

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 6th of September 2022.

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

Supervisor John C. Whitney called the meeting to order at 8:00p.m.
Reverend Kevin Backus from Bible Presbyterian Church gave the Invocation.
Councilman Christin J. Bahleda led the Pledge of Allegiance.

The Meeting was conducted 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: None

MINUTES:

A motion was made by Councilman Marston, seconded by Councilman Madigan to approve Workshop Meeting #20, August 15, 2022, and Minutes of Regular Meeting #14, August 15, 2022.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

CONSENT AGENDA:

1. Meeting Minutes – Board of Architectural Review – July 19, 2022
2. Meeting Minutes – Technology Advisory Board – June 16, 2022 & July 21, 2022
3. Alvin M. Greene, Attorney at Law – Spectrum Fee

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

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR JOHN C. WHITNEY:

Town of Grand Island Comprehensive Plan Review Board – Review of PDD Legislation

A motion was made by Councilman Marston, seconded by Councilman Digati to refer the Town of Grand Island Comprehensive Plan Review Board – Review of PDD Legislation to the Planning Board for review and recommendation.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

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COUNCILMAN MICHAEL H. MADIGAN:

Staley Road Residents Safety Concerns

A motion was made by Councilman Madigan, seconded by Councilman Marston to refer the Staley Road Residents Safety Concerns to the Traffic Safety Advisory Board.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

COUNCILMAN – THOMAS A. DIGATI:

Town Commons Project

A motion was made by Councilman Digati, seconded by Councilman Marston to authorize the Supervisor to sign an agreement with Barton & Loguidice for the Town Commons Project in the amount of \$54,400.00 which covers the development of a master plan and partial design of the restoration of the creek and the addition of ADA accessible pathways.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN CLERK – PATRICIA ANDERSON FRENTZEL:

Town Code – Animals – Article I – Dog Control

A motion was made by Councilman Madigan, seconded by Councilman Marston refer the proposed changes to the Town Code regarding Animals – Dog Control to the Town Attorney for review and drafting of a Local Law.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

Dog Sheltering Lease Agreement

A motion was made by Councilman Digati, seconded by Councilman Bahleda to table Dog Sheltering Lease Agreement.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

TOWN ATTORNEY – PETER GODFREY:

Rivertown Center, SBL #37.03-1-21.11, 37.03-1-61, 37.03-1-13.111 – Grand Island Boulevard and Baseline Road

A. Resolution Authorizing the Town Supervisor to Execute Rivertown Option Agreement

B. Correspondence – Phillips Lytle LLP

A motion was made by Councilman Digati, seconded by Councilman Marston to adopt the following resolution authorizing the Town Supervisor to Execute Rivertown Option Agreement:

WHEREAS, Legacy Development and Rivertown Center Holdings, LLC (collectively, the “Applicants”) seek to construct and operate a mixed-use development, known as Rivertown Center (“Project”), consisting of multifamily residential, single family residential, commercial, and community open space uses, on an approximately 25.88 acre area of land between Grand Island Boulevard and Baseline Road, immediately north of Webb Road (“Site”); and

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WHEREAS, in order to facilitate the Project, the Applicants submitted an application for rezoning of the Site to Planned Development District (“Application”); and

WHEREAS, the Town Board issued a Negative Declaration under the State Environmental Quality Review Act (“SEQRA”) for the Project; and

WHEREAS, the Town Board conditionally approved the rezoning of the Site to a PDD zoning district and conditionally approved the Project concept plan; and

WHEREAS, pursuant to Town Code §§ 407-20, 407-120(C)(2) and in partial satisfaction of the rezoning conditions and the Project concept plan approval conditions, the Applicants propose an Option Agreement, as described in Schedule B of Local Law No. 1 of 2022.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

Section 1. The Option Agreement is hereby approved, and the Town Supervisor is authorized and directed to execute the same.

Section 2. This Resolution is effective immediately.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
Noes 0

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

Award Bid – HVAC Maintenance Contract

Town Engineer Robert Westfall reported that Request for Proposals for the HVAC Maintenance Work at various Town owned Buildings were sent, and he received the following responses for a two-year contract (9/8/2022 – 8/31/2024):

JW Danforth Co.	\$19,757.00
716 Mechanical	\$25,750.00
DV Brown and Assoc.	\$36,547.00

After careful review of the proposals, Mr. Westfall recommends award to JW Danforth Co. in the amount of \$ 19,757.00.

A motion was made by Councilman Digati, seconded by Councilman Madigan to accept the recommendation of the Town Engineer, and award the bid for the HVAC Maintenance Work at various Town owned Buildings for a two-year contract (9/8/2022 – 8/31/2024) to JW Danforth Co. in the amount of \$19,757.00.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
Noes 0

Resignation – Wastewater Department – Chief Operator

A motion was made by Councilman Marston, seconded by Councilman Digati to accept the resignation of Ian L. James as Chief Operator in the Wastewater Department for 14 years, effective August 26, 2022, with regret. A certificate of appreciation will be sent to Mr. James.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
Noes 0

Employee Change of Work Classification – Water Department

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A motion was made by Councilman Marston, seconded by Councilman Madigan to promote Anthony Leone to the position of Maintenance Worker in the Water Department, effective September 12, 2022, at the rate of \$25.31/hr. as per the AFSME Contract. There is no intent to backfill the Laborer position at this time.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

Authorize Supervisor to Sign Professional Services Agreement – Baseline Road Waterline Replacement – Job # M-205-2020

A motion was made by Councilman Digati, seconded by Councilman Marston to authorize the Supervisor to sign the Professional Services Agreement for Baseline Road Waterline Replacement – Job # M-205-2020 with Wendel in the amount of \$468,300.00. The Bonding authorization for the project is already in place.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

Award Contract – Wastewater Treatment Plant Thickener Replacement – Job # M-238

Town Engineer Robert Westfall reported that on August 31, 2022, bids were received for the Wastewater Treatment Plant Thickener Replacement project.

<u>Contractor</u>	<u>Bid</u>
STC Construction, Inc.	\$ 790,800.00
Quackenbush Co. Inc.	\$ 873,900.00
Danforth	\$1,082,700.00

After careful review, Mr. Westfall reported that the Town's consultant, Wendel has reviewed the bids and recommends award to STC Construction, Inc. Contracting in the amount of \$790,800.00.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Town Engineer and Town Consultant, and award the bid for the Wastewater Treatment Plant Thickener Replacement – Job # M-238 to STC Construction, Inc. Contracting in the amount of \$790,800.00.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

Award Contract – Baseline Road Waterline Reconstruction – Job # M-205-2020

Town Engineer reported that on August 31, 2022, bids were received for the Baseline Road Waterline Reconstruction project.

<u>Contractor</u>	<u>Bid</u>
Milherst Construction, Inc.	\$4,843,700.00
LDC Construction	\$4,899,615.00
Kandey Co, Inc.	\$5,585,585.00

After careful review, Mr. Westfall reported that the Town's consultant, Wendel has reviewed the bids and recommends award to Milherst Construction, Inc. in the amount of \$4,843,700.00.

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A motion was made by Councilman Madigan, seconded by Councilman Digati to accept the recommendation of the Town Engineer and Town Consultant, and award the bid for Baseline Road Waterline Reconstruction – Job # M-205-2020 to Milherst Construction, Inc. in the amount of \$4,843,700.00

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

Award Bid – Town Hall HVAC, 2nd Floor Modifications – Job # M-69-2019

Town Engineer Robert Westfall reported that he received the following quotes to add supply diffusers & returns and all necessary ductwork to the upper level of Town Hall:

<u>Contractor</u>	<u>Bid</u>
DVBrown & Associates	\$6,439.00
H&V Equipment Sales	\$8,969.00
Danforth	\$8,971.00

After careful review, Mr. Westfall reported that the Town's consultant, Wendel has reviewed the bids and recommends award to DVBrown & Associates in the amount of \$6,439.00.

A motion was made by Councilman Madigan, seconded by Councilman Digati to accept the recommendation of the Town Engineer and award the bid for Town Hall HVAC, 2nd Floor Modifications – Job # M-69-2019 to DVBrown & Associates in the amount of \$6,439.00.

APPROVED Ayes 4 Madigan, Marston, Digati, Whitney
 Noes 1 Bahleda

Water Treatment Plant Upgrades – WIIA Grant Authorizing Resolution – Job # M-205-2021

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt the following resolution for the Water Treatment Plant Upgrades – WIIA Grant Authorizing Resolution – Job # M-205-2021:

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 the NYS Water Infrastructure Improvement Act (WIIA) and associated Drinking Water Grant Program application and attachments, to address the repair and maintenance of the Grand Island Water Treatment Plant Filtration & Various Plant Upgrades 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 NYS Environmental Facilities Corporation (EFC) authorizes State assistance to municipalities for drinking 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 under this law to enter into a contract therewith.

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

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1. Supervisor John Whitney, 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 New York State Environmental Facilities Corporation (EFC) and/or any applicable State grant provisions.
2. The Supervisor, or his representative, is also authorized to make an application in the amount of \$8,717,000 of which the Town is requesting \$5,000,000 (approximately 57% of the total project cost) in grant funding.
3. The Town of Grand Island Town Board agrees to fund its portion of and balance of the cost of the Project, at a cost of *no less than* 40% of the total project cost (\$3,717,000) by way of a General Obligation Bond or a series of Bond Anticipation Notes.
4. The Grand Island Town Board has authorized and passed a bond resolution in 2018 based on 2018 Project costs, and the Town Board will amend the existing bond resolution to make the appropriate amount of funds available to initiate the Project efforts within 12 months of written approval of its application by the NYS Department of Health and the New York State Environmental Facilities Corporation authority.
5. The one certified copy of this Resolution be prepared and submitted with the electronic WIIA grant application to the NYS Environmental Facilities Corporation; and
6. This Resolution takes effect immediately.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

NYSDOT Baseline Road Handicapped Accessible Sidewalk Project – PIN 5763.46

Comptrollers Contract #D036485 – Job # M-229, Authorize Change Order #1

Town Engineer Robert Westfall reported that Change Order No. 1 for the NYSDOT Baseline Road Handicapped Accessible Sidewalk Project – PIN 5763.46 Comptrollers Contract #D036485 – Job # M-229 project consists of additional drainage work necessary to complete the project.

Field change no. 1 is \$1,625.00 to adjust the frame and grate on the existing manhole at Sta 14+36 to improve pedestrian safety throughout this area.

Field change no. 2 is \$1,500.00 to adjust the frame and grate on the existing manhole at Sta 15+22 improve vehicular and pedestrian safety at this parking lot entrance

Field change no. 3 is \$1,850.00 to extend driveway pipe at Sta. 8+75 approximately 10' to the south and install an 18" drain with a frame and grate to improve pedestrian safety along the ditch.

Field change no. 4 is \$1,500.00 to install two 12" drains and connected by 4" pipe and tied into existing drain at Sta. 10+89 to improve a drainage situation that was created by the new sidewalk.

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NYSDOT Baseline Road Handicapped Accessible Sidewalk Project – PIN 5763.46

Comptrollers Contract #D036485 – Job # M-229, Authorize Change Order #1

Mr. Westfall recommends that Change Order No. 1 be approved with an increase of \$6,475.00 to Millennium Construction's awarded contract amount.

A motion was made by Councilman Marston, seconded by Councilman Digati to accept the recommendation of the Town Engineer and approve Change Order No. 1 for the NYSDOT Baseline Road Handicapped Accessible Sidewalk Project – PIN 5763.46 Comptrollers Contract #D036485 – Job # M-229 in the amount of \$6475.00.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – 2488 Grand Island LLC, 2488 Grand Island Boulevard – Dog Boarding/Kennels

A motion was made by Councilman Digati, seconded by Councilman Marston to renew the Special Use Permit – 2488 Grand Island LLC, 2488 Grand Island Boulevard – Dog Boarding/Kennels. The site has been inspected and the owner indicated it had no changes. The Town Board reviewed the inspection notes from Code Enforcement and the site has changes that need follow up before renewing. The renewal will be reviewed at a future meeting of the Town Board.

NOT APPROVED Ayes 2 Madigan, Marston
 Noes 3 Digati, Bahleda, Whitney

Special Use Permit Renewal – National Fuel Gas Supply Corp., 1589 Stony Point Road – Natural Gas Regulator-Metering Station

A motion was made by Councilman Marston, seconded by Councilman Madigan to renew the Special Use Permit – National Fuel Gas Supply Corp., 1589 Stony Point Road – Natural Gas Regulator-Metering Station. The site has been inspected and it is unchanged.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

Special Use Permit Renewal – WNY Towing by Marty's, Inc., 1733 Baseline Road – Motor Vehicle Repair Shop

A motion was made by Councilman Marston, seconded by Councilman Madigan to renew the Special Use Permit – WNY Towing by Marty's, Inc., 1733 Baseline Road – Motor Vehicle Repair Shop. The site has been inspected and it is unchanged.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

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REPORT OF THE AUDIT COMMITTEE:

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

Vouchers #139203 - #139361

General	\$224,887.46
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Highway	\$100,883.26
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Sewer	\$ 45,688.91
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Water	\$ 67,501.19
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Garbage	<u>\$136,733.62</u>
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Total	\$575,694.44
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APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney

Noes 0

UNFINISHED BUSINESS:

Preliminary Plat – 859-891 East River Road Minor Subdivision – 4 Lots – Subdivision 118

A. Correspondence – Planning Board

B. Correspondence – Engineering Department

Remains Tabled.

Taco Bell, 1754 Grand Island Boulevard – Site Plan Approval

Remains Tabled.

PUBLIC COMMENTS:

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

Speakers:

None

SUSPEND THE RULES:

Town Board Meeting Time Change – September 19, 2022

A motion was made by Councilman Marston, seconded by Councilman Digati to Suspend the Rules to consider changes to the Town Board Meeting scheduled for Monday, September 19, 2022.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney

Noes 0

A motion was made by Councilman Madigan, seconded by Councilman Digati to cancel the Regular Workshop on Monday, September 19, 2022, and move the start time of the Regular Meeting from 8:00p.m. to 6:00p.m. The Public Hearing scheduled for the Special Use Permit Application – NYSOLAR LLC, SBL #:36.00-1-28 – Emery Farm, 2595 Whitehaven Road – Solar Energy Farm will be republished to note the 6:00p.m. start time.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney

Noes 0

Road Closure – September 10, 2022 – St. Stephens School Welcome Back 5K Race

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A motion was made by Councilman Marston, seconded by Councilman Madigan to Suspend the Rules to consider a Road Closure – September 10, 2022 – St. Stephens School Welcome Back 5K Race.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve road closures on September 10, 2022, for St. Stephens School – Welcome Back 5K Race except to local traffic and grant full access to businesses along route. Coordination to be done with Highway Superintendent and Grand Island Police Department.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

FROM THE BOARD:

- **Go Bills!**
- **School's Open – Be Careful Driving & Obey Red Lights on Busses**

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

Mark Stone	Donald Nizialek
Johann Samland	Charles Pembleton
Betty Pachter	Patrick Leach
Maureen O'Donnell	Peter Beyer, Sr.
Kathleen Shanor	Richard Smith

EXECUTIVE SESSION:

A motion was made by Councilman Madigan, seconded by Councilman Digati to enter into Executive Session at 8:52p.m. for the purpose of discussing matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person(s) employed or appointed by the Town and to obtain legal advice from the Town Attorney.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

ADJOURNMENT:

A motion was made by Councilman Marston, seconded by Councilman Madigan to adjourn the meeting at 9:29p.m.

APPROVED Ayes 5 Madigan, Marston, Digati, Bahleda, Whitney
 Noes 0

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

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