

Town of Grand Island – Regular Meeting #22

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 6th of December 2021.

Present:	Peter Marston Jr.	Deputy Supervisor
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Thomas A. Digati	Councilman
	Betty Y. Lantz	Deputy Town Clerk
	Peter C. Godfrey	Town Attorney

Excused:	John C. Whitney	Supervisor
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Deputy Supervisor Peter Marston, Jr. called the meeting to order at 8:00p.m. in the absence of the Supervisor.

Tom Dunmire from CrossRiver Ministries gave the Invocation.

Councilman Michael H. Madigan led the Pledge of Allegiance.

The Meeting was conducted via ZOOM and streamed live on the Town's website – www.grandislandny.us

PUBLIC COMMENTS:

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

<i>Speakers:</i>	Martha Ludwig, Peter Rasch, Dean Morakis, Carol Hamm, Rose Bugman, Roger Cook, Jim Mulcahy, Kathy Masse, J Wolcott, Celia Spacone*, David Pratt*, Kristen Cascio*, Amy Graff*, Melissa Rayhill*, Jen Merica*, Mike Graybeck*, Jen Pusatier* (*Via Zoom)
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PUBLIC HEARING:

Local Law Intro #9 of 2019 – Tree Ordinance

A Public Hearing was held on December 6, 2021, at 8:00p.m. to hear anyone who wanted to comment on Local Law Intro #9 of 2019 – Tree Ordinance.

<i>Speakers:</i>	Jim Mulcahy, Martha Ludwig, Jeff Green, Cathy Rayhill*, Nicole Gerber*, Dave Reilly*, Jen Pusatier*, Michael Rayhill*, Kristen Cascio* (*Via Zoom)
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Deputy Supervisor Peter Marston, Jr. declared the Public Hearing closed.

A motion was made by Councilman Madigan, seconded by Councilman Digati to designate the Town of Grand Island as Lead Agency for SEQR to amend the Town of Grand Island to add Chapter 181 to establish the policy and procedure for the preservation of trees on Grand Island.

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

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MINUTES

A motion was made by Councilwoman Baney, seconded by Councilman Digati to approve Minutes of Workshop Meeting #44, November 15, 2021, and Minutes of Regular Meeting #21, November 15, 2021.

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

CONSENT AGENDA:

1. Golden Age Center – Facility Usage – October 2021
2. Meeting Minutes – Board of Architectural Review – October 19, 2021 & October 21, 2021
3. Building Permits Issued – November 2021

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

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

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR JOHN C. WHITNEY:

Retirement – Wastewater Department

A motion was made by Councilman Madigan, seconded by Councilman Digati to accept the notice of retirement from Michael Braun as Working Crew Chief with regret, effective November 30, 2021. A certificate of appreciation will be sent to Mr. Braun.

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

Resignation – Senior Account Clerk

A motion was made by Councilwoman Baney, seconded by Digati to accept the notice of resignation from Gina Tedesco as Senior Account Clerk with regret, effective November 24, 2021. A certificate of appreciation will be sent to Ms. Tedesco.

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

Resignation – Grand Island Police Department

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to accept the notice of resignation from Joseph Scarpena as Grand Island Part Time Police Officer effective November 23, 2021. A certificate of appreciation will be sent to Mr. Scarpena.

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

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Monthly Supervisor's Report – September 2021

The Supervisor reported Cash Balance-Operating A/C of \$4,409,341 on September 1, 2021

Total Receipts of \$2,272,802

Total Disbursements of \$1,043,957

Operating A/C Interest \$141

Operating A/C Balance \$5,638,327

Investment Interest \$277

Investment Balance \$12,902,498

Total Cash Balance as of September 30, 2021, \$18,540,825

No action by the Town Board.

Monthly Supervisor's Report – October 2021

The Supervisor reported Cash Balance-Operating A/C of \$5,638,327 on October 1, 2021

Total Receipts of \$3,525,159

Total Disbursements of \$4,015,338

Operating A/C Interest \$142

Operating A/C Balance \$5,148,289

Investment Interest \$277

Investment Balance \$9,780,681

Total Cash Balance as of October 31, 2021, \$14,928,969

No action by the Town Board.

COUNCILMAN MICHAEL H. MADIGAN:

Resolution Opposing Erie County and New York State's COVID-19 Emergency Response

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

WHEREAS, the Town Board of the Town of Grand Island, New York (the Town Board) recognizes that the Covid-19 Pandemic virus has become a widespread global endemic disease that will likely never be eradicated due to its mutations and that managing it by declaring a State of Emergency and declaring mandates every time a new variant and/or spike in cases arises must not continue, due to negative impacts on mental and societal health, residents' rights and freedoms, and negative impacts on businesses and schools ability to cope with and manage through what will likely be regular occurrences in the coming months and years; and

WHEREAS, the Town Board recognizes that this virus will continue to be part of our everyday life and must no longer be used to infringe on individual and business owner rights and freedoms as a result of declaring a State of Emergency, vaccine mandates, mask mandates and lockdowns; and

WHEREAS, the Town Board recognizes that actions associated with vaccine mandates in the healthcare field has resulted in decreased capacity, due to job terminations, and severely limits the ability to hire and fill positions due to unvaccinated

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hiring restrictions, increasing, rather than mitigating, the virus's risk to our community; and

WHEREAS, the Town Board recognizes that a long-term management plan is required to manage the Covid-19 virus and that Erie County and New York State should be proactively addressing hospital capacity issues that impact the health and well-being of our residents by suspending certain procedures; and

WHEREAS, the Town Board questions why Erie County is one of the only counties in NY that renewed, every thirty days, the Covid-19 State of Emergency since March 15, 2020. It is our belief that further extensions are not justified; and

WHEREAS, the Town Board supports proposed legislation in the New York State Senate that would require approval by Town, Village and City Governing Boards any County Executive's or County Health Board's extension of a State of Emergency beyond 30 days within their Town, Village or City; and

WHEREAS, the Town Board recognizes that the Covid-19 virus has become a long-term widespread global endemic disease and requests that our town residents, businesses and schools have the right to determine for themselves their unique requirements for mitigating risks and the Town Board respectfully requests that Erie County not enter the Town of Grand Island for the purpose of enforcement of their Covid mandates or associated restrictions; and

WHEREAS, the Town Board supports similar concerns from other town and village leaders, such as those serving in Williamsville, Marilla and West Seneca, whom are also respectfully requesting Erie County refrain from entering their Towns for the purpose of enforcement of Covid Mandates and/or associated restrictions.

NOW THEREFORE BE IT RESOLVED, that the Town Board goes on record opposing any further Erie County vaccine mandates, mask mandates and other Covid-19 restrictions and the Town Board opposes their associated enforcement by outside agencies within the Town of Grand Island.

AND BE IT FURTHER RESOLVED, that the Grand Island Town Clerk shall forward certified copies of this resolution to the Governor of the State of New York Kathy Hochul, Senator Sean Ryan, Assemblyman Angelo J. Morinello, County Executive Mark Poloncarz, the Clerk of the Erie County Legislature (for distribution), Legislator Kevin R. Hardwick and others as deemed necessary and proper.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

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

Authorize Supervisor to Sign Supplemental Agreement (SA#1) – Grand Island-Baseline Road Accessible Sidewalk – PIN 5763.46 Comptrollers Contract # D036485 – Job # M-229

A motion was made by Councilman Digati, seconded by Councilwoman Baney to authorize the Town Supervisor to sign the supplemental agreement (SA#1) for the agreement with New York State Department of Transportation for the Grand Island – Baseline Road Accessible Sidewalk Project as follows:

Authorizing the implementation, and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid project, to fully fund the local share of Federal-Aid eligible and ineligible projects costs, and appropriating funds therefore

WHEREAS, a Project to install ADA compliant sidewalks on Baseline Road from Webb Road to Grand Island Blvd, known as Grand Island- Baseline Rd Accessible Sidewalks - CMAQ, PIN 5763.46, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the Town of Grand Island desires to advance the Project by making a commitment of 100% of the Non-Federal share of the Federal Aid eligible costs and any required Local costs of the Design, Construction & Construction Inspection phase of the project, PIN 5763.46.

NOW, THEREFORE, the Town Board of the Town of Grand Island, duly convened does hereby

RESOLVE, that the Town Board of the Town of Grand Island hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board of the Town of Grand Island hereby authorizes the Town of Grand Island to pay in the first instance 100% of the Federal and Non-Federal (Local) shares of the cost of the Design, Construction & Construction Inspection phase of the Project or portions thereof, and it is further

RESOLVED, that the sum of \$75,000 is hereby appropriated or appropriated from the 2021 capital budget and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full Federal and Non-Federal shares of the cost of the project exceeds the amount appropriated above, the Town of Grand Island shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor of the Town of Grand Island be and hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Grand Island with the New York State

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Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of the Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to the necessary Agreement in connection with the Project, and it is further

RESOLVED, this resolution shall take effect immediately.

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

Water Treatment Plant Clearwell Rehab Project – Change Order No. 1 – Job #M-212-2021

Change Order No. 1 is a deduction change order to remove lawn restoration from the WRP Clearwell Rehab Project. The decision was made to not have lawn restoration done at this time and it will be completed in the spring by the town.

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve Change Order No 1 with a decrease of \$4,000 to Pinto Construction Company for the WTP Clearwell Rehab Project M-212-2021.

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

Award Bids – Water & Wastewater Chemical Bid

Town Engineer Robert Westfall reported that on December 1, 2021, bids were opened for the purchase of chemicals for Municipal Water and Wastewater Treatment facilities.

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-
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

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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 Councilwoman Baney 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 4 Madigan, Baney, Digati, Marston
 Noes 0

Request Permission to Sell Surplus Equipment at Auction

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to approve the Engineering Department to sell a 2016 Liberty Trailer and 2008 Vactor Sewer Cleaner at the internet-based Auctions International Inc.

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

TOWN ASSESSOR – JUDY M. TAFELSKI:

Re-appointments – Board of Assessment Review

A motion was made by Councilwoman Baney, seconded by Councilman Digati to approve the reappointments of William Gworek, Jr. on the Board of Assessment Review for five-year term expiring September 30, 2026, and Vienna Laurendi Haak on the Board of Assessment Review to an alternate position for a one-year term expiring September 30, 2022.

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

Niagara Sailing Club, Ransom Road – Request to Split Property – SBL #25.00-1-26.1

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve the request to split property on Ransom Road – SBL #25.00-1-26.1, subject to the filing of the necessary paperwork with the Erie County Clerk's office and payment of \$500 in recreation fees.

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

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – e2i Ventures, LLC, 1725 Grand Island Boulevard – Own/Operate an Apartment Building with a density of no less than 9 nor more than 12 units per acre, as per section 407-61A6c of the Town Code

A motion was made by Councilman Madigan, seconded by Councilman Digati to renew the Special Use Permit for e2i Ventures, LLC, 1725 Grand Island Boulevard – to own/operate an apartment building with a density of no less than 9 nor more than 12 units per acre, as per section 407-61A6c of the Town Code. The site has been inspected and it is unchanged.

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

Special Use Permit Renewal – Jeffrey D. Matthews, 2389 Whitehaven Road – Operate Motor Vehicle Repair Service M2 Zone

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A motion was made by Councilman Digati, seconded by Councilwoman Baney to renew the Special Use Permit for Jeffrey D. Matthews, 2389 Whitehaven Road to operate a motor vehicle repair service in a M2 Zone. The site has been inspected and it is unchanged.

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

Special Use Permit Renewal – Redbush Meadow LLC, 2120 Alvin Road – Dog Kennel

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to renew the Special Use Permit for Redbush Meadow LLC, 2120 Alvin Road for a dog kennel. The site has been inspected and it is unchanged.

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

COMMUNICATIONS – GENERAL:

David & Betsy Hiser, 2685 Love Road – Request Permission to Shoot Rifles and Pistols on 6.5 Acre Property Located at 2685 Love Road

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to approve the request of David & Betsy Hiser, 2685 Love Road – for family and guests to shoot rifles and pistols on 6.5 Acre property located at 2685 Love Road subject to the approval of the Code Enforcement Office's inspection and approval of appropriately constructed berm.

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

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to pay Vouchers #136671 - #136891

General	\$ 154,500.22
Highway	\$ 20,794.64
Sewer	\$ 34,142.89
Water	\$ 11,290.06
Capital	\$ 854,701.35
Garbage	\$ 131,151.66
Fire	<u>\$ 350,122.00</u>
Total	\$1,556,702.82

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

PUBLIC COMMENTS:

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

Speakers:

Dean Morakis, Sandra Nelson* (*via ZOOM)

FROM THE BOARD:

GO BILLS!

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MEMORIAL ADJOURNMENT:

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

Matthew Moran	Gail Giambra
Mary Elizabeth Baldwin	Elizabeth Pascoe
Allene Jansen	Wendy Slowe
Martha Bojarski	Mary Lou Menna
Ronald Livingston	Allen Cowart, Sr.
James Caprio	

ADJOURN:

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to adjourn the meeting at 9:51p.m.

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

Respectfully submitted in the absence of the Town Clerk,

Betty Y. Lantz
Deputy Town Clerk