ 2,250.00 / \$ 2,250.00

After careful review, Mr. Westfall hereby requests authorization for the Town Supervisor to sign a two-year contract (1-1-2024 to 12-31-2025) for the annual inspection and emergency service on Town owned traffic signals with J.J. Emergency Electric in the amount of \$2,250.00 for the first year and \$2,250.00 for the second year. A motion was made by Councilman Madigan, seconded by Councilman Bahleda to authorize the Deputy Supervisor to sign a two-year contract (1-1-2024 to 12-31-2025) for the annual inspection and emergency service on Town owned traffic signals with J.J. Emergency Electric in the amount of \$2,250.00 for the first year and \$2,250.00 for the second year.

APPROVED	Ayes	3	Madigan, Marston, Bahleda
	Noes	0	

Award Electrical Maintenance and Emergency Service Contract

Town Engineer Robert Westfall reported that on December 12, 2023, we received bids for the Electrical Maintenance and Emergency Service (600 Volts or less) contract with the low bidder being CIR Electric.

Mr. Westfall requests authorization for the Town Supervisor to sign a two-year contract (January 2024 – January 2026) for the electrical maintenance and emergency service at Town owned facilities to CIR Electric from the Tabulation of Bids.

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to authorize the Deputy Supervisor to sign a two-year contract (January 2024 – January 2026) for the electrical maintenance and emergency service at Town owned facilities to CIR Electric from the Tabulation of Bids.

APPROVED	Ayes	3	Madigan, Marston, Bahleda
	Noes	0	

Monday, December 18, 2023 - 4

Town of Grand Island – Regular Meeting #21

Golf Villas – Phase 5 – Reapprove Final Plat – 20 Lots

Town Engineer Robert Westfall reported that the Town Board granted Final Plat for Phase 5 of the Golf Villas Subdivision July 17, 2023. The applicant failed to file the Map Cover with Erie County within the specified 62 day filing period, and now needs re-approval to do this.

The applicant is seeking Re-Approval of the Final Plat for Phase 5 of the Golf Villas Subdivision. No changes have been made since the original approval, and all applicable fees have been paid.

Mr. Westfall has reviewed the request and recommends Re-Approval of the Phase 5 Final Plat.

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to reapprove Final Plat for Golf Villas – Phase 5 – 20 Lots.

NOT APPROVED	Ayes	2	Madigan, Bahleda
	Noes	1	Marston

WWTP Improvements/Sludge Dewatering – Goodwin Electric Contract – Change Order #1 – Job No. M-231

Town Engineer Robert Westfall reported that Change Order No. 1 to the Goodwin Electric contract for the above referenced project consists of the final miscellaneous overruns incurred to complete the project per manufacturer recommendations. Change Order No. 1 is for \$9,481.35 and includes all labor and materials for field revisions to the electrical distribution system along with the addition of a flow meter, speed sensors, e-stops and disconnects for more efficient and safe operation of the new sludge press.

There are funds in the existing bond authorization available for this work.

Mr. Westfall recommends that Change Order No. 1 be approved with an increase of \$9,481.35 to Goodwin Electric's awarded contract amount.

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to approve Change Order No. 1 in the amount of \$9,481.35 to Goodwin Electric's awarded contract amount.

APPROVED	Ayes	3	Madigan, Marston, Bahleda
	Noes	0	

Award Bid – Bedell Road Drainage Improvements (Brush Clearing) – Project No. D-49-2024

Town Engineer Robert Westfall reported that the Engineering Department solicited bids to perform brush clearing operations on the Bedell Road drainage channel (north side of Bedell Road). This work is in advance of design work to enable access to the area to allow us to perform survey information gathering.

The bids received are the following:

L.D.C. Construction Co., Inc.	\$ 4,800.00
Sam Long's Landscaping	\$ 5,500.00

Monday, December 18, 2023 - 5

Town of Grand Island – Regular Meeting #21

Mr. Westfall reported that the Town is still in discussion with NYSDEC and USACOE regarding the ability to undertake this work and potential permits. Mr. Westfall has reviewed the bids and recommends award to the low bidder, L.D.C. Construction Co., Inc. in the amount of \$ \$ 4,800.00, contingent on obtaining DEC/USACOE clearance to perform the work. The funds for this work are from the 2023 Drainage Budget.

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to award the bid to perform brush clearing operations on the Bedell Road drainage channel (north side of Bedell Road) to L.D.C. Construction Co., Inc in the amount of \$4,800.00.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

CODE ENFORCEMENT OFFICE:

Special Use Permit Application – Operate a 2 Bedroom Bed & Breakfast – 1559 East River Road – Set Public Hearing and Refer to Planning Board

A motion was made Councilman Bahleda, seconded by Councilman Madigan to set a Public Hearing for Tuesday, January 2, 2024, at 8:00p.m. to hear anyone who wants to comment on a Special Use Permit Application – Operate a 2 Bedroom Bed & Breakfast – 1559 East River Road and refer the matter to the Planning Board.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

Request to Review Concept Plan and Local Law Intro #9 of 2023 – Rezoning SBL #24.15-3-8.1 – B-3 to R-1D and R3 and B1 for Proposed Housing Project – Set Public Hearing and Refer to Planning Board

A motion was made by Deputy Supervisor Marston, seconded by Councilman Bahleda to set a Public Hearing for Tuesday, January 16, 2024, at 8:00p.m. to hear anyone who wants to comment on a request to review Concept Plan and Local Law Intro #9 of 2023 – Rezoning SBL #24.15-3-8.1 – B-3 to R-1D and R3 and B1 for Proposed Housing Project and refer the matter to the Planning Board.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

Special Use Permit Renewal – Thomas Burke – 2285 West River Pkwy – Bed & Breakfast

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to renew the Special Use Permit for Thomas Burke – 2285 West River Pkwy – Bed & Breakfast. The site has been inspected and it is unchanged.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

Special Use Permit Renewal – Thomas Burkman – 800 Kirkwood Drive – Bed & Breakfast

Monday, December 18, 2023 - 6

Town of Grand Island – Regular Meeting #21

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to renew the Special Use Permit for Thomas Burkman – 800 Kirkwood Drive – Bed & Breakfast. The site has been inspected and it is unchanged.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to pay Vouchers #143811 - #143940

General	\$132092.66
Highway	\$ 22,489.95
Sewer	\$ 24,533.26
Water	\$ 11,535.36
Capital	\$ 13,870.00
Lighting	\$ 249.50
Total	\$204,770.73

APPROVED Ayes 3 Madigan, Marston, 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

A. Correspondence – Planning Board

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to accept the recommendation of the Planning Board and reaffirm Negative Declaration previously issued October 2, 2006, and approve Preliminary Plat (Modified Plan) – Ashbrooke Court Estates (Subdivision #49.06) – 48 Lots.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

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.

PUBLIC COMMENTS:

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

Speakers:

Cathy Rayhill, Jennifer Chin

FROM THE BOARD:

Monday, December 18, 2023 - 7

Town of Grand Island – Regular Meeting #21

- **Go Bills!**
- **Merry Christmas & Happy New Year**
- **Thank you, to/from Councilman Mike Madigan – Last meeting as Councilman**

ADJOURNMENT:

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to adjourn the meeting at 9:38p.m.

APPROVED Ayes 3 Madigan, Marston, Bahleda
 Noes 0

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

Lynn M. Kaczmarowski Grieco
Stephen J. “Coach Steve” Beatty
Daisy M. Moore
Margaret Zauner
Adeline J. Vacanti

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk