

Town of Grand Island – Regular Meeting #12

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 21st of July 2025.

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

Excused:	Christian J. Bahleda	Councilman
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Supervisor Peter J. Marston called the meeting to order at 8:00p.m.
Father Nick Evancho from St. Martin-in-the-Fields Episcopal Church gave the Invocation.
Councilman Daniel F. Kilmer led the Pledge of Allegiance.

PROCLAMATIONS:

National Night Out – Tuesday, August 5, 2025

Paddles Up – July 26, 2025

PUBLIC COMMENTS:

This is an opportunity for residents to comment on any matter regarding the meeting agenda items only.

<i>Speakers:</i>	David Nardozzi, Lynne Blanchard, Mike Billoni, Brian Monkman, Jeffrey Jess, Michael Heigel
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MINUTES:

A motion was made by Councilman Garcia, seconded by Councilman Kilmer to approve Minutes of Workshop Meeting #18, July 7, 2025, and Minutes of Regular Meeting #11, July 7, 2025.

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

CONSENT AGENDA:

1. Meeting Minutes – Board of Architectural Review – June 17, 2025
 2. Meeting Minutes – Planning Board – May 12, 2025
 3. Grand Island Police Department – Calls for Service – May 2025 & June 2025
 4. Golden Age Center – Facility Usage – March 2025 & April 2025
- A motion was made by Councilman Garcia, seconded by Councilman Digati to approve the consent agenda as distributed.

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

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COMMUNICATIONS – TOWN BOARD:

SUPERVISOR – PETER J. MARSTON:

Monthly Supervisor's Report – March 2025

The Supervisor reported Cash Balance-Operating A/C of \$1,999,519 on March 1, 2025

Total Receipts of \$2,499,277

Total Disbursements of \$1,458,775

Operating A/C Interest \$4,745

Operating A/C Balance \$3,044,766

Investment Interest \$46,529

Investment Balance \$17,707,067

Total Cash Balance as of March 31, 2025, \$20,751,833

No action by the Town Board.

Monthly Supervisor's Report – April 2025

The Supervisor reported Cash Balance-Operating A/C of \$3,044,766 on April 1, 2025

Total Receipts of \$4,681,521

Total Disbursements of \$2,386,181

Operating A/C Interest \$12,284

Operating A/C Balance \$5,352,391

Investment Interest \$36,357

Investment Balance \$14,486,240

Total Cash Balance as of April 30, 2025, \$19,838,631

No action by the Town Board.

Monthly Supervisor's Report – May 2025

The Supervisor reported Cash Balance-Operating A/C of \$5,352,391 on May 1, 2025

Total Receipts of \$1,231,231

Total Disbursements of \$1,747,845

Operating A/C Interest \$14,443

Operating A/C Balance \$4,850,220

Investment Interest \$37,122

Investment Balance \$13,907,270

Total Cash Balance as of May 31, 2025, \$18,757,490

No action by the Town Board.

COUNCILMAN – DANIEL F. KILMER:

Local Law Intro #6 of 2023 – Amend Chapter 407, the Zoning Code of the Town of Grand Island, Regarding Allowable Uses in the M-1 District

A. Resolution Issuing Negative Declaration with EAF Parts 2 and 3

B. Resolution Adopting Local Law Intro #6 of 2023

C. Planning Board Correspondence

A motion was made by Councilman Kilmer, seconded by Councilman Garcia to table the matter.

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

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COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER C. GODFREY:

Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District – 2025 (Lift Station 8 Improvements) (Amending Proceedings) – Set Public Hearing

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

WHEREAS, the Town Board of the Town of Grand Island (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Sewer District (the “District”); and

WHEREAS, in 2023, the Town Board directed GHD, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District; and

WHEREAS, in June of 2023, the Town approved, through Town Law Section 202-b proceedings and a bond resolution (dated July 17, 2023), a certain capital improvements project in the District; and

WHEREAS, the project has been modified to include additional improvements necessary for a New York State grant application; and

WHEREAS, the estimated total cost and amount of serial bonds being authorized has not changed from the amount identified in the original map, plan and report; and

WHEREAS, the Town Board has directed GHD, competent engineers licensed in New York, to prepare a revised map, plan and report (dated July 2025) for the purposes of modifying the scope of the project; and

WHEREAS, such sewer system capital improvements project will generally consist of improvements to the Lift Station 8 pump station and collection system rehabilitation, such improvements to include, but not be limited to, the installation of new vertical centrifugal pumps, the installation of larger diameter piping for increased flow at each pump station, installation of various equipment such as flowmeters, valves, appurtenances and frequency drives, electrical and control modifications, sanitary sewer lining of approximately 10,200 linear feet of cured in place sewer pipe, sanitary sewer spot repairs, manhole lining of approximately 210 vertical feet, and rehabilitation of manhole benches or inverts, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”) and;

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WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report (as so amended) for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$2,940,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$2,940,000, offset by any federal, state, county and/or local funds received.

WHEREAS, such revised preliminary map, plan and report (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above;

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 August 4 at 8:00p.m. o'clock p.m. (prevailing Time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$2,940,000, said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, that this resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse (to the extent permitted) the expenditures of said increase and improvement of facilities with the proceeds of bonds, notes or other obligations, as required by United States Treasury Regulations Section 1.150-2; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

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

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL:
Lift Station 8 Upgrades & SSES Rehabilitation – SEQRA – Job# M-243

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Town Engineer Robert Westfall reported that the Lift Station 8 pumping upgrades and SSES Rehabilitation project is being submitted for a WQIP grant and requires a SEQRA determination resolution be submitted with the application.

It has been determined that the above reference project, including pump replacement and sanitary collection system repairs, is a Type II action for the reasons listed in the resolution to be adopted.

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

WHEREAS, the Town of Grand Island (Town) is considered a local agency per 6NYCRR Parts 617.2 and 617.3 and the NYS Environmental Conservation Law (ECL), and is responsible to implement the New York State Environmental Quality Review Act (SEQRA), and;

WHEREAS, the New York State Department of Environmental Conservation has previously inspected sanitary sewer Lift Station 8 (LS-8) and noted this pumping station does not have adequate redundancy to pump peak flows with one unit out of service for maintenance, and;

WHEREAS, this pumping station is critical infrastructure for maintaining the functionality of the sanitary sewer collection system, and failure of these pumps to convey peak flows may directly contribute to sanitary sewer overflows (SSO), and;

WHEREAS, the Town is proposing to replace the pumps and associated piping at the LS-8 facility due to their age, general condition, and to address the lack of redundancy, and complete collection system rehabilitation, which may include:

- Three new pumps at LS-8, each capable of pumping a peak flow of approximately 1,500 gallons per minute to replace the three existing pumps currently rated at 1,000 gallons per minute each
- New piping, valves, and associated appurtenances as needed to accommodate the new pumps and replace equipment that has reached the end of its useful service life
- New motors, variable frequency drives, and other electrical and controls improvements
- Sanitary sewer collection system rehabilitation (inclusive of sanitary sewer pipe lining, spot repair work, and manhole rehabilitation) is to be completed as ongoing efforts to comply with the ongoing Order on Consent to eliminate SSOs within the collection system

(hereinafter referred to as “said Action”), and;

WHEREAS, said Action requires consideration under SEQRA per 6NYCRR Part 617, and;

WHEREAS said Action is not listed in 6NYCRR Part 617.4 and does not meet the thresholds specified in 6NYCRR Part 617.4, and therefore is not considered a Type I Action, and;

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WHEREAS said Action is not anticipated to have a significant adverse impact on the environment based on the criteria specified in 6NYCRR Part 617.7(c), and;

WHEREAS said Action consists of the following Type II Actions as listed in 6NYCRR Part 617.5(c)

(1) maintenance or repair involving no substantial changes in an existing structure or facility;

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part; and;

NOW, THEREFORE BE IT RESOLVED that on this 21st day of July 2025, the Town Board hereby determines that the said Action constitutes a Type Action II as defined in 6NYCRR Part 617.5(c)(1-2) and is not subject to review under SEQRA.

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

Lift Station 8 Upgrades & SSES – WQIP Grant Required Policies – Job# M-243

Town Engineer Robert Westfall reported that the WQIP grant application requires the Town to acknowledge that the Town of Grand Island does not conduct business operations in Russia and that the Town has a Sexual Harassment Prevention policy in place.

A motion was made by Councilman Digati, seconded by Councilman Garcia to authorize the Supervisor to sign the certifications on behalf of the Town Board.

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

Lift Station 8 Upgrades & SSES Rehabilitation – WQIP Grant Authorizing Resolution – Job # M-243

A motion was made by Councilman Digati, seconded by Councilman Garcia to adopt the following resolution for the application submittal for the 2025 NYSDEC Water Quality Improvement Program:

WHEREAS, the Town of Grand Island, after thorough consideration of the various aspects of the problem and review of available data, has hereby determined that certain work, as described in its Lift Station 8 Pump Replacement and SSES Rehabilitation report, to address the repair and maintenance of the Town's sanitary sewer system, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project and address said compliance requirements; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) authorizes State assistance to municipalities for water quality improvement projects by means of a contract, and the Town of Grand Island deems it to be in the public interest and benefit to enter into a contract therewith.

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NOW, THEREFORE, BE IT RESOLVED BY the Grand Island Town Board, that:

1. Supervisor Peter Marston, Jr., or his representative or successor in office, is the representative authorized to act on behalf of the Grand Island Town Board in all matters related to State assistance under the NYSDEC and/or any applicable State grant provisions.
2. Supervisor Peter Marston, Jr., or his representative, is also authorized to make application for 2025 WQIP funding in the amount of \$1,908,750 (75% of the total eligible construction costs), execute the State Assistance Contract, sign and submit Project documentation, and otherwise act on behalf of the Grand Island Town Board in all matters related to the Project and to State assistance;
3. The Grand Island Town Board agrees to fund \$971,250 of the \$2,880,000 total project cost, which includes a 25% WQIP match of \$477,187 in addition to \$159,063 for the balance of construction and \$335,000 for all project soft costs deemed ineligible for WQIP funding, by way of a General Obligation Bond or a series of Bond Anticipation Notes financed over a period of five or more years as well as a contribution from the Town's capital reserves account, and that funds will be made available to initiate the Project efforts within 12 months of written approval of its application by the New York State Department of Environmental Conservation;
4. The one certified copy of this Resolution be prepared and will accompany the 2025 WQIP grant application; and
5. This Resolution takes effect immediately.

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

CDBG – Community Development Block Grant – 2025-2026 CDBG Project Agreement – Golden Age Center Drainage

Town Engineer Robert Westfall informed the Town Board that the Community Development Block Grant – 2025-2026 CDBG Project Agreement for the Golden Age Center Drainage total project cost is \$145,655 paid for with \$98,360 in Community Development funds and a local share of \$47,295 consisting of in-kind work and the purchase of materials.

A motion was made by Councilman Digati, seconded by Councilman Garcia authorize the Supervisor to sign the 2025-2026 CDBG Project Agreement for the Golden Age Center Drainage.

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

Application for PIP – Park Place Subdivision – Phase VIII – 14 Lots

A motion was made by Councilman Kilmer, seconded by Councilman Digati to accept the Town Engineer recommendation and approve the application for a Public Improvement

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Permit (PIP) from David Homes/Knab Brothers for Phase VIII (14 Lots) of the Park Place Subdivision. The fees have been paid as per the 2025 Fee Schedule.

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

Authorize the Supervisor to Sign Professional Services Agreement – Extension of Authorization – Advanced Design Group, P.C. – Construction Observation and SWPPP Coordination – Park Place Subdivision – Phase VIII (PIP)

Town Engineer Robert Westfall requests that the Town Board extend the currently approved Professional Services Agreement with Advanced Design Group Professional Engineering and Land Surveying, P.C. (ADG), to include the same services and terms for the existing proposal that provides Construction Observation and SWPPP Coordination to the Town for PIP works to assist in PIP projects and would now include the same services with the construction of Phase VIII of the Park Place Subdivision.

The Developer of the project has provided funds under the Town's PIP program and Stormwater Program to offset the costs of this service. The selected consultant is from a pool of applicants responding to an RFP for performing this work and is currently finishing their work with us on another subdivision.

A motion was made by Councilman Digati, seconded by Councilman Kilmer to accept the recommendation of the Town Engineer and authorize an Extension to the current Professional Services Contract with ADG to include Park Place Subdivision - Phase VIII.

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

CODE ENFORCEMENT OFFICE:

Special Use Permit Application – Sharon and Calvin Kern, 2905 Staley Road – Bed & Breakfast – Set Public Hearing and Refer to Planning Board

A motion was made by Councilman Garcia, seconded by Councilman Digati to set a Public Hearing for Monday, August 4, 2025, at 8:00p.m. for the purpose of hearing anyone who wants to comment on a Special Use Permit Application – Sharon and Calvin Kern, 2905 Staley Road – Bed & Breakfast and to refer the matter to the Planning Board for review and recommendation.

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

Special Use Permit Renewal – Allyson Gracie, 4776 East River Road – Home Occupation – Acupuncture

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A motion was made by Councilman Garcia, seconded by Councilman Kilmer to renew the Special Use Permit for Allyson Gracie, 4776 East River Road – Home Occupation – Acupuncture. The site has been inspected, and it is unchanged.

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

RECREATION SUPERVISOR – JOSEPH MENTER:

Seasonal Hire

A motion was made by Councilman Kilmer, seconded by Councilman Digati to hire Tanureet Saini, Recreation Attendant, Seasonal, \$15.75/hr., effective July 22, 2025, subject to the completion of the necessary pre-employment paperwork.

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

Remove Employees from Payroll

A motion was made by Councilman Digati, seconded by Councilman Garcia to approve the following employees be removed from the Town's payroll, effective July 22, 2025:

Marissa Aceti, Recreation Attendant	Last Day Worked: June 12, 2025
Omar Rizek, Recreation Attendant	Last Day Worked: February 12, 2025

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

Status Change

A motion was made by Councilman Kilmer, seconded by Councilman Garcia to change the status of John Vinkle to Recreation Attendant – Year 1 Leader, Seasonal, \$17.20/hr., effective July 22, 2025.

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

PLANNING BOARD:

Resignation – Secretary of Planning Board

A motion was made by Councilman Garcia, seconded by Councilman Digati to accept the resignation of Arlene Ehde as the Planning Board secretary with regret. A certificate of appreciation will be sent to Ms. Ehde.

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

Local Law Intro #2 of 2025 – Amend Chapter 407-144 of the Town Code – Agricultural Animals

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A motion was made by Councilman Kilmer, seconded by Councilman Garcia to table Local Law Intro #2 of 2025 – Amend Chapter 407-144 of the Town Code – Agricultural Animals.

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

REPORT OF THE AUDIT COMMITTEE:

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

Vouchers #149507- #149665

General \$104,585.59

Highway \$ 14,708.65

Sewer \$ 27,605.53

Water \$ 12,886.36

Capital \$ 26,165.84

Total \$185,951.97

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

UNFINISHED BUSINESS:

Local Law Intro #1 of 2025 – Add Section 219, Amend Chapter 323-8, Amend Chapter 323-9 and Amend Chapter 309-8(C) of the Town of Grand Island Town Code – Property Maintenance

A motion was made by Councilman Garcia, seconded by Councilman Kilmer to adopt Local Law # 1 of 2025 amending the Town of Grand Island Code to Further Regulate Nuisances Relating to the Maintenance of Property and Provide Administrative Remedies for Violations:

SECTION 1: The Town of Grand Island Town Code is hereby amended to add a new section § 219 “Property Maintenance”, included therein § 219-1 “Cutting or Removal of Grass, Weeds, Brush, Plant Growth, and Debris Required” and § 219-2 “Failure to Cut or Remove Grass, Weeds, Brush, Plant Growth, and Debris; Notice; Recovery of Costs,” to read in its entirety as follows:

§ 219-1: Cutting or Removal of Grass, Weeds, Brush, Plant Growth, and Debris Required

- A. Obnoxious Growth and Debris Defined: This includes grass, annual plants, dead or dying trees, stumps, roots, filth, garbage, trash, or any other material which presents a hazard to human health or fire safety and constitutes a nuisance. This term does not include cultivated flowers, gardens, or other approved landscaping.
- B. The owner or occupant of any lot, parcel, or property within the Town of Grand Island shall cut, trim, or otherwise remove all grass, weeds, brush, or plant growth exceeding eight inches in height, unless otherwise exempted by the provisions below.
- C. Exemptions:

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1. Active gardens, landscapes and plantings, including but not limited to ornamental trees, grasses and shrubs maintained in a manner consistent with the intended purpose. In addition, any Town approved landscape plan shall be exempted from this Section.
 2. Unimproved property so long as it does not create a health hazard, fire hazard, safety hazard, traffic hazard, or public nuisance. The owner must maintain the property in such a way that it does not become a burden to public safety or well-being.
- D. The owner or occupant must ensure that no growth or accumulation of debris constitutes a health hazard, fire hazard, safety hazard, traffic hazard, or public nuisance, and maintain the property in such a way that it does not become a burden to public safety or well-being.
- E. If an owner or occupant fails to comply with the requirements of this section, they will be subject to the penalties and actions outlined in § 219-2.

§ 219-2 Failure to Cut or Remove Grass, Weeds, Brush, Plant Growth, and Debris; Notice; Recovery of Costs.

- A. Authority to remove. Any owner, occupant or person of real property in the Town shall be required to remove Obnoxious Growth and Debris as defined in § 219-1, which exists upon his land when directed to do so by order of the Town Code Enforcement Officer under the authority of this local law.
- B. Town action. In the event that the owner, occupant or person in control of such land shall fail to remove Obnoxious Growth and Debris from their property, the Town shall have the authority as provided for herein to enter onto such land to abate the nuisance condition and clean or remove the same and charge the cost of expense of such action against the owner of the property and establish a lien in the manner herein provided.
- C. Notice to be served. Whenever the Town Code Enforcement Officer shall issue an order requiring the owners of land to remove Obnoxious Growth and Debris as defined in § 219-1, the Town shall give notice to the owners by service of said order by first-class mail (1) at the property address; (2) at any other address provided to the Town for the receipt of tax bills; and (3) at the last known address of the owners, if different. The order shall specify the time within such work shall be completed. The order shall be set forth, with reasonable certainty, the location at which the condition exists and the manner in which the removal work shall be performed. The owners shall be given at least 10 days from the date of the mailing of the order for completion of the work, or such other additional time as may be determined necessary in the Town's discretion giving due consideration to the amount of accumulation of rubbish

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and debris removal work required and the location thereof. The owners may also contest the violation in writing within said time-period.

D. Failure to comply; removal. Wherever a notice referred to in § 219-2(C) of this chapter has been served and the owner neglects or fails to comply with such notice within the time provided therein or fails to contest the order, the Town may cause the Obnoxious Growth and Debris as defined in § 219-1 to be removed and shall provide for the cost thereof to be paid from general Town funds.

E. Manner of collection of costs incurred. In any case where it shall be necessary for the Town Board to have work performed due to the failure of the owner to comply with the Town Code Enforcement Officer's order, the Town shall be reimbursed for the cost of the work performed or the services rendered at its direction, by levy upon the tax bill of the lots or parcels of land where such work was performed or such services rendered. All costs actually incurred by the Town upon each lot or parcel and the charge therefor shall be levied and collected in the same manner and at the same time as other Town charges.

SECTION 2: Chapter 323-8, establishing owner responsibility for the maintenance and clearing of sidewalks, is hereby amended as follows:

- A. The owner or occupant of any premises fronting or abutting on any street or highway shall repair, keep and maintain the sidewalk of such premises, whether located in the highway right-of-way or on private property, free and clear from snow, ice, dirt, grass, weeds, brush, plant growth, debris or other obstructions. Any such owner or occupant shall be liable for any injury or damage by reason of omission, failure or negligence to repair, keep and maintain such sidewalk or to remove snow, ice or other obstructions therefrom.
 - 1. The owner or occupant of any premises fronting or abutting on any street or highway shall additionally maintain all areas appurtenant to the sidewalk, including the property's respective curbs, gutters, and public rights-of-way such as walkways and parking lots clear of all grass, weeds, brush, plant growth, snow, ice, or debris. This includes the area between the property line and the curb, ensuring that growth does not encroach on public walkways or roadways.
- B. The owner or occupant of any premises fronting or abutting on any street or highway must ensure the removal of snow and ice from sidewalks in front of their property within 24 hours after a snowfall or ice storm. In the event that such snow and ice is frozen so hard that it cannot be removed without material difficulty or injury to such sidewalk, such owner or occupant shall cause sufficient sand, salt or other suitable material to be spread thereon so as to provide a safe path at least two feet in width the entire length thereof. As soon thereafter as weather permits, such owner or occupant shall thoroughly clean said sidewalk.

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- C. If such snow and ice is not removed within the required time frame, the owner or occupant of the property may be subject to fines and costs for removal by the Town, with costs assessed against the property, as outlined in § 323-9. The owner and the occupant shall be jointly and severally responsible for compliance with the provisions hereof.
- D. Use of vehicles on sidewalks. No person, firm or corporation shall drive, ride or leave any vehicle, as defined in the Vehicle and Traffic Law, upon any portion of any sidewalk except in crossing the same for the purpose of entering or leaving any premises.
- E. In addition to any other remedies, the Town may exercise the following remedies for violation of Section 323-8:
 - 1. Authority to remove. Any owner or occupant of any premises fronting or abutting on any street or highway shall repair, keep and maintain the sidewalk of such premises and its appurtenant areas as required by § 323-8.
 - 2. Town action. In the event that the owner, occupant or person in control of such land shall fail to maintain the sidewalk and appurtenant areas of such premises free of such obstructions as specified in § 323-8(A), the Town Code Enforcement Officer or designee shall have the authority to order to maintain such sidewalk consistent with 323-8(A). In addition, the Town Code Enforcement Officer shall have authority as provided for herein to enter onto such land to clear or remedy the obstruction and charge the cost of expense of such action against the owner of the property and establish a lien in the manner herein provided.
 - 3. Notice to be served; Deadlines for Clearing of Obstruction. Whenever the Town Code Enforcement Officer shall issue an order requiring the owners of land to remove obstructions to the sidewalk and appurtenant areas as defined in § 323-8(A), the Town shall give notice to the owners by service of said order as follows:
 - i. For obstructions consisting of snow or ice, upon notice posted conspicuously on the affected property. The order shall be set forth, with reasonable certainty, the location at which the obstruction exists and the manner in which the removal work shall be performed. The specified obstruction shall be removed by the property owner within 24 days from the time of posting of the order, or such other additional time as may be determined necessary in the Town's discretion giving due consideration to the amount of snow or ice removal required, weather conditions, and the location thereof.

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- ii. For all other obstructions defined in § 323-8(A), by first-class mail (1) at the property address; (2) at any other address provided to the Town for the receipt of tax bills; and (3) at the last known address of the owners, if different. The order shall specify the time within such work shall be completed. The order shall be set forth, with reasonable certainty, the location at which the obstruction exists and the manner in which the removal work shall be performed. The specified obstruction shall be removed by the property owner within 5 days from the date of the mailing of the order, or such other additional time as may be determined necessary in the Town's discretion giving due consideration to the nature of removal work required and the location thereof.
- 4. The owners of such property may also contest the violation in writing within said time-period.
- 5. Failure to comply; removal. Wherever a notice referred to in § 323-8(E)(3) of this chapter has been served and the owner neglects or fails to comply with such notice within the time provided therein or fails to contest the order, the Town may cause the obstruction to be removed and shall provide for the cost thereof to be paid from general Town funds.
- 6. Manner of collection of costs incurred. In any case where it shall be necessary for the Town Board to have work performed due to the failure of the owner to comply with the Town Code Enforcement Officer's order, the Town shall be reimbursed for the cost of the work performed or the services rendered at its direction, by levy upon the tax bill of the lots or parcels of land where such work was performed or such services rendered. All costs actually incurred by the Town upon each lot or parcel and the charge therefor shall be levied and collected in the same manner and at the same time as other Town charges.

SECTION 3: Chapter 309-8(C), establishing unlawful activities involving the disposal of solid waste, is hereby amended as follows:

- C. No person, firm or private or municipal corporation shall place, store, deposit or dump or cause to be placed, stored, deposited or dumped for the purpose of abandonment any old junk, metal, stones, plaster, lumber, construction and demolition debris, metal tanks, automobiles, automobile parts, barrels, cans, appliances, tires, furniture, hazardous waste, regulated medical waste, radioactive waste, yard waste, garbage or soil waste of any nature on any public or privately owned lot, tract of land, street, alley, road, park or reserve within the corporate limits of the Town of Grand Island.

SECTION 4. Severability.

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If any clause, sentence, paragraph, or part of this chapter or application thereof to any person or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. Effective Date.

This local law shall be effective immediately upon filing with the New York Secretary of State.

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

Special Use Permit Application – Casey Davis, 136 Riverdale Drive – Home Occupation – Bakery

A. Planning Board Correspondence

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 Casey Davis, 136 Riverdale Drive – Home Occupation – Bakery.

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

Gun Creek Community – Wooden Path and Benches

Remains Tabled.

SUSPEND THE RULES:

A motion was made by Supervisor Marston, seconded by Councilman Digati to Suspend the Rules to consider advertising for a Secretary for the Planning Board.

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

Advertise for Vacancy – Secretary to Planning Board

A motion was made by Supervisor Marston, seconded by Councilman Digati to authorize the Supervisor to advertise for a Secretary to the Planning Board due to a vacancy.

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

PUBLIC COMMENTS:

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

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Speakers:

Chris Russell, Mike Billoni, Sherri Kern, Michael Heigel

FROM THE BOARD:

- Paddles Up – July 26, 2025
- National Night Out – August 5, 2025
- Advisory Board Expectations
- Grand Island Police Department Traffic Study with Speed Trailers
- Island wide Text Alerts

ADJOURNMENT:

A motion was made by Councilman Garcia, seconded by Councilman Digati to adjourn the meeting at 9:06p.m.

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

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

John M. Lew
Melvin E. Ullrich, Jr.
Donald Fancher

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk