

# Town of Grand Island – Regular Meeting #5

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 16<sup>th</sup> of March, 2020.

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

Supervisor John C. Whitney called the meeting to order at 8:00p.m.  
Councilwoman Jennifer Baney gave the Invocation.  
Councilman Thomas 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:* None\*

\*Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Town Board of Grand Island Workshop Meetings scheduled will be held electronically via the Town’s website link/You Tube Channel instead of a public meeting open for the public to attend in person. Members of the public may view the Town Board’s meetings by connecting to the You Tube Channel via the Town’s website: [www.grandislandny.us](http://www.grandislandny.us).

## **PROCLAMATION:**

**Lenore Carroll – 100<sup>th</sup> Birthday**

## **PUBLIC HEARINGS:**

**Local Law Intro #1 of 2020 – Rezoning SBL #23.00-3-15, 2570 Grand Island Boulevard – NBD to CR**

**A. Correspondence – Planning Board**

**Postponed until further notice.**

**Local Law Intro #2 of 2020 – Rezoning SBL #36.00-1-15, Grand Island Boulevard – NBD to CR**

**A. Correspondence – Planning Board**

**Postponed until further notice.**

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**Local Law Intro #3 of 2020 – Rezoning SBL #23.00-3-6.11, 410 Lang Boulevard – M-1 to CR**

**A. Correspondence – Planning Board**

Postponed until further notice.

**Local Law Intro #5 of 2020 – Historic Preservation Advisory Board – Creation of up to Two Alternate Positions**

Postponed until further notice.

**Local Law Intro #6 of 2020 - A Local Law Amending Chapter 407 of The Town Code of The Town of Grand Island to Modify Incentive Zoning Provisions**

**A. Correspondence – Planning Board**

**B. Resolution Issuing Negative Declaration & Negative Declaration with Parts 2 & 3 of the EAF**

**C. Resolution Adopting Local Law Intro No. 6 of 2020**

Postponed until further notice.

**Local Law Intro #7 of 2020 – Rezoning SBL #51.00-1-1.1, Love Road – CR to M1**

**A. Correspondence – Planning Board**

Postponed until further notice.

**Local Law Intro #8 of 2020 – Rezoning SBL #51.10-1-42, Glen Avon – R-1B to M1**

**A. Correspondence – Planning Board**

Postponed until further notice.

**Local Law Intro #9 of 2020 – Rezoning SBL #64.15-1-23, 1437 Ferry Road – B2 to R-1E**

**A. Correspondence – Planning Board**

Postponed until further notice.

**Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1**

Postponed until further notice.

**Local Law Intro #12 of 2019 – Rezoning SBL#36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A**

Postponed until further notice.

### **MINUTES:**

A motion was made by Councilman Marston, seconded by Councilman Digati to approve Minutes of Workshop Meeting #7, March 2, 2020 and Minutes of Regular Meeting #4, March 2, 2020.

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

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## CONSENT AGENDA:

1. Meeting Minutes – Conservation Advisory Board – December 20, 2018, January 24 & November 21, 2019
2. Building Permits Issued – February 2020
3. Golden Age Center – Facility Usage – February 2020
4. Meeting Minutes – Zoning Board of Appeals – February 6, 2020
5. Erie County Industrial Agency (ECIDA) – Notification of Termination of PILOT Agreement(s) – Invitrogen Corporation, Starline USA, Inc., Valmed Pharmaceuticals, Inc.
6. Meeting Minutes – Planning Board – February 10, 2020

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

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

## COMMUNICATIONS – TOWN BOARD:

### SUPERVISOR JOHN C. WHITNEY:

#### Project Olive – Award Various Contracts – Peer Review of Engineering Studies

A motion was made by Councilman Marston, seconded by Councilman Digati to authorize the Supervisor to sign the Professional Services Agreements for plan reviews connected with the proposed Project Olive Project: GHD for Sanitary Sewer Flow and Noise, Wendel for Water System Evaluation and Lighting, CHA for Traffic Impact Study and Advance Design for Storm Water Study. The Developers have deposited the first \$50,000 into an escrow account for the expenditures of the Engineering, Consulting and Legal Expenses necessary for the review of the proposed project. The selection of the professional firms are the decision of the Town.

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

### COUNCILMAN MICHAEL H. MADIGAN:

#### Resolution – Preserve and Support Home Rule: Request New York State Withdrawal of the State Budget’s Energy Siting Amendment

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

**WHEREAS:** The New York State Constitution grants broad home rule powers to local governments and places restrictions on the state Legislature in order to preserve these powers; and

**WHEREAS:** NYS is a Home Rule State, which means that any and all powers of the State emanate from the people and the local government and the representatives they elect to represent them to protect the best interests of the region they live in.

**WHEREAS:** In 1963-64 the State Legislature passed “Home Rule” which appropriately transferred a portion of its government powers to town governments by allowing them to manage their own affairs. The proposed State Budget’s “Energy Siting Amendment” would greatly diminish and or eliminate towns from acting on areas of local concern associated with the siting decisions

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for “Green” Energy projects giving the State powers over land use that rightly must reside with the town and it’s residents.

**WHEREAS:** Home rule authority encompasses a wide range of subjects, including but not limited to the authority to adopt and or repeal local laws and adopt, amend and repeal zoning regulations; and

**WHEREAS:** Per the NYS Constitution, under Home Rule, it is the Town’s statutory obligation to protect the environment and the health, safety and welfare of citizens of our community.

**WHEREAS:** On Feb 21, 2020, Governor Cuomo proposed a Budget Amendment "to dramatically speed up the permitting and construction of renewable energy projects" by stripping towns of their Home Rule authority over the siting decisions for such projects.

**WHEREAS:** This amendment could be passed with the Budget by April 1<sup>st</sup>, replacing the current process with a radical new method for siting renewable energy projects that strips local representation and authority removing meaningful input from citizens, towns, counties, local environmental groups, and community businesses regarding the siting and regulation of renewable energy projects.

**WHEREAS:** The proposed changes are not only in conflict with Home Rule but are also contrary to our obligation to protect the local environment, health, safety and welfare of our constituents.

**WHEREAS:** New York’s diverse communities are best served by maintaining the principles of home rule, including those set forth in the state Constitution, Local Government Bill of Rights, Statute of Local Governments and the Municipal Home Rule Law; **NOW THEREFORE BE IT**

**RESOLVED:** The Town of Grand Island opposes any state or federal initiative that would weaken or eliminate New York’s long-standing tradition of “Home Rule” and local government authority. The Town of Grand Island formally requests that the New York State Budget’s Energy Siting Amendment be withdrawn before the Budget is voted on. Additionally, we petition the State to respect our Home Rule rights, and to defend our authority to regulate renewable energy projects as the citizens of our community see fit.

A certified copy is to be sent to Assemblyman Angelo Morinello and Senator Chris Jacobs.

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

### **Local Law Intro #12 of 2020 – Solar Law Amendments – Set Public Hearing**

Local Law Intro #12 of 2020 – Solar Law Amendments was referred to the Planning Board during the Workshop.

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

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## TOWN ATTORNEY – PETER GODFREY:

### Gun Creek LLC – Accept Water and Sanitary Sewer Easements

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt the following resolution accepting the Water and Sanitary Sewer Easements for Gun Creek:

WHEREAS, Gun Creek LLC (“Gun Creek”) owns real property having an address of v/l Stonebridge Road, Grand Island, New York and known as Section, Block and Lot No. 37.07-1-52 (the “Property”) on which it is constructing improvements known as the Gun Creek Subdivision Townhomes (the “Project”);

WHEREAS, Gun Creek has agreed to convey to the Town of Grand Island (the “Town”) one or more Water and Sanitary Sewer Line Easements (collectively, the “Easement”) over the Property for the purpose of installation and maintenance of the water infrastructure and sanitary sewers servicing the Project; and

WHEREAS, the Town Board, as SEQRA lead agency, has conducted a full review of potentially adverse environmental impacts from the action pursuant to the State Environmental Quality Review Act (“SEQRA”) and duly issued a Negative Declaration pursuant thereto.

NOW THEREFORE BE IT RESOLVED by the Town Board as follows:

1. The Town hereby accepts and authorizes the Supervisor to execute the Easement in substantially the form attached hereto as Exhibit A, with such nonmaterial amendments, additions or alterations as may be determined appropriate by the Town’s legal counsel.
2. The Town authorizes the Supervisor and other appropriate Town officials to proceed with the implementation of all steps reasonably necessary and appropriate to allow for the Town’s performance of the Easement.
3. This resolution shall take effect immediately.

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

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

### Award Contract – Towerwood/Bronson/South Parkway Waterline Reconstruction – Job # M-220

Town Engineer Robert Westfall reported that on March 4, 2020 the following bid was received for the Towerwood/Bronson/South Parkway Waterline Reconstruction – Job # M-220:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate #1</u>
Fairway Contracting	\$253,942.00	\$59,572.60

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After careful review, the Town’s consultant, Wendel recommends award of the base bid to Fairway Contracting in the amount of \$253,942.00 at this time, but not to award the base bid until the contractor has the opportunity on site to determine if Alternate #1 is a viable option. The contractor has agreed to hold his price until that time.

A motion was made by Councilman Marston, seconded by Councilman Digati to accept the recommendation of the Town Engineer and its consultant, Wendel and award the Towerwood/Bronson/South Parkway Waterline Reconstruction – Job # M-220 base bid to Fairway Contracting in the amount of \$253.942.00.

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

### **Award Materials Contract – Water Plant SCADA Project – Job # M-230**

Town Engineer Robert Westfall reported that on March 4, 2020, the following bid was received for the Water Plant SCADA Project – Job #M-230:

<u>Contractor</u>	<u>Bid</u>
Aqualogics Systems, Inc.	\$93,583.00

After careful review, the Town’s consultant, Wendel recommends award of the bid to Aqualogics Systems, Inc. in the amount of \$93,583.00.

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to accept the recommendation of the Town Engineer and its consultant, Wendel and award the bid to Aqualogics Systems, Inc. in the amount of \$93,583.00.

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

### **LS#8 Forcemain Replacement Project – Changer Order #1 & Change Order #2 – Job # M-8-2018**

Change Order #1 is to revise the Contractor’s Liability Insurance and Indemnity section in the specifications to reflect additional insured requested to obtain necessary project easements. Change Order #1 will result in a \$0 change to the contract.

Change Order #2 is the result of receiving the WIIA grant. Change Order #2 will replace the Program Requirements and Bid Packet in the original specifications with the Program Requirements and Bid Packet necessary for projects funded with the NYS Financial Assistance. Change Order #2 will result in \$0 change to the contract.

A motion was made by Councilman Digati, seconded by Councilman Marston to accept the recommendation of the Town Engineer and approve Change Order #1 and Change Order #2 with a \$0 change to the existing contract amount.

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

**TOWN ACCOUNTANT – PAMELA BARTON:**  
**2019 Budget Transfers**

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A motion was made by Councilman Madigan, seconded by Councilwoman Baney approve the following Budget Transfers needed to balance each fund in preparation for the year ended 12-21-19:

General:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
TRAFFIC CONTROL	UTILITES	001-3310-0407	85.00	001-8540-0457	85.00	DRAINAGE IMPROVEMENTS	ACCRUE SOLAR CREDITS
HWY SUP - GARAGE	UTILITES	001-5132-0407	1,065.00	001-8540-0457	1,065.00	DRAINAGE IMPROVEMENTS	ACCRUE SOLAR CREDITS
GOLDEN AGE CTR	UTILITES	001-6772-0407	400.00	001-8540-0457	400.00	DRAINAGE IMPROVEMENTS	ACCRUE SOLAR CREDITS
RECREATION	UTILITES	001-7020-0407	1,100.00	001-8540-0457	1,100.00	DRAINAGE IMPROVEMENTS	ACCRUE SOLAR CREDITS
			\$ 2,650.00		\$ 2,650.00		

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

### **CODE ENFORCEMENT OFFICE:**

#### **Special Use Permit Renewal – Glenn Wallace, 917 North Colony Road – Bed & Breakfast**

A motion was made by Councilman Digati, seconded by Councilman Madigan to renew the Special Use Permit for Glenn Wallace, 917 North Colony Road – Bed & Breakfast. The site has been inspected and it is unchanged.

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

### **PLANNING BOARD:**

#### **Application for Planned Development District – 2780 Long Road – Project Olive – Local Law Intro #10 of 2020 – Rezoning SBL #23.00-1-50, 2780 Long Road & SBL #23.00-1-26.1, Bedell Road – M1 to PDD/Site Plan**

Received and Filed. No Town Board Action.

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

A motion was made by Councilwoman Baney, seconded by Councilman Digati to pay Vouchers #130867 - #130981

General	\$ 86,270.45
Highway	\$ 38,820.92
Sewer	\$ 17,325.65
Water	\$ 1,510.27
Trust & Agency	\$ 1,845.00
Garbage	<u>\$126,803.79</u>
Total	\$272,576.08

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

### **UNFINISHED BUSINESS:**

#### **Special Use Permit Application – BayWa R.E. Development, 2356 Whitehaven Road – Solar Project – Set Public Hearing and Refer to the Planning Board**

Remains tabled.

### **SUSPEND THE RULES:**

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## **Town of Grand Island – Regular Meeting #5**

A motion was made by Councilman Digati, seconded by Councilwoman Baney to Suspend the Rules for the purpose of considering a Status Change in the Parks Department.

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

### **Status Change – Parks Department**

A motion was made by Councilman Digati, seconded by Councilwoman Baney to approve the Status Change for Thomas Cecere to Seasonal Crew Chief, effective April 6, 2020.

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

### **SUSPEND THE RULES:**

A motion was made by Councilman Marston, seconded by Councilman Madigan to Suspend the Rules for the purpose of postponing Public Hearings.

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

### **Postpone for Public Hearings Until Further Notice**

A motion was made by Councilman Marston, seconded by Councilman Madigan to postpone all Town Board and Planning Board Public Hearings scheduled for March 25<sup>th</sup> and April 8, 2020 regarding Project Olive until further notice.

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

### **SUSPEND THE RULES:**

A motion was made by Councilwoman Baney, seconded by Councilman Digati to Suspend the Rules for the purpose of considering scheduling additional Town Board Workshops.

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

### **Schedule Additional COVID-19 Workshops**

A motion was made by Councilman Madigan, seconded by Councilman Digati to schedule Town Board Workshops at 9:00a.m. each day on the following dates: Wednesday, March 18, Friday, March 20, Monday, March 23, Wednesday, March 25 and Friday, March 27, 2020 to discuss any such business that pertains to the State of Emergency (COVID-19) and any other such business of the town that needs action or attention.

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

### **PUBLIC COMMENTS:**

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

Speakers: None \*See above

### **FROM THE BOARD:**

- Stay safe
- Self-isolate as necessary
- Exercise precautions
- Wash your hands

### **MEMORIAL ADJOURNMENT:**

A motion was made by Councilman Marston, seconded by Councilman Madigan to adjourn the meeting at 8:42p.m.

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

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

George Morse	Kathleen Frank
Alice Duxbury	Delilah D’Orazio
Jean Malaney	William McCabe
Anthony Marino	Edward Burns

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk

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