

## **Town of Grand Island – Regular Meeting #17**

A regular meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Rd., Grand Island, NY at 8:00p.m. on the 17<sup>th</sup> of September, 2018.

|          |                      |               |
|----------|----------------------|---------------|
| Present: | Nathan D. McMurray   | Supervisor    |
|          | Beverly A. Kinney    | Councilwoman  |
|          | Michael H. Madigan   | Councilman    |
|          | Jennifer L. Baney    | Councilwoman  |
|          | Peter Marston Jr.    | Councilman    |
|          | Patricia A. Frentzel | Town Clerk    |
|          | Peter C. Godfrey     | Town Attorney |

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.  
Pastor Calvin VanderMey from Bible Fellowship Center gave the Invocation.  
Councilman Peter Marston, Jr. 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: Keith Tripi, CJ Girard, Giorgio Panepinto, George Panepinto, RJ Wynne, Anthony Daubney, Don Scalise, Roger Trettel

### **MINUTES:**

A motion was made by Councilman Marston, seconded by Councilman Madigan to approve Minutes of Workshop Meeting #25, August 27, 2018, Minutes of Workshop Meeting #26, August 29, 2018, Minutes of Workshop Meeting #27, September 4, 2018 and Minutes of Regular Meeting #16, September 4, 2018.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **CONSENT AGENDA:**

1. Building Permits Issued – August 2018
2. Meeting Minutes – Planning Board – August 13, 2018
3. Meeting Minutes – Zoning Board of Appeals – August 2, 2018

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to approve the consent agenda as distributed.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **COMMUNICATIONS –TOWN BOARD:**

#### **SUPERVISOR NATHAN D. McMURRAY:**

#### **Project Consultant Award – Agriculture & Farmland Protection Plan**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to table the Project Consultant Award – Agriculture & Farmland Protection Plan.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

#### **CannonDesign Acquisition**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to refer the CannonDesign Acquisition to the Town Board for further review.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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### **COUNCILMAN MICHAEL H. MADIGAN:**

#### **Town of Grand Island Facebook Posting & Management**

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to turn off the Town's Facebook page until the Town has been presented with a recommended Facebook policy by the Technology Advisory Board, to which the matter is referred to.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

#### **TOWN ATTORNEY – PETER GODFREY:**

#### **Authorize Supervisor to Sign Contracts – Water/Wastewater Service – Beaver Island State Park**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to adopt the following resolution authorizing the Supervisor to sign the contracts for the Wastewater Service at Beaver Island State Park:

ADDENDUM NO. 36 STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION  
NIAGARA REGION – BEAVER ISLAND STATE PARK

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (Parks) desires to amend this contract to continue use of the sanitary sewage facilities as provided by the Town of Grand Island (Town), and

WHEREAS, the attached letter from the Town of Grand Island now becomes part of the original Agreement, and

NOW, THEREFORE, the parties hereto agree as follows:

In consideration of the undertaking of the Town of Grand Island to receive, treat and dispose of sewage from the Park, Parks will pay to the Town:

Per 1,000 Gallons of sewage received, treated and disposed of by said Town  
TEN and 40/100 DOLLARS (\$10.40)

The parties understand that the forgoing rate is benchmarked at two times the rate that is applicable for in-district users. This addendum is subject to the NYS Office of the State Comptrollers (OSC) approval and will be effective from April 1, 2018 through and including March 31, 2019. This addendum, shall be renewable, with any rate adjustment which may be mutually agreed, upon mutual agreement of both parties and any necessary OSC approval.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to adopt the following resolution authorizing the Supervisor to sign the contracts for the Water Service at Beaver Island State Park:

ADDENDUM NO. 35 STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION  
NIAGARA REGION – BEAVER ISLAND STATE PARK

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WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (Parks) desires to amend this agreement to continue use of the water supply facilities as provided by the Town of Grand Island (Town), and

WHEREAS, the attached letter from the Town of Grand Island now becomes part of the original Agreement, and

NOW, THEREFORE, the parties hereto agree as follows:

Parks agrees to pay the Town of Grand Island for water taken by Parks at the initial rates as follows:

Rate per Quarter  
Per 1,000 Gallons  
SIX and 00/100 DOLLARS (\$6.00)

The parties understand that the forgoing rate is benchmarked at two times the rate that is applicable for in-district users. This addendum is subject to the NYS Office of the State Comptrollers (OSC) approval and will be effective from April 1, 2018 through and including March 31, 2019. This addendum, shall be renewable, with any rate adjustment which may be mutually agreed, upon mutual agreement of both parties and any necessary OSC approval.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

#### **Award Bid – Liquid Sludge Hauling 2018**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to table the awarding of the bid for Liquid Sludge Hauling 2018.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

#### **Award Bid – Refuse and Garbage District No. 1 – Job No. M-67-2018**

Town Engineer Robert Westfall reported that on August 15, 2018, three bids were received for the above referenced project. Contract A anticipates approximately 7,280 units for a five (5) year contract term with the option to renew.

| <u>Contractor</u>        | <u>Amount of Bid – Year 1</u> |
|--------------------------|-------------------------------|
| Pinto Trucking           | \$1,439,984.00                |
| Republic Services        | \$1,448,428.80                |
| Modern Disposal Services | \$1,463,280.00                |

Contract B is for the collection of solid waste from various Town facilities. All bidders stated if awarded contract A there would be no charge for Contract B.

The Town Engineer has reviewed the bids and recommends award of Contract A & B to Pinto Trucking in the amount of \$1,439,984.00 for residential collection and disposal and for the Town facilities collection and disposal subject to the satisfaction of all contractual requirements and approval of the Town Attorney.

A motion was made by Councilwoman Baney, seconded by Councilman Marston to accept the recommendation of the Town Engineer and award the bid of Contract A & B to Pinto Trucking in the amount of \$1,439,984.00 for residential collection and disposal and for the Town facilities collection and disposal subject to the satisfaction of all contractual requirements and approval of the Town Attorney.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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## **RECREATION SUPERVISOR – JOSEPH MENTER:**

### **Status Changes**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve the status changes of the following Recreation Attendants from Seasonal to Part-time, effective September 18, 2018 at their current rates of pay:

Justin Chadima

Michael Loss

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

## **PLANNING BOARD:**

### **Special Use Permit – Melissa & Walter Yanicki, 2332 Stony Point Rd.**

The Town Board was informed that the Special Use Permit application for Melissa & Walter Yanicki, 2332 Stony Point Rd. has been withdrawn. No Town Board action is necessary.

### **New York State Agriculture & Markets Law Training**

The Planning Board requested that they would be interested in training on the New York State Agriculture & Markets Law as part of their continuing education. No Town Board action is necessary.

### **Grand Island Physical Therapy, 1801 Grand Island Blvd. – Site Plan Approval – Building Addition**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board and approve the Site Plan for Grand Island Physical Therapy, 1801 Grand Island Blvd., subject to the elevation submitted at the meeting and changing the driveway from 22' to 24'.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **Scenic Woods Subdivision – Phase 1 – Final Plat Re-Approval/Re-Subdivision – Sublots 2 & 3**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to accept the recommendation of the Planning Board and grant Final Plat re-approval for the subdivision of Sublots 2 and 3, Scenic Woods Subdivision – Phase 1, as shown on the drawings.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

## **COMMUNICATIONS – GENERAL:**

### **Long Range Planning Committee – Comprehensive Plan Adoption**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to make the amendments noted by Town Board, and adopt the Comprehensive Plan Resolution as follows:

WHEREAS, the Town Council of the Town of Grand Island (the “Council”) is responsible for the preparation and adoption of the Town of Grand Island Comprehensive Plan (the “Plan”), pursuant to Section 272-a of the New York State Town Law; and

WHEREAS, the Plan was funded by Erie County through the Community Development Block Grant program; and

WHEREAS, the Long-Range Planning Committee (the “Committee”), made up of volunteers including Town residents, elected officials, local Board members, and other

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representative stakeholders, was created and charged with the update to the Plan together with the planning consultant, Clark Patterson Lee; and

WHEREAS, numerous committee meetings, public meetings and workshops, and other avenues for community outreach were held through the duration of the project to receive public input on the update to the Plan; and

WHEREAS, the Committee and the planning consultant undertook a comprehensive study of the historic and existing conditions in the Town; identified issues and opportunities; analyzed numerous topics and potential options; and developed goals, objectives, policy recommendations and implementation strategies which resulted in the Comprehensive Plan Update, titled *Bridging the Gap*; and

WHEREAS, the Council was provided with the final draft of the Plan for review and consideration of adoption pending a public hearing; and

WHEREAS, the Plan was referred to Erie County Department of Planning under Section 239m of the General Municipal Law; and

WHEREAS, Erie County Department of Planning reviewed the Plan, determining the Plan was a matter of local concern and provided “No Recommendation;” and

WHEREAS, Pursuant to Section 272-a.6 of Town Law of the State of New York, the Council did hold a public hearing on May 22, 2018 at Town Hall to provide an opportunity for citizen comment prior to final adoption; and

WHEREAS, the Council, as the designated Lead Agency, conducted an environmental review under the State Environmental Quality Review Act and issued a Negative Declaration on July 16, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Grand Island does hereby adopt and place on file the update to the Comprehensive Plan dated July 16, 2018, as an important planning tool for the future of the community which identifies a wide range of issues, initiatives, studies, projects and programs which can be undertaken by various entities in the short- and long-term.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to pay Vouchers #125316 – 125412

|         |                     |
|---------|---------------------|
| General | \$ 38,910.66        |
| Highway | \$ 999.97           |
| Sewer   | \$ 33,962.37        |
| Water   | \$ 32,437.66        |
| Capital | \$ 37,494.14        |
| Garbage | <u>\$121,232.96</u> |
| Total   | \$265,037.76        |

APPROVED Ayes 4 Kinney, Madigan, Baney, McMurray  
Noes 0  
Abstain 1 Marston

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## **UNFINISHED BUSINESS:**

**Local Law Intro #7 of 2018 – Mining/Excavation Overlay – 2626 & 2640 Staley Road**  
Remains Tabled.

## **PUBLIC COMMENTS:**

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

Speakers: Lee Cohen

## **FROM THE BOARD:**

- **Community Center at Nike Base**
- **Taste of Grand Island – Saturday 9-22-18 – Noon to 8pm**
- **Master Plan Adoption**

## **ADJOURNMENT:**

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adjourn the meeting at 9:15p.m.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

|                          |                     |
|--------------------------|---------------------|
| Patricia Anne Fitzgerald | Michael E. Freer    |
| Adela Marie Huff         | Jan Wilde           |
| Clarice Samland          | Daniel “Dutch” Cole |

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk