

## **Town of Grand Island – Regular Meeting #23**

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 20<sup>th</sup> of December 2021.

Present:	John C. Whitney	Supervisor
	Peter Marston Jr.	Councilman
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Thomas A. Digati	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor John C. Whitney called the meeting to order at 8:00p.m.

Councilwoman Jennifer L. Baney gave the Invocation.

Councilwoman Jennifer L. Baney led the Pledge of Allegiance.

The Meeting was conducted via ZOOM and streamed live on the Town's website – [www.grandislandny.us](http://www.grandislandny.us)

### **PROCLAMATION:**

**Councilwoman Jennifer L. Baney**

### **PUBLIC COMMENTS:**

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

*Speakers:* None

### **MINUTES**

A motion was made by Councilman Marston, seconded by Councilman Digati to approve Minutes of Workshop Meeting #45, December 6, 2021, and Minutes of Regular Meeting #22, December 6, 2021.

APPROVED	Ayes	5	Madigan, Baney, Digati, Marston, Whitney
	Noes	0	

### **CONSENT AGENDA:**

1. Meeting Minutes – Planning Board – November 8, 2021

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

APPROVED	Ayes	5	Madigan, Baney, Digati, Marston, Whitney
	Noes	0	

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### **COMMUNICATIONS –TOWN BOARD:**

#### **SUPERVISOR JOHN C. WHITNEY:**

##### **Provisional Appointment – Sr. Account Clerk Typist**

A motion was made by Councilman Madigan, seconded by Councilman Marston to approve the provisional appointment of Jackie Ostertag as Sr. Account Clerk Typist, Non-union, Grade 7, Step A \$22.34/hr., effective December 21, 2021, subject to completion of the Civil Service exam.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

#### **COUNCILMAN – THOMAS A. DIGATI:**

##### **Authorize Supervisor to Execute Letter of Intent for ErieNet Broadband Project**

A motion was made by Councilman Digati, seconded by Councilwoman Baney to authorize the Supervisor to sign the letter of intent for the ErieNet Broadband Project.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

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

#### **TOWN ATTORNEY – PETER GODFREY:**

##### **Resolution Approving Settlement in Gerber v. Grand Island**

A motion was made by Councilman Marston, seconded by Councilman Madigan to adopt the following resolution:

WHEREAS, the Town of Grand Island was sued as a defendant in the action entitled *Nicole Gerber v. The Town of Grand Island*, Index No. 807610/2021 (the “Litigation”); and

WHEREAS, the Litigation concerned a disputed “paper” road in the Town known as Alt Boulevard; and

WHEREAS, the Town of Grand Island negotiated a resolution of the Litigation; and

WHEREAS, the parties to the Litigation have memorialized their mutual understanding in settlement documents, and the parties are in agreement as to the content and form of these documents; and

WHEREAS, the parties wish to execute the necessary documents to settle and resolve the Litigation.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Grand Island that:

1. The settlement as memorialized in the proposed Stipulation of Settlement, Order, Judgment, and Declaration, and Release of Easement is approved.
2. The Town Supervisor and counsel for the Town are hereby authorized to execute the aforementioned Stipulation of Settlement, Order, Judgment, and Declaration, and Release of Easement, in substantially

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the form as presented, along with any other legal documents necessary to resolve and discontinue the action, and to file the same.

3. This Resolution shall be effective immediately upon its adoption.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

### **Resolution Authorizing Litigation Against River Oaks Marina and James Maloney Concerning Property Located at 3001 East River Road**

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

WHEREAS, James Maloney (“Maloney”) is an individual that owns real property in the Town located at 3001 East River Road (the “Property”); and

WHEREAS, 3001 East River Road is operated as a marina, and is known as River Oaks Marina; and

WHEREAS, the Town has issued several notices of violation concerning the Property; and

WHEREAS, the violations on the Property have not been abated or otherwise addressed; and

WHEREAS, the Town desires to retain Hodgson Russ LLP as counsel for the purpose of bringing any and all necessary legal action concerning the code violations on the Property.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Grand Island that:

1. To protect the Town’s interests, it is therefore necessary to commence any and all legal action necessary against Maloney, along with any other individuals or entities necessary to preserve the Town’s interests and rights, concerning the code violations on the Property and any other property in the Town owned, leased, or otherwise used by Maloney.
2. The retention of Hodgson Russ LLP as outside counsel is hereby authorized for the purposes set forth in Paragraph 1 above.
3. This Resolution shall be effective immediately upon its adoption.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

### **Resolution Authorizing Execution of Supervisor’s Letter Regarding Compliance with Public Service Commission COVID-19 Related Regulations on Water Service**

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A motion was made by Councilman Madigan, seconded by Councilman Digati to adopt the following resolution:

WHEREAS, the New York State Public Service Commission (the “PSC”) promulgated regulations and guidance concerning municipal water service in light of the COVID-19 pandemic; and

WHEREAS, the Town of Grand Island (the “Town”) has reviewed and is compliance with said regulations and guidance; and

WHEREAS, the Town must provide information to the PSC demonstrating such compliance; and

WHEREAS, the Town must provide information to the PSC demonstrating such compliance; and

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Grand Island that:

1. The Town Supervisor is authorized to execute a letter, in substantially the same form as presented to the Town Board, to send to the Commissioner of the PSC advising of the Town’s compliance with the regulations and guidance concerning municipal water service in light of the COVID-19 pandemic.
2. The Town Supervisor and Town Attorney are directed to take any and all necessary measures to ensure proper notice to the PSC of such compliance, along with any such other and further necessary actions to ensure continued compliance and to protect the Town’s interests.
3. Said letter shall be filed in the PSC docket under Matter No. 20-01676.
4. This Resolution shall be effective immediately upon its adoption.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

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

#### **Authorization to Purchase 2021 Sewer Jet Vactor Truck**

The Town Board reviewed a proposal from Sourcewell (Contract #122017-FSC) for the purchase of new vactor truck. The Vendor is an approved vendor in NYS.

A motion was made by Councilman Marston, seconded by Councilwoman Baney to authorize the Supervisor to issue a Purchase Order for the purchase of a new vactor truck from Sourcewell in the amount of \$436,575.00.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

#### **Award Electrical Maintenance & Emergency Service Contract**

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Town Engineer Robert Westfall reported the on December 15, 2021, bids were obtained for the Electrical Maintenance & Emergency Service (600 Volts or less) contract with the low bidder being CIR Electric.

### Chemicals for Municipal Water & Wastewater Treatment Facilities - 2022

Bid Opening: 12/1/2021 @ 10:00AM

Bidders	Chlorine	Ferrous Chloride	Hydrofluorosilicic Acid	Sodium Hypochlorite	Polyaluminum Chloride
Applied Specialties Inc.	NO BID	NO BID	NO BID	NO BID	\$0.64/lb AS-3036
PVS Chemicals	NO BID	NO BID	\$835/ton	NO BID	NO BID
Bison Laboratories	NO BID	NO BID	NO BID	\$1.49/gallon	NO BID
Gulbrandsen Technologies	NO BID	NO BID	NO BID	NO BID	NO BID
Holland Company	NO BID	NO BID	NO BID	NO BID	NO BID
JCI- Jones Chemicals Inc.	\$550.00/cylinder	NO BID	NO BID	\$1.73/gallon	NO BID
Kemira Water Solutions	NO BID	Kemira Pix-201 \$1.93/lb FE	NO BID	NO BID	Kemira SternPAC \$761.00/wet ton
Kuehne Chemical Co.	NO BID	NO BID	NO BID	NO BID	NO BID
Olin Chlor-Alkali Products	NO BID	NO BID	NO BID	NO BID	NO BID
Slack Chemicals Co	NO BID	NO BID	NO BID	NO BID	\$4.36/gallon SternPAC 50-1000gal
USALCO, LLC	NO BID	NO BID	NO BID	NO BID	\$490.00/wet ton
Univar Solutions USA	NO BID	NO BID	\$3.15/gallon	NO BID	NO BID

A motion was made by Councilman Madigan, seconded by Councilman Digati to accept the recommendation of the Town Engineer and authorize the Supervisor to sign a two-year contract (January 2022-January 2024) for the electrical maintenance and emergency service at Town owned facilities to CIR Electric.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                      Noes    0

### **TOWN ACCOUNTANT – PAMELA BARTON:**

#### **Budget Amendment – General Fund – Franchise Fees**

The 2021 Budget for Franchise Fees is \$225,000. To date the Town has received over \$332,000 in Franchise Fee Revenue.

A transfer of \$107,000 of the excess Franchise Fee funds received in 2021 from the General Fund to the IT Capital Reserve Fund is requested.

A motion was made by Councilman Digati, seconded by Councilman Marston to authorize the transfer of Franchise Fee Revenue funds to the IT Capital Reserve Fund in the amount of \$107,000 and approve the following budget amendment for 2021:

Increase Revenue:

General Fund-Franchise Fee Revenue            001.0001.1170            \$ 107,000

Increase Appropriations:

General Fund:

Transfer to Other Funds-Capital Reserve    001.9901.0903            \$ 107,000

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                      Noes    0

### **Budget Amendment – General Fund – Donations**

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On March 18, 2019, the Town Board established a Reserve account for the Capital Improvement of the Golden Age Center (GAC). \$90,000 was authorized to be transferred from the Hartford Insurance settlement, to initiate the account. In April of this year, the GI Golden Age Club donated \$8,000 to the GAC. There has not been a specified use to date. A transfer \$8,000 2021 from the General Fund to the GAC Capital Reserve Fund, so these funds remain earmarked for the GAC is requested.

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to authorize the transfer of Donated Funds to the GAC Capital Reserve Fund in the amount of \$8,000 and approve the following budget amendment for 2021:

Increase Revenue:

General Fund-Donations 001.0001.2709 \$ 8,000

Increase Appropriations:

General Fund:

Transfer to Other Funds-Capital Reserve 001.9901.0903 \$ 8,000

APPROVED Ayes 5 Madigan, Baney, Digati, Marston, Whitney  
Noes 0

### 2021 Budget Transfers/Amendments

A motion was made by Councilman Madigan, seconded by Councilman Marston approve the following 2021 budget amendments and transfers:

General Transfers:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
TOWN BOARD	PERS SVCS-REG PAY	001-1010-0100	10.00	001-1010-0401	10.00		EXCEEDED BUDGET
ELECTIONS	ELECTION INSPECTORS	001-1450-0455	1,450.00	001-1410-0199	1,450.00	TOWN CLERK-BUYBACKS	FIRE CO. SPECIAL ELECTION
LAW OFFICE	PROFESSIONAL SVCS	001-1420-0409	80,000.00	001-1990-0475	80,000.00	CONTINGENCY	EXCEEDED BUDGET
UNCLASSIFIED	DEBT MANAGEMENT FEES	001-1989-0419	18,500.00	001-9730-0700	14,400.00	BAN INTEREST	EXCEEDED BUDGET
				001-1990-0475	4,100.00	CONTINGENCY	EXCEEDED BUDGET
POLICE	PERS SVCS-REG PAY	001-3120-0100	15,000.00	001-1990-0475	15,000.00	CONTINGENCY	EXCEEDED BUDGET
SIDEWALKS	EQUIPMENT	001-5410-0200	500.00	001-5410-0449	500.00		GIB & BASELINE PROJECTS
RECREATION	REP & MAINT BLDGS & GR	001-7020-422	15,000.00	001-1990-0475	15,000.00	CONTINGENCY	AIR QUALITY MONITORING
ZONING BD OF APPEALS	OFFICE SUPPLIES	001-8011-0401	100.00	001-3620-0443	100.00	SAFETY INSP-DEPT SPPLS	EXCEEDED BUDGET
ARCH BD OF REVIEW	OFFICE SUPPLIES	001-8021-0401	95.00	001-8021-0102	95.00		EXCEEDED BUDGET
			\$130,655.00		\$130,655.00		

Highway Transfers:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
HWY-GENL REPAIRS	PERS SVS-REG PAY	002-5110-0100	66,000.00	002-5140-0100	66,000.00	REG PAY- B&W	TRF BETWEEN DEPTS
		TOTALS	\$ 66,000.00		\$ 66,000.00		

Water Transfers:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
SOURCE OF SUPPLY	EQUIPMENT	004-8320-0200	750.00	004-9730-0700	750.00	BANS-INTEREST	EXCEEDED BUDGET
		TOTALS	\$ 750.00		\$ 750.00		

Amendments:

001-0001-2770	Increase Revenue Appropriation - Donations	2,500
001-3120-0200	Increase Expenditure Appropriation - Police Equipment	2,500
	Pinnacle Island Golf Tournament Donation	
001-0001-9999	Appropriated Fund Balance - General Fund	32,000
001-7110-0200	Increase Expenditure Appropriation - Recreation Equip	32,000
	Town Commons Gazebo/Pavilion #2-Parkland Funds	

APPROVED Ayes 5 Madigan, Baney, Digati, Marston, Whitney  
Noes 0

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# **Town of Grand Island – Regular Meeting #23**

## **TOWN ASSESSOR – JUDY M. TAFELSKI:**

### **Appointment – Assistant to Assessor Full Time**

A motion was made by Councilman Marston, seconded by Councilman Digati to appoint Scott L. Hobson to the position of Assistant to the Assessor – Full time, \$25.01/hr. Grade 7, CSEA Union, effective December 21, 2021, subject to the completion of the necessary pre-employment paperwork.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

## **CODE ENFORCEMENT OFFICE:**

### **Special Use Permit Renewal – Alan Lemanski & Michael Rosenberg, 1559 East River Road – Bed & Breakfast**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to renew the Special Use Permit for Alan Lemanski & Michael Rosenberg, 1559 East River Road – Bed & Breakfast. The site has been inspected and it is unchanged.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

## **Electrical Examining Board – Election Results**

Code Enforcement Officer Ron Milks reported that the yearly ballot to elect two members to the Grand Island Electrical Examining Board were received. George Newman of Newman Electric and Tom Hildreth of Hildreth Electric received the most ballots. They have been contacted and accepted the position for the two-year term of 2022-2023.

For Information Only. No Action by the Town Board.

## **Plumbing Board – Election Results**

Code Enforcement Officer Ron Milks reported that the general membership of plumbers, licensed to practice plumbing in the Town of Grand Island, have elected the following people to represent them on the Board of Plumbing Examiners:

Eric Ackerman

Frank Grandinetti

The Board elected Eric Ackerman as Chairman of the Plumbing Board.

The term will be for two (2) years and will commence on January 1, 2022, as outlined by the Town Code

For Information Only. No Action by the Town Board.

## **Request for Final Certificate of Occupancy – 3340 East River Road**

A motion was made by Councilman Marston, seconded by Councilman Digati to direct the Code Enforcement Officer to issue a Final Certificate of Occupancy to Travis Johnston, 3340 East River Road, subject to a final walk-through.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

## **PLANNING BOARD:**

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## **Town of Grand Island – Regular Meeting #23**

### **Request for Appointment to Board Vacancy & Chairman Appointment Notification**

A motion was made by Councilman Marston, seconded by Councilman Digati to authorize the advertisement of a vacancy for the Planning Board and to defer the appointment of Chair to the Reorganization Meeting January 3, 2022.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

### **Panepinto Subdivision – 3 Lots – Whitehaven Road – Proposed Subdivision**

#### **Classification – SBL #36.00-2-7.11 (Portion of) Preliminary Plat**

For Information Only. No Town Board Action.

### **Long Road Distribution Facility, 2780 Long Road – Draft Scoping Document**

For Information Only. No Town Board Action.

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

A motion was made by Councilwoman Baney, seconded by Councilman Digati to pay Vouchers #136912 - #137055

General	\$ 93,479.36
Highway	\$ 44,121.93
Sewer	\$ 65,980.09
Water	\$ 23,749.37
Capital	<u>\$276,729.02</u>
Total	\$504,059.77

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

### **SUSPEND THE RULES:**

A motion was made by Councilman Digati, seconded by Councilwoman Baney to Suspend the Rules to consider a resolution clarifying an Employee Handbook Policy.

APPROVED    Ayes    5            Madigan, Baney, Digati, Marston, Whitney  
                     Noes    0

### **Employee Handbook Policy Clarification**

A motion was made by Councilman Marston, seconded by Councilman Digati to approve the following clarification to the Employee Handbook:

Employees and Elected Officials who are eligible for insurance coverages of the Town's plans will not be disqualified from such coverages because they are also entitled to benefits from the New York State Retirement system.

APPROVED    Ayes    4            Madigan, Baney, Digati, Marston  
                     Noes    0  
                     Abstain 1            Whitney

### **PUBLIC COMMENTS:**

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## **Town of Grand Island – Regular Meeting #23**

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

### *Speakers:*

Nicole Gerber, Beverly Raasch, Karen Panzarella, Christian Bahelda, Dick Crawford, Dave Reilly, Jen Merica, Jessica Semra, Greg McCormick, Kevin Hook

### **FROM THE BOARD:**

- **Best wishes to Councilwoman Jennifer Baney**
- **Merry Christmas & Happy New Year!**

### **MEMORIAL ADJOURNMENT:**

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

Thomas Gascoigne	Rev. Sue Kaiser
Daniel Paul Peters	Diane Hughes
Richard Spence Downing	William “Lee” Smith
Margaret Schwartz	John Ziehm
Michael L. Davis, Sr.	Mark A. Teoli
James V. Teoli	Linda Glessner
Ronald H. Livingston	Carladine Seyler

### **ADJOURN:**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to adjourn the meeting at 8:50p.m.

APPROVED	Ayes	5	Madigan, Baney, Digati, Marston, Whitney
	Noes	0	

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk