

## 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 18<sup>th</sup> of March, 2019.

Present:	Nathan D. McMurray	Supervisor
	Beverly A. Kinney	Councilwoman
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Peter Marston Jr.	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.  
Reverend Paul Nogaro from St. Stephen's Roman Catholic Church gave the Invocation.  
Councilwoman Jennifer L. Baney 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

### **MINUTES:**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve Minutes of Workshop Minutes of Workshop Meeting #9, February 27, 2019, Minutes of Workshop Meeting #10, March 4, 2019, Minutes of Regular Meeting #4, March 4, 2019 and Minutes of Workshop Meeting #11, March 12, 2019.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **CONSENT AGENDA:**

1. Building Permits Issued – February 2019
2. Golden Age Center – Facility Usage – February 2019
3. Meeting Minutes – Zoning Board of Appeals – February 7, 2019
4. Meeting Minutes – Planning Board – February 11, 2019
5. Meeting Minutes – Traffic Safety Advisory Board – January 8, 2019 & February 12, 2019

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

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **COMMUNICATIONS –TOWN BOARD:**

#### **SUPERVISOR NATHAN D. McMURRAY:**

#### **Appointment – Broadband Steering Committee**

Supervisor McMurray reported that he created a Broadband Steering Committee to address Broadband initiatives on Grand Island. The Erie County Legislature passed a resolution addressing Broadband within the entire county. Internet speeds in WNY rank among the lowest in the country. Grand Island conducted a similar study, confirming this in the summer of 2016, and in February 2017, indicating how the Town could initiate a Broadband project for the Town of Grand Island. To further this effort, the Supervisor appointed a committee, led by Deputy Supervisor Jim Sharpe, with members of the Town's Technology Committee and will include working with the Grand Island School District and Erie County.

No action by the Town Board.

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### **Resolution – Solar PILOT Program**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt a resolution authorizing the Supervisor to sign the Solar PILOT Program – Payment in Lieu of Taxes Agreement for Solar Energy Systems with SolarPark Energy, LLC relating to the premises located at 1621 Whitehaven Road – SBL #37.01-2-1.2 and 37.01-2-2 in a lump sum amount of \$100,000 to be utilized for the purchase of street lighting for Grand Island Boulevard.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

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

#### **Authorize Supervisor to Execute Agreement – Station 8 Forcemain Replacement Project – National Fuel Encroachment Agreement – M-8-2018**

Town Engineer reported that the construction of the new forcemain is located in the National Fuel Easement.

A motion was made by Councilman Madigan, seconded by Councilman Marston to authorize the Supervisor to execute the Encroachment Agreement with National Fuel for the Station 8 Forcemain replacement, subject to the approval of the Town Attorney.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

#### **Change Order No. 1 – High Lift Pumps Upgrade – Job No. M-212**

Town Engineer reported that Change Order No. 1 is the additional work and pipe fittings required to reconfigure the discharge piping to work with the discharge line on the new pumps. The reconfiguration resulted in a net charge to the contract of \$1,800. It also included a time extension request due to a delay in pump fabrication.

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to accept the recommendation of the Town Engineer and approved Change Order No. 1 in the amount of \$1,800.00.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

#### **Establishing Golden Age Center Capital Reserve Account**

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

RESOLVED, that the Town Board of the Town of Grand Island hereby establishes a capital reserve fund pursuant to Section 6-c of the General Municipal Law (“Section 6-c”), which shall be known as the “Reserve Fund – Golden Age Center” (the “Fund”); that the purpose of the Fund shall be to accumulate moneys to finance the cost of capital improvements at the Town’s Golden Age Center; that the estimated maximum cost of such capital improvements is \$250,000; that there shall be deposited into the Fund the amount of \$90,000 (which constitutes the proceeds of an insurance settlement relating to programs operated at the Golden Age Center), as well as (a) any annual surplus funds attributable to operation of programs at the Golden Age Center, (b) any donations received by the Town which are dedicated by the donor to support the operation of the Golden Age Center and (c) any other amounts directed by the Town Board to be deposited into the Fund; and that the Fund shall be implemented and operated in accordance with Section 6-c.

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This resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **PLANNING BOARD:**

#### **Heron Pointe, Phase 2 – Whitehaven Road – SEQR**

Supervisor Nathan McMurray presented the SEQR – Unlisted Action – Long Form - Environmental Assessment Forms for Heron Pointe, Phase 2 – Whitehaven Road – for the revised Site Plan Approval. Mr. McMurray informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to issue a Negative Declaration for Heron Pointe, Phase 2 – Whitehaven Road – for the revised Site Plan Approval.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston  
Noes 1 McMurray

#### **Heron Pointe, Phase 2 – Whitehaven Road – Revised Site Plan**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to discuss the revised Site Plan for Heron Pointe, Phase 2.

The Site Plan approval for Heron Pointe, Phase 2 is based on the following conditions:

1. Review and approval of the fully engineered plans for the project by the Town's Engineering Department.
2. There shall not be any impacts to the two federal wetlands on the project site totaling 1.75 acres that are subject to the jurisdiction of the United States Army Corps of Engineers.
3. Prior to the issuance of a building permit by the Town of Grand Island Building Department for a building to be constructed in Phase 2 of the Heron Pointe Project, the Project Sponsor shall be required to record an Easement Agreement at the Erie County Clerk's Office for the purpose establishing a reciprocal permanent reciprocal access easement to allow pedestrians and vehicles from the Phase 1 Heron Pointe project site and the Phase 2 Heron Pointe project site to access both properties. A copy of the recorded Easement Agreement and recording receipt shall be provided to the Town Clerk's Office, Building Department and Engineering Department upon recording at the Erie County Clerk's Office.
4. In connection with the construction of the Phase 2 Heron Pointe Project, the Project Sponsor shall be required to install the landscaping on the relevant portion of northern side of the Phase 1 Heron Pointe project site as depicted on the Overall Landscape Plan for purpose of providing screening for the existing three-story buildings.
5. In connection with the construction of the Phase 2 of Heron Pointe Project, the Project Sponsor shall be required to install the sidewalk on the Phase 1 Heron Pointe project site as depicted on the Overall Site Plan].
6. The Town Board waives the entrance island on Whitehaven Road.

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7. In connection with the construction of the Phase 2 of Heron Pointe Project, the Project Sponsor shall be required to install access aisle striping on the Phase 1 Heron Pointe project site labelled as “4” WIDE YELLOW PVMT. STRIPE (200 LF)” on the Overall Site Plan.
8. The Building Department shall not issue any Final Certificates of Occupancy for the attached residential units to be constructed as depicted on the Site Plan until such time that the installation of the required left hand turn lane on Grand Island Boulevard has been completed per the standards to be contained in a Highway Work Permit to be issued by the New York State Department of Transportation.
9. During the construction of Phase 2 of the Heron Pointe project, construction equipment and vehicles shall be prohibited from utilizing the existing driveway on Grand Island Boulevard.
10. The Project Sponsor shall be required pay a Recreation Fee in the amount of \$750.00 per attached dwelling unit (total Recreation Fee of \$108,000.00 for 144 attached dwelling unit). The Recreation Fee shall be paid for each eight unit building to be constructed on the Project Site prior to the issuance of a building permit by the Building Department (\$6,000 Recreation Fee per eight-unit building).
11. The Project Sponsor shall enter into an Easement and Water Infrastructure Agreement with the Town. A copy of the fully executed Easement and Water Infrastructure Agreement shall be recorded at the Erie County Clerk’s Office. A copy of the recorded Easement and Water Infrastructure Agreement and recording receipt shall be provided to the Town Clerk’s Office, Building Department and Engineering Department upon recording at the Erie County Clerk’s Office.

APPROVED Ayes 3 Kinney, Baney, Marston  
Noes 2 Madigan, McMurray

### **Island Meadows – Section 3 (FKA Section 3a/3b) – Preliminary Plat/Proposed 22 Lot Subdivision – Set Public Hearing**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to set a Public Hearing for Monday, April 1, 2019 at 8:00p.m. for the purpose of hearing anyone who wants to comment on Preliminary Plat for Island Meadows – Section 3 (FKA Section 3a/3b) – 22 lot subdivision.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **New England Estates – Phase 2, 13 Lots – Final Plat Approval (Revised)**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board and re-approve the revised Final Plat for New England Estates – Phase 2, 13 lots. The recreation fees were waived in lieu of land donated as an access to the adjacent Scenic Woods parcel.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **Island Pet Lodge, 2120 Alvin Road – Site Plan Revision to Phase III**

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A motion was made by Councilman Marston, seconded by Councilwoman Baney to accept the recommendation of the Planning Board and approve the Site Plan revision for Island Pet Lodge, 2120 Alvin Rd. – Phase III with the following provisions:

- Waive sidewalks
- Add handicapped sign
- Omit 2024 reference to gravel driveway
- Add one designated loading space
- Redraw size of handicapped parking spaces
- Approval of existing parking in the front yard setback
- Fourteen (14) parking spaces are shown on future proposed paved area. Eighteen (18) are required and should be paved
- Waiver any consideration for landscaping
- Front of building is heavily landscaped

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **Grand Park Vue – Section VIII, 13 Lots – Final Plat Approval**

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the recommendation of the Planning Board and grant Final Plat approval for Grand Park Vue – Section VIII, 13 lots, subject to payment of recreation fees – \$500 per lot.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to pay Vouchers #127081 - #127210

General	\$ 98,920.53
Highway	\$ 1,447.52
Sewer	\$ 32,165.72
Water	\$ 8,307.51
Trust & Agency	\$ 1,300.00
Capital	\$ 13,876.00
Lighting	\$ 140.00
Garbage	\$121,696.45
Fire	\$ 82.41
Total	\$277,936.14

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **UNFINISHED BUSINESS:**

#### **Authorize Supervisor to Sign – Energy Services Program Master Cost Recovery Agreement**

##### **A. Correspondence – Michael H. Madigan**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to remove the Energy Services Program Master Cost Recovery Agreement from the agenda.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
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

### **FROM THE BOARD:**

- **Boy Scout Spaghetti Dinner, Sunday, March 24, 2019, 12:00pm-6:00p.m., St. Stephen's Church**
- **Story of Zeke in Buffalo News**
- **Election petitions**
- **Changes on the Island**

### **ADJOURNMENT:**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adjourn the meeting at 8:37p.m.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

Janet Sheehan	Debra Samland
James May	Marilyn Anderson
Loretta Buffa	Rose Marie Mondoux
Michael Thomasula	M. Robert Madia II
Rita Hagerman	Ann Moore
Paul Gurzinski	Ralph Zauner

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk

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