

# 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 17<sup>th</sup> of June 2024.

Present:	Peter J. Marston	Supervisor
	Thomas A. Digati	Councilman
	Christian J. Bahleda	Councilman
	Daniel F. Kilmer	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Peter J. Marston called the meeting to order at 8:00p.m.  
Reverend David Chi from Bible Presbyterian Church gave the Invocation.  
Councilman Christian J. Bahleda 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 HEARINGS:**

### **Local Law Intro #5 of 2024 – Term Limits for Elected Officials**

A Public Hearing was held on Monday, June 17, 2024, at 8:00p.m. for the purpose of hearing anyone who wanted to comment on Local Law Intro #5 of 2024 – Term Limits for Elected Officials.

*Speakers:* Jennifer Chin, Alexis Wrobel

Supervisor Marston declared the Public Hearing closed.  
A motion was made by Supervisor Marston, seconded by Councilman Kilmer to adopt a Local Law – Term Limits for Elected Officials as follows:

Section 1. Amendment of Chapter 70.

Chapter 70 of the Town Code is hereby amended to modify “Article III” as follows:

70-11. Purpose, Authority.

The Town Board of the Town of Grand Island intends to expand participation in the electoral process and to bring new ideas to the governance of the Town of Grand Island. For that purpose, the Town Board modifies this chapter to limit terms of office for elected officials in the Town of Grand Island pursuant to New York Municipal Home Rule Law § 10(1)(ii)(a)(i).

70-12. Term Limits Established.

- A. No Town Supervisor of the Town of Grand Island shall commence any term of office as Town Supervisor after completion of 12 or more years of service as Town Supervisor.

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- B. No Councilman of the Town of Grand Island shall commence any term of office as Councilman after completion of 12 or more years of service as Councilman.
- C. No Highway Superintendent of the Town of Grand Island shall commence any term of office as Highway Superintendent after completion of 16 or more years of service as Highway Superintendent.
- D. No Town Clerk of the Town of Grand Island shall commence any term of office as Town Clerk after completion of 16 or more years of service as Town Clerk.

## 70-13. Prior Terms.

Terms of office for Highway Superintendent or for Town Clerk completed prior to January 1, 2025, shall not count towards the term limit limitations set forth in Section 7-12(C) and 7-12(D).

## Section 2: Severability.

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

## Section 3: Effective Date.

This Local Law shall be effective upon its filing with the Secretary of State following submission to mandatory referendum, and receipt of the affirmative vote of a majority of the qualified electors voting thereon at in accordance with the Municipal Home Rule Law.

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

## **MINUTES:**

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve Minutes of Workshop Meeting #23, June 3, 2024, Meeting Minutes of Regular Meeting #10, June 3, 2024, and Minutes of Workshop Meeting #24, June 11, 2024.

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

## **CONSENT AGENDA:**

1. Building Permits Issued – May 2024
2. Meeting Minutes – Historic Preservation Advisory Board – May 22, 2024
3. Meeting Minutes – Zoning Board of Appeals – May 2, 2024
4. Meeting Minutes – Planning Board – May 13, 2024

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

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

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## **COMMUNICATIONS – TOWN BOARD:**

### **SUPERVISOR – PETER J. MARSTON:**

#### **Monthly Supervisor’s Report – May 2024**

The Supervisor reported Cash Balance-Operating A/C of \$2,990,487 on May 1, 2024

Total Receipts of \$1,133,363

Total Disbursements of \$1,308,681

Operating A/C Interest \$13,382

Operating A/C Balance \$2,828,551

Investment Interest \$51,122

Investment Balance \$17,278,468

Total Cash Balance as of May 31, 2024, \$20,107,018

No action by the Town Board.

#### **Grand Island Police Department Calls for Service – May 2024**

No action by the Town Board.

#### **Police Department Grant**

No action by the Town Board.

#### **Historic Preservation Advisory Board – Award Contract – Historic Buildings and Sites Survey**

A motion was made by Councilman Bahleda, seconded by Councilman Kilmer to award the Historic Buildings and Sites Survey to Clinton Brown Company Architecture, subject to the approval of the Town Attorney.

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                      Noes    0

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

### **TOWN CLERK – PATRICIA ANDERSON FRENTZEL:**

#### **Adopt Resolution – Standard Workday & Reporting Resolution for Elected and Appointed Officials**

A motion was made by Councilman Kilmer, seconded by Councilman Digati to adopt the resolution in accordance with the new NYS requirements on the Regulations on Reporting for Elected or Appointed Officials, the Standard Workday and Reporting Resolution for Elected and Appointed Officials. The resolution will be posted on the Town’s website for a minimum of thirty days in accordance with the regulations. A certified copy of the resolution and an affidavit of posting shall be filed by the clerk of the governing board with the Office of the State Comptroller within 45 days of the adoption of the resolution.

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                      Noes    0

## **TOWN ATTORNEY – PETER GODFREY:**

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## **Bond Resolution – Construction of Improvements to Various Roads (2024)**

A motion was made by Supervisor Marston, seconded by Councilman Bahleda to adopt the following Bond Resolution dated June 17, 2024, 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 \$1,00,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$1,00,000 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.

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 \$1,000,000.

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 \$1,000,000 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

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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 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

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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 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 proceeding 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 sign-board 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 4 Digati, Bahleda, Kilmer, Marston  
Noes 0

**RECREATION SUPERVISOR – JOSEPH MENTER:**  
**Remove Employee from Payroll**

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A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the following employee be removed from the payroll effective June 18, 2024, from the Recreation Department:

Ava Marsala                      Recreation Attendant                      Last Day Worked: June 3, 2024

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

## Seasonal Hires

A motion was made by Councilman Bahleda, seconded by Councilman Kilmer to approve the hiring of the following employees, effective June 18, 2024, subject to the completion of the necessary pre-employment paperwork:

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>	<u>Status</u>
Carson Hinkle	Recreation Attendant – Yr. 1 Aide	\$15.30 / hr.	Seasonal
Oliver Schmidt	Recreation Attendant – Yr. 1 Aide	\$15.30 / hr.	Seasonal

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

## Status and Rate Changes

A motion was made by Supervisor Marston, seconded by Councilman Kilmer to approve the following status and rate changes, effective June 22, 2024:

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>	<u>Status</u>
Tala Abdellatif	Rec. Attendant – Yr. 1 Instructor	\$18.10 / hr.	Seasonal
*Tala is already at seasonal status as of 5-25-24; Request to change to Instructor position to fill a vacated spot.			
Omar Rizek	Recreation Attendant – Yr. 2 Aide	\$15.60 / hr.	Seasonal

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

## TOWN ACCOUNTANT – KORIN FRANTZ:

### Budget Amendment – Golden Age Center

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the following budget amendment/transfer for 2024:

Decrease Cash	Trust & Agency Funds	005.0005.0200	Credit \$184
Decrease Liability	MOW Donations	005.0005.0086	Debit \$184
Increase Cash	General Fund	001.0001.0200	Debit \$184
Increase Liability	MOW Donations	001.0001.0604	Credit \$184

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

## PLANNING BOARD:

### Local Law Intro #4 of 2024 – Commercial Business District Moratorium

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A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt a Local Law #4 of 2024 – Establishing a Moratorium on Applications, Approvals, and/or Construction or Installation on Uses in the B-1, B-2, B-3, CR, M-1, and M-2 Zoning Districts as follows:

Be it hereby enacted by the Town Board of the Town of Grand Island as follows:

**Section 1:** Purpose and Intent and Legislative Findings. The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of Grand Island and to maintain the status quo while the Town of Grand Island amends its comprehensive plan and undertakes the legislative process amending its present zoning regulations governing its commercial and business zoning districts. This moratorium allows for the submittal and processing of applications (including evaluation under the State Environmental Quality Review Act and referral to recommending bodies) to continue at the election and risk of the applicant, but it does not allow the issuance of any ministerial or discretionary permits, certificates of occupancy, and approvals for any land uses in the B-1, B-2, B-3, CR, M-1, and M-2 Zoning Districts, except as provided for in Section 3. The moratorium is for a period of six (6) months, subject to extension, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Grand Island Comprehensive Plan and Zoning Code concerning commercial uses in the Town and the size and scale thereof.

The Town of Grand Island Town Board hereby finds that the current Comprehensive Plan and zoning regulations do not adequately address the potential impacts from commercial development in the Town. This includes, but is not limited to, traffic impacts, impacts to the condition of roadways, noise, lighting impacts, air quality impacts, and drainage impacts. Specifically, the size of proposed developments and structures, as well as the intensity of the allowed uses in the respective zoning districts have not been adequately reviewed or evaluated in the Comprehensive Plan or the zoning regulations. For example, a recent traffic study for a mixed-use development found that significant physical upgrades were required to a major throughfare, even where the property was commercially zoned. Further, traffic corridors in the Town are controlled by the Town, County of Erie, and two State agencies, requiring coordination in planning efforts. Another recent study specifically identified the need for improvement at the intersection of state and local roads. Other issues where further research, evaluation, and regulation are necessary include parking requirements, sufficiency of surrounding infrastructure for development, including roads, water, and sewer, the existing community character, the need to incorporate mixed-use components into proposed commercial developments, aesthetic concerns, including architectural requirements for developments. At least one major undeveloped commercial site includes habitat of endangered species. Current plans have not included any evaluation of impacts from climate change, an important consideration for an island community. Without a temporary halt on the permitting, approval, and construction of such uses in the Town, the Town's zoning power, and ability to protect the health, safety, and welfare of the residents of the Town of Grand Island, would be frustrated.

**Section 2:** Moratorium Imposed; Applicability. For a period of six (6) months following the effective date of this Local Law, no permits, certificates of occupancy, approvals,

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variances, denials, determinations or interpretations may be issued or granted for any land uses in the B-1, B-2, B-3, CR, M-1, and M-2 Zoning Districts, except as provided for in Section 3. Construction activity of any kind in furtherance of such land uses, except for those exceptions identified in Section 3, is hereby prohibited while this moratorium is in effect.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Architectural Review Board, Building Inspector/Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of Grand Island.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Grand Island Comprehensive Plan and Zoning Code.

**Section 3.** Exemptions. This moratorium shall **not** apply to any land use where the gross floor area of all buildings on a parcel is less than or equal to 25,000 square feet.

**Section 4:** Term. This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This term may be extended for a cumulative period of up to an additional eight (8) months, if necessary, by resolutions of the Town Board.

**Section 5:** Effect on Other Laws. To the extent that any law, ordinance, rule or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

**Section 6:** Variance. An application for a variance from the terms of this moratorium may be submitted, with a \$500 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Grand Island, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

**Section 7:** Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 8:** Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

**Starline USA, Inc., 3036 Alt Boulevard – Site Plan Approval – 35,000 s.f. .Expansion**

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A motion was made by Councilman Digati, seconded by Councilman Bahleda to table the request from Starline USA, Inc., 3036 Alt Boulevard for Site Plan Approval – 35,000 s.f. Expansion.

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

### **SEQR – Gary Ebersole, 2880 Grand Island Boulevard – Site Plan Approval – Change of Use in a Building on a Parcel in the NBD**

Supervisor Marston presented the SEQR – Short Form Environmental Assessment Forms for the Gary Ebersole, 2880 Grand Island Boulevard – Site Plan Approval – Change of Use in a Building on a Parcel in the NBD. Mr. Marston 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 Bahleda to accept the recommendation of the Planning Board and issue a Negative Declaration for Gary Ebersole, 2880 Grand Island Boulevard – Site Plan Approval – Change of Use in a Building on a Parcel in the NBD.

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

### **Gary Ebersole, 2880 Grand Island Boulevard – Site Plan Approval – Change of Use in a Building on a Parcel in the NBD**

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Planning Board and approve the Site Plan for 2880 Grand Island Boulevard – Change of Use in a Building on a Parcel in the NBD with the following conditions, all prior to issuance of a Certificate of Occupancy:

- Resurface and stripe parking lot
- 45-degree angled parking spaces in the back
- Add 2 handicapped spaces
- Lighting changed to dark side lighting
- Landscaping plus trees in the front

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

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

A motion was made by Councilman Bahleda, seconded by Councilman Kilmer to pay

Vouchers #145539 - #145670

General	\$47,531.77
Highway	\$16,295.51
Sewer	\$67,966.86
Water	\$ 9,514.56
Capital	<u>\$ 1,392.36</u>
Total	\$142,701.06

APPROVED    Ayes    4            Digati, Bahleda, Kilmer, Marston  
                  Noes    0

### **UNFINISHED BUSINESS:**

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