

## **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 24<sup>th</sup> of August 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.

Resident Cal Kern gave the Invocation.

Councilman Daniel F. Kilmer 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:**

#### **Special Use Permit Application – Jennifer Klima, 2101 Fix Road – Home Occupation – Bakery**

##### **A. Correspondence – Planning Board**

##### **B. Correspondence – Thomas Peters, Brett Loschiavo**

A Public Hearing was held on Monday, August 24, 2026, at 8:00p.m. to hear anyone who wants to comment on a Special Use Permit Application – Jennifer Klima, 2101 Fix Road – Home Occupation – Bakery.

Speakers: Jennifer Klima

Supervisor Marston declared the Public Hearing closed.

A motion was made by Supervisor Marston, seconded by Councilman Garcia to table Special Use Permit Application – Jennifer Klima, 2101 Fix Road – Home Occupation – Bakery, pending review from the Planning Board.

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

#### **Local Law Intro #4 of 2026 – Amend Chapter 386 of the Town Code – Vehicles, Motor Driven – to Include E-Bikes and Scooters**

A Public Hearing was held on Monday, August 24, 2026, at 8:00p.m. to hear anyone who wants to comment on Local Law Intro #4 of 2026 – Amend Chapter 386 of the Town Code – Vehicles, Motor Driven – to Include E-Bikes and Scooters.

Speakers: None

Supervisor Marston declared the Public Hearing closed.

**Monday, August 24, 2026 - 1**

## **Town of Grand Island – Regular Meeting #15**

A motion was made was made by Councilman Garcia, seconded by Councilman Kilmer to adopt Local Law # 4 of 2026 with the recommendations of the Planning Board removing “Snow Mobile Vehicles” from Section 386-4 and removing “Private Property Section” from Section 386-4A as follows:

A local law amending Chapter 386 of the Town of Grand Island Code regarding Motor-Driven Vehicles.

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

**Section 1.** Chapter 386 of the Town of Grand Island (“Town”) Code is hereby amended as follows:

### **Chapter 386 Vehicles, Electronic and Combustion Motor-Driven Recreational**

#### **§ 386-1 Title.**

This chapter shall be known and may be cited as the Motor-Driven Recreational Vehicles on Town Property and Privately Owned Property Law.

#### **§ 386-2 Legislative intent.**

It is the purpose of this chapter to preserve and promote the health, safety and general welfare of those inhabitants of the Town of Grand Island who wish to use and operate motor-driven vehicles on private property or municipal property. It is also the purpose of this chapter to prevent those inhabitants of the Town of Grand Island who wish to use and operate motor-driven vehicles from trespassing on public or private property in the Town of Grand Island, from annoying inhabitants and from creating a public nuisance. It is further the purpose of this chapter to encourage the lawful use of Class 1 and Class 2 electric bicycles and legal electric scooters while distinguishing such devices from out-of-class electric motorized devices and promoting public education and safe operation consistent with New York State law.

#### **§ 386-3 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Bicycle Path:** Any path designated by the Town specifically for use by cyclists operating a bicycle.

**Electric Bicycle (E-Bike):** A bicycle equipped with an electric motor as defined in New York State Vehicle and Traffic Law §102 - c which is no more than thirty-six (36) inches wide and has an electric motor of less than seven hundred fifty (750) watts.

**Class 1 Electric Bicycle:** A bicycle equipped with operable pedals and an electric motor that provides assistance only while the rider is pedaling and ceases to provide assistance at 20 miles per hour.

**Class 2 Electric Bicycle:** A bicycle equipped with operable pedals and an electric motor capable of propelling the bicycle without pedaling and ceases to provide assistance at 20

## **Town of Grand Island – Regular Meeting #15**

miles per hour.

**Class 3 Electric Bicycle:** A bicycle equipped with operable pedals and an electric motor that provides assistance only while the rider is pedaling and ceases to provide assistance at 25 miles per hour, where permitted under New York State law.

**Out-of-Class Electric Motorized Device:** Any electric-powered device that does not meet the definition of a lawful Class 1, Class 2, or Class 3 electric bicycle or legal electric scooter under New York State law, including high-speed electric motorcycles marketed as e-bikes.

**Electric Scooter (E-Scooter):** A device with handlebars, a standing floorboard, and an electric motor, capable of being powered by electric motor, human power, or both.

**Hours of Darkness:** The period of time one-half hour after sunset until one-half hour before sunrise.

**Multi-Use Path:** Any traversal path designated by the Town for mixed recreational use.

**One-Wheel E-Scooter:** Any single-wheel device with a standing floorboard and/or seat and an electric motor, capable of being powered by electric motor, human power, or both.

**Parking Lot:** Those areas defined by New York State Vehicle and Traffic Law §129-B.

**Reckless Operation:** Shall have the same meaning as “Reckless Driving” as proscribed in New York State Vehicle and Traffic Law §1212, except that the definition shall extend to all areas covered by this Chapter.

**Sidewalk:** Those areas defined by New York State Vehicle and Traffic Law §144.

**Street:** Those areas defined by New York State Vehicle and Traffic Law §148.

**Motorized Recreational Vehicle:** Any E-Bike, E-Scooter or One-Wheel E-Scooter, and any type of motor-driven two-wheeled, three-wheeled, four-wheeled, or treaded vehicle, including a minibike, trail bike, motorcycle, go-cart, or all-terrain vehicle, whether powered by electric or combustion motor, but excluding any vehicle used for agricultural, landscaping or lawn maintenance purposes, any electrically driven mobility assistance device or wheelchair as defined in New York State Vehicle and Traffic Law § 130-a, and government-owned, leased or contracted vehicles. Motorized Recreational Vehicles shall also exclude motor vehicles properly registered in accordance with New York State law and being operated on a public highway in the Town of Grand Island by a person licensed to operate such vehicle in accordance with New York State law.

§ 386-4 Operation of certain vehicles restricted.

It shall be unlawful to operate, or for the owner to permit the operation of, any Motorized Recreational Vehicle under the following circumstances:

**Monday, August 24, 2026 - 3**

## **Town of Grand Island – Regular Meeting #15**

A. On Parking Lots and Sidewalks, without written permission of the owner or occupant of said property. Said written permission must be in the possession of the person operating the motor-driven vehicle or vehicles and must be presented upon demand to any peace officer or police officer so demanding the same.

B. On any property owned, leased or controlled by the Town of Grand Island, including without limitation Town Bicycle Paths, Multi-Use Paths, Parks, Parking Lots and Sidewalks, except in places and at times authorized by the Town Board for the use of such vehicles in the manner so designated; provided, however, that E-Bikes may be operated on Town Bicycle Paths unless prohibited by the Town Board. Lawful Class 1 and Class 2 electric bicycles may also be operated on roadways with posted speed limits greater than thirty (30) miles per hour wherever conventional bicycles are permitted under New York State law. This authorization shall not apply to Out-of-Class Electric Motorized Devices.

C. On property owned by the Town of Grand Island or on privately owned property, in any of the following manners:

(1) In a reckless, careless, or negligent manner so as to endanger, or be likely to endanger, the safety or property of any person, including the operator, or in a manner constituting Reckless Operation as defined in § 386-3 of this chapter;

(2) At a rate of speed greater than fifteen (15) miles per hour, or such other speed as may be authorized by the Town Board for operation on Town property;

(3) While in an intoxicated condition or under the influence of narcotics or drugs, as defined in § 1192 of the Vehicle and Traffic Law;

(4) During Hours of Darkness, or when lights are otherwise required for safety: (a) without displaying at least one lighted headlight visible at 500 feet in clear conditions and one taillight visible at 300 feet in clear conditions, except as may be otherwise required by state law, rule or regulation; or (b) without wearing reflective or high-visibility clothing;

(5) Without wearing a properly fitted bicycle helmet meeting recognized safety standards;

(6) Without a bell, whistle, or other audible warning device capable of alerting pedestrians;

(7) Without yielding the right-of-way to pedestrians and other slower operators and users; or

# Town of Grand Island – Regular Meeting #15

(8) While carrying more than one rider unless the device is specifically manufactured and equipped with an additional passenger seat (standing passengers or double riders on devices not designed for multiple riders are prohibited).

§ 386-5 Penalties for offenses.

Failure to comply with the provisions of this chapter shall be deemed a violation, and the violator shall be subject to a fine of \$50 for a first offense, \$250 for a second offense, and \$500 for each third and subsequent offense, or imprisonment not exceeding 15 days, or both. All fines collected under this chapter shall be deposited into the Town's General Fund and shall not be allocated directly to the budget of any enforcement agency.

§ 386-6 Impoundment and confiscation.

In addition to the penalties set forth in § 386-5, any law enforcement officer with jurisdiction in the Town of Grand Island who encounters any person operating a Motorized Recreational Vehicle in violation of this chapter may remove said vehicle to a place designated by the Town Board. The owner or duly authorized agent of the owner of such vehicle may regain possession thereof upon payment of all expenses and charges necessarily and actually incurred by the removal or storage of said vehicle; provided, however, that the minimum fee for regaining possession of such vehicle shall be \$50.

§ 386-7 Enforcement.

Any law enforcement agency having jurisdiction in the Town of Grand Island may enforce the provisions of this chapter.

**Section 2.** Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

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

**Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District – Emergency Digester Improvements (2026)**

**A. SEQR – Engineering Department – Digester Improvement Project – Job #: M-102-2026**

A Public Hearing was held on Monday, August 24, 2026, at 8:00p.m. to hear anyone who wants to comment on the Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District – Emergency Digester Improvements (2026).

Speakers: None

Supervisor Marston declared the Public Hearing closed.

**Monday, August 24, 2026 - 5**

## **Town of Grand Island – Regular Meeting #15**

A motion was made by Councilman Digati, seconded by Councilman Kilmer to adopt the following SEQR Resolution for the Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District – Emergency Digester Improvements (2026) – Job #M-102-2026:

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act-SEQR) of the Environmental Conservation Law, the Grand Island Town Board has reviewed the proposed Digester Improvement Project, which will generally consist of improvements to the primary digester at the wastewater treatment plant including, but not limited to, cleaning of the digester, the installation of a new digester mixing system, installation of a fixed steel digester cover and structural modifications, painting and insulation, installation of new heat exchangers, installation of new piping and valves, replacement of sludge transfer and recirculation pump, and electrical and control modifications, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report dated August 5, 2026, and

WHEREAS, the completion of these improvements are subject to the New York State Environmental Quality Review Act, SEQRA; and

WHEREAS, the Town Board of the Town of Grand Island has classified the action as a Type II action which are not subject to SEQR review; and

WHEREAS, the Town of Grand Island has determined that the proposed project, which is a Type II action based on Section 617.5 part c (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, will not have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Grand Island, after considering the action proposed herein, reviewing the criteria contained in Section 617.5 part c2 of the Rules and Regulations of the SEQRA Regulations for the Water Systems Pump Station Upgrades Project, determines that the action is a Type II action and is not subject to SEQR review; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Grand Island Board hereby determines that the proposed project is a Type II action and therefore is not anticipated to result in any significant adverse impact, and in accordance with SEQR, no SEQR determination of significance, EIS or findings statement is required.

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

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

**Monday, August 24, 2026 - 6**

## **Town of Grand Island – Regular Meeting #15**

Resolution and Order After the Public Hearing approving the Increase and Improvement of Facilities of the Consolidated Sewer District as follows:

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, the Town has identified the need for emergency repairs to be made to the digester at the Town’s wastewater treatment plant in the Town; and

WHEREAS, the Town Board passed an emergency declaration to expedite the reconstruction of the digester on June 10, 2026; and

WHEREAS, the Town Board has 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, such sewer system capital improvements project will generally consist of improvements to the primary digester at the wastewater treatment plant including, but not limited to, cleaning of the digester, the installation of a new digester mixing system, installation of a fixed steel digester cover and structural modifications, painting and insulation, installation of new heat exchangers, installation of new piping and valves, replacement of sludge transfer and recirculation pump, and electrical and control modifications, 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

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$5,640,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$5,640,000 offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town determined that the District Improvement 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”) are required; and

WHEREAS, the Town Board issued an Order at its August 11, 2026 meeting calling for a public hearing to be held at the Town Hall, 2255 Baseline Road, Grand Island, New York on August 24, 2026 at 8:00 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

**Monday, August 24, 2026 - 7**

## **Town of Grand Island – Regular Meeting #15**

on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an 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 10 nor more than 20 days before the date of such public hearing; and WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$5,640,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the District Improvement shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$5,640,000, 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 it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk will record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

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

**Monday, August 24, 2026 - 8**

## **Town of Grand Island – Regular Meeting #15**

A motion was made by Councilman Digati, seconded by Councilman Garcia to adopt the following Bond Resolution dated August 24, 2026 of the Town Board of the Town of Grand Island Erie County, New York (The “Town”) authorizing a Capital Improvements project within the Town of Grand Island Consolidated Sewer District (Emergency Digester Improvements, 2026), at an estimated maximum cost of \$5,640,000 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, Erie County, New York (the “Town”), has established the Town of Grand Island Consolidated Sewer District (the “District”); and

WHEREAS, the Town Board has determined by resolution to undertake the construction of a certain capital improvements project within the District; and

WHEREAS, the Town Board has determined to proceed with such Project (as defined below); and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such Project.

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (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 a capital improvements project within the District, such work to generally consist of improvements to the primary digester at the wastewater treatment plant including, but not limited to, cleaning of the digester, the installation of a new digester mixing system, installation of a fixed steel digester cover and structural modifications, painting and insulation, installation of new heat exchangers, installation of new piping and valves, replacement of sludge transfer and recirculation pump, and electrical and control modifications, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared by GHD in connection with such project, 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 “Project”). The estimated maximum cost of the Project is \$5,640,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Project by the issuance of serial bonds in an aggregate principal amount not to exceed \$5,640,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of

**Monday, August 24, 2026 - 9**

## **Town of Grand Island – Regular Meeting #15**

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 such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that the Project is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is 40 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 said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said 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 shall 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, the cost of the Project 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 such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, 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 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

**Monday, August 24, 2026 - 10**

## **Town of Grand Island – Regular Meeting #15**

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 determined that the Project 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") are 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.

**Monday, August 24, 2026 - 11**

## Town of Grand Island – Regular Meeting #15

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

(1) (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 17. This Resolution is effective immediately.

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

### **MINUTES:**

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to approve Minutes of Workshop Meeting #20, August 3, 2026, Minutes of Regular Meeting #14, August 3, 2026, and Minutes of Workshop Meeting #21, August 11, 2026.

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

### **CONSENT AGENDA:**

1. Building Permits Issued – July 2026
2. Golden Age Center – Facility Usage – June 2026
3. Meeting Minutes – Economic Development Advisory Board – July 9, 2026
4. Meeting Minutes – Board of Architectural Review – July 21, 2026

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

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

### **COMMUNICATIONS – TOWN BOARD:**

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

#### **Amend Fee Schedule – Recreation Fees**

A motion was made by Councilwoman Diehl, seconded by Councilman Garcia to approve the amendments to the Fee Schedule as follows:

Single Family lot subdivision from \$500.00 to \$750.00 per lot.

Multi Family Structure from \$750.00 to \$1,000.00 per dwelling.

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

**Monday, August 24, 2026 - 12**

# **Town of Grand Island – Regular Meeting #15**

Noes 0

## **Authorize Engineering Department to Advertise for Bids – Splash Pad Utilities**

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to authorize the Engineering Department to prepare the bid packages and advertise for all utilities hookups for the Veterans Park Splash Pad including sewer and water. Final approval of the bids will be authorized by the Town Board prior to the commencement of any work being completed.

APPROVED    Ayes    4            Digati, Garcia, Diehl, Marston  
                     Noes    1            Kilmer

## **Zonta Club – 16 Days of Activism Bows – November 16, 2026**

A motion was made by Councilman Digati, seconded by Councilman Garcia to approve the Zonta Club's request to place orange bows around the trees surrounding Town Hall on November 14, 2026 – November 29, 2026, for the Zonta International 16 Days of Activism to end gender-based violence.

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

## **Zonta Club – Request Approval to Use Town Hall Lobby – Orange the Island – November 16, 2026**

A motion was made by Councilman Digati, seconded by Councilman Garcia to approve the Zonta Club's request to use the Town Hall lobby on November 1, 2026, from 6:00p.m. – 7:45p.m. for community members and businesses to pick up orange ribbons for "Oranging the Island".

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

## **Zonta Club – Special Event Permit – Annual Mum Sale – September 12, 2026**

A motion was made by Councilman Digati, seconded by Councilman Garcia to approve the Zonta Club's request to use Town Commons for the 2026 Annual Mum Sale on September 12, 2026, from 8:00a.m-1:00p.m. The Town will provide folding tables as needed. An updated Certificate of Insurance will be provided prior to the Mum sale event.

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

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

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

#### **Veteran's Park Access Improvements – Change Order #2 – Job #: M-66-2021**

Town Engineer Robert Westfall reported that in response to the Town's request for a proposal for the installation of an additional 1,287 +/- LF of asphalt path along the western boundary of the Park's Athletic fields, L. J. Quigliano II, Inc. has provided a formal quotation to perform the work. The proposal includes all work to install the additional path per the plans developed by the Engineering Department.

**Monday, August 24, 2026 - 13**

## **Town of Grand Island – Regular Meeting #15**

The Town previously held the hearing to extend the Bonding Limit for the project that included this amount, so financing is in place. Mr. Westfall recommends the Town authorize Change Order #2 to the Veteran's park Access improvements project for the sum of \$75,000.00.

A motion was made by Councilman Garcia, seconded by Councilman Digati to accept the recommendation of the Town Engineer and approve Change Order #2 to the Veterans Park Access Improvements project for the sum of \$75,000.00.

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

### **Award Bid – HVAC Maintenance Contract**

Town Engineer Robert Westfall reported that he sent out a Request for Proposals for the HVAC Maintenance Work at various Town owned Buildings and received the following responses for year 1 of the two-year contract (9/1/2026 - 8/31/2028):

|                               |             |
|-------------------------------|-------------|
| JM Mechanical of WNY, LLC     | \$24,700.00 |
| Miano's Heating & Cooling LLC | \$25,867.68 |
| JW Danforth                   | \$33,729.00 |
| DV Brown and Assoc.           | \$41,992.00 |
| MJ Mechanical Services, Inc   | \$57,976.00 |

After careful review, Mr. Westfall recommends award to JM Mechanical of WNY, LLC in the amount of \$ 24,700.00 for year 1 of the contract.

A motion was made by Councilman Digati, seconded by Councilwoman Diehl to accept the recommendation of the Town Engineer and award the bid for the HVAC Maintenance Work at various Town owned Buildings to JM Mechanical of WNY, LLC in the amount of \$24,700.00 for year 1 of the contract.

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

### **Authorize Supervisor to Sign Contract – Street Lighting Maintenance and Emergency Service**

Town Engineer Robert Westfall reported that on August 18th , 2026 the Town received bids for the Street Lighting Maintenance and Emergency Service Contract. 3 responses were received. Two responses were no bid/not interested at this time. The third bid was provided by Power & Construction Group.

After careful review, Mr. Westfall recommends the Town Board authorize the Town Supervisor to sign a two-year contract (October 2026- September 2028) for the Street Lighting Maintenance and Emergency Service Contract with Power & Construction Group with Power & Construction Group's with pricing according to the Per Unit/Hour/Request/Sq Ft./Location/Monthly as indicated on Bid Price Form.

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to authorize the Supervisor to sign the Street Lighting Maintenance and Emergency Service Contract with Power & Construction Group with Power & Construction Group's with pricing according to the Per Unit/Hour/Request/Sq Ft./Location/Monthly as indicated on Bid Price Form.

**Monday, August 24, 2026 - 14**

## Town of Grand Island – Regular Meeting #15

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

### **Award Bids – Refuse and Garbage District No. 1, Garbage Collection and Disposal – Job #M-67-2026**

Town Engineer Robert Westfall reported that on August 12, 2026, bids were received for the Refuse and Garbage District No. 1, Garbage Collection and Disposal – Job #M-67-2026. Contract A serves approximately 7,740 dwelling units. Contract B is for the Town Facilities. Both contracts will be five (5) year contracts term with the option to renew.

The bids for year 1 were as follows:

|                          |                              | Contractor         | Modern      | Waste Management                                                 | Casella     |
|--------------------------|------------------------------|--------------------|-------------|------------------------------------------------------------------|-------------|
| Contract A - Residential | Item 1                       | Option 1.1/unit    | \$267.72    | \$317.40                                                         | \$411.40    |
|                          |                              | Option 1.2/unit    | No Bid      | No Bid                                                           | No Bid      |
|                          | Item 2                       | per Unit           | \$34.68     | \$55.32                                                          | \$60.00     |
|                          | Tires                        | Option 3.1         | No Bid      | No Bid                                                           | \$0.00      |
|                          |                              | Option 3.2         | \$3,000.00  | No Bid                                                           | No Bid      |
|                          | Extras                       | Extra Trash cart   | \$90.60     | \$120.00                                                         | \$180.00    |
|                          |                              | Extra Recycle Cart | \$90.60     | \$120.00 weekly<br>\$90.00 every other week                      | \$120.00    |
|                          |                              | Sticker Program    | Accept      | Accept                                                           | Reject      |
|                          | Contract B - Town Facilities | Yearly             | \$24,560.00 | \$0.00 if awarded Contract A<br>No Bid if not awarded Contract A | \$20,909.04 |

**Contract A to Modern Disposal Services** for residential collection including the following options (year 1 costs):

**Item 1** Weekly Garbage Pick-up & Bi-Weekly Recycling – **Option 1.1** for \$267.72/dwelling unit

**Item 2** Make Recycle Pick-Up Weekly – for \$34.68/dwelling unit notice

**Item 3** Host a Tire Event – **Option 3.2** for \$3,000

**Extras** – Additional Trash Cart from Modern at \$90.60/cart

Additional Recycle Cart from Modern at \$90.60/cart

Sticker Program - accepted

**Contract B to Casella Waste Management of NY** for the Town facilities collection and disposal in the amount of \$20,909.04 for year 1.

A motion was made by Supervisor Marston, seconded by Councilwoman Diehl to accept the recommendation of the Town Engineer and award the Refuse and Garbage District No. 1, Garbage Collection and Disposal – Job #M-67-2026 as follows:

**Contract A to Modern Disposal Services** for residential collection including the following options (year 1 costs):

**Accept – Item 1** Weekly Garbage Pick-up & Bi-Weekly Recycling – **Option 1.1** for \$267.72/dwelling unit

**Monday, August 24, 2026 - 15**

## Town of Grand Island – Regular Meeting #15

**Item 2** Make Recycle Pick-Up Weekly – for \$34.68/dwelling unit notice – To be Determined at a later date with six (6) months' notice to Modern

**Item 3** Host a Tire Event – **Option 3.2** for \$3,000 – To be Determined at a later date with three (3) months' notice to Modern

**Accept – Extras** – Additional Trash Cart from Modern at \$90.60/cart

Additional Recycle Cart from Modern at \$90.60/cart

Sticker Program - accepted

**Accept – Contract B to Casella Waste Management of NY** for the Town facilities collection and disposal in the amount of \$20,909.04 for year 1.

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

### **TOWN ACCOUNTANT – KORIN FRANTZ:**

#### **Budget Amendment/Transfer – Highway Vehicle to Police**

Town Accountant Korin Frantz reported to the Town Board that the Police Department will be purchasing a vehicle from the Highway Department. A Budget amendment/transfer is necessary.

A motion was made by Councilman Garcia, seconded by Councilman Kilmer to approve the following budget amendments/transfers for 2026:

Transfer:

|                                  |               |        |          |
|----------------------------------|---------------|--------|----------|
| Decrease Cash - General Fund     | 001.0001.0200 | Credit | \$20,000 |
| Increase Police Equipment        | 001.3120.0200 | Debit  | \$20,000 |
| Increase Cash-Highway Fund       | 002.0002.0200 | Debit  | \$20,000 |
| Decrease Sale of Equipment - HWY | 002.0002.2665 | Credit | \$20,000 |

Amend:

|                                   |               |          |
|-----------------------------------|---------------|----------|
| Increase: Equipment - Police      | 001.3100.0200 | \$20,000 |
| Increase: Fund Balance - General  | 001.0001.9999 | \$20,000 |
| Increase: Sale of Equipment - HWY | 002.0002.2665 | \$20,000 |
| Increase: Equipment- HWY          | 002.5130.0200 | \$20,000 |

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

#### **Budget Amendment – Donation to Grand Island Police Department**

Town Accountant Korin Frantz reported that Pinnacle Island, LLC. donated funds that were raised from a golf tournament to the Town for the benefit of the Police Department. A Budget amendment is necessary.

A motion was made by Councilman Garcia, seconded by Councilwoman Diehl to approve the following budget amendment for 2026:

|                        |               |                         |          |
|------------------------|---------------|-------------------------|----------|
| Increase Revenue a/c   | 001.0001.2709 | Donations               | \$ 2,000 |
| Increase Appropriation | 001.3120.0443 | Police – Dept. Supplies | \$ 2,000 |

**Monday, August 24, 2026 - 16**

## **Town of Grand Island – Regular Meeting #15**

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

### **CODE ENFORCEMENT OFFICE:**

#### **Special Use Permit Renewal – Casey Davis, 136 Riverdale Drive – Home Occupation – Bakery**

A motion was made by Councilwoman Diehl, seconded by Councilman Garcia to renew the Special Use Permit for Casey Davis, 136 Riverdale Drive – Home Occupation – Bakery. The site has been inspected, and it is unchanged.

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

### **Part-time Hire**

A motion was made by Councilwoman Diehl, seconded by Councilman Digati to appoint Gregory Butcher, Code Enforcement Officer, Part-time, \$26.90/hr., effective August 25, 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

### **SENIOR WATER TREATMENT PLANT OPERATOR – G. CODY CLARKE:**

#### **2025 Annual Water Quality Report**

The 2025 Annual Water Quality Report is available on the Town's website and available by contacting the Water Department.

No action by the Town Board.

### **TOWN ASSESSOR – JILL M. MURPHY:**

#### **Kamgrounds of America, Inc. – Request to Split Parcel – 410 Lang Boulevard, SBL # 23.00-3-6.11**

A motion was made by Councilman Digati, seconded by Councilwoman Diehl to approve the request of Kamgrounds of America, Inc. 410 Lang Boulevard, SBL # 23.00-3-6.11 – to split 14.421 acres to create 2 lots: 5.77 acre lot (rezoning to NBD approved 7/6/2026) and 8.65 acre lot retaining M-1 zoning, subject to the payment of the Recreation Fees and the filing of the necessary paperwork with the Erie County Clerk's Office.

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

### **COMMUNICATIONS – GENERAL:**

#### **American Cancer Society, Relay for Life – Date Approvals 2027**

A motion was made by Councilman Kilmer, seconded by Councilwoman Diehl to authorize the Relay for Life of Grand Island to use the Town parking lot on May 8, 2027, for the Paint the Town event, and May 8, 2027, for the Krispy Kreme Doughnut Sale, and use of Town Commons on June 5, 2027, for the Relay for Life event.

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

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

**Monday, August 24, 2026 - 17**

## Town of Grand Island – Regular Meeting #15

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

Vouchers #153465 - #153571

|              |                  |
|--------------|------------------|
| General      | \$ 145,780.48    |
| Highway      | \$ 76,203.76     |
| Sewer        | \$ 68,010.10     |
| Water        | \$ 28,383.96     |
| Capital Fund | \$ 923,021.67    |
| Lighting     | <u>\$ 171.50</u> |
| Total        | \$1,241,571.47   |

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:

Sherrie Kern, Jennifer Chin, Michael  
Smietana, Jim Daigler, Dan Oliveri

### **FROM THE BOARD:**

- PT Crossing Guard Opening
- Schools back in session September 3<sup>rd</sup>
- SEQR Process
- 2027 Budget challenges
- Water/Wastewater Plant Infrastructure Issues

### **ADJOURNMENT:**

A motion was made by Councilman Garcia, seconded by Councilman Digati to adjourn the meeting at 9:22p.m.

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

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

|               |               |
|---------------|---------------|
| Cheryl Zito   | Donald Hamman |
| Hubert Sharpe | Mary Weeks    |

Respectfully submitted,

Patricia Anderson Frentzel

**Monday, August 24, 2026 - 18**

# **Town of Grand Island – Regular Meeting #15**

Town Clerk

**Monday, August 24, 2026 - 19**