

Town of Grand Island – Regular Meeting #15

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 17th of August, 2020.

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

Excused: Jennifer L. Baney Councilwoman

Supervisor John C. Whitney called the meeting to order at 8:00p.m.
Councilman Thomas A. Digati gave the Invocation.
Councilman Peter Marston, Jr. led the Pledge of Allegiance.

*Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Town Board of the Town of Grand Island’s meetings will be held electronically via the Town’s website link/You Tube Channel instead of a public meeting open for the public to attend in person. Members of the public may view the Town Board’s meetings by connecting to the You Tube Channel via the Town’s website: www.grandislandny.us.

*The Meeting was conducted in the courtroom, 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: *Via ZOOM – Kristin Savard, Patrick Brown

PUBLIC HEARINGS:

Special Use Permit Application – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens

A Public Hearing was held on Monday, August 17, 2020 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on a Special Use Permit Application – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens.

Speakers: None

Supervisor John Whitney declared the Public Hearing closed.

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SEQR – Special Use Permit – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens

Supervisor John Whitney presented the SEQR – Short Form Environmental Assessment Forms – Part 2 for a Special Use Permit Application – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens. 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 Madigan to issue a Negative Declaration for the Special Use Permit Application – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

Reissue Special Use Permit – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens

A motion was made by Councilman Madigan, seconded by Councilman Digati to reissue the Special Use Permit for Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens, subject to the applicant showing the barn on the drawing for the Zoning and Engineering Departments.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

Special Use Permit Application – Michelle Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility

A. Correspondence – Planning Board

A Public Hearing was held on Monday, August 17, 2020 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on a Special Use Permit Application – Michelle Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility.

Speakers: Christopher Fiels

Supervisor John Whitney declared the Public Hearing closed.

SEQR – The Negative Declaration for the permit was issued during the Workshop prior to the Regular Meeting.

A motion was made by Councilman Marston, seconded by Councilman Digati to accept the recommendation of the Planning Board, and approve the Special Use Permit for Michelle Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility, subject to the following conditions:

- There is to be no overnight boarding
- Maximum of three dogs on site for training. This does not include the owner's two personal dogs.
- Owner has the necessary liability insurance included in the homeowner's insurance

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

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MINUTES

A motion was made by Councilman Marston, seconded by Councilman Madigan to approve Minutes of Workshop Meeting #32, August 3, 2020 and Minutes of Regular Meeting #14, August 3, 2020.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
 Noes 0

CONSENT AGENDA:

1. Meeting Minutes – Zoning Board of Appeals – July 2, 2020
2. Meeting Minutes – Technology Advisory Board – June 18, 2020
3. Meeting Minutes – Planning Board – July 13, 2020
4. Golden Age Center – Facility Usage – July 2020

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

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
 Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:

Promotion – Laborer

Highway Superintendent Richard Crawford informed the Town Board that he has promoted Dan Mathes to Laborer, effective July 29, 2020 due to the retirement of James Daluisio. No action by the Town Board.

New Hires – Caretakers

Highway Superintendent Richard Crawford informed the Town Board that he has hired Thomas Kalman, Caretaker, \$17.15 per hour, effective July 13, 2020 and due to a medical leave hired Dakota Bower as a temporary Caretaker, \$17.15 per hour, effective July 27, 2020, per the AFSCME Contract. No action by the Town Board.

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

Authorize Supervisor to Sign Supplemental Agreement – NYSDOT Grand Island

Accessibility Project – PIN 5762.27 Comptrollers Contract #D035733

Town Engineer Robert Westfall reported that the Resolution authorizing the agreement including Supplemental Agreement No. 3 with the New York State Department of Transportation for the Grand Island Blvd Accessibility Project includes the installation of sidewalks on Grand Island Blvd from Webb Road to Fantasy Island.

Supplemental Agreement #3 (SA#3) authorizes additional Federal Funding for the project bringing the total Federal share to \$1,240,000. The Local share of \$579,700 includes the Town's share of the Grand Island Blvd sidewalk, Erie County's share for the Whitehaven Road sidewalk and the Town's share of the conduit installation.

A motion was made by Councilman Digati, seconded by Councilman Marston to adopt the following Resolution authorizing the implementation, and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid project,

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to fully fund the local share of Federal-Aid eligible and ineligible projects costs, and appropriating funds therefore

WHEREAS, a Project to install ADA compliant sidewalks on Route 324 Grand Island Blvd from Webb Road to Martin’s Fantasy Island, known as the Town of Grand Island Blvd Sidewalk Accessibility Project, PIN 5762.27, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds an 20% Non-Federal funds; and

WHEREAS, the Town of Grand Island desires to advance the Project by making a commitment of 100% of the Non-Federal share of the Federal Aid eligible costs and any required Local costs of the Design, Construction & Construction Inspection phase of the project, PIN 5762.27.

NOW, THEREFORE, the Town Board of the Town of Grand Island, duly convened does hereby

RESOLVE, that the Town Board of the Town of Grand Island hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board of the Town of Grand Island hereby authorizes the Town of Grand Island to pay in the first instance 100% of the Federal and Non-Federal (Local) shares of the cost of the Design, Construction & Construction Inspection phase of the Project or portions thereof, and it is further

RESOLVED, that the sum of \$579,700 is hereby appropriated or appropriated from the 2020 capital budget and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project’s Design, Construction & Construction Inspection phase exceeds \$565,900, the current cost of this project phase, the Town of Grand Island shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor of the Town of Grand Island be and hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Grand Island with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality’s first instance funding of Project costs and permanent funding of the local share of the Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

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RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to the necessary Agreement & Supplemental Agreement No. 1 in connection with the Project, and it is further

RESOLVED, this resolution shall take effect immediately.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

Authorize Supervisor to Sign Professional Services Agreement Town Hall HVAC Upgrades, Phase 1 – Job #M-69-2019

A motion was made by Councilman Madigan, seconded by Councilman Marston to authorize the Supervisor to sign the Professional Services Agreement with CPL in the amount of \$46,000 (plus reimbursables) for the design, bidding and construction administration for the Town Hall HVAC Upgrade, Phase 1 – Job #M-69-2019. The bonding authorization for the project is already in place.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

Request Authorization to Re-advertise for Bids – Grand Island Town Hall Elevator Addition – Job #M-69-2018

A motion was made by Councilman Marston, seconded by Councilman Madigan to authorize the Town Engineer to re-advertise for bids for the Grand Island Town Elevator Addition – Job #M-69-2018 on Friday, August 28, 2020 and receive bids on Wednesday, September 23, 2020 at 10:00a.m. local time.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK:

Title/Rate Changes

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve the change of titles and rate of pay of the following employees:

Nicholas Falbo	Parks Sr. Worker	August 5, 2020	No Change	\$13.55/hr.
Henry Grunzweig	Parks Sr. Worker	August 10, 2020	No Change	\$13.55/hr.
Gary Roesch	Parks Crew Chief	August 31, 2020	Part-Time	\$14.30/hr.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

Status Change

A motion was made by Councilman Marston, seconded by Councilman Digati to approve the status change of the Joseph Killian, Parks Crew Chief to Seasonal, effective August 28, 2020 with no change to rate of pay.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

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CODE ENFORCEMENT OFFICE:

Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1

A motion was made by Councilman Madigan, seconded by Councilman Digati to table Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

Local Law Intro #12 of 2019 – Rezoning SBL #36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A

A. Correspondence – Planning Board – Site Plan Approval

B. Correspondence – Planning Board – Special Use Permit

A motion was made by Councilman Digati, seconded by Councilman Madigan to table Local Law Intro #12 of 2019 – Rezoning SBL #36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

PLANNING BOARD:

Koertgen Subdivision, Fix Road – SBL #63.02-1-2 – Final Plat Approval

A motion was made by Councilman Marston, seconded by Councilman Digati to accept the recommendation of the Planning Board, and approve Final Plat for the Koertgen Subdivision, Fix Road – SBL #63.02-1-2, two lots. The Recreation Fees have been paid.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

Falleta Subdivision, Fix Road – SBL #63.02-1-3 – Final Plat Approval

A motion was made by Council Digati, seconded by Councilman Marston to accept the recommendation of the Planning Board, and approve Final Plat for the Falleta Subdivision, Fix Road – SBL #63.02-1-3, three lots. The Recreation Fees have been paid.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

Grand Island Commerce Park, Grand Island Boulevard – SBL #24.03-1-36 – Site Plan Approval

A motion was made by Councilman Digati, seconded by Councilman Madigan to accept the recommendation of the Planning Board and grant Site Plan approval for Grand Island Commerce Park – Grand Island Blvd. – SBL #24.03-1-36 subject to the following conditions:

- Handicapped parking spaces will be placed in the front of the two buildings
- The Town Board waives the requirements of the island entrance at Grand Island Blvd. as depicted in the Design and Performance Standards.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

REPORT OF THE AUDIT COMMITTEE:

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A motion was made by Councilman Digati, seconded by Councilman Madigan to pay Vouchers #132071 - #132218

General	\$274,722.12
Highway	\$ 22,087.03
Sewer	\$ 58,712.87
Water	\$ 15,792.60
Trust & Agency	\$ 61.94
Garbage	<u>\$ 26,803.79</u>
Total	\$498,180.35

APPROVED Ayes 3 Madigan, Digati, Whitney
Noes 0
Abstain 1 Marston

UNFINISHED BUSINESS:

Special Use Permit Application – Karen Panzarella, 2894 East River Road – Bed & Breakfast

Remains Tabled.

Southpointe PDD – Development Concept Plan – Revised

Remains Tabled.

Special Use Permit Renewal – Grand Island Development, LLC – 1611 Whitehaven Road – Solar Array Project

Remains Tabled.

SUSPEND THE RULES:

Project Olive/Amazon Project

A motion was made by Councilman Marston, seconded by Councilman Digati to suspend the rules to consider notifying all consultants to cease and desist all work and submit all outstanding invoices and to close and discontinue all proceedings with respect to the Project Olive/Amazon Project.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

A motion was made by Councilman Madigan, seconded by Councilman Marston to notify all consultants to cease and desist all work and submit all outstanding invoices with respect to the Project Olive/Amazon Project.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

A motion was made by Councilman Madigan, seconded by Councilman Marston to close and discontinue all proceedings with respect to the Project Olive/Amazon Project.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
Noes 0

PUBLIC COMMENTS:

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

Speakers:

* Via ZOOM – Dave Reilly, Michael W. Rayhill,
Cathy Rayhill, Maureen Phillips, Melissa Rayhill

FROM THE BOARD:

- Stay engaged, debates
- Beautification Project by Highway Department

MEMORIAL ADJOURNMENT:

A motion was made by Councilman Digati, seconded by Councilman Madigan to adjourn the meeting at 8:54p.m.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
 Noes 0

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

Andrew Rubocki	Charles Territo
Rosalyn Weselak	Judy Weston

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

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