

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
 James R. Sharpe - Deputy Supervisor

TOWN BOARD OF THE TOWN OF GRAND ISLAND

Grand Island Town Hall
 2255 Baseline Rd. — Grand Island, New York 14072

Date: March 18, 2019
 Time: 8:00 P.M.

**HEARING IMPAIRED LISTENING
 DEVICES AVAILABLE ON REQUEST**

In the event of a fire or other emergency, please follow the exit signs that are provided in this room and throughout Town Hall.

	TITLE:	DISPOSITION:
IX	<u>TOWN ACCOUNTANT – PAMELA BARTON:</u>	
	1. Establishing Golden Age Center Capital Reserve Account	
X	<u>PLANNING BOARD:</u>	
	1. Heron Pointe, Phase 2 – Whitehaven Road – Revised Site Plan	
	A. Correspondence – Traffic Safety Advisory Board	
	B. SEQR	
	C. Updated Revised Site Plan from Sean Hopkins	
	2. Island Meadows – Section 3 (FKA Section 3a/3b) – Preliminary Plat/Proposed 22 Lot Subdivision – Set Public Hearing	
	3. New England Estates – Phase 2, 13 Lots – Final Plat Approval (Revised)	
	4. Island Pet Lodge, 2120 Alvin Road – Site Plan Revision to Phase III	
	5. Grand Park Vue – Section VIII, 13 Lots – Final Plat Approval	
XI	<u>REPORT OF THE AUDIT COMMITTEE:</u>	
XII	<u>UNFINISHED BUSINESS:</u>	
	1. Authorize Supervisor to Sign – Energy Services Program Master Cost Recovery Agreement	
	A. Correspondence – Michael H. Madigan	
XIII	<u>PUBLIC COMMENTS:</u>	
XIV	<u>FROM THE BOARD:</u>	
XV	<u>MEMORIAL ADJOURNMENT:</u>	
	Janet Sheehan Debra Samland	
	James May Marilyn Anderson	
	Loretta Buffa Rose Marie Mondoux	
	Michael Thomasula M. Robert Madia II	
	Rita Hagerman Ann Moore	
	Paul Gurzinski Ralph Zauner	

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	TITLE:	DISPOSITION:
I	<u>ROLL CALL:</u> Town Clerk	
II	<u>INVOCATION:</u> St. Stephen's Roman Catholic Church	
III	<u>PLEDGE:</u> Councilwoman Jennifer L. Baney	
IV	<u>PUBLIC COMMENTS:</u> - AGENDA ITEMS ONLY	
V	<u>MINUTES:</u> 1. Approve Minutes of Workshop Meeting #9, February 27, 2019 2. Approve Minutes of Workshop Meeting #10, March 4, 2019 3. Approve Minutes of Regular Meeting #4, March 4, 2019 4. Approve Minutes of Workshop Meeting #11, March 12, 2019	
VI	<u>CONSENT AGENDA:</u> 1. Building Permits Issued – February 2019 2. Golden Age Center – Facility Usage – February 2019 3. Meeting Minutes – Zoning Board of Appeals – February 7, 2019 4. Meeting Minutes – Planning Board – February 11, 2019 5. Meeting Minutes – Traffic Safety Advisory Board – January 8, 2019 & February 12, 2019 <u>COMMUNICATIONS –TOWN BOARD:</u>	
VII	<u>SUPERVISOR NATHAN D. McMURRAY:</u> 1. Appointment – Broadband Steering Committee	
VIII	2. Resolution – Solar Pilot Program <u>COMMUNICATIONS – OTHER TOWN OFFICIALS:</u> <u>DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL:</u> 1. Authorize Supervisor to Execute Agreement – Station 8 Forcemain Replacement Project – National Fuel Encroachment Agreement – M-8-2018 2. Change Order No. 1 – High Lift Pumps Upgrade – Job No. M-212	

**DRAFT
COPY**

Town of Grand Island - Workshop Meeting #9

A workshop meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Road, Grand Island, NY at 11:00a.m. on the 27th of February, 2019.

Present:	James R. Sharpe Beverly A. Kinney Michael H. Madigan Peter Marston, Jr. Patricia A. Frentzel	Deputy Supervisor Councilwoman Councilman Councilman Town Clerk
Excused:	Nathan D. McMurray Jennifer L. Baney	Supervisor Councilwoman
Also Present:	Robert Westfall Lynn Dingey Chris Dann John Story Michael Quinn Nathan Taylor	Town Engineer Civil Engineer Asst. Municipal Engineer Project Manager – GHD Sr. Project Manager – GHD Rotella Grants

Deputy Supervisor James R. Sharpe called the meeting to order at 11:01a.m. in the absence of the Supervisor.

NEW ITEMS:

General Discussion:

Sanitary Sewer Overflow Mitigation Program:

Enforcement of Residential Gutters, Drainage, and Sump pumps, etc.

- **Point of Sale Mandatory Inspection**

Develop Public Relations Program:

- **Compliance Letters to Residents with Deadlines**
 - **Voluntary Inspections vs. Mandatory Inspection**

DEC Expectations – Propose 30 year plan where SSO's are heaviest

Councilwoman Baney joined the meeting at 11:53a.m.

Private Property I/I Source Identification and Removal Plan

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to authorize the Supervisor to sign an agreement with GHD to develop a Private Property I/I Source Identification & Removal Plan in a lump sum amount of \$7,900.00, subject to the approval of the Town Attorney.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

ADJOURN:

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adjourn at 12:33p.m.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

Wednesday, February 27, 2019

Town of Grand Island - Workshop Meeting #10

**DRAFT
COPY**

A workshop meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Road, Grand Island, NY at 6:00p.m. on the 4th of March, 2019.

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 6:03p.m.

NEW ITEMS:

General Discussion:

Agenda Review:

- Fees – Parks Department
- Waive User Fees Billed to Grand Island Little League
- Sunshine Law
- Establishing Golden Age Center Capital Reserve Account

Drescher & Malecki Accounting Procedures – Draft of Agreement to be reviewed

SEQR – Sanitary Sewer Improvements – Lift Station 8 Forcemain Replacement

Supervisor McMurray presented the SEQR – Short Form Environmental Assessment Forms for Lift Station 8 – Forcemain Replacement. Mr. McMurray informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to issue a Negative Declaration for Lift Station 8 – Forcemain Replacement.

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

Social Media Policy – Review of Draft

WQIP Grant Application – Workshop – Tuesday, March 12, 2019 at 11:00a.m.

LED Light Project – Workshop – Tuesday, March 12, 2019 at 12:00p.m.

Filming & Catalogue of Town Board/Advisory Board Meetings on Town's Website – Tech Advisory Board to review

Facility Usage at Veterans Park, Library and Nike Base

Wind Law – No Update

Dark Sky – No Update

Dog Park Grant

Supervisor McMurray left the meeting at 7:10p.m.

Supervisor McMurray returned to the meeting at 7:18p.m.

Security System

Phone Installation Progress

Monday, March 4, 2019

Town of Grand Island - Workshop Meeting #10

EXECUTIVE SESSION:

A motion was made by Supervisor McMurray, seconded by Councilman Madigan to enter into Executive Session at 7:25p.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 by the Town and to obtain legal advice from the Town Attorney.

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

The Town Board took a recess at 8:03p.m. for the Regular Meeting.

The Town Board reconvened at 9:03p.m.

A motion was made by Councilman Marston, seconded by Councilwoman Baney to return to the Regular Workshop at 9:57p.m.

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

Supervisor McMurray left the meeting at 9:57p.m.

General Discussion:

Picnic Shelter Construction – Veterans Park

ADJOURN:

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to adjourn at 10:04p.m.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

Monday, March 4, 2019

Town of Grand Island – Regular Meeting #4

**DRAFT
COPY**

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 4th of March, 2019.

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.
Reverend Kevin Backus from Bible Fellowship Center gave the Invocation.
Councilwoman Michael H. Madigan led the Pledge of Allegiance.

PROCLAMATION:

Red Cross Volunteers

PUBLIC COMMENTS:

This is an opportunity for residents to comment on any matter regarding the meeting agenda items only.

Speakers: None

PUBLIC HEARING:

Unsafe Structure – 2041 Baseline

Pursuant to Town Code Section 125-10 (E), a Hearing was conducted on Monday, March 4, 2019 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on an unsafe structure at 2041 Baseline Road, SBL #37.03-1-46.

Speakers: Ron Milks, CEO, Sam Hunt

A motion was made by Councilman Marston, seconded by Councilman Madigan to authorize the Code Enforcement Officer to prepare an RFP and order the demolition and removal of the unsafe structure located at 2041 Baseline Road, SBL #37.03-1-46, and to assess all expenses thereof against the land on which it is located which shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

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

MINUTES:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve Minutes of Workshop Meeting #4, January 28, 2019, Minutes of Workshop Meeting #5, February 1, 2019, Minutes of Workshop Meeting #6, February 4, 2019, Minutes of Regular Meeting #3, February 4, 2019, Minutes of Workshop Meeting #7, February 12, 2019 and Minutes of Workshop Meeting #8, February 14, 2019.

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

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Town of Grand Island – Regular Meeting #4

CONSENT AGENDA:

1. Building Permits Issued – January 2019
2. Meeting Minutes – Traffic Safety Advisory Board – December 11, 2018
3. Golden Age Center – Facility Usage – January 2019
4. Meeting Minutes – Zoning Board of Appeals – January 3, 2019
5. Meeting Minutes – Board of Architectural Review – January 15, 2019
6. Meeting Minutes – Planning Board – January 14, 2019

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

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

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR NATHAN D. McMURRAY:

Sunshine Law

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to adopt the following resolution:

WHEREAS the Town Board is committed to transparency in government;

NOW IT BE THEREFORE RESOLVED that the Town Board of the Town of Grand Island does hereby support open government and is committed to complete compliance with the New York State Open Meetings Law.

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

Grand Island Fire Company:

A. Resolution Approving Supervisor's Approval of Borrowing

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to adopt the following resolution:

RESOLVED, that the Town Board of the Town of Grand Island, Erie County, New York upon reading the Appointment of Hearing Officer executed by Nathan D. McMurray, Supervisor dated February 4, 2019; the Notice of Public Hearing published on February 8, 2019 in the *Island Dispatch* and the Report of Hearing Officer dated February 26, 2019 for the Public Hearing held on February 26, 2019 at 7:00p.m.; hereby approve the "Approval of Borrowing" on behalf of the Town Board.

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

Needs Assessment – Cannon Building

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to authorize the Supervisor to sign the Professional Services Agreement with CGR with the amendments as follows: Clarification of the scope of work will include staffing and departmental structure analysis; Section 6 – Deliverables – Review Process will be amended to provide for 10 business days for written comments; and final agreement with amendments will be approved subject to the approval of the Town Attorney.

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

Town of Grand Island – Regular Meeting #4

COUNCILMAN PETER MARSTON, JR.:

Waive User Fees Billed to Grand Island Little League

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to approve the request to waive the user fees for Grand Island Little League for the use of the snack stand building in 2018 in the amount of \$1,035.00.

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

Fees – Parks Department

A motion was made by Councilman Marston, seconded by Councilman Madigan to amend the Fee Schedule to add the following Parks User Fees:

\$25.00 – No Show – Weekend days for fields that are prepared and no used. 24 hour cancellation required.

\$30.00 – Off Island Adult Soccer Team Registration Fee

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN JUSTICE – MARK J. FRENTZEL:

Appointment – Clerk to Town Justice

Town Justice Mark Frentzel informed the Town Board he has appointed Jennifer Cammarano to the position of Clerk to Town Justice, effective March 11, 2019 at Grade 6.5A - \$20.28/hr. This appointment is made subject to the completion of the pre-employment paperwork.

No Action by the Town Board.

TOWN ATTORNEY – PETER GODFREY:

Amend Bond Resolution – Capital Improvements – Nike Base Community Center

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to approve the amended Bond Resolution as follows:

An amending and restating Bond Resolution, dated March 4, 2019, of the Town Board of the Town of Grand Island, Erie County, New York (The "Town") amending the Bond Resolution that was adopted on October 2, 2017 and authorizing a capital improvements project consisting of the reconstruction of and construction of improvements to the Nike Base Community Center in the Town, at an estimated maximum cost of \$600,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$600,000 of the Town, pursuant to the Local Finance Law to finance such purpose, such 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, on October 2, 2017, the Town Board of the Town of Grand Island, Erie County, New York (the "Town") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

A Bond Resolution, dated October 2, 2017, of the Town Board of the Town of Grand Island, Erie County, New York (The "Town") authorizing a capital improvements project consisting of the reconstruction of and construction of improvements to the Nike Base Community Center in the Town, at an

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Town of Grand Island - Regular Meeting #4

estimated maximum cost of \$225,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$225,000 of the Town, pursuant to the Local Finance Law to finance such purpose, such 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 wishes to modify the Original Bond Resolution for the primary purpose of modifying the scope of the project and to make other modifications to the Original Bond Resolution as may be consistent with the project plan and the law; and

WHEREAS, due to a modification to the scope of the project, the Town Board wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$225,000 to \$600,000 and b) the amount of serial bonds authorized to be issued from \$225,000 to \$600,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Original Bond Resolution is being modified to include additional improvements as previously described, and is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Town Board now wishes to amend and restate (in its entirety) the original October 2, 2017 Bond Resolution for the reasons identified above, and to make other determinations to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Town has not previously issued bond anticipation notes pursuant to the Original Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

NOW THEREFORE,

BE IT RESOLVED, by the Town (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 generally consisting of the reconstruction of and construction of improvements to the Nike Base Community Center in the Town including, but not limited to, the encapsulation of asbestos in the building, installation of new flooring and drywall, installation of ceiling tiles, lighting improvements, installation of new HVAC units, fire system alarm modifications, improvements to restroom facilities to make them handicapped accessible and the construction of a new single use ADA compliant restroom with an outside access door, as well as other such improvements as more fully identified in (or contemplated by) a revised report prepared by the Town Engineering Department, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$600,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to

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exceed \$600,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, 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 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 12(a)(2) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

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 such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the 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 will 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, there will 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 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 Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after October 2, 2017 or within 60 days prior to the earlier of (a) October 2, 2017 or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures)

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with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's original declaration of its "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. 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 10. 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 11. The Town has determined that the purpose 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 12. 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.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

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

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

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SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 15. Nothing in this amendment shall affect the validity of the original October 2, 2017 bond resolution, or any action taken thereunder and any such actions are hereby ratified.

SECTION 16. This resolution is effective immediately.

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

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT WESTFALL: Professional Services Agreement – Staley Road Waterline Replacement – Job # M-225

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign the Professional Services Agreement with Wendel for the Staley Road Waterline Replacement – Job # M-225 in the amount of \$117,185.00.

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

Request Authorization to Advertise for Bids – Nike Base Community Center Improvements – Job # M-213

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the Town Engineer to advertise for bids for the Nike Base Community Center Improvements – Job # M-213 on Friday, March 15, 2019 and to receive bids on Wednesday, April 10, 2019 at 10:00a.m. local time.

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

PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK: Hires

A motion was made by Councilman Marston, seconded by Councilman Madigan to refer the request from Parks Maintenance Crew Chief Thomas Dworak to the Town Board.

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

TOWN ACCOUNTANT – PAMELA BARTON:

Establishing Golden Age Center Capital Reserve Account

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt the following resolution, subject to Permissive Referendum:

RESOLVED, that the Town Board of the Town of Grand Island hereby establishes a capital reserve fund pursuant to Section 6-c of the General Municipal Law ("Section 6-c"), which shall be known as the "Reserve Fund – Golden Age Center" (the "Fund"); that the purpose of the Fund shall be to accumulate moneys to finance the cost of capital improvements at the Town's Golden Age Center; that the estimated maximum cost of such capital improvements is \$250,000; that there shall be deposited

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into the Fund the amount of \$90,000 (which constitutes the proceeds of an insurance settlement relating to programs operated at the Golden Age Center), as well as (a) any annual surplus funds attributable to operation of programs at the Golden Age Center, (b) any donations received by the Town which are dedicated by the donor to support the operation of the Golden Age Center and (c) any other amounts directed by the Town Board to be deposited into the Fund; and that the Fund shall be implemented and operated in accordance with Section 6-c.

This resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c.

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

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – Carol M. Merckel, 2324 East River Road – Keeping of 2 Agricultural Animals on 3 Acres

A motion was made by Councilman Madigan, seconded by Councilman Marston to renew the Special Use Permit for Carol M. Merckel, 2324 East River Road for keeping of 2 agricultural animals on 3 acres. The site has been inspected and it is unchanged. There are no animals at this time.

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

Local Law Intro #1 of 2019 – Rezoning SBL #36.00-2-7, 2356 Whitehaven Road – CR to R-1A – Set Public Hearing

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to refer Local Law Intro #1 of 2019 – Rezoning SBL #36.00-2-7, 2356 Whitehaven Road – CR to R-1A to the Planning Board for review and recommendation.

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

PLANNING BOARD:

Herb'n Garden Farms, LLC, 381 Lang Boulevard – Hydroponic Greenhouse Nursery – Site Plan Revision

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board and approve the revised Site Plan for Herb'n Garden Farms, LLC, 381 Lang Boulevard – Hydroponic Greenhouse Nursery.

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

Project Submission/Review Requirements/Checklist

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board and approve the checklist for new Site Plan projects and that they are to be submitted to the Code Enforcement Office with ancillary information (as needed) be reviewed by the Town Engineer and Storm water Management Officer.

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

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Town of Grand Island – Regular Meeting #4

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to pay Vouchers #126923 - #127072

General	\$ 69,341.10
Highway	\$141,468.07
Sewer	\$ 73,179.03
Water	\$ 26,369.39
Capital	\$ 57,287.66
Garbage	<u>\$121,696.45</u>
Total	\$489,341.70

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

UNFINISHED BUSINESS:

Heron Pointe, Phase 2 – Whitehaven Road – Revised Site Plan

A. Correspondence – Traffic Safety Advisory Board

Remains Tabled.

Authorize Supervisor to Sign – Energy Services Program Master Cost Recovery Agreement

A. Correspondence – Michael H. Madigan

Remains Tabled.

GIS Upgrades

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to authorize the Supervisor to sign the Professional Services Agreement with GEOCOVE to perform the first step to "Activate and Configure the ArcGIS Online Organization" in an amount not to exceed \$800.00.

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

PUBLIC COMMENTS:

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

Speakers:

Sam Hunt, Patrick Dworak

FROM THE BOARD:

- Grand Island High School Hockey Team – Champions
- "Hello Dolly" performance at St. Stephen's
- Open Meetings Compliance

Monday, March 4, 2019 - 9

Town of Grand Island – Regular Meeting #4

ADJOURNMENT:

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adjourn the meeting at 8:55p.m.

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

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

Donna Gross	Joan Kingston
Christopher Shores II	James Watkins
George Pachter, Jr.	Henry Burak
Wayne Askew	William Linton
Stanley Wesolowski	Marilyn Boorady
Olga "Ollie" Fachko	

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

Monday, March 4, 2019 - 10

Town of Grand Island - Workshop Meeting #11

A workshop meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Road, Grand Island, NY at 11:00a.m. on the 12th of March, 2019.

Present:	Beverly A. Kinney	Councilwoman
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Peter Marston, Jr.	Councilman
	Patricia A. Frentzel	Town Clerk
Excused:	Nathan D. McMurray	Supervisor
Also Present:	Richard Crawford	Highway Superintendent
	Robert Westfall	Town Engineer
	Lynn Dingey	Civil Engineer
	John Story	Project Manager – GHD

The meeting was called the meeting to order at 11:06a.m. in the absence of the Supervisor.

James R. Sharpe, Deputy Supervisor joined the meeting at 11:10a.m.

NEW ITEMS:

General Discussion:

WQIP – Grant Application – Update

- Submission for grant will be the \$3M Forcemain project.
 - Town's match, if awarded at \$3,000,000 project is 25%, savings to the town \$2,250,000 that was budgeted to be spent in 2019. Town has high probability of qualifying
 - Actions required to prepare for grant submission:
 - Insert statements into both LWRP and LRP regarding the need for a committed effort by the town to improve waste water infrastructure to reduce overflows.
 - Engineering and GHD to provide project plan, budget and data (gallons/year reductions) supporting project.
 - Is another Public Hearing necessary? Confirm with Rotella
 - Rotella to draft letter of intent for request for WQIP grant funding request to be submitted to DEC and Erie County Officials.
 - Rotella to provide list of officials to be contacted by the board requesting support for grant funding.

John Story left the meeting at 11:55a.m.

Anthony Cutaia, Sean Hopkins, Dan Blamowski joined the meeting at 11:55a.m.

Presentation – Heron Pointe – Phase 2 – Review Revised Site Plan, Grand Island Boulevard Left Hand Turn Lane, SEQR Requirements

Tuesday, March 12, 2019

Town of Grand Island - Workshop Meeting #11

*Anthony Cutaia, Sean Hopkins, Dan Blamowski left the meeting at 11:55a.m.
Gerald Summe, Keith Krug from Wendel and Town Accountant Pam Barton
joined the meeting at 12:26p.m.*

Presentation – Town LED Street Lighting by Wendel

- **Proposed Turnkey Project – Design/Build**
- **Private vs. Public**
- **GIS Audit to be done first**
- **Subdivision Standards**
- **RFP**
- **RFQ**

*Councilwoman Baney left the meeting at 1:00p.m.
Councilman Marston left the meeting at 1:05p.m.*

A quorum of the Town Board was no longer present

ADJOURN:

The meeting adjourned at 1:29p.m.

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

Tuesday, March 12, 2019

Town of Grand Island

Permit Monthly Report

02/01/2019 - 02/28/2019

RECEIVED

2020 MAR -1 AM 9:30

Permit #	Issue Date	Applicant	Permit Type	Property Location	Valuation	Amount
February 2019						
2019-053	02/11/2019	Thomas Geblein	Garage	3334 Greenway Rd SBL#: 12.17-2-21	\$15,000.00	\$100.00
Description of Work:						
<i>Construct 30' x 32' x 17' (960 SF.) Garage.</i>						
2019-067	02/21/2019	TNT Contracting	Non-Res Add/Alt/Reno	2325 Grand Island Blvd (Rite Aid) SBL#: 37.01-2-34-122	\$55,000.00	\$150.00
Description of Work:						
<i>Interior renovations</i>						
2019-063	02/20/2019	Gun Creek, LLC.	Single Family Residence	150 Stonbridge Rd SBL#: 37.07-1-33	\$230,000.00	\$1,525.00
Description of Work:						
<i>Construct SFD on Sublot #33.</i>						
2019-065	02/21/2019	Gun Creek, LLC	Single Family Residence	138 Stonbridge Rd SBL#: 37.07-1-34	\$230,000.00	\$1,475.00
Description of Work:						
<i>Construct SFD on Sublot #31 with unfinished basement.</i>						
2019-062	02/20/2019	Gun Creek, LLC.	Single Family Residence	196 Stonbridge Rd SBL#: 37.07-1-40	\$300,000.00	\$1,525.00
Description of Work:						
<i>Construct SFD on Sublot #40.</i>						
2019-092	02/28/2019	Gun Creek, LLC	Single Family Residence	141 Stonbridge Rd SBL#: 37.07-1-48	\$300,000.00	\$1,525.00
Description of Work:						
<i>Construct SFD on Sublot #48</i>						
2019-069	02/22/2019	Gun Creek, LLC.	Single Family Residence	178 Stonbridge Rd SBL#: 37.07-1-37	\$300,000.00	\$1,525.00
Description of Work:						
<i>Construct SFD on Sublot #36.</i>						
2019-064	02/21/2019	Ryan Homes	Single Family Residence	135 Stonbridge Rd SBL#: 37.07-1-47	\$300,000.00	\$1,525.00
Description of Work:						
<i>Construct SFD on Sublot #47</i>						
2019-048	02/04/2019	Kelly's Family, LP	Temporary Sign	3121 Grand Island Blvd (Kelly's Country Store) SBL#: 23.08-1-23		\$0.00
Description of Work:						
<i>Temporary sign for Grand Island Little League. Contact Don Sealise at 417-0172</i>						

Town of Grand Island

Permit Monthly Report

Permit #	Issue Date	Applicant	Permit Type	Property Location	Valuation	Amount
2019-049	02/04/2019	2140 Grand Island Blvd Assoc	Temporary Sign	2140 Grand Island Blvd (Tops Marked) SBL#: 37.03-1-7-12VA		\$0.00
Description of Work: <i>Temporary sign for Grand Island Little League. Contact Don Salise at 417-0132</i>						
2019-094	02/28/2019	Gun Creek, LLC.	Single Family Residence	147 Stonebridge Rd SBL#: 37.07-1-49	\$325,000.00	\$1,525.00
Description of Work: <i>Construct SFD on Lot #49.</i>						
2019-066	02/21/2019	Michael Davis	Solar	S174 East River Rd SBL#: 12.15-1-25	\$35,245.00	\$200.00
Description of Work: <i>Install Rooftop Photovoltaic Panel System.</i>						
2019-073	02/25/2019	Ryan Homes	Single Family Residence	398 Quarry Run SBL#: 37.07-1-18	\$325,000.00	\$1,525.00
Description of Work: <i>Construct SFD on Sublot #18.</i>						
2019-093	02/28/2019	Ryan Homes	Single Family Residence	144 Stonebridge Rd SBL#: 37.07-1-32	\$300,000.00	\$1,525.00
Description of Work: <i>Construct SFD on Lot #32.</i>						
2019-050	02/07/2019	Grand Jude Inc.	Plumbing	2352 Grand Island Blvd (town Cafe) SBL#: 36.00-1-19.11		\$95.00
Description of Work: <i>Install 5 floor sinks, 1 ea 8 ft. trench drain and 1 hand sink</i>						
2019-076	02/26/2019	John W. Stuckl Construction Co	Single Family Residence	55 Castlewood Court SBL#: 11.20-4-6	\$325,000.00	\$1,525.00
Description of Work: <i>Construct SFD on Lot #93</i>						
2019-051	02/07/2019	Torrey Electric	Generator	2633 Whitehaven Rd SBL#: 36.00-1-6.12	\$10,000.00	\$117.50
Description of Work: <i>Install of 16 kW standby generator.</i>						
2019-052	02/11/2019	Mark's Plumbing, Inc.	Plumbing	2362 Oakfield Rd SBL#: 63.16-1-31		\$220.00
Description of Work: <i>4.5 baths in new SFD</i>						

Town of Grand Island

Permit Monthly Report

Permit #	Issue Date	Applicant	Permit Type	Property Location	Valuation	Amount
2019-080	02/27/2019	Solcius, LLC	Solar	1913 Marjorie	\$15,067.00	\$200.00
Description of Work:						
<i>Install Rooftop mounted photovoltaic panel system.</i>						
2019-054	02/13/2019	Roto Rooter Services	Plumbing	1364 Ransom Rd		\$150.00
Description of Work:				SBL#: 24.15-2-79		
<i>Sewer Repair for SFD</i>						
2019-055	02/14/2019	Shawn Walk	Accessory Structure	3198 Stony Point Rd	\$2,616.00	\$100.00
Description of Work:				SBL#: 24.07-2-15		
<i>Installation of 10' x 16' shed.</i>						
2019-056	02/14/2019	Diana Bell	Add Att/Reno	2362 Oakfield Rd	\$310,000.00	\$175.00
Description of Work:				SBL#: 63.16-1-31		
<i>Addition/Interior Renovations for SFD. Previous Permits #2018-00419 & 2018-483 voided. Owner - General Contractor</i>						
2019-057	02/19/2019	Leonard Alessi	Generator	1874 Harvey Rd	\$5,900.00	\$132.50
Description of Work:				SBL#: 38.13-1-8		
<i>New 9 kW generator at existing SFD.</i>						
2019-058	02/19/2019	Niagara Mechanical Contracting, Inc	Plumbing	2582 Staley Rd		\$180.00
Description of Work:				SBL#: 50.02-3-6		
<i>2.5 baths in new SFD</i>						
2019-059	02/19/2019	Sam Long's Landscaping	Plumbing	3390 Stony Point Rd	\$4,000.00	\$150.00
Description of Work:				SBL#: 12.19-1-19		
<i>Repair the existing sewer lateral to the dwelling.</i>						
2019-060	02/19/2019	Benzinger Plumbing	Plumbing	190 Stonebridge Rd		\$180.00
Description of Work:				SBL#: 37.07-1-39		
<i>Install 2.5 baths in new SFD</i>						
2019-068	02/21/2019	Solcius, LLC	Solar	2144 Fix Rd	\$25,641.00	\$200.00
Description of Work:				SBL#: 64.05-3-2		
<i>Install Rooftop mounted photovoltaic panel system. NOTE: Garage refers to be sistered with 2x8's over 3/4 of their length.</i>						

Town of Grand Island

Permit Monthly Report

Permit #	Issue Date	Applicant	Permit Type	Property Location	Valuation	Amount
2019-070	02/22/2019	James Tansan	Solar	293 South Ln SBL#: 23-12-1-13	\$25,839.00	\$200.00
Description of Work: <i>Install Rooftop Solar Electric PV System</i>						
2019-061	02/20/2019	Frank's Commercial & Home Services, Inc	Plumbing	262 Tracey Ln SBL#: 24-20-1-36		\$100.00
Description of Work: <i>Install Cond. Lines</i>						
2019-071	02/22/2019	Rebecca Weinfuhr	Permit Renewal	349 Elmwood Rd SBL#: 64-15-2-51		\$75.00
Description of Work: <i>Permit Renewal - Garage Concrete Floor must be installed Previous Permit #2017-620. Go to fee still in effect.</i>						
2019-072	02/25/2019	Schmit Plumbing & Heating LLC	Plumbing	332 Havenwood Ln SBL#: 11-20-3-17		\$180.00
Description of Work: <i>Install 2.5 baths in new SFD.</i>						
2019-074	02/27/2019	Island Body Works	Temporary Sign	2423 Grand Island Blvd (The PT center) SBL#: 37-01-1-4		\$150.00
Description of Work: <i>Temporary sign permit for Island Body Works in the plaza 2423 GI Blvd</i>						
2019-075	02/25/2019	Laurie Lepine	Non-Res Add/Alt/Reno	1195 Stony Point Rd SBL#: 51.15-3-57	\$2,500.00	\$250.00
Description of Work: <i>Conversion of attached garage to approx. 200 SF of additional living space.</i>						
2019-077	02/26/2019	Sam Long's Landscaping	Plumbing	2685 Love Rd SBL#: 50-02-1-11		\$150.00
Description of Work: <i>Install Water Line and Cond. Lines for SFD</i>						
2019-078	02/27/2019	Artecki Plumbing	Plumbing	3760 East River Rd SBL#: 25.11-1-46.1		\$95.00
Description of Work: <i>Install 4 plumbing fixtures</i>						
2019-079	02/27/2019	RJC Plumbing, Inc	Plumbing	2749 Stony Point Rd SBL#: 24-15-2-64		\$150.00
Description of Work: <i>Sewer Repair for SFD</i>						

Town of Grand Island

Permit Monthly Report

Permit #	Issue Date	Applicant	Permit Type	Property Location	Valuation	Amount
2019-081	02/27/2019	Lucas Chambers	Plumbing	137 Tracey Ln SBL#: 24.16-4-5		\$95.00
Description of Work:						
<i>Install new interior plumbing for the rear yard addition.</i>						
2019-082	02/27/2019	Western New York Plumbing	Plumbing	354 Quarry Run SBL#: 37.07-1-12		\$100.00
Description of Work:						
<i>Install Cond. Lines for SFD</i>						
2019-083	02/27/2019	Western New York Plumbing	Plumbing	370 Quarry Run SBL#: 37.07-1-14		\$100.00
Description of Work:						
<i>Install Cond. Lines for SFD.</i>						
2019-084	02/27/2019	Western New York Plumbing	Plumbing	378 Quarry Run SBL#: 37.07-1-15		\$100.00
Description of Work:						
<i>Install Cond. Lines for SFD</i>						
2019-085	02/27/2019	Western New York Plumbing	Plumbing	386 Quarry Run SBL#: 37.07-1-16		\$100.00
Description of Work:						
<i>Install Cond. Lines for SFD.</i>						
2019-086	02/27/2019	Western New York Plumbing	Plumbing	395 Quarry Run SBL#: 37.07-1-19		\$100.00
Description of Work:						
<i>Install Cond. Lines for SFD</i>						
2019-087	02/27/2019	Western New York Plumbing	Plumbing	389 Quarry Run SBL#: 37.07-1-20		\$100.00
Description of Work:						
<i>Install Cond. Lines for SFD.</i>						
2019-088	02/27/2019	Western New York Plumbing	Plumbing	381 Quarry Run SBL#: 37.07-1-21		\$100.00
Description of Work:						
<i>Install Cond. Lines for SFD</i>						

Town of Grand Island

Permit Monthly Report

Permit #	Issue Date	Applicant	Permit Type	Property Location	Valuation	Amount
2019-089	02/27/2019	Western New York Plumbing	Plumbing	373 Quarry Run SBL#: 37.07-1-22		\$100.00
Description of Work:						
Install Cond. Lines for SFD.						
2019-090	02/27/2019	Western New York Plumbing	Plumbing	365 Quarry Run SBL#: 37.07-1-23		\$100.00
Description of Work:						
Install Cond. Lines for SFD.						
2019-091	02/27/2019	Western New York Plumbing	Plumbing	357 Quarry Run SBL#: 37.07-1-24		\$100.00
Description of Work:						
Install Cond. Lines for SFD.						
2019-095	02/28/2019	Cem Celik	Add/Alt/Reno	1218 Majestic Woods Dr SBL#: 24.08-1-15	\$9,000.00	\$200.00
Description of Work:						
Conversion of unfinished basement into finished living space. 31.5 ft x 27 ft						
February 2019 Total:					\$3,450,808.00	\$20,195.00
Reporting Period Total:					\$3,450,808.00	\$20,195.00

JENNIFER R. MENTER

*Recreation Supervisor –
Senior Citizen*

CARRIE L. MESMER

*Recreation Leader –
Senior Citizen*



**TOWN OF GRAND ISLAND
GOLDEN AGE CENTER**

3278 Whitehaven Road
Grand Island, NY 14072
(716) 773-9682/9683
goldenage@grand-island.ny.us

March 1, 2019

TO: Town of Grand Island Town Board
FROM: Carrie Mesmer, Recreation Leader – Senior Citizen
RE: Usage of the Golden Age Center Facility for February 2019

Please see the Activity Participation Totals below for the month of February 2019 at the Golden Age Center:

Monthly Events & Special Events

<u>Walmart Trip (twice per month):</u>	10
<u>Super Bowl Celebration:</u>	62
<u>Members' Coffee:</u>	28
<u>February Birthday Entertainment (Don Petrino):</u>	27
<u>Blue Cross/Blue Shield Presentation on Healthy Living-The Beat Goes On:</u>	20
<u>Sweethearts' Luncheon Program and Entertainment (Mari McNeil):</u>	43
<u>Trivia Fun: American Presidents</u>	12
<u>Travel Club meeting:</u>	36
<u>Dementia Caregiver Support Group:</u>	0
<u>Social Support Group for individuals with dementia & Alzheimer's disease:</u>	15
<u>Decorating for Holiday/Bulletin Board Assistance:</u>	12
<u>United Health Care & Aetna:</u>	2
<u>Fidelis Care:</u>	2
<u>BINGO Bonanza:</u>	2
<u>Dinner and a Craft -February:</u>	2
<u>Friday Afternoon Movie: (The Babe):</u>	2
<u>Library Outreach Program:</u>	2
<u>1:1 Technology Assistance:</u>	2
<u>Mitten Recognition Luncheon</u>	2
<u>America Homecare Presentation and Ice Cream Social:</u>	2
<u>Chinese New Year Party:</u>	2
<u>A Chocolate Affair:</u>	2
<u>Presentation: Understanding Alzheimer's Disease & Dementia:</u>	15
<u>Potato Extravaganza:</u>	25
<u>AARP Driving Course:</u>	34
<u>AARP Tax Preparation:</u>	51

TOWN OF GRAND ISLAND NY

RECEIVED
FEB 1 2019

RECEIVED

Weekly programming

<u>BINGO: (Tuesday afternoons & Thurs. AM)</u>	56
<u>Fun with French:</u>	16
<u>Anything Craft Classes:</u>	62
<u>Book Club:</u>	19
<u>Card Games (including NEW GAMES Euchre, Pinochle & Solitaire):</u>	93
<u>Poker:</u>	26
<u>Dominoes:</u>	64
<u>Billiards:</u>	78
<u>Exercise Programs (6 different programs: Arthritic Chair Exercise, Tai Chi, Trim Time, Beginner Line Dancing, Advanced Line Dancing, Total Body Workout):</u>	243
<u>Coups for Troops:</u>	19
<u>Artists' Haven:</u>	12
<u>Mahjongg:</u>	6
<u>Chess:</u>	16
<u>Golden Age Center Chorus: Chorus "Director" away for the month</u>	0
<u>Crafting for a Cause:</u>	3
<u>Technology Club:</u>	34
<u>Blood Pressures taken with American Red Cross:</u>	5


Monthly Meetings & Lunches:

<u>Birthday Lunch</u>	43
<u>Sweetheart Luncheon:</u>	59
<u>Executive Board Meeting:</u>	13
<u>General Meeting (Town Time with Town Supervisor):</u>	53
<u>General Meeting Lunch:</u>	53

Daily Activities & Usage:

<u>Lunches:</u>	716
<u>Meals on Wheels:</u>	245
<u>Van & Bus Transportation:</u>	474
<u>Days OPEN:</u>	19
<u>Total Monthly Attendance:</u>	3027

Respectfully submitted,



Carrie Mesmer
Recreation Leader -- Senior Citizen on behalf of
Jennifer R. Menter
Recreation Supervisor -- Senior Citizen

****TOWN OF GRAND ISLAND**
ZONING BOARD OF APPEALS**

RECEIVED

2019 MAR 12 PM 4:51

TOWN CLERK
GRAND ISLAND, N. Y.

**MINUTES
February 7, 2019**

MEMBERS PRESENT: Chairman Marion Fabiano, Betty Harris, Bob Mesmer, Tim Phillips and John Braddell

MEMBERS ABSENT: None

OTHERS PRESENT: William Shaw, Code Enforcement Officer
Rhonda Tollner, Zoning Clerk

Chairperson, Marion Fabiano opened the meeting at 7:00 p.m. and introduced the members of the Zoning Board of Appeals and explained the process.

NEW BUSINESS:

1) 5671 East River Road – Mark Tollner

The property is zoned R1C. The applicant is proposing to construct a 30 ft. x 40 ft. x 26 ft. high garage (1200 sq. ft.). The Applicant has 624 sq. ft. of existing garage space and proposing a total of 1824 sq. ft. Section 407-23A set the maximum garage space at 1200 sq. ft., making it necessary for a 624 sq. ft. garage space variance. Section 407-142E sets the maximum height of an accessory structure at 18 ft., making it necessary for a 8 ft. height variance.

Appearing before the Board was Mark Tollner who resides at 5671 East River Road. He explained to the Board his project to build a 30' x 40' x 24, not 26' building. Mr. Tollner would like a second floor in the building to store his art work and that's why he was requesting the height variance. Mr. Tollner also provided letters from his neighbors behind him that would be most affected by the building with no objections.

A **motion** was made by Mesmer / Braddell to close the public hearing. All in favor.

A **motion** was made by Mesmer / Harris to GRANT the request for a 624 sq. ft. area variance for the construction of a detached 30' x 40' garage at 5671 East River Road.

Roll Call:

Ayes: Fabiano, Harris, Braddell, Mesmer, Phillips

Noes: None

Carried

A motion was made by Harris / Phillips to GRANT the request for a 6 ft. height variance for the construction of a detached 30' x 40' x 24' garage at 5671 East River Road.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Phillips, Fabiano

Noes: None

Carried

Rationale:

1. This action was taken because the requested variance will not produce an undesirable change in the character of the neighborhood
2. This action was taken because it is a reasonable and compatible use of the residential property for current storage needs

2) 2826 Long Road - Brian Baney

This property is zoned R-1B. Applicant is proposing an 18' x 26' two story addition to a single family dwelling encroaching 10 ft. into the West side yard setback. Schedule I of the Town Code sets the side yard setback at 15 ft. making a 10 ft. side yard setback variance necessary.

Appearing before the Board was Brian Baney who resides at 2826 Long Road. Mr. Baney explained he would like to put a two story addition on the west side of their current home. The neighbor's house is located farther back than theirs and a driveway separates the homes. Mr. Baney's neighbor also sent a letter with no objections.

A **motion** was made by Mesmer / Harris to close the public hearing. All in favor.

A **motion** was made by Mesmer / Braddell to GRANT the request for a 10 ft. side yard setback variance for a two story addition to a single family dwelling at 2826 Long Road.

Roll Call:

Ayes: Fabiano, Harris, Braddell, Mesmer, Phillips

Noes: None

Carried

Rationale:

1. This action was taken because the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district

2. This action was taken because the granted variance will not affect the view of the neighbors

3) 3889 East River Road – Frank Kovacs

This property is zoned R-1B. The applicant is requesting an extension to the 3.5 ft. side yard setback variance that was granted August 2, 2018. Mr. Kovacs has been out of town and it still in the developmental and bidding stage of his project.

A **motion** was made by Mesmer / Phillips to **GRANT** the request for a six month extension for a 3.5 ft. side yard setback variance for and addition to a single family dwelling that was granted August 2, 2018 to expire August 1 2019 for 3889 East River Road.

Roll Call:

Ayes: Fabiano, Mesmer, Harris, Braddell, Phillips

Noes: None

Carried

4) 2902 Love Road – Robert Miemiec

This property is zoned R1A. The applicant is proposing to construct a 55' x 100' x 27' storage building. He currently has 448 sq. ft. garage space. Section 407-23A sets the maximum allowable garage space at 1200 sf., making it necessary for 4748 sf. (15.8) garage space variance. Section 407-142E sets the maximum height for an accessory building at 18 ft., making it necessary for a 9 ft. height variance.

Appearing before the Board was Robert Miemiec who resides at 2902 Love Road and his architect Dave Wielier. Mr. Wielier presented large poster pictures of the proposed building with a description of the 5 acre lot. Mr. Miemiec explained he would like to build the storage building and then refurbish his house. He would like to store some old cars and a couple of boats as well as materials for the house project. The Board responded with concerns for the size of the building submitted and said its not common to get requests this large. Code Enforcement Officer, Bill Shaw informed Mr. Miemiec, that depending on what is stored in the building, it may have to be sprinklered because of the size.

Speaker, Mr. and Mrs. Tynski of 2910 Love Road do not approve of the variance request. They state that Mr. Miemiec does not live at that address. They stated that Mr. Miemiec owns a lumber yard on Grant in Buffalo and also resides there. They do not approve of the size of the building and where it would be located on the lot. Mrs. Tynski stated this is a commercial size building and Mr. Miemiec will use it for commercial storage or overspill of his

business. The size of the building is 3 times the size of the home on that lot. The location of the building would be in front of the Tynski's so it would be in their view all the time. The Tynski's presented the Board with photos of the property and view from their front window and back yard. Also, a photo of a riding stable the same size as the requested building for reference of the enormity of this building. The Tynskis' pleaded to the Board not to grant this variance request.

Speaker, Robert Rockwood of 2873 Love Road and also owns 2886 Love Road does not approve of the variance request. Mr. Rockwood also claimed he did not believe Mr. Niemiec lived at 2902 Love Road. Mr. Rockwood said this size building did not fit in this neighborhood and was an unreasonable request.

Chairman Fabiano asks Mr. Miemiec if he actually resided at 2902 Love Road. Mr. Miemiec replied "I do and I don't, sometimes I stay at work and sometimes I stay on the island." Board Member Mesmer asked Mr. Miemiec if he would consider moving the building back farther on the lot and making it smaller and Mr. Miemiec did not reply to that but did state he would not move his business there.

Speaker, Mrs. Tynski, 2910 Love Road, again says she believes Mr. Miemiec is not forthcoming to the Board about where he resides and is not sure she believes his intentions on what's being stored there. Why would he need to store building supplies for his house reno when he owns a lumber yard?

A **motion** was made by Mesmer / Harris to **TABLE** at the request of the applicant, the request for a 4748 sq. ft. area variance and a 9 ft height variance for the construction of a 55' x 100' x 27' building at 2902 Love Road.

Roll Call:

Ayes: Mesmer, Braddell, Harris, Phillips, Fabiano

Noes: None

Carried

CORRESPONDANCE: None

OLD BUSINESS:

1) 4738 East River Road - Lutnick

An email was received for the request for a height variance to roof a boat hoist on the water's edge to remain on the Table.

A **motion** was made by Braddell / Mesmer for the request for a height variance for a boat hoist on the water at 4738 East River Road to **remain on the TABLE until August 1, 2019.**

Roll Call:

Ayes: Mesmer, Phillips, Harris, Braddell, Fabiano

Noes: None

Carried

2) 3334 Greenway Road –Thomas Geblein

This property is zoned R1E. The applicant is proposing to construct a 30' x 32' x 17' detached garage. There is currently no garage on this property. Town Code §407-23F states garage space not to exceed 25% of the required rear yard. The required rear yard is 2000 sq. ft. 25% of that is 500 sq. ft. Applicant is proposing to use 896 sq. ft. of the required 2000 sq. ft. rear yard making a variance of 396 sq. ft. of additional lot coverage.

Appearing before the Board was Thomas Geblein of 3334 Greenway Road. Mr. Geblein explained to the Board that he went to the building department and his design professional to rearrange his project to decrease the variance amount but the original plan was already the best possible plan. For this reason, Mr. Geblein said he was requesting a variance of 396 sq. ft. of additional lot coverage.

A **motion** was made by Mesmer / Harris to close the public hearing. All in favor.

A **motion** was made by Mesmer / Braddell to **GRANT** the request for a 396 sq. ft. area variance of additional lot coverage of the required rear yard at 3334 Greenway Road.

Roll Call:

Ayes: Fabiano, Mesmer, Braddell, Harris, Phillips

Noes: None

Carried

Rationale:

1. This action was taken because of the size of lots in that area
2. This action was taken because the requested variance will not create an undesirable change in the character of the neighborhood

3) 1437 Ferry Road – Bedell Lighthouse LLC

This property is zoned B2 and a legal non-conforming lot without a principal building or principal use. The Applicant has created an outdoor storage area (333 ft. x 111 ft.) without the required variances and site plan approval. The applicant is applying for numerous variance (two use variances and four area variances) for the Bedell House property. The Applicants use variances must be addressed first because if the use variances are denied; the area variance will not need be addressed. At the

June 5, 2014, ZBA meeting, the Applicant was granted a use variance to expand a non-conforming building without a primary structure and was also granted a 65 ft. front yard setback variance to put an addition on the hot dog stand at 1437 Ferry Rd. The Applicant is requesting a use variance to have two principle structures on one lot (boat club and cottage), both of these structures have been in use before the Building Dept. began keeping records. The Applicant is also requesting a use variance for two principle uses on one lot (boat club and cottage), both of these use have also been in use before the building dept. has kept records. It is the definitions from Section 407-10 Principal Building and Principal Uses that make the use variance necessary for two principal structures and two principal uses. The Applicant is also requesting a new outdoor storage lot for boats and trailers 2.4 ft. from the rear property line. Schedule 1 of the Zoning Code require 20 ft. minimum rear yard depth, making it necessary for a 17.6 ft. rear yard setback. The boat club is located 3 ft. from the rear property line; Schedule 1 of the Zoning Code set the minimum rear yard setback at 20 ft., making it necessary for a 17 ft. rear yard setback variance. The cottage is located 65 ft. from the center of Ferry Rd.; Section 407-18A set the front yard setback for Ferry Rd. at 80 ft. from the center of the right of way at 80 ft., making it necessary for a 15 ft. front yard setback variance for the cottage. The off-street parking utilized by the Village Inn is located 49 ft. from the center of Ferry Rd., Section 407-18A set the minimum front yard setback for Ferry Rd. at 80 ft. from the center of the right of way, making it necessary for a 31 ft. front yard setback for the off street parking.

This application was tabled last month so the applicant could submit information addressing each of the criteria for all the variances requested including:

1. A narrative of the history of this property and what and when any changes were made.
2. A detailed submission addressing each of the criteria for all of the variances sought, explaining with evidence why the variances should be granted
3. Possible submission of site plan for review and approval by the planning board

Appearing before the Board was Regina Guenther and her husband of 356 Elmwood, owner of 1437 Ferry Road. Ms. Guenther presented the Board with a packet of information to review.

Speaker, Attorney, Kevin Schenk, representing Anchor Marine and employee of Anchor Marine, Eugene McGinntis. Mr. Schenk presented the

Board with a packet of information why they are against the granting of the requested variances. The packet was submitted for review.

A **motion** was made by Mesmer / Harris to **TABLE** the applicants request for further review of the information that was submitted.

Roll Call:

Ayes: Fabiano, Harris, Braddell, Mesmer, Phillips

Noes: None

Carried

APPROVE MINUTES:

A **motion** was made by Harris / Mesmer to Approve the January 3, 2019, ZBA Meeting Minutes as written.

Roll Call:

Ayes: Fabiano, Harris, Mesmer, Braddell, Phillips

Noes: None

Carried

OTHER MINUTES RECEIVED:

Board of Architectural Review Minutes –December 18, 2018

Planning Board Agenda – January 14, 2019

Planning Board Minutes–November 13, 2018

Town Board Agenda –Regular Meeting #1, January 7, 2019, Regular Meeting #2, January 22, 2019

Town Board Minutes –Regular Meeting #23, December 17, 2018,

Long Range Planning Committee –

A motion was made by Harris / Phillips to adjourn the meeting at 8:12 p.m.
Minutes prepared by Rhonda Tollner, Zoning Clerk.

PLANNING BOARD MEETING
MINUTES: FEBRUARY 11, 2019

MEMBERS PRESENT: Bruno, Duchscherer, Greco, Lare, Starzynski, Stessing
Alternate member: Worrall

MEMBERS ABSENT: Bidell, Alternate member: Bowman

OTHERS PRESENT: Councilwoman Kinney, Town Engineer Bob Westfall, Code Enforcement Officer Kasey Morgan and Those Listed Herein.

Chairman Bruno opened the meeting at 7:00 P.M.

In the absence of Mr. Bidell, Mr. Worrall will be a voting member at this meeting.

It was moved by Bruno – Starzynski to suspend the rules and add HERB’N GARDEN FARMS, LLC, 381 LANG BLVD., HYDROPONIC GREENHOUSE NURSERY to the agenda under REFERRALS #2.

Roll Call: Ayes – Bruno, Starzynski, Duchscherer, Greco, Lare, Stessing, Worrall
Noes – None
Carried

MINUTES: Planning Board Meeting – January 14, 2019

It was moved by Duchscherer – Starzynski to **APPROVE** the minutes as submitted.

Roll Call: Ayes – Duchscherer, Starzynski, Bruno, Greco, Lare, Stessing, Worrall
Noes – None
Carried

VOUCHER: Arlene Ehde, Recording Secretary - \$165.44

It was moved by Greco – Worrall to **APPROVE** the voucher for payment.

Roll Call: Ayes – Greco, Worrall, Bruno, Duchscherer, Lare, Starzynski, Stessing
Noes – None
Carried

REFERRALS

-
1. FROM: Town Engineer
RE: **ISLAND MEADOWS – SECTION 3 (FKA SECTION 3a/3b)**
PROPOSED 21 LOT SUBDIVISION

Kristin L. Savard, PE, owner/President, Advanced Design Group and Bob Weaver, owner and developer of the property appeared with plans for Section 3 of Island Meadows Subdivision.

RECEIVED
2019 MAR 13 PM 2:08
TOWN CLERK
GRAND ISLAND

Ms. Savard explained that her company prepared the survey and the engineering for the Preliminary Plat. Twenty-one lots are proposed on 26.6 acres. Fifteen acres will be disturbed. Eighteen lots on Old Carriage House Rd., one lot on Stony Point Rd and two on the "T" turn-around off of Regency Dr.

A retention pond is proposed. They are showing the Enhanced Environmental Overlay District on the plat.

They are looking for construction to start this season.

The two lots on the "T" turn-around are a problem. Regency Dr. is a dead end. The Town needs some sort of turn-around. Ms. Savard stated that they are working with the Highway Department and Engineering to come to a solution for the Town concerns as well as Mr. Weaver's intent. The Town is looking for more road than what the applicant wants to construct. Mr. Weaver would have to construct a road not only for his lots, but also extend the road for 2 existing houses. It costs \$600-\$700 a linear foot for road construction.

While working with Town Departments, Mr. Westfall presented a drawing showing the end of Regency Dr. with 3 lots instead of 2, for consideration.

The lot on Stony Point Rd. will have an easement with the driveway. The house, when constructed, will be located far from the road, possibly buried in the woods.

The 18 lots on the cul-de-sac all have 80' frontage, measured at the setback. The lot width should be shown on the site plan.

Ms. Savard stated that they may have to ask the Zoning Board of Appeals and the Town Attorney for an interpretation of the code, regarding the definition of lot width. It is her opinion that all the lots meet the Town Code.

Structures cannot infringe on the Enhanced Environmental Overlay District. The buyers of the lots that include the EEOD will be made aware of this fact. Mr. Morgan commented that lots within the EEOD need to be a minimum of 5 acres.

Wetlands within the lots cannot be disturbed.

There will be public water. Each house will have a grinder pump for sewage going to a private force main. Care and maintenance is the responsibility of the property owner. This will be noted in the property owner's deed.

A HOA will be established. Maintenance of the retention pond will fall on the HOA.

They show a 60'x40' envelope for each house. Two story homes will be 2,500 – 3,500 sf. A 1,800 sf ranch is also a possibility.

Originally, this phase of the subdivision had more than 50 lots. They now have to work

around the wetlands.

Lots 1 – 19 have met with the Board's approval. Work needs to be done on lots 20, 21 and the "T" turn-around.

Ms. Savard stated that they are anxious to get the SEQR process started.

Rec fees will be discussed at a later approval stage.

No action at this time.

It was moved by Stessing – Duchscherer to **TABLE**.

Roll Call: Ayes – Stessing, Duchscherer, Bruno, Greco, Lare, Starzynski, Worrall
Noes – None
Carried

2. FROM: Town Engineer

RE: HERB'N GARDEN FARMS, LLC - 381 LANG BLVD.
HYDROPONIC GREENHOUSE NURSERY – SITE PLAN REVISION

Kevin Colosimo appeared to discuss his approved site plan. They would like to move the proposed greenhouse back approximately 66' and move the dumpsters to a different location. They may go from 3 dumpsters to 2. The dumpsters are a standard size. Moving the greenhouse and dumpsters will minimize shadowing on the greenhouse. They have clear cut all the trees that have to be removed.

When questioned, Mr. Colosimo stated that the neighbor to the east will not cast a shadow.

There will be asphalt in the front of the property, stone to the rear by the dumpsters and on an access driveway.

It was moved by Duchscherer – Stessing to recommend **APPROVAL** of the revisions to the original site plan as presented on the site plan dated January, 2019. The greenhouse will be moved back approximately 66' and the relocation of the dumpsters to be shown on the revised site plan when submitted to the Building Dept. The swale on the northwest side of the property will be adjusted and shown on the grading plan to be submitted by Daigler Engineering.

Roll Call: Ayes – Duchscherer, Stessing, Bruno, Greco, Lare, Starzynski, Worrall
Noes – None
Carried

COMMUNICATIONS – OTHER OFFICIALS

1. FROM: Town Board
RE: MINUTES – December 17, 2018, January 7, 2019
Received and filed.
2. FROM: Board of Architectural Review
RE: MINUTES – December 18, 2018
Received and filed.

COMMUNICATIONS – OTHERS

None

UNFINISHED BUSINESS

1. FROM: Planning Board Committee
RE: PROJECT SUBMISSION/REVIEW REQUIREMENTS/CHECK LIST

The revised check list was reviewed.

Mr. Westfall commented that this check list is not appropriate for subdivisions. He has an internal subdivision check list for applicants. This document has approximately 17 pages. The Town's Subdivision Regulations are almost verbatim from State Law. He does not send anything to this Board before technical components are complete.

Ms. Lare stated that 1-28 on this proposed check list is taken from the Code Book, with a couple of heading changes. This check list would be one item in the packet to applicants that would address site plan review.

Mr. Westfall noted that on page 2 of the memo dated November 13, 2018, 49-122 should be changed to current code 407-109. Town Code Chapters 15 and 49 should be changed to Town Code Chapter 253.

It was suggested to open up another committee to review other parts of the Code. Ms. Kinney stated that the Long Range Planning Committee will be reviewing the Design and Performance Standards and will be looking for input.

It was moved by Stessing – Starzynski to **APPROVE** the memo dated November 13, 2018, including the corrections made by the Town Engineer, and the revised check list and forward the document to the Town Board for their approval and reaffirmation to all pertinent parties. (The memo has been updated and dated February 11, 2019.)

Roll Call: Ayes – Stessing, Starzynski, Bruno, Duchscherer, Greco, Lare, Worrall
Noes – None
Carried

NEW BUSINESS

1. RE: INFORMATION FROM CODE ENFORCEMENT

Information from Code Enforcement was received at this meeting. The Board is requesting that Mr. Morgan make the information available before the meeting. The Board will then have sufficient time to review. Information will be sent to the Secretary for distribution.

2. RE: TRAINING FOR PLANNING BOARD MEMBERS

It was suggested that the Board have information from the Water and Sewer Departments and possibly the utility companies as part of the Board's training.

It was moved by Stessing – Worrall to **ADJOURN** at 8:45 P.M.

Roll Call: Ayes – Stessing, Worrall, Bruno, Duchscherer, Greco, Lare, Starzynski
Noes – None
Carried

Respectfully submitted,

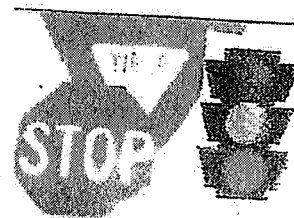
Arlene Ehde
Recording Secretary

TOWN OF GRAND ISLAND
TRAFFIC SAFETY
ADVISORY BOARD

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2019 MAR 13 PM 2:09

TOWN CLERK
GRAND ISLAND, N.Y.



JANUARY 8, 2019

Members: Chairman Chuck Grunzweig, Michael Beauchamp, Past Chairperson Dorothy Bitner, Jack Burris, Betty L. Harris, Larry Kieffer, Eric Thomsen, Gary Tollner –
Excused – Atty. Mark Nemeth Town Council Liaison- Jennifer Baney

GUEST: Theresa Alizadeh, Grand Island Transportation Supervisor

Minutes November 13, 2018 Motion to approve - LARRY/GARY Motion Carried
Minutes December 11, 2018 Motion to approve - GARY/LARRY Motion Carried

OLD BUSINESS: 1) JEN INFORMED THAT DICK IS WAITING FOR SCHOOL RESPONSE
ON "NO PARKING" SIGNS AROUND HIGH/MIDDLE SCHOOL
(BISHOP'S GATE)

2) STOP SIGN STATUS OF FERNWOOD AND BUSH ROAD - MOTIONED TO TABLE BY JACK
AND MIKE UNTIL DICK HAS REPORT.

3) PEDESTRIANS – STALEY RD AND THERMO FISHER – CHUCK COMMENTED THE SIGNAGE
IS IN A CONFUSING AREA, MEMBERS HAVE OBSERVED PEOPLE CROSSING AT DIFFERENT
AREAS TO GET TO PARKING LOT – NOT USING CROSSING AREAS. JEN WILL GET HISTORY
ON INSTALLATION. CHUCK SUGGESTED BETTER SAFETY AND POSSIBLE LIGHTS.

4) TE-9 TO CORRECT FIX ROAD AREA SIGNS – TOWN BOARD APPROVED. TOWN
CLERK WILL SUBMIT PAPERWORK TO ERIE COUNTY AND NYSDOT. TOWN APPROVAL
LETTER WILL BE FORTHCOMING.

5) NO PASSING ON SHOULDERS – NEXT MEETING JAN, 15th, 9:30 AM, D.O.T. REPRESENTATIVE
WILL MEET WITH DICK, TWO STAFF MEMBERS, JEN, TSAB MEMBERS, CHAIRMAN AND CO
CHAIRMAN TO HAVE A DISCUSSION AND STATE CONCERNS. (6)

7) LIST FOR "SPEEDY" TO BE FINISHED FOR NEXT MEETING – BETTY WILL OBTAIN HIGHWAY'S
ROAD LIST

8) DEVELOP AND ADOPTION OF A STREET POLICY MAP" AT THE REQUEST OF LRP BOARD'S 2ND
PHASE MASTER PLAN. JEN POINTED OUT IT'S A 2-5 YEAR STUDY AND SHE CIRCULATED LARGE
DRAFTS OF THE BLVD. IT'S POSSIBLE THAT CORNELL WEB SITE WILL BE HAVING WORKSHOPS AND
SHE IS HOPEFUL IN GETTING A SPEAKER TO COME TO TOWN HALL. A MINIMUM 15 PEOPLE
REQUIRED FOR ATTENDANCE. IT WAS MOTIONED BY ERIC, 2ND BY BETTY- THAT TOWN HIGHWAY
BE INVITED ALSO. MOTION CARRIED. JEN TO PERSUE TRAINING FOR TSAB THROUGH CORNELL

ERIC MADE MOTION FOR A TRAFFIC STUDY FOR ALL OF GRAND ISLAND BLVD INCLUDING ACCIDENT REPORTS FOR LAST 3 YEARS. LARRY SECONDED- MOTION CARRIED.

9) MEMBER TERMS WERE REVIEWED AND CONFIRMED, NEW ROSTER AT NEXT MEETING

10) SEE SOMETHING, SAY SOMETHING - SUGGESTED THAT THE WORD "NON" (EMERGENCY) BE REMOVED FROM THE FLYER. BETTY WILL EDIT.

11) ERIC SUGGESTED, AS HE NOTICED TSAB MINUTES ARE NOT POSTED ON TOWN WEBSITE AND SHOULD BE, THAT MEMBERS TERMS BE POSTED, CHAIR PERSON SHOWN.

12) GR ISL. ECONOMIC- CONTACT K. PETRIE, CHAIRPERSON WITH UP-DATE ON TSAB EFFORTS AND FOLLOW UP ON SPEED REDUCTION ON BLVD, AND HOW TSAB IS PROCEEDING LARRY VOLUNTERED TO WORK ON THIS PROJECT.

NEW BUSINESS: 1) JEN STATED INTERVIEWS WILL BE IN PLACE FOR VOLUNTEERS FOR A FEW BOARD AND TSAB MEMBERS WOULD LIKE TO HAVE TWO ALTERNATES. ERIC ALSO QUESTIONED THE TOWN WEBSITE AND NOTED TSAB MINUTES ARE NOT POSTED HE ALSO FELT THE TSAB MISSION STATEMENT SHOULD BE ON THE WEBSITE. TSAB HAPPY TO LEARN JEN WILL BE CONTINUING AS OUR LIAISON.

2) NATIONAL NIGHT OUT - LARRY DIDN'T FEEL THE TSAB SHOULD BE RUNNING THE EVENT. DOROTHY POINTED OUT THAT IT'S A NATIONAL EVENT. PAST YEAR TSAB IN COORDINATION WITH THE RECREATION DEPARTMENT PUT THE EVENT TOGETHER WITH APPROVAL OF THE TOWN BOARD AND POLICE, FIRE, ETC. RECREATION DEPT. DOESN'T FEEL THERE IS ENOUGH ATTENDANCE FOR THEM TO BE INVOLVED. AUGUST EVENT WAS WELL ATTENDED AND GREAT FEED BACK AND MOST OF TSAB MEMBERS WORKED AT THE EVENT. THE NEIGHBORHOOD FOUNDATION WAS PLEASED FOR THE DONATION FROM THE DUNK TANK OF OVER \$300.00.

LARRY MADE A MOTION THAT TSAB DOESN'T RUN NATIONAL NIGHT OUT AUGUST 6TH. SECONDED BY MIKE. DOROTHY FELT IT VERY IMPORTANT THAT THE TOWN CONTINUE ON WITH THIS NATIONAL EVENT AND WAS NOT IN FAVOR OF WORKING WITH THE TOWN. SHE POINTED OUT THAT MOST COMMUNITIES GET INVOLVED TO PROMOTE TRAFFIC SAFETY. MOTION CARRIED

3) TSAB AND HIGHWAY DEPT. PER JEN, EMPLOYEES DEEMED APPROPRIATE TO ATTEND BY HIGHWAY ADMINISTRATION, ON TRAINING COMPLETE STREETS

4) WHITEHAVEN ROAD INTERCHANGE AT I-190 WILL HAVE TWO TRAFFIC LIGHTS AT THE EXITS DUE TO LIMITED SITE, DATE FOR INSTALLATION NOT AVAILABLE.

- 5) TSAB 2019 CALENDAR IS CORRECT BUT NOW NOTE THERE WILL BE A MEETING AUGUST 13TH.
6) JACK QUESTIONED 1-190 NORTHBOUND AT SOUTH NORTHBOUND BRIDGE BASE AND THAT LIGHTS WERE NOT WORKING. CHUCK OFFERED TO CONTACT THE NYSTA ABOUT THE LIGHTS.

ROUND TABLE:

GUEST SUGGESTIONS -THERESA, TRANSPORTATION SUPERVISOR FOR SCHOOL BUSES SPOKE AT THE REQUEST OF JACK AND BASED ON PERSONAL EXPERIENCE AND OBSERVATION OF BUS TRAFFIC ISSUES. THERESA'S OBSERVATION THAT THE STOP SIGNS AT RANSOM AND STONY ARE JUST CREATING MORE BACK UPS ESPECIALLY AT 7:05 -7:15 A.M. SCHOOL DAYS. SHE'D LIKE TO SEE THEM REMOVED. BUSES NEED TO GET OFF RANSOM IN A TIMELY MANNER JACK ALSO POINTED OUT THAT TRAFFIC IS WATCHING AND SUGGESTED MORE CROSS WALK AND POLE REFLECTORS NEAR THE SCHOOL TO IMPROVE WALKING SAFETY. CHUCK MOTIONED, JACK SECONDED. MOTION CARRIED.

LARRY REQUESTED A 3 YEAR TRAFFIC REPORT FOR RANSOM AND STONY POINT ROAD - BETTY POINTED OUT THAT THERE HAVE BEEN SEVERAL OVER THE YEARS, NO ACCIDENT REPORT. JEN WILL DISCUSS WITH OFFICER SOLURI.

FUTURE MEETINGS, IF ANY INCLEMENT WEATHER MEETINGS WILL BE CANCELLED AT THE DISCRETION OF THE TSAB CHAIRMAN. GENERALLY IF TOWN HALL IS CLOSE, NO MEETINGS.

CHUCK REPORTED ON THE FACE BOOK POST WITH REMARKS FROM THE PUBLIC REGARDING POSSIBLE NEED FOR SPEED REDUCTION ON GRAND ISLAND BLVD. MOST WERE NOT FAVOR AND SUGGESTED MORE LAW ENFORCEMENT BE USED FOR SPEEDERS. THE PUBLIC OPINION WAS A FOLLOW-UP OF THE ECONOMIC DEVELOPMENT CORRESPONDENCE. LARRY POINTED OUT THAT SPEEDS ARE GENERALLY 45 - 55 MPH. ECONOMIC DEVELOPMENT WILL BE UP-DATED.

ERIC REQUESTING MORE INFORMATION ON THE SIDE WALK DEVELOPMENT FOR THE BLVD. JEN WILL FURNISH WHEN AVAILABLE FROM THE ENGINEERING DEPT. ERIC ASKED THAT TSAB MEMBERS REVIEW THE STREET MAPS FOR DISCUSSION AT FEBRUARY MEETING.

DOROTHY AGAIN THANKED JACK FOR THE FLOWERS AND EVERYONE FOR THEIR DEDICATION AND SUPPORT TO THE TSAB.

NEXT MEETING FEBRUARY 12TH, 7:00 PM - NEXT LONG RANGE MEETING FEBRUARY 13TH-7:00 PM TOWN HALL CONFERENCE ROOM

MOTION TO CLOSE MEETING: LARRY AND GARY MOTION CARRIED

Respectfully submitted, Betty L. Harris, Secretary

Betty L. Harris

EMAIL ADDRESS;

GRAND ISLAND ECONOMIC ADV. BOARD

- KPETRIE@GRAND-ISLAND.NY.US

TOWN OF GRAND ISLAND

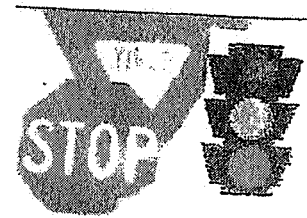
TRAFFIC SAFETY

ADVISORY BOARD

RECEIVED

2019 MAR 13 PM 2:10

TOWN CLERK
GRAND ISLAND, N. Y.



Members: Chairman Chuck Grunzweig, Michael Beauchamp, Past Chairperson
Dorothy Bitner, Jack Burns, Betty L. Harris, Larry Kieffer,
Atty. Mark Nemeth, Eric Thomsen and Gary Tollner

Town Council : Jennifer Baney, Liaison

MINUTES 2/12/19

ATTENDANCE: CHUCK, ERIC, GARY, JACK, LARRY, BETTY,
MIKE
ABSENT: MARK
DOROTHY: EXCUSED

LIAISON: JENNIFER BANEY

GUEST: RICHARD CRAWFORD, HIGHWAY

MEETING CALLED TO ORDER: 7:00 PM

MOTION TO ACCEPT- ERIC/TOLLNER - APPROVED

OLD BUSINESS:

1. "NO PARKING SIGNS" NEAR HIGH/MIDDLE SCHOOLS MEETING WITH SCHOOLS - ENOUGH PARKING, TRYING TO GET IDEA WHICH ONES TO REMOVED. COULD BECOME AN ISSUE WITH LARGE CAPITAL PROJECTS. DICK SOME CONCERNS FOR TRACY LANE AND BISHOPS GATE FOR AN EGRESS - KEEP 100' CLEAR FROM CROSSWALKS - 50' EITHER SIDE OF MIDDLE OF CROSSWALK. NO PARKING ANYTIME DURING SCHOOL HOURS -DICK TO CHECK WITH SCHOOL. JACK RECOMMENDED TIMES 7 AM TO 4 PM.
2. LARRY'S - DICK CONTACTING GINA. FERNWOOD AND BUSH ROADS, COUNTY HAS INSTALLED STOP SIGNS.
3. JEN DID AN ON SITE OBSERVATION AT FISHER THERMO REGARDING THE TIMING OF THE FLASHING LIGHTS. MIKE MADIGAN WAS INVOLVED WITH THE PROJECT WHICH TOOK 2 YEARS. JEN NOTED DAY OPERATION TOOK 7 SECONDS TO CROSS FOR AN EMPLOYEE FROM BLDG TO PARKING LOT - AFTER CROSSING, 22 SECONDS TO THE BUILDING ENTRANCE. LIGHTS ALSO SEEM TO TURN ON WITH OUT ANYONE CROSSING, POSSIBLY DUE TO WEATHER - (I TE 9- JEN REPORTED DOCUMENTS WERE SUBMITTED TO TOWN CLERK AND

UNKNOWN TIME FRAME BEFORE WE RECEIVE REPLY FOR REQUEST
FOR FIX ROAD SPEED SIGNS. LEAVING AS OLD BUSINESS

4. CHUCK WENT OVER THE STREET LIST THAT HE AND DICK AND BETTY WERE CONSIDERING FOR SPRING LOCATION OF "SPEEDY" MONITOR. ALL AGREED LIST WAS OKAY AND THAT STARTING 4/1/19 THEY WOULD BE AT LOCATIONS FOR A 2 WEEK TIME PERIOD. REPORTED TSAB AND HIGHWAY DEPT. ALONG WITH ENGINEERING AND MEMBER OF TSAB, SHOULD ATTEND THE CORNELL TRAINING. DATES OFFERED WERE 3/20, 3/29, 4/3 TIME 8:30AM-12:00 AT TOWN HALL CONFERENCE ROOM. MEMBERS SELECTED 4/3.
5. NO UPDATE ON TRAFFIC LIGHTS - I-190 NORTHBOUND AT THE SOUTH NORTHBOUND BRIDGE AND NOTED LIGHT ARE NOT WORKING.
6. ALTERNATE MEMBERS - A DATE OF 3/5/19, 2:00 PM ON HAS BEEN SET FOR INTERVIEWS AND KELLY WILL BE COMPILING A LIST - CHUCK AND ERIC OFFERED TO SIT IN AND INTERVIEW.
7. STATUS OF TSAB WEB PAGE - ERIC SAID IT'S UP AND RUNNING AND ASKED IF AGENDA OR MINUTES SHOULD BE POSTED. IT WAS AGREED THAT BOTH SHOULD BE ON THE SITE. BETTY WILL SEND KELLY AND P. FRENTZEL MINUTES EACH MONTH AND KELLY WILL BE GETTING THE AGENDA FROM ERIC.

NEW BUSINESS:

- 1) SIDEWALK ACCESSIBILITY PROJECT - MAPS WERE REVIEWED - ACCIDENT REPORT INDICATED 60 ACCIDENTS ON GRAND ISLAND BLVD.
- 2) LARRY PRODUCED INFORMATION REGARDING THE MEETING WITH ERIE COUNTY HIGHWAY, HIMSELF AND THERESA ALIZADEH AND OTHERS REGARDING STONY POINT AND RANSOM SIGN AND TRAFFIC ISSUES. THE COUNTY IS NOT CONSIDERING REMOVAL OF THE SIGNS - AND JACK WOULD HAVE ATTENDED HAD HE KNOWN AND SUGGESTED THAT ANY FUTURE MEETINGS - EVERYONE ON TSAB BE INFORMED FOR MORE INPUT REGARDING THIS AREA OR ANY OTHER COUNTY SIGN ISSUES

ROUND TABLE: - MIKE ASKED IF ANYONE KNEW THE REASON FOR AN ACCIDENT ON E RIVER. NO INFORMATION WAS OFFERED.

IT WAS NOTED THAT A PERSON WAS SEEN STANDING ALONG THE ROAD BY BUS STOP - UNREMOVED SNOW DIDN'T ALLOW THE PERSON TO WAIT SAFELY. DICK MENTIONED IT WAS NFTA WHO IS RESPONSIBLE FOR KEEPING THE SHELTERS CLEANED OUT.

JACK STILL FELT THE STOP SIGNS SHOULD BE REMOVED GOING NORTH ON STONY POINT AT RANSOM. TRAFFIC ACCIDENT REPORTS DID NOT SHOW MAJOR PROBLEM. COMPREHENSIVE TRAFFIC STUDY DID NOT SHOW LONG TIME PERIODS AT MORNING BUS TRAVEL IN THAT AREA.

Motion to close meeting at 9:14 - Eric and Mike - motion carried

Next meeting March 12, 2019

Submitted:  **Betty L. Harris, Secretary**

**Cc: Town Supervisor & Kelly
Town Clerk-Patricia Frentzel
Council man Peter Marston**

W



STATE OF NEW YORK)
TOWN OF GRAND ISLAND) ss.
COUNTY OF ERIE)

To Whom It May Concern:

I, HEREBY CERTIFY, That at a meeting of the Town Board of the Town of Grand Island, held on the **Fourth of February, 2019** the following resolution was adopted, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect:

A RESOLUTION SUBMITTED BY:
SUPERVISOR: NATHAN D. McMURRAY
COUNCILMEMBERS:
BEVERLY A. KINNEY, MICHAEL H. MADIGAN,
JENNIFER L. BANEY, PETER MARSTON, JR.

Complete Streets Training

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to authorize the expenditure of funds from the Shared Services – Training Budget (001.1620.0412) in the amount of \$1,200. The workshop training will be provided by The Cornell Local Roads program.

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

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Town of Grand Island, Erie County, New York the **Fourteenth of February, 2019**.

ATTEST


PATRICIA A. FRENTZEL
TOWN CLERK

(SEAL)

cc: HWY/ACET



**Department of
Transportation**

14.33-00
5190004

ANDREW M. CUOMO
Governor

2019 FEB 22 AM 9:32
Acting Commissioner

TOWN CLERK
FRANK P. CIRILLO, SR.
Regional Director

February 20, 2019

Ms. Gina Wilkolaski, P.E., Traffic Safety Engineer
ERIE COUNTY DEPT OF PUBLIC WORKS
Rath Building
95 Franklin Street
Buffalo, NY 14202

Subject: **REQUEST FOR SPEED LIMIT REVIEW**
FIX ROAD
TOWN OF GRAND ISLAND

Dear Ms. Wilkolaski:

Thank you for your February 5, 2019 letter regarding the above subject. A traffic engineering investigation has been initiated to review this request.

At the conclusion of our investigation, we will advise you of our findings.

If you have any questions or need additional information, please contact me at (716) 847-3268 or David Sobol, of my staff, at (716) 847-3256.

Sincerely,
Original Signed by
Michael J. Roche, P.E.

Michael J. Roche, P.E.
Regional Traffic Engineer

MJR/DAS/TAL/paf

cc: Major Edward J. Kennedy, Troop "A" Commander, NYS Police
Patricia A. Frentzel, Town Clerk, Town of Grand Island
David A. Sobol, P.E., Regional Operations Group

cc: Town Borey, Hwy



RECEIVED
2019 MAR 14 AM 9:20
TOWN CLERK
GRAND ISLAND, N.Y.

OFFICE OF THE TOWN SUPERVISOR
NATHAN D. McMURRAY

MEMORANDUM

TO: Pattie Frentzel
FROM: Nathan McMurray
CC: Karen Cooney
DATE: 3/13/2019

SUBJECT: Appointment of Broadband Steering Committee

I, Nathan D. McMurray, am creating a Broadband Steering Committee, to address Broadband initiatives on Grand Island. On March 7, the Erie County Legislature passed a resolution to also address Broadband within the entire county. The county responded to an article published in the Buffalo News in February, addressing that internet speeds here rank among the lowest in the country. Grand Island conducted a similar study, confirming this fact, in the summer of 2016. We approved a Broadband study within the community of Grand Island in August of 2016, with the results being given to the Town in February of 2017, indicating how the Town could initiate a Broadband project for the Town of Grand Island. To continue that effort, at this time, I am appointing a Committee, led by Deputy Supervisor, Jim Sharpe, with the members of our Town's Technology Committee, to further that effort. This will include working with the Grand Island School District and Erie County. No action required.



STATE OF NEW YORK)
TOWN OF GRAND ISLAND) ss.
COUNTY OF ERIE)

To Whom It May Concern:

I, HEREBY CERTIFY, *That at a meeting of the Town Board of the Town of Grand Island, held on the **Twenty-eighth of November, 2016** a Resolution was adopted, of which the following is a true copy:*

A RESOLUTION SUBMITTED BY:
SUPERVISOR NATHAN D. McMURRAY
COUNCILMEMBERS:
RAYMOND A. BILICA, CHRISTOPHER K. ARONICA,
MICHAEL H. MADIGAN, BEVERLY A. KINNEY

Approve Contract – ECC Technologies

On August 1, 2016 an approval was given for the Supervisor to sign an agreement with ECC Technologies on the condition the Grand Island Central School District shares half the cost.

A motion was made by Supervisor McMurray, seconded by Councilman Aronica to authorize the Supervisor to sign an agreement with ECC Technologies in an amount not to exceed \$10,500 out of budgeted funds for a Feasibility Study for municipal fiber optic network study for Grand Island including Proposal Option adding the Grand Island Memorial Library. The ride out survey will include the Grand Island Central School District facilities as a potential subscriber to the Town fiber network.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray
 Noes 0

*IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Town of Grand Island, Erie County, New York the **Thirtieth of November, 2016.***

ATTEST

PATRICIA A. FRENTZEL
TOWN CLERK

(SEAL)

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

CLERK'S OFFICE

BUFFALO, N.Y., March 5, 2019

RECEIVED

2019 MAR 11 PM 3:21

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 5th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Seventh day of March, 2019 A.D., a Resolution was adopted, of which the following is a true copy:

A RESOLUTION SUBMITTED BY
LEGISLATOR MEYERS

Support for Establishment of Broadband Internet Access across Erie County

WHEREAS, for many years, there have been vast areas of Erie County that are considered to be "digital deserts" in that people living or working in these areas have no access to residential broadband Internet access; and

WHEREAS, former Erie County Legislator Patrick Burke vociferously advocated for the establishment of an Erie County broadband network; and

WHEREAS, his advocacy and partnership with the Poloncarz Administration led to the retention of a vendor, ECC Technologies, Inc. in April 2016, which issued an "Erie County Broadband Feasibility Study Final Report" on March 31, 2017; and

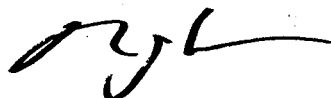
WHEREAS, that broadband feasibility study reported that "The purpose of the study was to provide analysis and guidance for the planning and development of broadband improvement strategies. The study methodology was to gather and document broadband infrastructure and services information and to provide analysis and initiatives for moving forward, which will be used to support economic development and County broadband planning"; and

WHEREAS, the Congressional Research Service issued a report in January 2019 entitled "Broadband Internet Access and the Digital Divide: Federal Assistance Programs" that stated:

The "digital divide" is a term that has been used to characterize a gap between "information haves and have-nots," or in other words, between those Americans who use or have access to telecommunications and information technologies and those who do not. One important subset of the digital divide debate concerns high-speed internet access and advanced telecommunications services, also known as broadband. Broadband is provided by a series of technologies (e.g., cable, telephone wire, fiber, satellite, mobile and fixed wireless) that give users the ability to send and receive data at volumes and speeds necessary to support a number of applications including voice communications, entertainment, telemedicine, distance education, telework, ecommerce, civic engagement, public safety, and energy conservation. Broadband technologies are currently being deployed primarily by the private sector throughout the United States. While the numbers of new broadband subscribers continue to grow, studies and data suggest that the rate of broadband deployment in urban/suburban and high-income areas is outpacing deployment in rural and low-income areas. Some policymakers, believing that disparities in broadband access across American society could have adverse economic and social consequences on those left behind, assert that the federal government should play a more active role to address the "digital divide" in broadband access.

and

ATTEST



ROBERT M. GRABER

Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

CLERK'S OFFICE

BUFFALO, N.Y., March 5, 2019

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 5th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Seventh day of March, 2019 A.D., a Resolution was adopted, of which the following is a true copy:*

WHEREAS, in January and February 2019, the Buffalo News printed in-depth articles discussing how there are many pockets in Erie County and Western New York where residents and households have no access to high speed Internet or broadband Internet access; and

WHEREAS, these disparities, whether in some urban neighborhoods in Buffalo or western Cheektowaga, or in rural areas of Erie County, helps perpetuate inequality, poverty, and a lack of educational and job opportunities for residents who simply cannot access the Internet at the necessary speeds to facilitate downloading of content; and

WHEREAS, in some cases, even when residents can theoretically purchase high-speed Internet access from local providers such as Spectrum (Charter) or Verizon, the cost of such packages is prohibitive to residents who have to make difficult choices such as paying for heat or food for their family as opposed to purchasing Internet access; and

WHEREAS, in many instances, media accounts have noted that providers of Internet access have failed to provide Internet at the speeds marketed, or have failed to meet their promises to expand high speed Internet access to communities and households, leading to state regulatory action against at least one provider; and

WHEREAS, as noted in a February 2019 Buffalo News article, (1) local Internet speeds rank among the country's slowest, and (2) a Buffalo News analysis of Federal Communications Commission records found that of the 10 wired internet providers that operate in the Buffalo Niagara region, only Spectrum offers broadband throughout Buffalo and its average speeds fall below benchmarks elsewhere, according to speed-testing services; and

WHEREAS, in modern society, access to the Internet and its resources is critically important for learning, growing and attaining employment; and

WHEREAS, in the absence of industry action, some advocates have called for the government to become involved in subsidizing or creating free, high speed public Wi-Fi systems for local residents to access; and

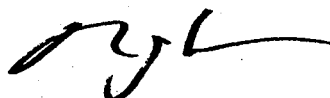
WHEREAS, at the County level, we have heard stories from representatives of the Poloncarz Administration and administrators of the Buffalo and Erie County Public Library system who have spoken of how people not only use the computers at branch libraries to access the Internet, but also who sit outside of the Central Library in downtown Buffalo to use the Wi-Fi system after library hours; and

WHEREAS, according to the Buffalo News, the Buffalo Niagara Medical Campus has begun meeting with business and city leaders to discuss a city-owned internet solution due to the growing consensus that Buffalo's Internet does not meet the community's needs; and

WHEREAS, while this is laudable, there is also a need to connect other localities in Erie County to high speed Internet access, which offers an opportunity for Erie County to play a role with our local partners; and

WHEREAS, this can take the form of building out a fiber network with "land lines" and cables, or wireless Wi-Fi networks; and

ATTEST



ROBERT M. GRABER

Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., March 5, 2019

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 5th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Seventh day of March, 2019 A.D., a Resolution was adopted, of which the following is a true copy:

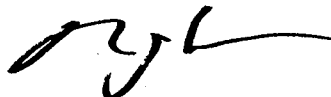
WHEREAS, in its "GAP Analysis", the Erie County Broadband Feasibility Study by ECC Technologies stated: "The essential infrastructure missing is a competitive choice of fiber optic service providers to our city, town, and village neighborhoods, besides Spectrum and Verizon FiOS™. There is a fair amount of fiber optic cabling supporting the larger businesses of metropolitan Buffalo, but these providers either do not target residential or small business, or price their fiber optic services in such a way that it is prohibitively expensive to residential users or small business. This lack of infrastructure is only going to become more apparent as the number of devices requiring Internet access and bandwidth continue to increase in all aspects of our lives"; and

WHEREAS, the Erie County Broadband Feasibility Study "found that while the urban and suburban areas of the County are for the most part served in terms of access and competition, many of the rural areas of the County, which are towns and villages to the south and east, are lacking and expected to fall further behind. There is a municipal consortia of fiber optic networks that have successfully collaborated in the past to build out their public infrastructure and are agreeable to future collaborative endeavors. The challenge that the County faces are that the two major infrastructure providers for the region, Verizon and Charter Spectrum (formerly Time Warner Cable), are not significantly expanding their infrastructure nor replacing aging copper and coaxial cable plant with fiber optics. For much of Erie County, Charter Spectrum is the only provider that can offer a true broadband service to small businesses and residents"; and

WHEREAS, the Erie County Broadband Feasibility Study stated five recommendations moving forward to advance Broadband Internet access across the community:

1. "The **Broadband Committee** should continue to meet, perhaps on a quarterly or semi-annual basis, to review County broadband goals and objectives";
2. "Similar to the County's Broadband Committee, the County should continue to communicate with its municipal and community partners to identify opportunities for **broadband collaboration**. Today, this is an informal consortium of municipal partners that meets infrequently, if at all. The County may want to formalize this consortium and take a leadership role in convening an annual meeting to review opportunities and goals."
3. "County and other local governments should adopt a **"dig once"** policy requiring the installation of municipal conduit or duct whenever a private or public works project opens up the earth along public Right-of-Way. Over time this has the potential of creating pathway for broadband infrastructure whenever street, water, sewer, lighting, and/or telecom projects can provide pathway for conduit burial."
4. "The broadband committee and County agencies could **evaluate funding opportunities to include broadband infrastructure for economic development zones or targeted ECIDA sites**. Opportunities can include broadband conduit or duct bank providing access to multiple carriers into the site and buildings."

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., March 5, 2019

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 5th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Seventh day of March, 2019 A.D., a Resolution was adopted, of which the following is a true copy:

5. "A more proactive broadband strategy is for the County to view broadband infrastructure as a utility necessary to maintain quality of life and keep our communities competitive within the region, state, nation and the world. This is sometimes referred to as a "Technology Led" economic development strategy. The County, through several potential funding streams, would build-out, control, and maintain the broadband infrastructure for both public and private customers. This type of municipal network model for broadband development is often described as an **Open Access Network (OAN)**. The OAN concept is for government to not compete directly with private broadband providers, but rather provide a not-for-profit broadband infrastructure that is accessible by public and private organizations, including the broadband providers."; and

WHEREAS, on March 15, 2018, after hearing committee testimony from utility representatives, the Erie County Legislature approved Intro. 2-5 (2017), a resolution entitled "Support for an Erie County 'Dig Once' Policy", which called for the establishment of a "Dig Once" policy by the Department of Environment and Planning in which any time the County government or its contractors digs/excavates on a road or right-of-way, they will coordinate with telecommunications, electrical, natural gas or water/sewer utility providers to, among other things, allow for the laying of fiber optic or high speed telecommunications cables.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature expresses its support for the recommendations outlined in the Erie County Broadband Feasibility Study and urges the County Executive to re-impanel the County Broadband Committee and to take measures to address the digital divide and digital deserts in Erie County; and be it further

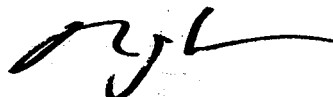
RESOLVED, that this Honorable Body expresses our support for efforts shepherded by the County's Department of Environment and Planning and Division of Information and Support Services, working in conjunction with our city, town and village municipal partners, the Erie County Industrial Development Agency, the Niagara Frontier Transportation Authority, the University of Buffalo, Buffalo State College, the New York State Department of Transportation and other state agencies, and others such as the Buffalo Niagara Medical Campus, to (1) participate in the broadband committee, (2) collaborate on broadband expansion, (3) similarly adopt a dig once policy, (4) work together on funding opportunities from federal, state and non-profit foundation sources, and (5) pursue an Open Access Network so that all people in Erie County can enjoy the benefits of both Internet access and high speed Internet access; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the Governor, the Commissioners of the New York State Public Service Commission, the County Executive, the Presidents of the University of Buffalo and Buffalo State College, the Executive Director of the NFTA, the Acting Commissioner of the New York State Department of Transportation, the Executive Director of the Buffalo Niagara Medical Campus, and the mayors of the cities and villages in Erie County and the supervisors of the towns in Erie County.

REFERENCE:

INTRO. 5-6 (2019)

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County



RECEIVED
2019 MAR 14 AM 9:20
TOWN CLERK
GRAND ISLAND, N.Y.

OFFICE OF THE TOWN SUPERVISOR
NATHAN D. McMURRAY

MEMORANDUM

TO: Pattie Frentzel
FROM: Nathan McMurray
CC: Karen Cooney
DATE: 3/13/2019

RESOLUTION: SOLAR PILOT PROGRAM

NOW THEREFORE BE IT RESOLVED That I, Nathan D. McMurray, am hereby authorized to sign the attached Solar Pilot I have negotiated with Solarpark, subject to review by the Town Attorney. The form of the pilot is the NYSEDA standard pilot form. The amount of the pilot is calculated using the NYSEDA pilot calculator based on revenues available to solar projects in our area.

PAYMENT IN LIEU OF TAXES AGREEMENT
FOR SOLAR ENERGY SYSTEMS

between

Town of Grand Island, New York

and

SolarPark Energy LLC

Dated as of _____, 2019

RELATING TO THE PREMISES LOCATED AT 1621 Whitehaven
Rd (TAX MAP 37.01-2-1.2 and 37.01-2-2) IN THE TOWN OF
GRAND ISLAND, ERIE COUNTY, NEW YORK.

PAYMENT IN LIEU OF TAXES AGREEMENT
FOR SOLAR ENERGY SYSTEMS PURSUANT TO REAL PROPERTY TAX LAW § 487

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES FOR REAL PROPERTY, effective as of the date on the cover page, above, by and between **SolarPark Energy LLC , a Delaware limited liability company** (the "Owner"), with a principal place of business located at 63 Putnam St., Suite 202, Saratoga Springs, NY 12866 and

The Town of Grand Island, New York, (the "Town"), a municipal corporation duly established in Erie County with a principal place of business located at 2255 Baseline Road, Grand Island, New York

The Town of Grand Island is herein referred to as the "Taxing Jurisdiction." Owner and the Taxing Jurisdiction are collectively referred to in this Agreement as the "Parties" and are individually referred to as a "Party."

RECITALS

WHEREAS, Owner has submitted a Notice of Intent to the Taxing Jurisdiction that it plans to build and operate a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") Section 487 (1)(b) (herein the "Project") with an expected nameplate capacity ("Capacity") of approximately 5 Megawatts AC on a parcel of land located within the Town at 1621 Whitehaven Rd. and identified as SBL #'s 7.01-2-1.2 and 37.01-2-2 , as described in Exhibit A (herein the "Property"); and;

WHEREAS, the Taxing Jurisdiction has not opted out of RPTL Section 487; and

WHEREAS, pursuant to RPTL Section 487 (9)(a), the Taxing Jurisdiction has indicated its intent to require a Payment in Lieu of Taxes ("PILOT") Agreement with the Owner, under which the Owner (or any successor owner of the Project) will be required to make a single payments to the Taxing Jurisdiction at the time the project becomes operational.

WHEREAS, the Owner has submitted or will submit to the assessor of the Town of Grand Island a RP-487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems, demonstrating its eligibility for a real property tax exemption pursuant to RPTL Section 487; and

WHEREAS, the Parties intend that, during the term of this Agreement, the Project will be placed on exempt portion of the assessment roll and the Owner will not be assessed for any statutory real property taxes for which it might otherwise be subjected under New York law with respect to the Project.

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter contained, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Representations of the Parties.

(a) The Owner hereby represents, warrants, and covenants that, as of the date of this Agreement:

1. The Owner is duly organized, and a validly existing Delaware limited liability company, duly authorized to do business in the State of New York, has requisite authority to conduct its business as presently conducted or proposed to be conducted under this Agreement, and has full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement.
2. All necessary action has been taken to authorize the Owner's execution, delivery, and performance of this Agreement and this Agreement constitutes the Owner's legal, valid, and binding obligation enforceable against it in accordance with its terms.
3. None of the execution or delivery of this Agreement, the performance of the obligations in connection with the transactions contemplated hereby, or the fulfillment of the terms and conditions hereof will (i) conflict with or violate any provision of the Owner's Certificate of Incorporation, Certificate of Formation, bylaws or other organizational documents or of any restriction or any agreement or instrument to which the Owner is a party and by which it is bound; (ii) conflict with, violate, or result in a breach of any applicable law, rule, regulation, or order of any court or other taxing jurisdiction or authority of government or ordinance of the State or any political subdivision thereof; or (iii) conflict with, violate, or result in a breach of or constitute a default under or result in the imposition or creation of any mortgage, pledge, lien, security interest, or other encumbrance under this Agreement or under any term or condition of any mortgage, indenture, or any other agreement or instrument to which it is a party or by which it or any of the Owner's properties or assets are bound. There is no action, suit, or proceeding, at law or in equity, or official investigation before or by any government authority pending or, to its knowledge, threatened against the Owner, wherein an anticipated decision, ruling, or finding would result in a material adverse effect on the Owner's ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

(b) The Taxing Jurisdiction hereby represents, warrants, and covenants that, as of the date of this Agreement:

1. The Taxing Jurisdiction is duly organized, validly existing, and in good standing under the laws of the State of New York and has full legal right, power, and authority to execute, deliver, and perform all applicable terms and provisions of this Agreement.
2. All necessary action has been taken to authorize the Taxing Jurisdiction's execution, delivery, and performance of this Agreement, and this Agreement constitutes the Taxing Jurisdiction's legal, valid, and binding obligation enforceable against it in accordance with its

terms.

3. No governmental approval by or with any government authority is required for the valid execution, delivery, and performance under this Agreement by the Taxing Jurisdiction except such as have been duly or will be obtained or made.

4. There is no action, suit, or proceeding, at law or in equity, or official investigation before or by any government authority pending or, to its knowledge, threatened against the Taxing Jurisdiction, wherein an anticipated decision, ruling, or finding would result in a material adverse effect on the Taxing Jurisdiction's ability to perform its obligations under this Agreement or on the validity or enforceability of this Agreement.

2. Tax Exemption; Payment in Lieu of Real Property Taxes.

(a) Tax-Exempt Status of the Project Facility. Pursuant to RPTL 487 the Parties hereto agree that the Project shall be placed by the Taxing Jurisdiction as exempt upon the assessment rolls of the Taxing Jurisdiction. A Real Property Tax Exemption Form (RP 487) has or will be filed with the Assessor responsible for the Taxing Jurisdiction and the Project is eligible for exemption pursuant to RPTL 487 (4).

(b) Owner agrees to make provide \$100,000 (US) in a single payment to the Taxing Jurisdiction in lieu of real property taxes. These funds are to be paid in full at the time the project reaches commercial operations and must be utilized by the Town for the procurement of Sidewalk Lighting for Grand Island Boulevard.

(c) Owner agrees that the payments in lieu of taxes under this Agreement will not be reduced on account of a depreciation factor or reduction in the Taxing Jurisdiction tax rate, and the Taxing Jurisdiction agrees that the payments in lieu of taxes will not be increased on account of an inflation factor or increase in the Taxing Jurisdiction tax rate, all of which factors have been considered in arriving at the payment amounts reflected in this Agreement.

3. Tax Status. Separate Tax Lot. The Taxing Jurisdiction agrees that during the term of this Agreement, the Taxing Jurisdiction will not assess Owner for any real property taxes with respect to the Project to which Owner might otherwise be subject under New York law, and the Taxing Jurisdiction agrees that this Agreement will exclusively govern the payments of all such taxes, provided, however, that this Agreement is not intended to affect, and will not preclude the Taxing Jurisdiction from assessing, any other taxes, fees, charges, rates or assessments which the Owner is obligated to pay, including, but not limited to, special assessments or special district assessments, fees, or charges for services provided by the Taxing Jurisdiction to the Project. Nothing in this Agreement shall limit the right of the Owner to challenge the assessment of the Project pursuant to the RPTL.

4. No Assignments without Prior Notice; Binding Effect.

(a) This Agreement may not be assigned by Owner without the prior written consent of the Taxing Jurisdiction; such consent may not be unreasonably withheld if the Assignee has

agreed in writing to accept all obligations of the Owner. The restrictions on assignment contained herein do not prohibit or otherwise limit changes in control of Owner. If Owner assigns this Agreement with the advance written consent of the Taxing Jurisdiction, the Owner shall be released from all obligations under this Agreement upon assumption hereof in writing by the assignee, provided that Owner shall, as a condition of such assignment and to the reasonable satisfaction of the Taxing Jurisdiction, cure any defaults and satisfy all liabilities arising under this Agreement prior to the date of such assignment. A Notice of this Agreement may be recorded by Owner and the Taxing Jurisdiction shall cooperate in the execution of required Assignments with the Owner and its successors. Owner may, with advance written notice to the Taxing Jurisdiction and without prior consent, assign this Agreement to an affiliate of Owner or to any party who has provided or is providing financing to Owner for the construction, operation and/or maintenance of the Project.

(b) Binding Effect. This PILOT Agreement shall inure to the benefit of, and shall be binding upon, the Taxing Jurisdiction, the Owner and their respective successors and assigns.

5. Statement of Good Faith. The Parties agree that the payment obligations established by this Agreement have been negotiated in good faith in recognition of and with due consideration of the full and fair taxable value of the Project.

6. Additional Documentation and Actions. Subject to applicable laws and regulations, each Party will, from time to time hereafter, execute and deliver or cause to be executed and delivered, such reasonable additional instruments and documents as the other Party reasonably requests for the purpose of implementing or effectuating the provisions of this Agreement. Owner shall pay all reasonable attorneys' and consulting fees incurred by the Taxing Jurisdiction to review and negotiate any such instruments or documents.

7. Notices. All notices, consents, requests, or other communications provided for or permitted to be given hereunder by a Party must be in writing and will be deemed to have been properly given or served upon the personal delivery thereof, via courier delivery service, by hand, or by certified mail, return receipt requested. Such notices shall be addressed or delivered to the Parties at their respective addresses shown below.

If to Owner: SolarPark Energy LLC
63 Putnam St. Suite 202
Saratoga Springs, NY 12866

With a copy to: Hodgson Russ LLP
The Guaranty Building
140 Pearl St. Suite 100
Buffalo, NY 14202
Att: Dan Spitzer

If to the Taxing Jurisdiction: Town of Grand Island
2255 Baseline Road
Grand Island, NY 14072
Attn: Town Supervisor

With a copy to:

Any such addresses for the giving of notices may be changed by either Party by giving written notice as provided above to the other Party. Notice given by counsel to a Party shall be effective as notice from such Party.

8. Applicable Law. This Agreement will be made and interpreted in accordance with the laws of the State of New York. Owner and the Taxing Jurisdiction each consent to the jurisdiction of the New York courts in and for the County in which the Project is located regarding any and all matters, including interpretation or enforcement of this Agreement or any of its provisions. Accordingly, any litigation arising hereunder shall be brought solely in such courts.

9. Termination Rights of the Owner. Owner may not terminate this Agreement. If Owner fails to make payment of agreed PILOT Funds, the Project shall be placed on the taxable portion of the tax roll effective on the next taxable status date of the Taxing Jurisdiction.

10. Termination Rights of Taxing Jurisdiction. Notwithstanding anything to the contrary in this Agreement, the Taxing Jurisdiction may terminate this Agreement on thirty (30) days written notice to Owner if:

a. Owner fails to make timely payments required under this Agreement, unless such payment is received by the Taxing Jurisdiction within the 30-day notice period with interest as stated in this Agreement

b. Owner has filed, or has had filed against it, a petition in Bankruptcy, or is otherwise insolvent;

11. Remedies; Waiver And Notice.

(A) No Remedy Exclusive. No remedy herein conferred upon or reserved to Party is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

(B) Delay. No delay or omission in exercising any right or power accruing upon the occurrence of any breach of an obligation hereunder shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expedient.

(C) No Waiver. In the event any provision contained in this Agreement should be breached by any party and thereafter duly waived by the other party so empowered to act, such waiver shall be limited to the particular breach so waived and shall not be deemed to be a waiver of any other breach hereunder. No waiver, amendment, release or modification of this Agreement shall be established by conduct, custom or course of dealing.

12. Entire Agreement. The Parties agree that this is the entire, fully integrated Agreement between them with respect to payments in lieu of taxes for the Project.

13. Amendments. This Agreement may not be effectively amended, changed, modified, altered or terminated except by an instrument in writing executed by the parties hereto.

14. No Third Party Beneficiaries. The Parties state that there are no third-party beneficiaries to this Agreement.

15. Severability. If any article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such article, section, subdivision, paragraph, sentence, clause, phrase, provision or portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this Agreement shall be and remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such holding or adjudication.

16. Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Executed by the undersigned as of the day and year first written above, each of whom represents that it is fully and duly authorized to act on behalf of and bind its principals.

By: _____

Name

Title

Date

TAXING JURISDICTION OF

Superintendent/Supervisor/County Official

Date

EXHIBIT A

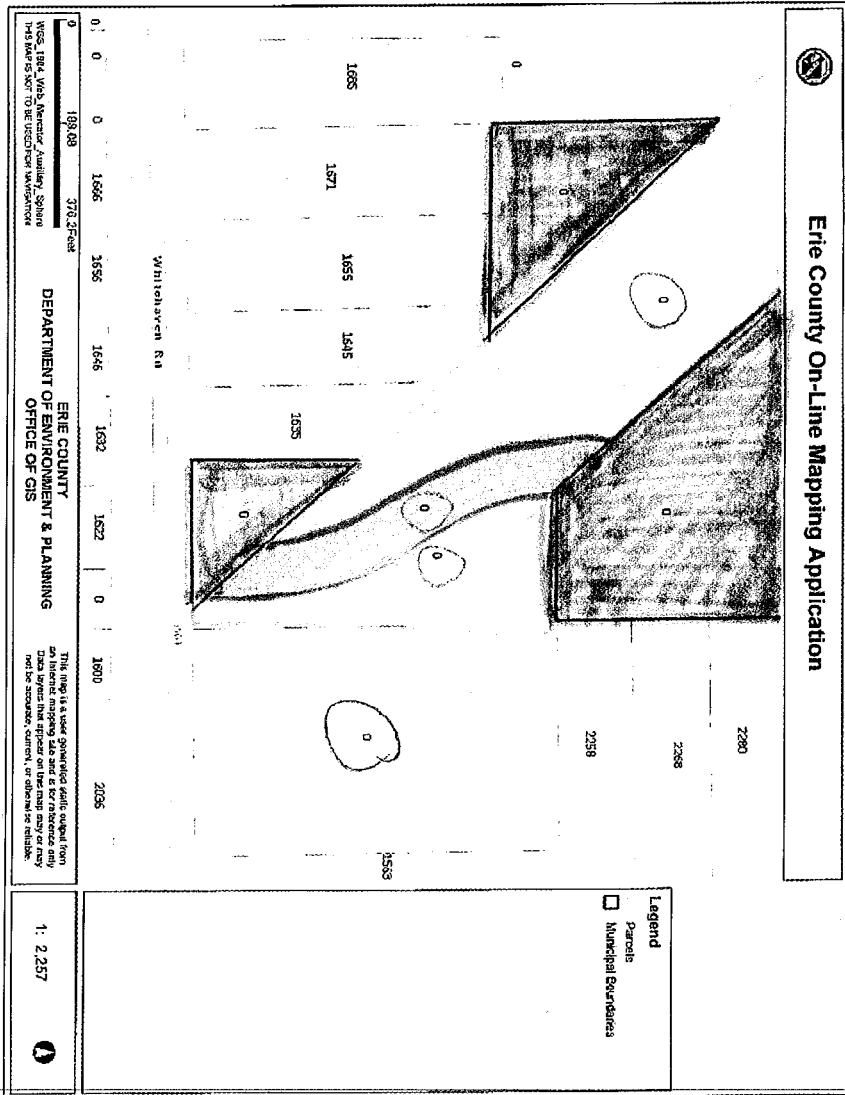


EXHIBIT B

[illegible]

DEPARTMENT OF ENGINEERING
& WATER RESOURCES

ROBERT H. WESTFALL, P.E.
Town Engineer

LYNN M. DINGEY
Asst. Civil Engineer



THE TOWN OF GRAND ISLAND

2255 Baseline Road
Grand Island, New York 14072-1710
(716) 773-9600, Ext. 635 Office
(716) 773-9618 Fax
E-mail: engineering@grand-island.ny.us

Town Board Agenda: March 18, 2019

March 6, 2019

To: Town Board

From: Robert Westfall, P.E.
Town Engineering

Re: Station 8 Forcemain Replacement Project
National Fuel Encroachment Agreement
M-8-2018

Honorable Town Board:

A portion of the above referenced project, involves construction of a new forcemain located in the National Fuel Easement. A National Fuel Encroachment Agreement is required for us to do that portion of the project.

We recommend the Town Supervisor be authorized to execute the Encroachment Agreement with National Fuel County pending review and approval of the Town Attorney.

lmd
attachment

RECEIVED
2020 MAR -7 AM 11:15
TOWN CLERK
GRAND ISLAND N.Y.

ENCROACHMENT AGREEMENT

THIS AGREEMENT is made and entered into on this _____ day of _____, 2019, by and between Empire Pipeline Inc. and National Fuel Gas Distribution Corporation, New York corporations having offices at 6363 Main Street, Williamsville, New York 14221 ("NATIONAL FUEL") and The Town of Grand Island, having an office at 2255 Baseline Road, Grand Island, New York 14072 ("TOWN").

WHEREAS, NATIONAL FUEL has an existing right-of-way and easement 50' in width within which is constructed a single natural gas transmission line (Line EMP01); said easement recorded on the 4th of September, 1991, in Liber 10325 of Deeds, page 380 in the Erie County Clerk's Office, State of New York; and said easement is located in the Town of Grand Island, (SBL: 51.00-1-6); and an existing right-of-way and easement 50' in width within which is constructed a single natural gas transmission line (Line EMP01); said easement recorded on the 4th of March, 1993, in Liber 10613 of Deeds, page 259 in the Erie County Clerk's Office, State of New York; and said easement is located in the Town of Grand Island, (SBL: 37.04-1-45); and NATIONAL FUEL has an existing Franchise Agreement with the Town of Grand Island, dated July 20, 1959; and has constructed natural gas distribution mains in highway bounds pursuant to said Franchise Agreement; and

WHEREAS, TOWN has requested permission to encroach over and across NATIONAL FUEL's rights of way on the properties; and

WHEREAS, TOWN'S encroachment may not compromise, in any manner whatsoever, the integrity and safe operation of the pipeline and related facilities;

NOW, THEREFORE, for One and no/100 (1.00) Dollars and/or other good and valuable consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. NATIONAL FUEL hereby agrees that TOWN shall be permitted to cross NATIONAL FUEL's facilities as detailed in Exhibits "A", attached hereto and made a part hereof. These facilities shall be installed under NATIONAL FUEL's twelve-inch (12") and twenty-four-inch (24") natural gas high-pressure pipelines and NATIONAL FUEL'S three-inch (3"), four-inch (4") and twelve-inch (12") natural gas distribution main pipelines with a minimum of eighteen inches (18") of vertical clearance so as not to interfere with the pipeline and cathodic protection equipment. These facilities are not to be placed parallel to any pipeline within NATIONAL FUEL's right of way. It is hereby understood that no land or land rights are conveyed by this Encroachment Agreement. TOWN shall reimburse any additional cost incurred by NATIONAL FUEL to maintain or operate its pipeline and facilities due to this Encroachment provided, however,

- a) The encroachment may not be replaced, moved, enlarged or expanded without the prior written consent of NATIONAL FUEL, which consent may be granted, withheld, conditioned, or delayed by NATIONAL FUEL at its sole discretion;
- b) While, except in the event of an emergency, NATIONAL FUEL agrees to take commercially reasonable precautions in an attempt to avoid unnecessary damage to

the encroachment, the TOWN shall hold NATIONAL FUEL, and its affiliates, employees, contractors and agents harmless as to any damage caused to the encroachment; and

- c) Other than the permitted encroachment, TOWN shall have no right to erect, construct or install structures or other improvements within NATIONAL FUEL's right of way. No future improvements, construction, repair or maintenance within the right of way shall be undertaken without the prior written consent of NATIONAL FUEL, which consent may be granted, withheld, conditioned, or delayed by NATIONAL FUEL at its sole discretion.
- d) Prior to construction, TOWN must contact NATIONAL FUEL's Foreman at telephone # 585-343-6461.

2. TOWN acknowledges that he/she has received a copy of NATIONAL FUEL's "Pipeline Encroachment Policy," which is incorporated herein by reference, and further agrees to comply with and to be bound by the terms and conditions of said manual including the construction requirements that are hereby set forth as Exhibit "B", attached hereto and made a part hereof.

3. When used herein, the term "pipeline" shall mean any and all NATIONAL FUEL pipelines and facilities located on TOWN's property.

4. TOWN agrees to mark the encroachment on site and provide NATIONAL FUEL with a map to scale, showing the encroachment in relationship to NATIONAL FUEL's pipeline and right of way.

5. TOWN shall neither obstruct nor interfere with NATIONAL FUEL's access to its pipeline at any time.

6. NATIONAL FUEL will stake the above-referenced pipeline upon the request of the TOWN. However, before any excavation or demolition work can be performed, the TOWN must contact the One Call Notification System appropriate for this location. Excavation work includes, but is not limited to: augering, backfilling, blasting, boring, digging, ditching, drilling, driving-in, grading-in, plowing-in, trenching, tunneling and logging activities.

7. If at any time during encroachment construction or activities, NATIONAL FUEL determines, at its sole discretion, that the integrity or safe operation of the pipeline is being compromised, TOWN agrees that immediately upon receiving notice (either verbal or written) from NATIONAL FUEL, TOWN will cease all activity on the right of way. Activity on the right of way may not resume until NATIONAL FUEL gives the TOWN written notice to proceed.

8. No excavation or change of grade, except for those referenced in Exhibits A and B, is permitted on NATIONAL FUEL's right of way without the express consent of NATIONAL FUEL.

9. TOWN shall indemnify, save harmless, and undertake the defense of NATIONAL FUEL against any and all claims, demands, liens, actions, causes of action, suits and recoveries of every kind and description; against all loss, cost and damage, including, without limitation,

attorneys' fees and costs, and shall accept all loss, cost and damage on account of, or arising out of personal injuries or death to TOWN's employees or others, or property damage suffered by TOWN and his employees or others, whether the same results from negligence of NATIONAL FUEL or NATIONAL FUEL's agents or employees or otherwise, it being the intent of this provision to absolve and protect NATIONAL FUEL from any and all losses incurred by reason of its actions, the actions of the TOWN, or the actions of others.

10. TOWN agrees to reimburse NATIONAL FUEL for any and all damage to its pipeline as well as any loss of natural gas, where such damage or loss occurs as a result of TOWN's and/or his contractors' activities.

11. TOWN and/or any and all of his contractors (including subcontractors) shall furnish insurance listed below. Insurance shall be placed with insurance carriers acceptable to NATIONAL FUEL. Any insurance carrier providing such insurance must have at least an A-rating as defined by A. M. Best. TOWN and/or his contractors shall maintain this insurance during any period of time that work is being performed on NATIONAL FUEL's right of way. In addition, if insurance is written on a "claims-made" basis, such insurance shall be maintained by TOWN and/or TOWN's contractors for a minimum period of three years after the completion of the encroachment construction or activities. TOWN and/or TOWN's contractors may elect to extend the discovery period under the existing policy for not less than three years.

TOWN and/or TOWN's contractors, and any subcontractors, shall have NATIONAL FUEL named as an additional insured under the insurance policies required below (with the exception of the workers' compensation policy), including any excess or umbrella policies, for ongoing/current and completed operations. The coverage must be provided on a primary non-contributing basis and the limits will be exhausted before any other insurance is to apply.

TOWN and/or TOWN's contractors shall require all subcontractors to the extent such are permitted, to furnish insurance listed below and such insurance shall be in accordance with all requirements of this section.

Each insurance policy required by this section shall contain a waiver of the right of subrogation, as well as the right of set off and any right of deduction, by the respective underwriter(s) of such policy, and shall be endorsed to provide for severability of interest, cross liability or cross suit protection, so that each insured is treated separately under the policy. The waiver of the right of subrogation, setoff and deduction shall also extend to parent companies, subsidiaries and affiliates of NATIONAL FUEL and the officers, directors, agents, and employees of such entities. These provisions must survive expiration, termination or cancellation of this Agreement.

Insurance required:

Workers' Compensation and Employers Liability Insurance

TOWN and/or his contractor or subcontractor, shall maintain Workers' Compensation and Employer's Liability Insurance of the state in which the services are to be performed.

a) A contractor or subcontractor that is a legally permitted and qualified self-insurer in the state in which services are to be performed, may furnish proof that it is such a self-insurer in lieu of submitting proof of insurance.

b) TOWN and/or his contractors shall determine if the work to be performed under this Agreement requires coverage by any Federal Compensation Statutes including, but not limited to, the Longshoremen's and Harbor Workers' Compensation Act or Jones Act and provide such coverage.

c) The Commercial Umbrella and/or Employer's Liability limits must be in an amount not less than the amount for each accident included in the Workers' Compensation policy or separately obtained in those states that do not provide employer liability under the Workers' Compensation policy.

Commercial General and Umbrella Liability Insurance – Commercial general and umbrella liability insurance with a combined limit of not less than \$5,000,000 each occurrence. Such insurance policies must include, at a minimum, coverage for contractual liability, personal injury, broad form property damage, premises/operations, independent contractors, and products and completed operations along with broad form named insured provision. TOWN and/or TOWN's contractors, and any subcontractors, shall have NATIONAL FUEL named as an additional insured including any excess or umbrella policies, for ongoing/current and completed operations.

Business Automobile and Commercial Umbrella Liability Insurance – Business automobile and commercial umbrella liability insurance with a limit of not less than \$5,000,000 each occurrence. Such insurance policies must include, at a minimum, coverage for owned, hired and non-owned vehicles and related equipment.

TOWN and/or TOWN's contractors or any subcontractors will not be permitted to bring their employees, materials, or equipment on the site until NATIONAL FUEL receives from TOWN and/or TOWN's contractors a copy of acceptable certificates of insurance. Such certificates shall state that the insurance carrier has issued the policies providing for the insurance specified herein, that such policies are in force, **that NATIONAL FUEL is an additional insured under the policies for ongoing/current and completed operations**, that all policies contain contractual liability coverage, and that the insurance carrier will give NATIONAL FUEL thirty (30) days prior written notice of any material change in, or cancellation of, such policies. If such insurance policies are subject to any exceptions to the terms specified herein, such exceptions shall be explained in full in such certificates. NATIONAL FUEL may, at its discretion, require TOWN and/or his contractors to obtain insurance policies that are not subject to any exceptions. For such time as insurance is required under this Agreement, TOWN and/or TOWN's contractors shall provide NATIONAL FUEL with current certificates of insurance. At the request of NATIONAL FUEL, TOWN and/or TOWN's contractors shall provide NATIONAL FUEL with current copies of all insurance policies and related endorsements required under this section.

<p>Failure to maintain the insurance coverage provided herein during any period of time that TOWN and/or his contractors are working on NATIONAL FUEL's right of way</p>

shall constitute a breach of the Agreement. It is the TOWN's obligation to provide NATIONAL FUEL with current certificates of insurance.

12. This Agreement will remain in effect for as long as the encroachment is present on NATIONAL FUEL's right of way.

13. In the event of ambiguity or conflict between the terms of this Agreement and the terms of any a) exhibit or attachment hereto, b) NATIONAL FUEL's Encroachment policy, or c) a writing supplied by TOWN; the terms of this Agreement shall be controlling.

14. The terms, covenants, and provisions of this Agreement shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the TOWN.

IN WITNESS WHEREOF, the parties hereto have made and entered into this Agreement on this ____ day of _____, 2019, with the intent to be legally bound.

WITNESS:

By: _____
Its: _____

NATIONAL FUEL GAS DISTRIBUTION
CORPORATION

By: _____
Lee E. Hartz, Attorney-in-Fact

EMPIRE PIPELINE, INC.

By: _____
Ron C. Kraemer, President

STATE OF NEW YORK
COUNTY OF ERIE

)
) SS:

On the _____ day of _____, 2019, before me the undersigned, a notary public in and for said state, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK
COUNTY OF ERIE

)
) SS:

On the _____ day of _____, 2019, before me the undersigned, a notary public in and for said state, personally appeared Lee E. Hartz personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

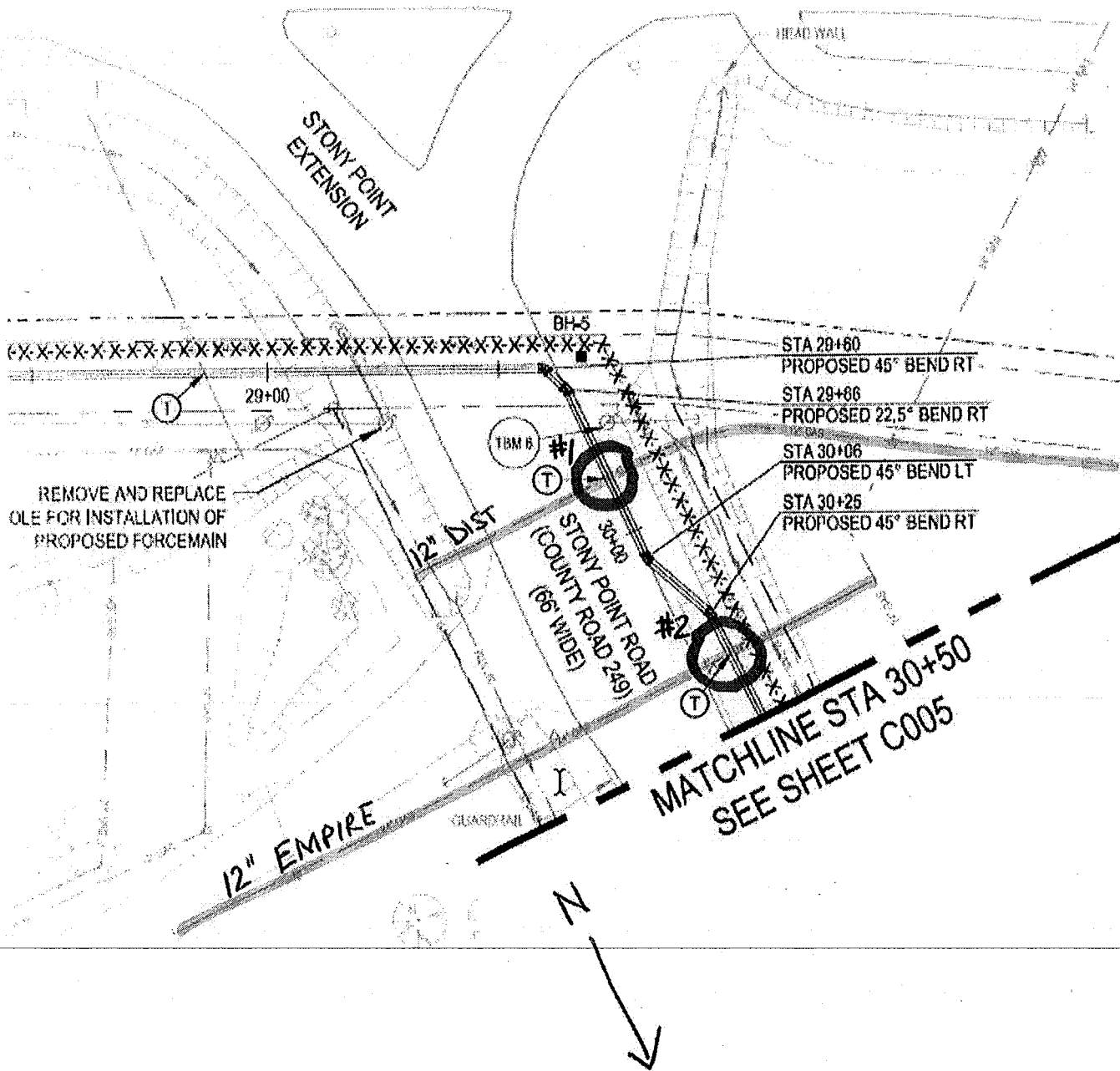
STATE OF NEW YORK
COUNTY OF ERIE

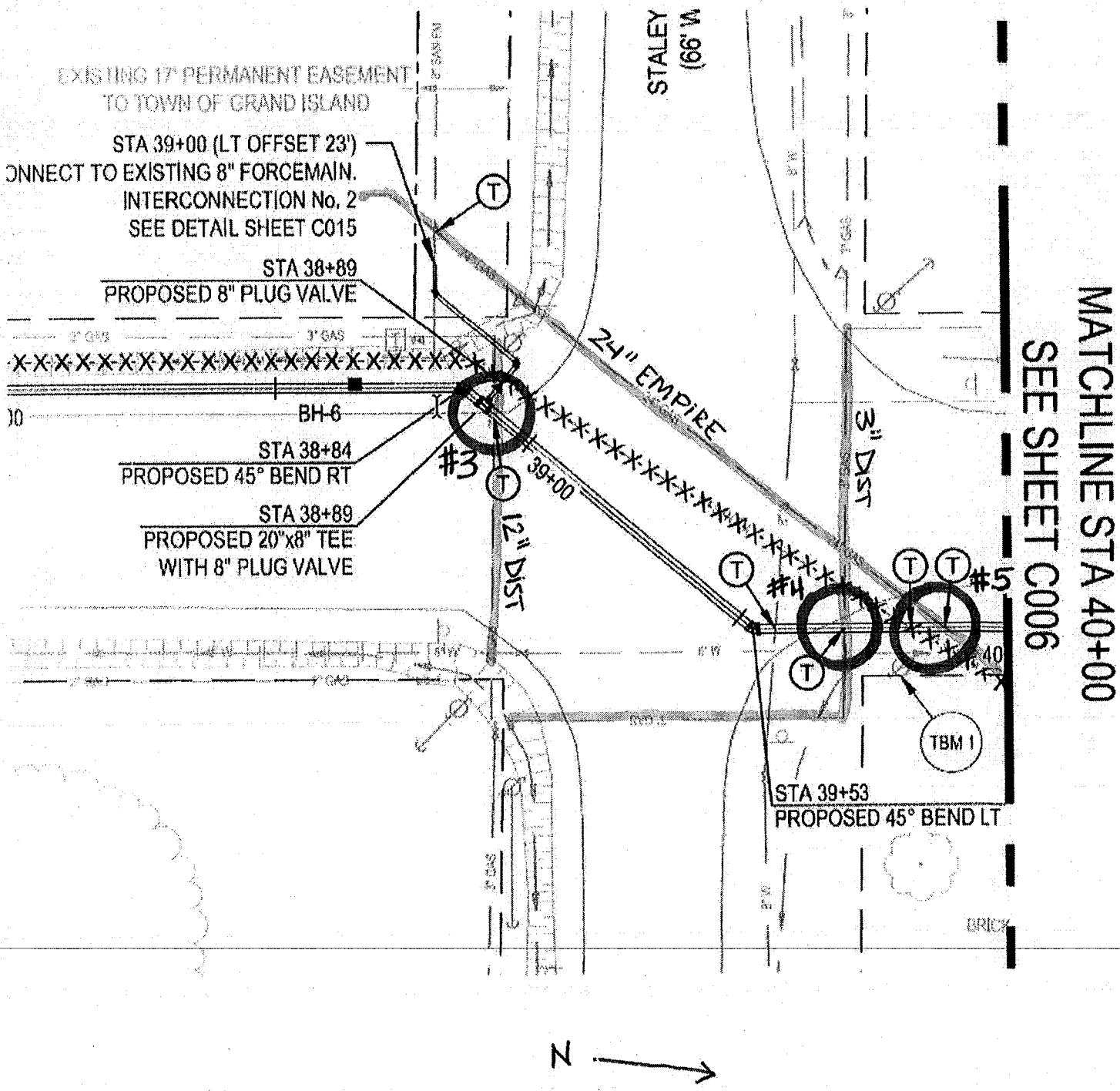
)
) SS:

On the _____ day of _____, 2019, before me the undersigned, a notary public in and for said state, personally appeared Ronald C. Kraemer personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

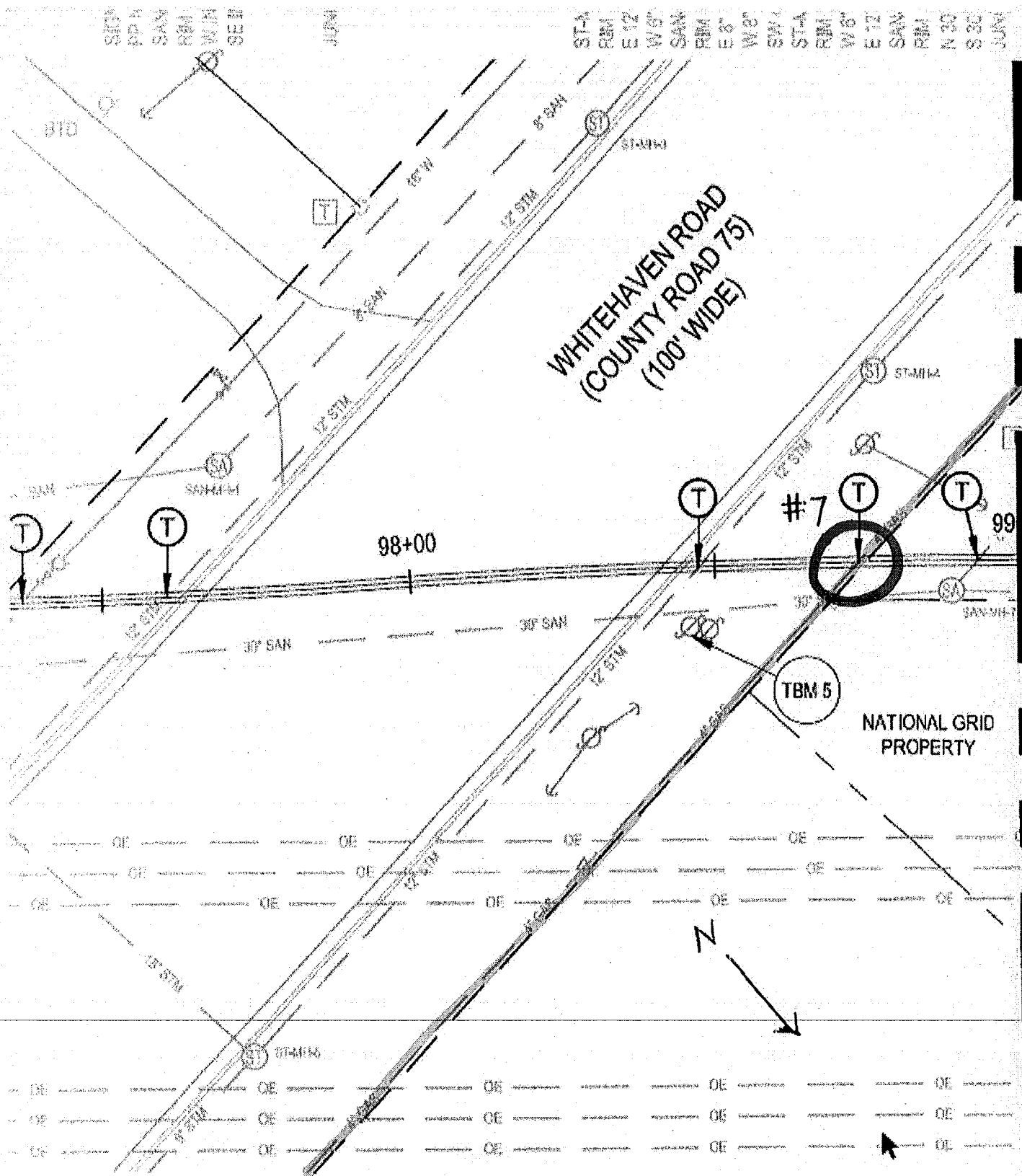
Notary Public

EXHIBIT "A"





MATCHLINE STA 40+00
SEE SHEET C006



SEE SHEET C013

DEPARTMENT OF ENGINEERING
& WATER RESOURCES

ROBERT H. WESTFALL, P.E.
Town Engineer

LYNN M. DINGEY
Asst. Civil Engineer



THE TOWN OF GRAND ISLAND

2255 Baseline Road
Grand Island, New York 14072-1710
(716) 773-9600, Ext. 635 Office
(716) 773-9618 Fax
E-mail: engineering@grand-island.ny.us

T. B. Agenda: March 18, 2019

March 13, 2019

To: Town Board

From: Robert Westfall, P.E. 
Town Engineer

RE: Change Orders No. 1
High Lift Pumps Upgrade
Job No. M-212

RECEIVED
2019 MAR 14 AM 8:14
TOWN CLERK
GRAND ISLAND, N.Y.

Honorable Town Board:

During the course of the work on the above referenced project, it was determined that a reconfiguration of the discharge piping was required. The contractor also asked for two time extensions due to the delay in pump fabrication.

Change Order No.1 is for the additional work and pipe fittings required to reconfigure the discharge piping to work with the discharge line on the new pumps. The reconfiguration resulted in a next change to the contract of \$1,800.00.

Change Order No. I also included a time extension request due to a delay in pump fabrication. The project has since been completed and the new pumps are in service.

We recommend that Change Order No. 1 be approved with an increase of up to \$1,800.00 to the awarded contract amount. The bond amount is sufficient to cover the increase in the contract amount.

CHANGE ORDER NO. 1

Town of Grand Island
Grand Island Town Hall
2255 Baseline Road
Grand Island, NY 14072

Contract No.: M-212-16

Project No.: 218035

Date: February 28, 2019

Project: Water Treatment Plant - High Lift Pumps Upgrade

Contractor: **STC Construction, Inc.**
P.O. Box 459
63 Zoar Valley Road
Springville, NY 14141-0459

Engineer: **Wendel**

375 Essjay Road, Suite 200
Williamsville, New York 14221

DESCRIPTION OF CHANGE:

1. STC performed additional work to revise the high lift pump discharge piping layout.
2. A 24-day time extension for Substantial Completion.
3. A 21-day time extension for Final Completion.

REASON FOR CHANGE:

1. The high lift pump discharge piping layout was changed in order to provide a more compact layout.
2. A 24-day time extension is proposed under this change order due to delays in pump fabrication.
3. A 21-day time extension is proposed under this change order as a result of the substantial completion date extension.

COMPENSATION:

1. The cost of the work is \$1,800.00.

APPROVALS:

OWNER:

Date:

Town of Grand Island

CONTRACTOR:

Date:

STC Construction, Inc.

ENGINEER:

Date:

Wendel

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$ 219,000.00

Original Contract Times:

Substantial Completion:

All Work

November 9, 2018

Final Completion:

All Work

November 30, 2018

Net changes from previous Change Orders:

\$ 0.00

Contract Price prior to this Change Order:

\$ 219,000.00

Net Increase/Decrease of this Change Order:

\$ 1,800.00

Contract Price with all approved Change Orders:

\$ 220,800.00

Net Changes from previous Change Orders:

0 days

Contract Times prior to this Change Order:

Substantial Completion:
All Work

November 9, 2018

Final Completion:
All Work

November 30, 2018

Net Increase/Decrease of this Change Order:

Substantial Completion:
All Work

24 days

Final Completion:
All Work

21 days

Contract Times with all approved Change Orders:

Substantial Completion:
All Work

December 3, 2018

Final Completion:
All Work

December 21, 2018

March 18, 2019

We received notice from WNY Papers, Island Dispatch on Friday, March 8, 2019 that they did not publish our Legal Notice for the Permissive Referendum for Establishing the Golden Age Center Capital Reserve Account as required by law.

As per the Town Attorney, we must now re-adopt the Resolution and publish the Legal Notice accordingly.

Site Plan Conditions – Phase 2 of Heron Pointe Project

1. Review and approval of the fully engineered plans for the project by the Town's Engineering Department.
2. There shall not be any impacts to the two federal wetlands on the project site totaling 1.75 acres that are subject to the jurisdiction of the United States Army Corps of Engineers.
3. Prior to the issuance of a building permit by the Town of Grand Island Building Department for a building to be constructed in Phase 2 of the Heron Pointe Project, the Project Sponsor shall be required to record an Easement Agreement at the Erie County Clerk's Office for the purpose establishing a reciprocal permanent reciprocal access easement to allow pedestrians and vehicles from the Phase 1 Heron Pointe project site and the Phase 2 Heron Pointe project site to access both properties. A copy of the recorded Easement Agreement and recording receipt shall be provided to the Town Clerk's Office, Building Department and Engineering Department upon recording at the Erie County Clerk's Office.
4. In connection with the construction of the Phase 2 Heron Pointe Project, the Project Sponsor shall be required to install the landscaping on the relevant portion of northern side of the Phase 1 Heron Pointe project site as depicted on the Overall Landscape Plan [Drawing L-100] for purpose of providing screening for the existing three-story buildings.
5. In connection with the construction of the Phase 2 of Heron Pointe Project, the Project Sponsor shall be required to install the sidewalk on the Phase 1 Heron Pointe project site as depicted on the Overall Site Plan [Drawing C-100].
6. In connection with the construction of the Phase 2 of Heron Pointe Project, the Project Sponsor shall be required to install access aisle striping on the Phase 1 Heron Pointe project site labelled as "4" WIDE YELLOW PVMT. STRIPE (200 LF)" on the Overall Site Plan [Drawing C-100].
7. The Building Department shall not issue any Final Certificates of Occupancy for the attached residential units to be constructed as depicted on the Site Plan until such time that the installation of the required left hand turn lane on Grand Island Boulevard has been completed per the standards to be contained in a Highway Work Permit to be issued by the New York State Department of Transportation.
8. During the construction of Phase 2 of the Heron Pointe project, construction equipment and vehicles shall be prohibited from utilizing the existing driveway on Grand Island Boulevard.
9. The Project Sponsor shall be required pay a Recreation Fee in the amount of \$750.00 per attached dwelling unit (total Recreation Fee of \$108,000.00 for 144

attached dwelling unit). The Recreation Fee shall be paid for each eight unit building to be constructed on the Project Site prior to the issuance of a building permit by the Building Department (\$6,000 Recreation Fee per eight-unit building).

10. The Project Sponsor shall enter into an Easement and Water Infrastructure Agreement with the Town. A copy of the fully executed Easement and Water Infrastructure Agreement shall be recorded at the Erie County Clerk's Office. A copy of the recorded Easement and Water Infrastructure Agreement and recording receipt shall be provided to the Town Clerk's Office, Building Department and Engineering Department upon recording at the Erie County Clerk's Office.



2255 BASELINE ROAD
GRAND ISLAND, NEW YORK 14072
(716) 773-9600

FOR TOWN BOARD AGENDA: MARCH 18, 2019

TO: Town Board

FROM: Planning Board

DATE: March 12, 2019

RE: ISLAND MEADOWS – SECTION 3 (FKA SECTION 3a/3b)
PRELIMINARY PLAT/PROPOSED 22 LOT SUBDIVISION

RECEIVED
2019 MAR 13 PM 2:00
TOWN CLERK
GRAND ISLAND, NY

Kristin L. Savard, PE, owner/President, Advanced Design Group appeared at the March 11th Planning Board Meeting. She presented a sketch of the proposed lots at the end of Regency Dr. at the "T" turn-around. This plan came about after discussions with the Town Engineer and Highway Superintendent. Originally there were two lots. They are now proposing three. The road will be extended with a turn-around. Richard Crawford, Highway Superintendent, has approved the design.

Driveway on one of the lots will have to be on the south side of the house.

It was noted that on the cul-de-sac lots, the required 80' frontage is measured at the setback line.

It was moved by Bruno – Bowman to recommend **APPROVAL** of the Preliminary Plat for Section 3 of Island Meadows Subdivision. Recreation fees to be paid at \$500 per lot. Final lot construction to be approved through the Engineering Department on lots 20, 21 and 22.

Roll Call: Ayes – Bruno, Bowman, Greco, Starzynski, Worrall
Noes – None
Carried

David Bruno
Chairman



2255 BASELINE ROAD
GRAND ISLAND, NEW YORK 14072
(716) 773-9600

FOR TOWN BOARD AGENDA: MARCH 18, 2019

TO: Town Board
FROM: Planning Board
DATE: March 12, 2019
RE: NEW ENGLAND ESTATES – PHASE 2 – 13 LOTS
FINAL PLAT APPROVAL (REVISED)

Kristin L. Savard, PE, owner/President, Advanced Design Group appeared at the March 12th Planning Board Meeting with a revised drainage plan for Phase 2 of New England Estates Subdivision.

Ms. Savard explained that due to a law suit, the project was delayed for a couple of years. Wetland permit has expired, and the original rear yard drainage pipe has now changed. The pipe is no longer going to be installed.

Lots in Phase 1B have a public drainage easement associated with them. No public water is going through that easement. The Town Attorney has stated that a public easement is not needed because there is no public pipe in the easement.

The easement is now going entirely into Phase 2. They will move the ditch into the Phase 2 project. Phase 1B drainage flows off the property and into Phase 2.

They will amend the Plat abandoning the public easement and include the private drainage easement in Phase 2.

They have had talks with the Town Attorney, Town Engineer and the client's attorney on this matter.

The total lots in Phase 2 have gone from 14 to 13 lots.

The recreation fees were waived in lieu of land donated as an access to the adjacent Scenic Woods parcel.

It was moved by Greco – Bowman to recommend **RE-APPROVAL** of the revised Final Plat for Phase 2 of New England Estates, as submitted.

Roll Call: Ayes – Greco, Bowman, Bruno, Starzynski, Worrall
Noes – None
Carried

David Bruno
Chairman

/ae

RECEIVED
2019 MAR 15 PM 2:00
TOWN ENGINEER
GRAND ISLAND



2255 BASELINE ROAD
GRAND ISLAND, NEW YORK 14072
(716) 773-9600

FOR TOWN BOARD AGENDA: MARCH 18, 2019

TO: Town Board

FROM: Planning Board

DATE: March 12, 2019

RE: ISLAND PET LODGE – 2120 ALVIN RD.
SITE PLAN REVISION TO PHASE III

Michael Lydle, P.E. and Michael Ludwig, owner of the property appeared at the March 11th Planning Board Meeting with a revision to Phase III of their site plan.

A 22'x42' kennel is proposed in Phase III. The separate kennel will be used to house K-9 dogs for Homeland Security. The future retail building is also proposed in Phase III. Construction may be phased. Phase A, the kennel, and Phase B, the retail building, are proposed for 2019.

Mr. Lydle commented that he omitted a handicapped parking sign in front of the retail building. He stated 20 parking spaces are required. He is showing 35 spaces, including 2 handicapped spaces, when the site is built out. However, it appears there are 32 spaces.

Sidewalks were discussed. It was noted that there are no sidewalks in the immediate area.

There will be lighting on the outside face of the proposed building.

Paving will be done concurrently with the building construction.

Mr. Ludwig presented elevations of the proposed building, which will be 18' in height. Material will be identical to the existing building.

Mr. Westfall has reviewed and stated that the existing swale is capable of handling storm water.

After reviewing comments from Code Enforcement, it was moved by Bruno – Starzynski to recommend **APPROVAL** of the site plan revision to Phase III, with the following provisions:

- Waive sidewalks.
- Add handicapped sign.
- Omit 2024 reference to gravel driveway.
- Add one designated loading space.
- Redraw size of handicapped parking spaces.

- The Board is in agreement with the existing parking in the front yard setback because it was existing.
- Fourteen parking spaces are shown on future proposed paved area. Eighteen are required and should be paved.
- Waive any consideration for landscaping.
- Front of building is heavily landscaped.

Roll Call: Ayes – Bruno, Starzynski, Bowman, Greco, Worrall
Noes – None
Carried

David Bruno
Chairman

/ae

Planning Board



The Town of Grand Island

2255 BASELINE ROAD
GRAND ISLAND, NEW YORK 14072
(716) 773-9600

FOR TOWN BOARD AGENDA: MARCH 18, 2019

TO: Town Board

FROM: Planning Board

DATE: March 12, 2019

RE: GRAND PARK VUE – SECTION VIII – 13 LOTS
FINAL PLAT APPROVAL

RECEIVED
2019 MAR 13 PM 2:08
TOWN CLERK
GRAND ISLAND, NY

Section VIII of the Grand Park Vue Subdivision was reviewed at the March 11th Planning Board Meeting.

Mr. Westfall commented that the proposed 13 lots are exactly as approved in the Preliminary Plat in 2009. Nothing has changed. Final Plat Approval will allow applicant to go on to a Map Cover. Recreation fees will be paid.

It was moved by Starzynski – Greco to recommend Final Plat Approval be **GRANTED**, as presented, for Section VIII of Grand Park Vue Subdivision and that the recreation fees, \$500 per lot, be applied.

Roll Call: Ayes – Starzynski, Greco, Bowman, Bruno, Worrall
Noes – None
Carried

David Bruno
Chairman

/ae