

## Town of Grand Island – Regular Meeting #7

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 17<sup>th</sup> of April 2023.

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

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

Pastor Matt Pfeil from Cornerstone Church 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.

*Speakers:* None

### **PUBLIC HEARING:**

#### **Local Law Intro #3 of 2023 – Amend the Town of Grand Island Zoning Code to Require the Establishment of Escrow Accounts to Defray Town Expenses for Certain Large-Scale Development Projects**

A Public Hearing was held on Monday, April 17, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #3 of 2023 – Amend the Town of Grand Island Zoning Code to Require the Establishment of Escrow Accounts to Defray Town Expenses for Certain Large-Scale Development Projects.

*Speakers:* None

Supervisor John Whitney declared the Public Hearing closed.

A motion was made by Councilman Marston, seconded by Councilman Digati to table Local Law Intro #3 of 2023 – Amend the Town of Grand Island Zoning Code to Require the Establishment of Escrow Accounts to Defray Town Expenses for Certain Large-Scale Development Projects.

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

### **MINUTES:**

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to approve Minutes of Workshop Meeting #8, April 3, 2023, and Minutes of Regular Meeting #6, April 3, 2023.

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

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## **CONSENT AGENDA:**

1. Meeting Minutes – Zoning Board of Appeals – March 2, 2023
2. Building Permits Issued – March 2023
3. Meeting Minutes – Planning Board – March 13, 2023

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

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

## **COMMUNICATIONS – TOWN BOARD:**

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

#### **Special Event Permit – KidBiz Young Entrepreneur Program**

A motion was made by Councilman Digati, seconded by Councilman Marston to approve the application for a Special Event Permit – KidBiz Young Entrepreneur Program and one lane closure of Whitehaven Road from Baseline Road to Grand Island Boulevard – Saturday, June 17, 2023.

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

#### **Appointment – Community Relations Committee**

Supervisor John Whitney informed the Town Board that he has appointed Andrew Stanbro to the Community Relations Committee with a term expiring December 31, 2023.

No Town Board Action.

## **COUNCILMAN – THOMAS A. DIGATI:**

### **Resignation – Parks and Recreation Advisory Board**

A motion was made by Councilman Digati, seconded by Councilman Marston to accept the resignation of James Szakacs from the Parks & Recreation Advisory Board with regret. A certificate of appreciation will be sent to Mr. Szakacs.

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

### **Parks Mechanic Position**

A motion was made by Councilman Digati, seconded by Councilman Madigan to table the Parks Mechanic Position item.

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

### **Copy Machines – Toshiba Business Solutions**

A motion was made by Councilman Digati, seconded by Councilman Marston to authorize the Supervisor to enter into an agreement with Toshiba Business Solutions for the purchase of eight new copiers in an amount not to exceed \$35,000.00.

APPROVED    Ayes    4            Marston, Digati, Bahleda, Whitney  
                     Noes    1            Madigan

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## COUNCILMAN CHRISTIAN BALEDAL:

### Reappointment – Economic Development Advisory Board

A motion was made by Councilman Bahleda, seconded by Councilman Marston to reappoint to the Economic Development Advisory Board for a three-year term, expiring December 31, 2025.

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

## COMMUNICATIONS – OTHER TOWN OFFICIALS:

### TOWN CLERK – PATRICIA ANDERSON FRENTZEL

#### Fee Schedule Amendments

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve the following Fee Schedule amendments:

#### **Dog Impoundment Fees:**

##### DOG IMPOUNDMENT FEES AND REDEMPTION:

- |  |               |                  |
|--|---------------|------------------|
| 1. First Impoundment – for the first 24 hours  | \$            | 30.00            |
| <del>Each additional 24 hours or part</del>    | <del>\$</del> | <del>20.00</del> |
| 2. Second impoundment – for the first 24 hours | \$            | 50.00            |
| <del>Each additional 24 hours or part</del>    | <del>\$</del> | <del>20.00</del> |
| 3. Third impoundment – for the first 24 hours  | \$            | 75.00            |
| <del>Each additional 24 hours or part</del>    | <del>\$</del> | <del>30.00</del> |

#### **Marriage Officiant – One Day License:**

\$ 25.00

NY Domestic Relations Law has been amended to add a section allowing municipalities to allow a Town Clerk to issue a One Day marriage Officiant license upon request. In addition, the Town Clerk shall be entitled to a fee of (\$25) twenty-five dollars per license. I am requesting that the Fee Schedule be amended to add a \$25.00 per license fee. The License Application is on file at the Town Clerk's office.

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

## HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:

### Personnel Hires

Highway Superintendent Richard Crawford informed the Town Board that he has appointed Allison Johnson as a Full Time Clerk Typist, effective March 30, 2023, \$21.28/hr., per the CSEA contract.  
No Town Board action.

Highway Superintendent Richard Crawford informed the Town Board that he has temporarily promoted Dakota Bower as an MEO, effective April 3, 2023, \$26.83/hr., per the AFSCME contract.  
No Town Board action.

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

### Request Authorization to Advertise for Bids – 2023 Sludge Removal & Disposal

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A motion was made by Councilman Marston, seconded by Councilman Bahleda to authorize the Town Engineer to authorize the Town Engineer to advertise for 2023 Sludge Removal & Disposal on Friday, April 21, 2023, and to receive bids on Wednesday, May 10, 2023, at 10:00a.m. local time.

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

### **RECREATION SUPERVISOR – JOSEPH MENTER:**

#### **Seasonal Hires**

A motion was made by Councilman Marston, seconded by Councilman Bahleda to hire the following Seasonal employees, effective April 18, 2023, subject to the completion of the necessary pre-employment paperwork.

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>
Zach Cramer	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.
Bryan Decker	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.
Kyla Eisman	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.
Jacob Hazel	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.
Nolan Massaro	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.
Quinn Moran	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.
Evan Pickering	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.
Savannah Samplinski	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.

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

#### **Part-Time Hires**

A motion was made by Councilman Digati, seconded by Councilman Marston to hire the following Part-time employees, effective April 18, 2023, subject to the completion of the necessary pre-employment paperwork.

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>
Zach Bridenbaker	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.
Sophia Bukhari	Recreation Attendant – Yr. 1 Lifeguard	\$17.40 / hr.
Christian Krawczyk	Recreation Attendant – Yr. 1 Lifeguard	\$17.40 / hr.
Luke Sweeney	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.
Olivia Williams	Recreation Attendant – Yr. 1 Aide	\$14.55 / hr.

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

### **CODE ENFORCEMENT OFFICE:**

#### **Master Plumber License**

A motion was made by Councilman Digati, seconded by Councilman Madigan to refer the matter to the Plumbing Board for review and recommendation.

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

### **Special Use Permit Renewal – Arlene Clarke, 3059 Second Avenue – Home Occupation/Barber Shop**

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A motion was made by Councilman Marston, seconded by Councilman Bahleda to renew the Special Use Permit for Arlene Clarke, 3059 Second Avenue – Home Occupation/Barber Shop. The site has been inspected and it is unchanged.

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

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

#### **Appointment – Board of Assessment Review**

A motion was made by Councilman Madigan, seconded by Councilman Marston to appoint Vienna Haak to the Board of Assessment Review to a five-year term expiring September 30, 2027.

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

### **PARKS MAINTENANCE CREW CHIEF – TOM CECERE:**

#### **New Hires/Title & Rate Changes**

A motion was made by Councilman Digati, seconded by Councilman Marston to approve the following Part-time and Seasonal hires, subject to the completion of the necessary pre-employment paperwork:

Name	Title	Effective Date	Status	Rate of Pay
Nicholas Anzalone	Laborer/Parks Jr. Crew Chief	4/18/23	SEASONAL	\$17.70
Ryan Jellinick	Laborer/Parks Sr. Worker	4/18/23	SEASONAL	\$17.50
Tricia Johnston	Laborer/Gardener	5/1/23	SEASONAL	\$16.15
Bonnie Weiser	Laborer/Gardener	5/1/23	PART TIME	\$16.70
Bonnie Weiser	Laborer/Gardener	5/16/23	SEASONAL	\$16.70

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

### **PLANNING BOARD:**

#### **Pinnacle Island LLC, 2620 Grand Island Boulevard – Site Plan Approval – Additional Parking Spaces**

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the recommendation of the Planning Board and approve the Site Plan for Pinnacle Island LLC, 2620 Grand Island Boulevard, providing the applicant includes landscaping.

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

### **Local Law Intro #1 of 2023 – Rezoning SBL #:38.11-2-6.11, Whitehaven Road – R-2/B1 to PDD – Development Concept Plan**

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A motion was made by Councilman Marston, seconded by Councilman Bahleda to refer Local Law Intro #1 of 2023 – Rezoning SBL #:38.11-2-6.11, Whitehaven Road – R-2/B1 to PDD – Development Concept Plan to the Economic Development Advisory Board, Conservation Advisory Board, Long Range Planning Board, Traffic Safety Advisory Board and the Parks & Recreation Advisory Board for review and recommendations.

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

### **RECREATION SUPERVISOR-SENIOR CITIZENS-JENNIFER MENTER:**

#### **New Hire**

A motion was made by Councilman Marston, seconded by Councilman Bahleda hire Daniella Salvatore as a Full-time Recreation Attendant, effective April 18, 2023, Grade 3, Start, \$19.41/hr., as per the CSEA contract. This will be a split position between the Recreation Department and the Golden Age Center. Daniella is currently on the Town's staff as a Part-time Recreation Attendant.

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

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

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay Vouchers #141403 - #141534

General	\$ 77,665.37
Highway	\$ 28,996.35
Sewer	\$ 33,848.82
Water	\$ 13,473.71
Capital	<u>\$386,445.50</u>
Total	\$540,429.75

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

### **UNFINISHED BUSINESS:**

#### **Special Use Permit Application – Kelli Swagel, 2488A Grand Island Boulevard – Operate a Dog Training and Boarding Center, in an existing retail plaza, in the NBD (North Business District)**

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Planning Board and approved the Special Use Permit for Special Use Permit Application – Kelli Swagel, 2488A Grand Island Boulevard – Operate a Dog Training and Boarding Center, in an existing retail plaza, in the NBD (North Business District). This is a TYPE II action under SEQR and requires no further action.

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

### **Local Law Intro #2 of 2023 – Amend Chapter 145 of the Town Code – Right to Farm Law**

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A motion was made by Councilman Madigan, seconded by Councilman Marston to adopt Local Law #1 of 2023 to Amend Chapter 145 of the Town Code – Right to Farm Law as follows. This is a TYPE II action under SEQR and requires no further action.

### **§ 145-1. Legislative intent and purpose.**

- A. The Board recognizes that farming is an essential enterprise, an important industry that enhances the economic base, natural environment, and quality of life in Grand Island, consistent with the adopted Town of Grand Island Resource Guide for the Protection and Promotion of Agriculture and Farming and New York State Agriculture and Markets Law Section 25-AA. Therefore, the Town Board of Grand Island finds and declares that this Town encourages its agriculture and urges understanding of and cooperation with the necessary day-to-day operations involved in farming.
- B. It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operation of farms and agricultural practices of any size or scale, and to promote new ways to resolve disputes concerning agricultural practices and farm operations, consistent with Section 145.-1.A, above. In order to maintain a viable farming economy in Grand Island it is necessary to limit the circumstances under which farming may be deemed to be a nuisance and allow agricultural practices inherent to and necessary for farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.
- C. Nothing in this Local Law shall be read as authorizing any agricultural activity not permitted by the Town Code.

### **§ 145-2. Definitions.**

AGRICULTURAL PRACTICES – Those practices are necessary for the production, preparation, and marketing of agricultural products. Examples of such practices include, but are not limited to, operation of farm equipment on and off-site, proper use of agricultural chemicals and other crop protection methods, direct sales to consumers of agricultural products produced on-site, agricultural tourism, and construction and use of farm structures and fences.

AGRICULTURAL PRODUCTS – Those products as defined in § 301(2) of Article 25-AA of the State Agriculture and Markets Law, including but not limited to:

- A. Field crops, including corn, wheat, rye, barley, hay, potatoes, soybeans and dry beans.
- B. Fruits, including apples, peaches, grapes, cherries, and berries.
- C. Vegetables, including tomatoes, beans, cabbage, carrots, beets, and onions.

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- D. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees, and flowers.
- E. Vineyards and Wineries.
- F. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites (such as ostriches, emus, rheas, and kiwis), farmed deer, farmed buffalo, fur bearing animals, wool bearing animals (such as alpacas and llamas), milk, eggs, and furs.
- G. Aquaculture products, including fish, fish products, water plants and shellfish.
- H. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs (small honeybee colonies created from larger colonies including the nuc box), and queens.
- I. Actively managed log-grown woodland mushrooms.
- J. Industrial hemp and hemp products.
- K. Maple sap.
- L. Christmas trees derived from a managed Christmas tree operation, whether dug for transplanting or cut from the stump.
- M. Woody biomass which means short rotation woody crops raised for bioenergy and shall not include farm woodland.
- N. Woodland products, including but not limited to logs, lumber, posts, and firewood.

**FARMER** – Any person, organization, entity, association, partnership, limited liability company, or corporation engaged in agricultural practices, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.

**FARM OR FARMLAND** – The land, including buildings and equipment, which is used in the production, whether for profit or otherwise, of agricultural goods and services, including but not limited to cultivation, raising of crops or livestock, poultry, dairy pursuits, equestrian and other equine activities, timber harvesting, or the practicing of horticulture or keeping of bees, without reference to its extent or the tenure by which it is held. Such farm or farmland may consist of parcels that are contiguous or non-contiguous.

**FARM OPERATION** – Land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products, and other agricultural products as a commercial or non-commercial enterprise. Such farm operation may consist of one or

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more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FARM WOODLAND – Includes land used for production and sale of woodland products, including but not limited to logs, lumber, posts, and firewood.

### **§ 145-3. Right to farm declaration.**

- A. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all such times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry, as well as to advances resulting from increased knowledge and improved technologies.
- B. Agricultural practices conducted on Grand Island shall not be found to be a public or private nuisance if such agricultural practices are:
  - (1) Reasonable and necessary to the particular farm or farm operation;
  - (2) Conducted in a manner which is not negligent or reckless;
  - (3) Conducted in conformity with generally accepted and sound agricultural practices’
  - (4) Conducted in with all local, state, and federal laws and regulations;
  - (5) Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person; and
  - (6) Conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.
- C. Nothing in this article shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practices, as outlined in this section.

### **§ 145-4. Notification of real estate buyers and prospective neighbors.**

- A. In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with § 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: “It is the policy of the state and this community to conserve, protect, and encourage the development and improvement of agricultural land for the production of food, and other products and also for its

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natural and ecological value. This notice is to inform prospective residents that farming activities occur within the Town. Such farming activities may include, but not be limited to, activities that cause noise, dust, smoke, and odors; applications of chemical fertilizers, soil amendments, herbicides and pesticides; and operation of machinery.”

- B. A copy of this notice shall be included as an addendum to the purchase and sale contract at the time an offer to purchase is made.
- C. In addition, this notice shall be included in building permits and on plats or subdivision submitted for approval, pursuant to Town Law § 276.

### **§ 145-5. Resolution of disputes.**

- A. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations that cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to the Code Enforcement Officer, who in turn will bring the matter to the attention of the Town Board for referral to the Grand Island Agricultural Advisory Board, as set forth in Item E. below, in an attempt to resolve the matter prior to the filing of any court actions and prior to a request for a determination by the Commissioner of Agriculture and Markets about whether the practice in question is sound, pursuant to § 310 of Article 25-AA of the State Agriculture and Markets Law. Submission to the Grand Island Agricultural Advisory Board shall stay all proceedings related to the matter until the Board notifies the parties of the conclusion of its involvement or ninety (90) day, whichever is earlier, unless the Code Enforcement Officer certifies to the Town Board that, by reason of facts stated in the certificate of stay would, in his or her opinion, cause imminent peril to life or property.
- B. Any controversy between the parties shall be acted upon within 90 days of receipt of the request for dispute resolution by the Town.
- C. The Agricultural Advisory Board shall be composed of seven voting members, two alternates, and two liaisons to include one member of the Town Board and a representative from the Erie County Department of Environment and Planning. The seven board members and two alternates shall be residents of the Town, which may include but not be limited to persons who undertake agricultural activities of any size or scale, for commercial and/or hobby purposes, or those who provide support to persons undertaking such activities.
- D. The effectiveness of the Agricultural Advisory Board as a forum for the resolution of disputes is dependent upon full discussion and complete review and consideration of all pertinent facts, as presented at a meeting with the Board, concerning the dispute in order to eliminate any misunderstandings. The parties involved in the controversy are encouraged to cooperate in the exchange of pertinent information with the Board concerning the controversy.

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- E. Upon notification of a complaint of controversy to the Code Enforcement Office from one of the aggrieved parties, the Code Enforcement Officer shall prepare and present a written complaint to the Town Board for consideration of referral to the Agricultural Advisory Board. Thereafter, the Agricultural Advisory Board shall investigate the merits of the complaint, deliberate, and vote on the matter at a meeting of the Board and render a written recommendation for dispute resolution to the Town Board.

**§ 145-6. Severability.**

- A. If any part of this article, for any reason, is found to be unconstitutional or invalid, such decision shall not affect the remainder of the article.

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

**PUBLIC COMMENTS:**

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

Speakers: Mary Pfalzer, Paul Koppmann

**FROM THE BOARD:**

- Lion's Club Spaghetti Dinner – Ellden's Restaurant – Monday, April 24<sup>th</sup>
- Island Clean Up – Saturday, April 29<sup>th</sup> from 8:00am-12:00pm.
- Recreation Events: - Saturday, April 29<sup>th</sup> – Sapling Give Aways – Earth Day – Trails Dedication

**ADJOURNMENT:**

A motion was made by Councilman Digati, seconded by Councilman Madigan to adjourn the meeting at 8:44p.m.

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

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

Dorothy Riggs	William Wiles
Richard Krawczyk	Frank Costanzo
Mark Goff	James Robinson
Tracy Falkowski	A. Bernice Callahan

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk

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