

Town of Grand Island – Regular Meeting #11

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 15th of June 2026.

Present:	Peter J. Marston	Supervisor
	Thomas A. Digati	Councilman
	Daniel F. Kilmer	Councilman
	Jose A. Garcia	Councilman
	Rhonda G. Diehl	Councilwoman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Peter J. Marston called the meeting to order at 8:00p.m.
Councilwoman Rhonda G. Diehl gave the Invocation.
Councilman Daniel F. Kilmer led the Pledge of Allegiance.

PROCLAMATION/CERTIFICATES OF APPRECIATION:

- **50th Anniversary of the Dick Bessel Independence Day Run**
- **Crossing Guard Recognition and Appreciation**

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 Councilman Garcia, seconded by Councilman Kilmer to approve Minutes of Regular Meeting #10, June 1, 2026, and Minutes of Workshop Meeting #14, June 10, 2026.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

CONSENT AGENDA:

1. Meeting Minutes – Conservation Advisory Board – April 23, 2026
2. Building Permits Issued – May 2026
3. Meeting Minutes – Zoning Board of Appeals – May 7, 2026

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

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

Monday, June 15, 2026 - 1

Town of Grand Island – Regular Meeting #11

COMMUNICATIONS – TOWN BOARD:

COUNCILMAN – JOSE A. GARCIA:

Data Center Resolution

A motion was made by Councilman Garcia, seconded by Councilman Kilmer to adopt the following resolution:

WHEREAS, the Town Board of the Town of Grand Island is aware that the Town of Tonawanda has elected to pause further consideration of the proposed data center project along the Niagara River; and

WHEREAS, the Town Board recognizes and respects the Town of Tonawanda's commitment to conducting a thoughtful review of projects that may have significant impacts on the surrounding region; and

WHEREAS, the Town of Grand Island and the Town of Tonawanda share a common waterway, environmental resources, and community interests that connect our residents and local economies; and

WHEREAS, projects of this scale have the potential to affect neighboring municipalities through environmental, visual, infrastructure, energy, and quality-of-life considerations; and

WHEREAS, maintaining open communication and regional cooperation between neighboring communities serves the best interests of all residents;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Grand Island respectfully acknowledges the Town of Tonawanda's decision to pause consideration of the proposed data center project; and

BE IT FURTHER RESOLVED, that should the Town of Tonawanda determine to move forward with consideration of the project at a future date, the Town Board of the Town of Grand Island respectfully requests that the potential impacts on neighboring communities, including Grand Island and its residents, be carefully evaluated and considered as part of the review process; and

BE IT FURTHER RESOLVED, that the Town Board encourages continued dialogue, transparency, and cooperation between our municipalities to ensure that any future development decisions are made with full consideration of regional environmental, community, and economic interests; and

BE IT FINALLY RESOLVED, that a certified copy of this resolution be transmitted to the Town Board of the Town of Tonawanda for its information and consideration.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
 Noes 0

Lot Merger and Future Reconfiguration of Properties Located at 278 and 286 Park Place Resolution

Monday, June 15, 2026 - 2

Town of Grand Island – Regular Meeting #11

A motion was made by Councilman Garcia, seconded by Councilman Kilmer to adopt the following resolution regarding the Lot Merger and Future Reconfiguration of Properties Located at 278 and 286 Park Place:

WHEREAS, property owner Eli Hazzan has agreed to work with the Town Assessor's Office to merge the parcels commonly known as 278 Park Place, Grand Island, New York 14072, and 286 Park Place, Grand Island, New York 14072; and

WHEREAS, the purpose of the lot merger is to facilitate the relocation of an existing pool house onto the property in a manner consistent with applicable regulations and requirements; and

WHEREAS, Mr. Hazzan has agreed that the merger of the aforementioned parcels shall be completed on or before July 31, 2026; and

WHEREAS, the Town Board recognizes that future circumstances may warrant consideration of a request to reconfigure the subject parcels;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board acknowledges and supports the merger of the parcels located at 278 Park Place and 286 Park Place for the purpose of relocating the pool house, with such merger to be completed by July 31, 2026; and

BE IT FURTHER RESOLVED, that the Town Board expresses its intent that it shall not oppose a future request to reconfigure, separate, or otherwise modify the lot configuration of the subject parcels, provided that any such request complies with all applicable zoning regulations, subdivision requirements, and other provisions of the Town Code in effect at the time such request is made; and

BE IT FURTHER RESOLVED, that nothing contained herein shall bind a future Town Board nor be construed as waiving any future review, approval, permitting requirements, or other approvals required by law.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

Bond Resolution – Reconstruction of and Construction of Improvements to Various Roads (2026)

A motion was made by Councilman Digati, seconded by Councilman Kilmer to adopt the following Bond Resolution dated June 15, 2026 of the Town Board of the Town of Grand Island Erie County, New York (The "Town") authorizing the reconstruction of and construction of improvements to various roads within the Town, at an estimated maximum cost of \$750,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$750,000 of the Town, pursuant to the Local Finance Law to finance said purpose, said amount to be offset by any Federal, State, County and/or local funds received, and delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such bonds to the Town Supervisor.

Monday, June 15, 2026 - 3

Town of Grand Island – Regular Meeting #11

WHEREAS, the Town Board of the Town of Grand Island, in the County of Erie, New York (the “Town”) desired to undertake a highway reconstruction and resurfacing capital improvements project.

NOW THEREFORE, BE IT RESOLVED, by the Town (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the reconstruction of and construction of improvements to various roads within the Town, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof, as more fully identified in (or contemplated by) a report prepared by the Town Engineering Department (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$750,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$750,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 89 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is five years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution is not expected to be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section

Monday, June 15, 2026 - 4

Town of Grand Island – Regular Meeting #11

164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other

Town of Grand Island – Regular Meeting #11

determination or procedures under the State Environmental Quality Review Act (“SEQRA”) is required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or
(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceedings contesting such validity is commenced within 20 days after the date of such publication of this notice, or
2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. This resolution is subject to permissive referendum pursuant to Section 35.00(a) of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the signboard of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 17. If no petitions are filed in the permissive referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

HIGHWAY SUPERINTENDENT – JAMES A. SEDITA:

Award Bid – Bituminous Resurfacing of Various Town Roads – Job #: M-14-2026

Highway Superintendent James Sedita reported that he received estimates from Northeast Diversification for the 2026 Resurfacing Project. Estimates are based on Northeast Diversification bid prices in the 2026 Erie County Summer Maintenance Bid No. 250085-004 bid results.

Broadway (Baseline to South Pkwy)	\$ 82,787.25
East Park (Broadway to Love)	\$ 69,940.00
Harvey Road	\$130,235.00
Staley Road (Baseline Rd west 1 mile)	<u>\$449,061.15</u>
TOTAL:	\$732,023.40

Monday, June 15, 2026 - 6

Town of Grand Island – Regular Meeting #11

Mr. Sedita has reviewed the estimates and recommend Northeast Diversification be approved to start the work.

A motion was made by Councilman Digati, seconded by Councilman Kilmer to award the bid for the Bituminous Resurfacing of Various Town Roads – Job #: M-14-2026 to Northeast Diversification in the amount of \$732,023.40.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

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

New Hire

A motion was made by Councilman Digati, seconded by Councilwoman Diehl to approve the hire of Robin Wujek, Full-time Clerk Typist (Provisional), CSEA, Grade 4, \$22.70/hr., effective June 2026, subject to the completion of the preemployment process. Start date will be determined upon completion of the onboarding process.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

Veterans Park Inclusive Access Project – Additional Path

Town Engineer Robert Westfall reported that the Parks Department has requested that the Town Board consider adding an additional path to the current Veteran’s Park Access Improvements project being Administered by Engineering. For budgetary purposes Mr. Westfall discussed with the Contractor the addition of an approximately 1,400 lineal foot path at the site and have a preliminary/budget price estimate of \$75,000.00. If the Town is interested in pursuing this, the Town can get a formal proposal from the Contractor, which would then be adopted in the project through authorization of a Change Order if the Board wishes to proceed.

If the Board does proceed with accepting the proposal, an amendment to the current Bonding limit must be increased and it would be suggested it be increased by the \$75,000 estimate. Bond Council is already preparing the documents based on this budget number, and this can be done at a future meeting.

A motion was made by Councilman Garcia, seconded by Councilman Kilmer to authorize the Town Engineer to request from the Contractor a formal quote for the construction of the additional path at Veterans Park. This will reflect the actual footage, and the actual price to construct it. That quote will then be used in the Change Order should the Town Board wish to proceed.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

Town of Grand Island – Regular Meeting #11

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – Smith & Taylor LLC, 1693 Grand Island Boulevard – Used Car Sales

A motion was made by Councilman Digati, seconded by Councilman Garcia to renew the Special Use Permit for Smith & Taylor LLC, 1693 Grand Island Boulevard – Used Car Sales. The site has been inspected, and it is unchanged.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

Special Use Permit Renewal – Northpoint Vantage, 2420 Love Road – Home Occupation, Embroidery, Silk Screening, Fabric & Sports Apparel

A motion was made by Councilman Digati, seconded by Councilwoman Diehl to renew the Special Use Permit for Northpoint Vantage, 2420 Love Road – Home Occupation, Embroidery, Silk Screening, Fabric & Sports Apparel. The site has been inspected, and it is unchanged.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

Special Use Permit Renewal – Grand Island Solar, LLC – 2411 Bedell Road – Community Solar Array Project

A motion was made by Councilman Digati, seconded by Councilman Garcia to renew the Special Use Permit for Grand Island Solar, LLC – 2411 Bedell Road – Community Solar Array Project. The site has been inspected, and it is unchanged.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

Application for Public Display of Fireworks – 2400 Grand Island Boulevard – July 4, 2026

A motion was made by Councilwoman Diehl, seconded by Councilman Garcia to approve the application for a public display of fireworks at 2400 Grand Island Boulevard – July 4, 2026, at 10:00p.m., no rain date is scheduled.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

PRINCIPAL PERSONNEL CLERK – KELLIANNE GRIFFITH:

New Hire

A motion was made by Councilwoman Diehl, seconded by Councilman Digati to approve the hire of Ron Stipp, Computer Operator, Part-time, \$38.06/hr. effective June 15, 2026, subject to the completion of the preemployment process. Start date will be determined upon completion of the onboarding process.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

PLANNING BOARD:

Monday, June 15, 2026 - 8

Town of Grand Island – Regular Meeting #11

Certified Auto Brokers, 2092 Grand Island Boulevard – Site Plan Approval – Outdoor Auto Inventory Storage

A motion was made by Councilman Digati, seconded by Councilman Kilmer to accept the recommendation of the Planning Board and approve the Site Plan for Certified Auto Brokers, 2092 Grand Island Boulevard – Site Plan Approval – Outdoor Auto Inventory Storage, subject to the following conditions – Stripe parking lot for double stacked parking lanes, motor home to be parked on southwest corner, and employee access only.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
 Noes 0

Grand Island Reset, 2315 Grand Island Boulevard – Site Plan Approval – Interior Build Out in Existing Plaza

A motion was made by Supervisor Marston, seconded by Councilman Digati to accept the recommendation of the Planning Board and approve the Site Plan for Grand Island Reset, 2315 Grand Island Boulevard, interior build out of existing plaza space for a Wellness Center.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
 Noes 0

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to pay

Vouchers #152841 - #152996	
General	\$164,403.29
Highway	\$154,558.42
Sewer	\$ 58,156.21
Water	\$ 21,729.60
Trust & Agency	\$ 400.00
Capital Fund	<u>\$ 2,122.80</u>
Total	\$401,370.32

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
 Noes 0

UNFINISHED BUSINESS:

Local Law Intro #1 of 2026 – Rezoning Portion of SBL #: 23.00-3-6.11, 410 Lang Boulevard – M1 to NBD

Remains Tabled.

Local Law Intro #5 of 2025 – Battery Energy Storage Systems Law

A motion was made by Councilman Digati, seconded by Councilman Garcia to set a Public Hearing for Monday, July 20, 2026, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #5 of 2025 – Battery Energy Storage Systems Law.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
 Noes 0

Town of Grand Island – Regular Meeting #11

Special Use Permit Application – Denise Sterns, 241 Colonial Drive – Home Occupation – Bakery

A. Correspondence – Planning Board

A motion was made by Supervisor Marston, seconded by Councilman Digati to accept the recommendation of the Planning Board and approve the Special Use Permit for Denise Sterns, 241 Colonial Drive – Home Occupation – Bakery.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

Local Law Intro #2 of 2026 – Rezoning SBL #'s: 36.04-1-5, 36.04-1-6 and 36.04-1-7 – Baseline Road – R-1D to M2

A. Correspondence – Planning Board

Remains Tabled.

Special Use Permit Application - Kevin Bitikofer, 4410 East River Road – Keeping of 4 Agricultural Animals on 10 Acres

A motion was made by Councilman Digati, seconded by Councilman Garcia to accept the recommendation of the Planning Board and approve the Special Use Permit for Kevin Bitikofer, 4410 East River Road for the keeping of up to 6 Agricultural Animals on 10 acres, subject to the applicant amending the application to reflect 6 animals.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

SUSPEND THE RULES:

A motion was made by Supervisor Marston, seconded by Councilman Garcia to Suspend the Rules for the purpose of considering a Letter of Intent with CleanCapital.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

Letter of Intent – CleanCapital (CC International Development LLC)

A motion was made by Councilman Kilmer, seconded by Councilman Digati to authorize the Town’s Battery Storage Attorney to finalize a Letter of Intent for an option and lease agreement with CleanCapital (CC International Development LLC) and prepare the necessary SEQR documents and to notify CleanCapital (CC International Development LLC) the Town’s intent to move forward, subject to finalization of necessary documents and review and satisfaction of any other legal requirements for a potential battery energy storage system on Town property.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
Noes 0

PUBLIC COMMENTS:

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

Speakers:

Gerald Walworth

FROM THE BOARD:

Monday, June 15, 2026 - 10

Town of Grand Island – Regular Meeting #11

- 4th of July
- Mowing the West River Parkway
- Paint the Town
- School Budget Vote – Tuesday, June 16, 2026
- E-Bikes/Scooters Safety
- Lawnmower Races – Sunday, June 21 – West River Parkway

ADJOURNMENT:

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to adjourn the meeting at 8:48p.m.

APPROVED Ayes 5 Digati, Kilmer, Garcia, Diehl, Marston
 Noes 0

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

Mary Lynn Conta	Kenneth Burns
Cecil Greene, Sr.	Dennis Scheffler
David Goetz	Christopher Hartwick
Gerald Kippley	

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk