

Town of Grand Island – Regular Meeting #16

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 8th of September, 2020.

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

Supervisor John C. Whitney called the meeting to order at 8:00p.m.

Councilwoman Jennifer L. Baney gave the Invocation.

Councilman Michael H. Madigan 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

PROCLAMATIONS:

Dismantling Racial Injustice

American Legion Post #1346 – Patriot Day Poppy Drive

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 – BayWa R.E., 2356 Whitehaven Road – Solar Array Project

A Public Hearing was held on Tuesday, September 8, 2020 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on a Special Use Permit Application – BayWa R.E., 2356 Whitehaven Road – Solar Array Project.

Speakers: James Daigler
*Via ZOOM – JR Tripi, Nicole Gerber, Andrea Mondich

Supervisor John Whitney declared the Public Hearing closed. No further action was taken by the Town Board at this time.

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MINUTES

A motion was made by Councilwoman Baney, seconded by Councilman Marston to approve Minutes of Workshop Meeting #33, August 17, 2020, Minutes of Regular Meeting #15, August 17, 2020, Minutes of Workshop Meeting #34, August 19, 2020 and Minutes of Workshop Meeting #35, September 1, 2020.

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

CONSENT AGENDA:

1. Building Permits Issued – July 2020 & August 2020
2. Meeting Minutes – Board of Architectural Review – July 21, 2020
3. Meeting Minutes – Traffic Safety Advisory Board – July 14, 2020
4. Meeting Minutes – Parks & Recreation Advisory Board – June 22, 2020
5. Meeting Minutes – Conservation Advisory Board – July 23, 2020
6. Golden Age Center – Facility Usage – August 2020

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

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

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR JOHN C. WHITNEY:

Authorize Supervisor to Sign Intermunicipal Agreement – CARES Act Local Government Distribution

A motion was made by Councilman Marston, seconded by Councilman Madigan to authorize the Supervisor to sign the Intermunicipal Agreement – CARES Act Local Government Distribution with the County of Erie.

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

Agricultural District Annual Enrollment Period

The Supervisor read the Public Notice for the 30-day period for inclusion of predominantly viable agricultural lands into existing agricultural districts. The notice will be posted in Town Hall and on the Town's website.

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

New Hires – Water Department

A motion was made by Councilman Digati, seconded by Councilman Marston to hire Christopher McDonnell as Full-time Laborer, \$18.42/hr. Start, and Anthony Leone as Full-time Caretaker, \$17.15/hr., Start, in the Water Department, both effective September 9, 2020, subject to the completion of the necessary pre-employment paperwork.

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

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New Hires – Wastewater Department

A motion was made by Councilman Digati, seconded by Councilman Marston to hire David Klock and Jason Zippier as Full-time Laborers, \$18.42/hr. Start, effective September 9, 2020, subject to the completion of the necessary pre-employment paperwork.

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

Monthly Supervisor’s Report – May 2020

The Supervisor reported Cash Balance-Operating A/C of \$1,519,624 on May 1, 2020
Total Receipts of \$874,471
Total Disbursements of \$1,523,193
Operating A/C Interest \$110
Operating A/C Balance \$871,011
Investment Interest \$3,787
Investment Balance \$17,644,056
Total Cash Balance as of May 31, 2020 \$18,515,067
No action by the Town Board.

Monthly Supervisor’s Report – June 2020

The Supervisor reported Cash Balance-Operating A/C of \$ 871,011 on June 1, 2020
Total Receipts of \$3,415,075
Total Disbursements of \$1,385,802
Operating A/C Interest \$129
Operating A/C Balance \$2,900,414
Investment Interest \$2,682
Investment Balance \$15,095,871
Total Cash Balance as of June 30, 2020 \$17,996,284
No action by the Town Board.

Monthly Supervisor’s Report – July 2020

The Supervisor reported Cash Balance-Operating A/C of \$2,900,414 on July 1, 2020
Total Receipts of \$1,975,289
Total Disbursements of \$1,922,582
Operating A/C Interest \$127
Operating A/C Balance \$2,953,248
Investment Interest \$1,921
Investment Balance \$14,411,281
Total Cash Balance as of July 31, 2020 \$17,364,528
No action by the Town Board.

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COUNCILMAN MICHAEL H. MADIGAN:

Create Town of Grand Island Agricultural Advisory Board

A motion was made by Councilman Madigan, seconded by Councilman Marston to table the creation of a Town of Grand Island Agricultural Advisory Board.

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

COUNCILWOMAN JENNIFER L. BANEY:

Traffic Safety Advisory Board – Intersection of Windham Lane and Windham Court

A motion was made by Councilwoman Baney, seconded by Councilman Digati to table the correspondence from the Traffic Safety Advisory Board regarding the intersection of Windham Lane and Windham Court.

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

COUNCILMAN – THOMAS A. DIGATI:

Parks Employee Rate Adjustment

A motion was made by Councilman Digati, seconded by Councilwoman Baney to extend the appointment of Tom Cecere as Seasonal Crew Chief to include August 8 through September 4, 2020 and direct the payroll department to issue back payment to Mr. Cecere for the difference between the applicable pay rates for that time.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN CLERK – PATRICIA ANDERSON FRENTZEL:

Regulation on Reporting for Elected or Appointed Officials

A motion was made by Councilman Marston, seconded by Councilwoman Baney to adopt the amended resolution in accordance with the new NYS requirements on the Regulations on Reporting for Elected or Appointed Officials, the Standard Workday and Reporting Resolution for Elected and Appointed Officials. The resolution will then be posted on the Town's website for a minimum of thirty days in accordance with the regulations. A certified copy of the resolution and an affidavit of posting shall be filed by the clerk of the governing board with the Office of the State Comptroller within 45 days of the adoption of the resolution.

APPROVED Ayes 3 Baney, Marston, Whitney
 Noes 0
 Abstain 2 Madigan, Digati

HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:

Retirement and Position Upgrades

Highway Superintendent Richard Crawford informed the Town Board that effective September 1, 2020 Dan Mathes will move from Laborer to Mechanic, per the Union Contract at \$25.38/hr. Effective September 1, 2020 Thomas Kalman will move from Caretaker to Laborer, per the Union Contract at \$18.42/hr. Effective September 1, 2020 Dakota Bower will move from temporary Caretaker to Full-time Caretaker, per the Union Contract at \$17.15/hr.

No Town Board action is necessary.

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TOWN ATTORNEY – PETER GODFREY:

Authorize Supervisor to Sign (MOA) Memorandum of Agreement with Teamsters

A motion was made by Councilman Digati, seconded by Councilman Marston to refer the Memorandum of Agreement (MOA) with Teamsters to the Town Board.

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

Authorize Supervisor to Sign Agreement – New York State Thruway Authority – Sewer Services at Welcome Center

A motion was made by Councilman Digati, seconded by Councilwoman Baney to authorize the Supervisor to sign the agreement with New York State Thruway Authority for Sewer Services at the Welcome Center subject to the approval of the Town Attorney and modifications necessary as to form.

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

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

Niagara Falls Water Board – Cooperative Bid for Water/Wastewater Chemicals

The Town of Grand Island has previously participated in the Niagara Falls Water Board Cooperative Bid for Water/Wastewater Chemicals. By doing so, the Town can take advantage of the large quantity pricing the Water Board receives. The current cooperative bid expires on December 31, 2020. The Niagara Falls Water Board anticipates awarding the new bid in early November 2020.

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to authorize the Town Engineer to allow the Niagara Falls Water Board to bid and award the bid for Water/Wastewater Chemical on the Town's behalf.

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

Award Bid – HVAC Maintenance Contract

Town Engineer Robert Westfall informed the Town Board that a Request for Proposals for the HVAC Maintenance Work at various Town owned Buildings was sent out and have received the following responses for a two-year contract (9/8/2020 – 9/7/2022):

716 Mechanical	\$25,000.00
DV Brown and Assoc.	\$25,916.00
John W. Danforth Co.	\$31,460.00
Mollenberg – Betz, Inc.	\$35,792.00
O'Conner Mechanical	\$39,710.00

After careful review, Mr. Westfall has reviewed the proposals and recommends award to 716 Mechanical, LLC in the amount of \$ 25,000.00.

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A motion was made by Councilman Madigan, seconded by Councilman Digati to accept the recommendation of the Town Engineer and award the bid for the Town Hall HVAC Maintenance Contract to 716 Mechanical, LLC in the amount of \$25,000.

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

Authorize Supervisor to Sign Professional Services Agreement – Town Hall HVAC Upgrades – Asbestos Abatement – Job # M-69-2019

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to authorize the Supervisor to sign the Professional Services Agreement with American DND, Inc. for the mechanical room asbestos survey, asbestos abatement specs & bidding assistance, and construction management and project monitoring (Tasks 1-3) in the amount of \$62,000.

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

Authorize Supervisor to Sign Municipal Lease Agreement – Performance Contract Financing Resolution – LED Streetlight Conversion Project – Job # M-120-2019

A motion was made by Councilman Digati, seconded by Councilman Madigan to adopt the following resolution, and authorize the Supervisor to sign the Municipal Lease Agreement upon review and approval of the Town Attorney:

WHEREAS, the Town Board is interested in upgrading public street lighting infrastructure to improve energy efficiency and lighting quality, and reduce current energy, operational and maintenance costs, and

WHEREAS, in accordance with Article 9 of the New York State Energy Law, the Town has the opportunity to implement an energy and operational savings project by means of an Energy Performance Contract, and

WHEREAS, the Town Supervisor, Town Board, Engineering, and Accounting, reviewed the opportunity to reduce street lighting utility costs and discussed the opportunity of receiving Energy Performance Contract proposals from qualified companies to improve street lighting infrastructure to reduce associated energy and maintenance costs, and

WHEREAS, on April 18, 2019, the Town issued a Request For Proposals for an Energy Performance Contract, and

WHEREAS, the Town Clerk received Energy Performance Contract proposals on May 10, 2019 reviewed the proposals, and selected Wendel Energy Services, LLC, and

WHEREAS, as a part of the Energy Performance Contract process, the Town executed a Project Development Agreement on November 14, 2019, authorizing Wendel to provide study, GIS, and design services, and

WHEREAS, the results of the Project Development phase indicate that the Town will benefit from purchasing street lighting infrastructure from National Grid (Niagara Mohawk Corporation), and then implementing an energy performance contract to

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upgrade street lighting facilities to energy efficient light emitting diode (LED) and smart controls technology, and

WHEREAS, the Town has received a streetlight facilities sales proposal, dated March 13, 2018, from National Grid, and

THEREFORE, BE IT RESOLVED, that the Supervisor, or his designee, contingent upon form and terms of agreement having been reviewed and approved by Town Counsel, is hereby authorized,

1st. To execute a street lighting facilities, purchase and sale agreement, and a pole attachment agreement, with National Grid for a cost of \$1,149,769,

2nd. To execute associated agreements as required, to implement an energy performance contract with Wendel Energy Services, LLC, 375 Essjay Road, Williamsville, New York, and the New York Power Authority, for the provision of LED street lighting upgrades at a total cost of \$1,242,659, that will result in guaranteed energy savings and operational savings that when combined over the expected life of the improvements will equal or exceed the total cost of the improvements.

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

Award Bid – Veteran’s Park Picnic Shelter #2 – Job # M-66-19.2

Town Engineer Robert Westfall reported that bids were opened on September 2, 2020 in the Engineering Office for the construction of the Veteran’s Park Picnic Shelter #2 (M 66-19.2) with the following results:

Kodiak Construction	no bid
Toth Construction	\$ 33,842.00
Pinto Construction	\$ 92,172.00

After careful review Mr. Westfall is hereby requesting the construction of the Veteran’s Park Picnic Shelter #2 be awarded to Toth Construction, LLC in the amount of \$33,842.00.

A motion was made by Councilman Marston, seconded by Councilman Digati

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

Award Bid – Town Hall Gazebo – Job # M-69-19

Town Engineer Robert Westfall reported that bids were opened on September 2, 2020 in the Engineering Office for the construction of the Town Hall Gazebo Structure (M 66-19.2) with the following results:

Kodiak Construction	no bid
Toth Construction	\$ 34,000.00
Pinto Construction	\$ 86,388.00

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A motion was made by Councilman Digati, seconded by Councilwoman Baney to table the award of the bid for Town Hall Gazebo Job #M-69-19.

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

Authorize Supervisor to Execute Agreement – Grand Island Lift Station 8 Forcemain Replacement – Project No. C9-6664-07-00 – WIIA Grant

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to adopt the following resolution, subject to the approval of the Town Attorney:

WHEREAS, the Town of Grand Island, after thorough consideration of the various aspects of the problem and review of available data, has hereby determined that certain work, as described in its NYS Clean Water Infrastructure Grant Program application and attachments, authorized by the Town Board for submission on September 3, 2019, to address the repair and maintenance of the Grand Island Lift Station 8 Forcemain Replacement Project, 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 clean 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 there with

WHEREAS, on April 16, 2018, the Town of Grand held a public hearing and passed a resolution stating that the costs of the Project would be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$3,100,000, offset by any federal, state, county and/or local funds received.

WHEREAS, on June 17th, 2019, the Town of Grand Island awarded a contract to Milherst Construction, Inc in the amount of \$2,703,075.00 for the construction of the Project, and

WHEREAS, on January 6, 2020, the Town of Grand Island Town Board authorized the Town Supervisor to sign the acknowledgement and acceptance letter, on behalf of the Town of Grand Island, from the Environmental Facilities Corporation announcing the award of a NYS Water Infrastructure Improvement Act (WIIA) grant in the amount of \$675,769 for the Project, and

NOW, THEREFORE BE IT RESOLVED, by the Grand Island Town Board that the Town Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents, and instruments necessary to bring about the project and to fulfill the Town of Grand Island’s obligations under the Grant Agreement.

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

GOLDEN AGE CENTER – JENNIFER R. MENTER: New Hire

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A motion was made by Councilman Marston, seconded by Councilwoman Baney to hire Jennifer Gula, Full-time Recreation Attendant, CSEA, Grade 3, Step A, \$17.42/hr., effective September 9, 2020, subject to the completion of the necessary pre-employment paperwork.

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

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – Sandy Beach Yacht Club, 1851 Winter Road – Parking Lot

A motion was made by Councilman Madigan, seconded by Councilman Digati to renew the Special Use Permit for the Sandy Beach Yacht Club, 1851 Winter Road for a parking lot. The site has been inspected and it is unchanged.

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

COMMUNICATIONS – GENERAL:

Retirement – Highway Department

A motion was made by Councilman Marston, seconded by Councilwoman Baney to accept the resignation of David Amato from the Highway Department, effective August 31, 2020 with regret. A certificate of appreciation will be sent to Mr. Amato.

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

Grand Island Fire Company – Length of Service Awards Programs “LOSAP” Additional COVID Points

The Grand Island Fire Company reported that as a result of the incredible risk taken by the volunteer firefighters during the COVID-19 Pandemic, on June 17, 2020, the NYS Governor signed into law, amending General Municipal Law §217 with relation to the Length of Service Award Programs (LOSAP), giving volunteer firefighters the ability to be credited an additional five (5) points for each month of the state of emergency during the COVID-19 crisis.

A motion was made by Councilman Digati, seconded by Councilwoman Baney to give volunteer firefighters an additional five (5) points for each month of the state of emergency during the COVID-19 crisis.

APPROVED Ayes 4 Baney, Marston, Digati, Whitney
 Noes 0
 Abstain 1 Madigan

Grand Island Fire Company – Length of Service Awards “LOSAP” Direct Contribution Changes

The Volunteer Fire Service has suffered a great deal in just the last two years alone with the loss of 83,900 firefighters leaving the service, which equate to nearly 20%. In addition, nearly two decades decline in the recruitment of people willing to volunteer to fight fires, perform Emergency Medical services and Specialty Rescues.

Grand Island is no exception to this decline in recruitment and retention. In November, 2019, the NYS Governor signed into law amending Articles 11-A and 11AA of the NYS General Municipal Law increasing the maximum annual contribution limit to Defined

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Contribution (DC) programs for volunteer firefighters Length of Service Award Program from \$700 to \$1,200 per year.

This change is not mandatory. The Grand Island Fire Company is requesting the Town Board consider increasing the contribution to the \$1,200 amount. This would be an incentive in the diverse dynamic currently affecting recruitment and retention of volunteers. The Grand Island Fire Company struggles every year to continue to find ways to incentivize individuals to volunteer as community service and altruism are not always rewarding enough in today's society to attract people to sacrifice their most precious commodity "time".

A motion was made by Councilman Marston, seconded by Councilwoman Baney to accept the Length of Service Awards "LOSAP" Direct Contribution Changes, subject to the outcome of the referendum for the 2022 Budget.

APPROVED Ayes 4 Baney, Marston, Digati, Whitney
 Noes 0
 Abstain 1 Madigan

Retirement – Wastewater Department

A motion was made by Councilman Madigan, seconded by Councilman Digati to accept the resignation of Mary McDonnell from the Wastewater Department, effective September 16, 2020 with regret. A certificate of appreciation will be sent to Ms. McDonnell.

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

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Baney, seconded by Councilman Digati to pay Vouchers #132233 - #132413

General	\$422,304.68
Highway	\$ 13,446.14
Sewer	\$ 31,948.96
Water	\$ 24,792.45
Capital	\$360,337.63
Garbage	<u>\$126,803.79</u>
Total	\$979,633.65

APPROVED Ayes 4 Madigan, Baney, 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.

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

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

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

Ann Marie Chartrand	Michael Gomlak, Jr.
Michael Cherenzia	Daniel Fallin
Patricia Asarese	

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

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