

Town of Grand Island – Regular Meeting #6

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 4th of April 2022.

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.

Mr. Zachary Cooney gave the Invocation.

Councilman Thomas A. Digati led the Pledge of Allegiance.

*Councilman Peter J. Marston participated via ZOOM.

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.

Speakers:

Dave Henderson

MINUTES:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve Minutes of Workshop Meeting #8, March 7, 2022, Minutes of Workshop Meeting #9, March 21, 2022, and Minutes of Regular Meeting #5, March 21, 2022.

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

CONSENT AGENDA:

1. Golden Age Center – Facility Usage – February 2022
2. Charter Communications – Programming Change

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

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

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR JOHN C. WHITNEY:

BayWa R.E., 2356 Whitehaven Road – Solar Array Project – Resolution Extending the Site Plan and Special Use Permit for a Solar Array to be Located at 2356 Whitehaven Road

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

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WHEREAS, on or about February 21, 2020, SolarPark 4a LLC (the “Applicant”) submitted its initial application to construct a solar array at 2356 Whitehaven Road (the “Project”), and

WHEREAS, the Town of Grand Island Planning Board recommended site plan approval for the Project on June 10, 2020, and

WHEREAS, on October 5, 2020, the Town Council of the Town of Grand Island granted the Applicant a special use permit and approved rezoning of the property for the Project, and

WHEREAS, on October 7, 2020, the Town Council of the Town of Grand Island granted the Applicant site plan approval for the Project, and

WHEREAS, on January 19, 2021, the Town Council of the Town of Grand Island adopted a moratorium on the processing of applications, permits, certificates of occupancy and approvals for solar facilities (the “Solar Moratorium”),

WHEREAS, the Solar Moratorium expired on October 18, 2021, and

WHEREAS, on December 2, 2021, the Zoning Board of Appeals for the Town of Grand Island granted the Applicant a 0.54-acre area variance for the subdivision of 2356 Whitehaven Road, and

WHEREAS, on February 7, 2022, the Applicant submitted a notice of intent to commence construction of the Project, and

WHEREAS, on March 30, 2022, the Applicant requested additional time to submit its application for renewal of Special Use Permit due to a minor project layout change which will move the solar array further back from Alvin Road, and

WHEREAS, The Town Council has the power to grant such an extension pursuant to Grand Island Town Code §407-11, and

NOW, THEREFORE, the Town Council resolves to extend the time for the Applicant to submit its application for special use permit renewal and any site plan modifications along with all applicable fees for a period of six months to October 4, 2022.

AND THEREFORE, the Town Clerk is hereby directed to enter this resolution in the minutes of this meeting.

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

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COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

Heritage Subdivision, End of Sawmill Run - Preliminary Plat/25 Lot Subdivision – Set Public Hearing

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

WHEREAS, Grand Island Development LLC is seeking Preliminary Plat approval for a proposed 25 lot subdivision on a 14 +/- acre parcel south of Bedell Road, off the current dead end of Sawmill Run; and

WHEREAS, on March 21, 2022, the Grand Island Town Board declared that it shall serve as lead agency for SEQRA.

NOW THEREFORE be it ORDERED that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on April 18, 2022, at 8:00p.m. on said day, to consider Preliminary Plat.

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

1. **Southpointe PDD, Love Road and Baseline Road – Preliminary Plat – Subdivision “A”/40 Lot Subdivision – Set Public Hearing**
2. **Southpointe PDD, Carl Road at Beaver Island Parkway – Preliminary Plat – Subdivision “B”/44 Lot Subdivision – Set Public Hearing**
3. **Southpointe PDD, Glen Avon and Staley Road – Preliminary Plat – Subdivision “C”/1 Lot Subdivision – Set Public Hearing**
4. **Southpointe PDD, Staley Road (Frontage) – Preliminary Plat – Subdivision “D”/19 Lot Subdivision – Set Public Hearing**
5. **Southpointe PDD, Baseline Road South of Staley Road – Preliminary Plat – Subdivision “E”/1 Lot Subdivision – Set Public Hearing**

A motion was made by Councilman Digati, seconded by Councilman Madigan to refer all the Southpointe Project matters to the Town Board.

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

Resolution Authorizing Any and All Legal Action Against James Maloney and River Oaks Marina LLC Concerning Code Violations

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

WHEREAS, James Maloney (“Maloney”) is an individual that owns real property in the Town and operates a marina located at 3001 East River Road (the “Property”) known as River Oaks Marina; and

WHEREAS, the Property is owned by Maloney and/or River Oaks Marina LLC; and

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

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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 and River Oaks Marina LLC, 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 or River Oaks Marina LLC.
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, Marston, Digati, Bahleda, Whitney
 Noes 0

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

Appointment – Water Plant Operator

A motion was made by Councilman Marston, seconded by Councilman Bahleda to approve the promotion of Christopher Steckelberg from Operator Trainee to Water Treatment Plant Operator. He successfully completed the required exam. The promotion is retroactive to the date of exam notification, March 24, 2022. Based on the current AFSME Contract, his rate of pay (Year 2) is to be \$30.54 per hour.

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

Declare Intent for Lead Agency (SEQR) – Site Plan – Proposed Commercial Multi-Tenant Facility – Long Road and Grand Island Boulevard – NE Corner – SBL #:11.00-1-8

A motion was made by Councilman Digati, seconded by Councilman Bahleda to declare the Town Board's intent to be Lead Agency under SEQR for Site Plan – Proposed Commercial Multi-Tenant Facility – Long Road and Grand Island Boulevard – NE Corner – SBL #:11.00-1-8 and to authorize the Engineering Department to circulate the SEQR documentation and County referral.

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

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Declare Intent for Lead Agency (SEQR) – Site Plan – Proposed Outparcel (2022) – Top’s Plaza

A motion was made by Councilman Marston, seconded by Councilman Madigan to declare the Town Board’s intent to be Lead Agency under SEQR for Site Plan – Proposed Outparcel (2022) – Top’s Plaza and to authorize the Engineering Department to circulate the SEQR documentation and County referral.

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

RECREATION SUPERVISOR – JOSEPH MENTER:

Approve 2022 Community Center Rental Agreement

A motion was made by Councilman Madigan, seconded by Councilman Digati to refer 2022 Community Center Rental Agreement to the Town Board for further review.

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

TOWN ASSESSOR – JUDY M. TAFELSKI:

Board of Assessment Review Requesting Change of Date to Hold Grievance Pursuant to RP-524

A motion was made by Councilman Marston, seconded by Councilman Bahleda to approve the request to move Grievance Day from the fourth Tuesday in May to the fourth Wednesday on May 25, 2022.

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

SEQR – Niagara Sailing Club, 3619 East River Road – Request to Split/Merge Property – SBL #25.00-1-26.1, Ransom Road and Existing Lot at 3619 East River Road

Supervisor John Whitney presented the SEQR – Short Form Environmental Assessment Forms – Niagara Sailing Club, 3619 East River Road, a request to split and merge property SBL #25.00-1-26.1, Ransom Road and Existing Lot at 3619 East River Road. Mr. Whitney informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Digati, seconded by Councilman Marston to issue a Negative Declaration for Niagara Sailing Club, 3619 East River Road, a request to split and merge property SBL #25.00-1-26.1, Ransom Road and Existing Lot at 3619 East River Road.

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

Request for Exception to Subdivision Regulations – Niagara Sailing Club, 3619 East River Road Request to Split/Merge Property – SBL #25.00-1-26.1, Ransom Road and Existing Lot at 3619 East River Road

A motion was made by Councilman Digati, seconded by Councilman Marston to grant exception to Subdivision Regulations for Niagara Sailing Club, 3619 East River Road Request to Split/Merge Property – SBL #25.00-1-26.1, Ransom Road and Existing Lot at 3619 East River Road.

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

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Niagara Sailing Club, 3619 East River Road – Request to Split Property on Ransom Road into 2 Lots – SBL #25.00-1-26.1, Merge Remainder into Existing Lot at 3619 East River Road

A motion was made by Councilman Digati, seconded by Councilman Marston to approve the request to Split SBL #25.00-1-26.1 Ransom Road into two equal building lots and merge remainder of SBL #25.00-1-26.1 into existing lot at 3619 East River Road, subject to the payment of \$500 Recreation Fee and filing the necessary paperwork with Erie County Clerk's office.

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

PARKS MAINTENANCE CREW CHIEF – TOM CECERE:

Rate Changes/New Hires

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the following Pay Rate Changes:

<u>Name</u>	<u>Title</u>	<u>Effective Date</u>	<u>Part-Time</u>	<u>Rate of Pay</u>
Erik Anderson	Laborer PT/Parks Sr Worker	April 23,2022	Annual increase	\$16.00
David M Cole	Laborer PT/Parks Sr Worker	May 2,2022	Annual increase	\$16.00
Joseph Killian	Laborer PT/Parks Sr Crew Chief	April 6,2022	Annual increase	\$17.25

New Hires as follows:

<u>Name</u>	<u>Title</u>	<u>Effective Date</u>	<u>Status</u>	<u>Rate of Pay</u>
Nicholas Anzalone	Laborer PT/Parks Jr Crew Chief	April 1 st ,2022	PART TIME	\$15.50
Nicholas Anzalone	Laborer PT/Parks Jr Crew Chief	May 16 th ,2022	SEASONAL	\$15.50
Ryan Jellinick	Laborer PT/ Parks Sr Worker	April 1 st ,2022	PART TIME	\$15.00
Ryan Jellinick	Laborer PT/ Parks Sr Worker	May 23 rd ,2022	SEASONAL	\$15.00

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 #137863 - #137971

General	\$ 37,931.38	
Highway	\$ 11,564.22	
Sewer	\$ 15,175.83	
Water	\$ 13,649.08	
Capital	\$ 57,214.50	
Lighting	\$ 1,900.00	
Garbage	\$136,733.62	
Fire	<u>\$ 1,400.00</u>	
Total	\$275,568.63	
APPROVED	Ayes 4	Madigan, Digati, Bahleda, Whitney
	Noes 0	
	Abstain 1	Marston

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UNFINISHED BUSINESS:

Thermo Fisher Scientific, 3175 Staley Road – Site Plan Approval – Northwest Parking Lot and Access Drive

A motion was made by Councilman Digati, seconded by Councilman Bahleda to issue a Negative Declaration for Thermo Fisher Scientific, 3175 Staley Road – Site Plan Approval – Northwest Parking Lot and Access Drive and approve the Site Plan for the same.

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

PUBLIC COMMENTS:

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

Speakers: Dave Henderson

FROM THE BOARD:

- April 25th – Lions Club Spaghetti Dinner – K of C
- April 30th – Trail Walk – Nike Base
- Father's Day Lawnmower Race
- Beaver Island Parkway Bridge Replacement 2023
- May 4th GIHS -6:30p.m. Movie Documentary – LIKE
- Spring is here – Be Aware: Motorcycles and Children Playing

ADJOURNMENT:

A motion was made by Councilman Madigan, seconded by Councilman Digati to adjourn the meeting at 8:29p.m.

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

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

Michael Linenfelser	Thomas Hooper
Donna MacKellar	James Watz
Mark LoPresti	Carol Traina
Beryl Calabro	

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

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