

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: August 20, 2018

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:
I	<b><u>ROLL CALL:</u></b> Town Clerk	
II	<b><u>INVOCATION:</u></b> Island United Presbyterian Church	
III	<b><u>PLEDGE:</u></b> Councilman Michael H. Madigan	
IV	<b><u>PUBLIC COMMENTS:</u></b> - AGENDA ITEMS ONLY	
V	<b><u>PUBLIC HEARING:</u></b> 1. Bond Resolution – Increase and Improvements of the Consolidated Sewer District – Tank Replacement	
VI	<b><u>MINUTES:</u></b> 1. Approve Minutes of Workshop Meeting #23, August 6, 2018 2. Approve Minutes of Regular Meeting #14, August 6, 2018	
VII	<b><u>CONSENT AGENDA:</u></b> 1. Meeting Minutes – Zoning Board of Appeals – July 5, 2018 2. Golden Age Center – Facility Usage – July 2018 3. Meeting Minutes – Planning Board – July 9, 2018 <b><u>COMMUNICATIONS –TOWN BOARD:</u></b>	
VIII	<b><u>SUPERVISOR NATHAN D. McMURRAY:</u></b> 1. Resolution Supporting Cease and Desist Order –Tonawanda Coke Corporation	
IX	<b><u>COUNCILMAN MICHAEL H. MADIGAN:</u></b> 1. Authorize Supervisor to Sign Agreement – New York Power Authority's Master Cost Recovery Agreement (Master Services Agreement) <b><u>COMMUNICATIONS – OTHER TOWN OFFICIALS:</u></b>	
X	<b><u>TOWN CLERK – PATRICIA A. FRENTZEL:</u></b> 1. Regulation on Reporting for Elected or Appointed Officials	
XI	<b><u>TOWN ATTORNEY – PETER GODFREY:</u></b> 1. Bond Resolution – Increase and Improvements of the Consolidated Water District – Water Treatment Plant and Waterline Improvements-2018 – Set Public Hearing	

**Nathan D. McMurray - Supervisor**  
**Beverly A. Kinney - Councilwoman**  
**Michael H. Madigan - Councilman**  
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	TITLE:	DISPOSITION:
XII	<b><u>DEPARTMENT OF ENGINEERING &amp; WATER RESOURCES – ROBERT H. WESTFALL:</u></b> 1. Authorize Supervisor to Sign Easement – National Grid Easement (NMPC Work Request #24543224) – Veteran’s Park Power Upgrade M-66 2. Scenic Woods & Bicentennial Park Phase 1-1A – M-176-2016: A. Award Contract B. Authorize Supervisor to Sign Agreement – Construction Services 3. Authorize Supervisor to Sign Professional Services Agreement – WWTP Chemical Bulk Storage Upgrade – M-227	
XIII	<b><u>PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK:</u></b> 1. Seasonal Hire/Status Change	
XIV	<b><u>TOWN ACCOUNTANT – PAMELA BARTON:</u></b> 1. Budget Amendment	
XV	<b><u>CODE ENFORCEMENT OFFICE :</u></b> 1. Special Use Permit Renewal – National Fuel Gas Supply Corp., 1589 Stony Point Road – Natural Gas Regulator/Metering Station 2. Special Use Permit Renewal – John R. Simon Enterprises, Ltd. – 2024 Grand Island Boulevard – Convenience Store (Modified Space)	
XVI	<b><u>PLANNING BOARD:</u></b> 1. Design & Performance Standards 2. Herb’N Garden Farms, 381 Lang Boulevard – Site Plan Approval – Hydroponic Greenhouse Nursery 3. David Mazur, 1780 Grand Island Boulevard – Site Plan Approval – Mini Plaza	
XVII	<b><u>REPORT OF THE AUDIT COMMITTEE:</u></b>	
XVIII	<b><u>UNFINISHED BUSINESS:</u></b> 1. Local Law Intro #7 of 2018 – Mining/Excavation Overlay – 2626 & 2640 Staley Road 2. Authorize Supervisor to Sign Professional Services Agreement – NYSDOT Grand Island Boulevard Accessibility Project – Lighting/Sidewalk Project	
XIX	<b><u>PUBLIC COMMENTS:</u></b>	
XX	<b><u>FROM THE BOARD:</u></b>	
XXI	<b><u>MEMORIAL ADJOURNMENT:</u></b> Ronald Rezabek                  Dorothy Ginsburg Su Pieri                             Bernard Samland Patrick Dinsmore                Jayne Ologge	

A meeting of the Town Board of the Town of Grand Island, in the County of Erie, New York, was held at the Town Hall, in said Town, on August 20, 2018.

PRESENT:

Hon. Nathan D. McMurray, Supervisor  
Beverly A. Kinney, Councilmember  
Michael H. Madigan, Councilmember  
Jennifer L. Baney, Councilmember  
Peter Marston, Jr., Councilmember

-----X  
In the Matter  
of the

Increase and Improvement of Facilities of the Consolidated Sewer District, in the Town of Grand Island, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

-----X  
**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE CONSOLIDATED SEWER DISTRICT**

WHEREAS, the Town Board of the Town of Grand Island (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Sewer District (the "District"); and

WHEREAS, the Town Board has directed GHD, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District; and

WHEREAS, such sewer system capital improvements project will generally consist of (but not be limited to), the replacement of the chemical bulk storage tanks at the Wastewater Treatment Plant, concrete repairs to the containment area and transfer pad, replacement of piping and various equipment including tank level sensing equipment and alarm stations, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "District Improvement"); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$460,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$460,000, offset by any federal, state, county and/or local funds received; and

WHEREAS, the Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required; and

WHEREAS, the Town Board issued an Order at its August 6, 2018 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on August 20, 2018 at 8:00 o'clock p.m. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

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

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$460,000; and it is hereby

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

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

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

FURTHER ORDERED, that the expense of the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$460,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

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

DATED: August 20, 2018

TOWN BOARD OF THE  
TOWN OF GRAND ISLAND

**A BOND RESOLUTION, DATED AUGUST 20, 2018, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF GRAND ISLAND CONSOLIDATED SEWER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$460,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$460,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board of the Town of Grand Island, Erie County, New York (the "Town"), has established the Town of Grand Island Consolidated Sewer District (the "District"); and

WHEREAS, the Town Board has determined by resolution to undertake the construction of a certain capital improvements project within the District, such work to generally consist of (but not be limited to), the replacement of the chemical bulk storage tanks at the Wastewater Treatment Plant, concrete repairs to the containment area and transfer pad, replacement of piping and various equipment including tank level sensing equipment and alarm stations, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"); and

WHEREAS, the Town Board has determined to proceed with the Project; and

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

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a sewer system capital improvements project within the District, such work to generally consist of (but not be limited to), the replacement of the chemical bulk storage tanks at the Wastewater Treatment Plant, concrete repairs to the containment area and transfer pad, replacement of piping and various equipment including tank level sensing equipment and alarm stations, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and

other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$460,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$460,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

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

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

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

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of the project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and

prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is 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 the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) 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 "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 hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

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

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



(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

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

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

SECTION 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 said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

## *Town of Grand Island - Workshop Meeting #23*

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 5:30p.m. on the 6<sup>th</sup> of August, 2018.

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

Also Present: James R. Sharpe Deputy Supervisor

Supervisor Nathan D. McMurray called the meeting to order at 5:31p.m.

### **NEW ITEMS/AGENDA REVIEW:**

#### **General Discussion:**

**Authorizing Resolution – NYS Dept. of Transportation TAP Grant – Baseline Road Sidewalk Grant**

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

**Bond Resolution – Additional Financing for Scenic Woods Trail Project**

**Local Law Intro #5 of 2018 – Stop Signs – Harvey Road at its Intersection with Park Place**

**A. Correspondence – Highway Superintendent**

**2019 National Fitness Campaign – Councilwoman Baney to distribute overview via email to Town Board members**

#### **LED Lighting – Kaegebein School – Tennis Court Area**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to authorize National Grid to install an LED light at Kaegebein School in the tennis court area at a cost of \$123.03.

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

#### **Grand Island Memorial Library – Partnership – Albright Knox Public Art Initiative**

A motion was made by Councilman Madigan, seconded by Councilman Marston to support the decision of the Grand Island Library Board of Trustees to partner with Albright Knox on an outdoor art display opportunity at the Grand Island Memorial Library subject to the Town Attorney's approval of the contract and provided there is no liability or cost to the Town.

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

#### **General Discussion:**

**Presentation from Joseph A. Crimi – NYPA – LED Lighting Program for Grand Island**

*Supervisor Nathan McMurray left the meeting at 6:08p.m.*

*James Sharpe left the meeting at 6:15p.m.*

*Councilwoman Beverly Kinney left the meeting at 6:21p.m.*

*Councilwoman Kinney and Supervisor McMurray returned to the meeting at 6:26p.m.*

*James Sharpe returned to the meeting at 6:43p.m.*

*Mr. Crimi left the meeting at 6:51p.m.*

*Monday, August 6, 2018 - 1*

## *Town of Grand Island - Workshop Meeting #23*

### **General Discussion:**

#### **Wind Power:**

- Residential/Personal**
- Migratory Birds**
- Local Law**
- Fall Zones**
- Sound**
- Height Allowance**
- Lighting**
- Shadows**
- Zoning**
- Decommissioning Plan**

#### **2019 Budget:**

- Cost Savings**
- Cut Services of Town**
- Personnel – Attrition Plan**
- Professional Services Reduction**
- Discretionary Spending in Departments**
- Legacy Plan**
- Duplicity of Department Work**

#### **RPF/RFQ Process:**

- Procurement Policy Amendments**
- Services of Grant Writer**
- Transparency**
- Guidelines for Professional Services**
- Develop Checklist for Process**
- NYS Procurement**

### **EXECUTIVE SESSION:**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to enter into Executive Session at 7:31p.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

*Pam Barton was present during Executive Session.*

*James Sharpe was present during Executive Session.*

*Supervisor McMurray left the meeting at 7:34p.m*

*Supervisor McMurray returned to the meeting at 7:36p.m.*

*Pam Barton left the meeting at 7:35p.m.*

*The Town Board went into recess at 7:56p.m. until after the Regular Meeting*

*The Town Board reconvened at 9:27p.m. remaining in Executive Session*

*Supervisor McMurray and James Sharpe left the meeting at 9:30p.m.*

*Supervisor McMurray and James Sharpe returned to the meeting at 9:34p.m.*

*James Sharpe left the meeting at 9:37p.m.*

## *Town of Grand Island - Workshop Meeting #23*

### **ADJOURN:**

A motion was made by Supervisor McMurray, seconded by Councilwoman Kinney to return to the Regular Workshop and adjourn at 10:08p.m.

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

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk

## *Town of Grand Island – Regular Meeting #14*

**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 6<sup>th</sup> of August, 2018.

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

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.

Supervisor Nathan D. McMurray gave the Invocation.

Councilwoman Beverly A. Kinney led the Pledge of Allegiance.

### **PROCLAMATIONS:**

- Farmers Market Week
- Citizen Responder

### **PUBLIC COMMENTS:**

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

Speakers: None

### **MINUTES:**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the Minutes of Workshop Meeting #21, July 13, 2018, Minutes of Workshop Meeting #22, July 16, 2018 and Minutes of Regular Meeting #13, July 16, 2018.

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

### **CONSENT AGENDA:**

1. Meeting Minutes – Conservation Advisory Board – May 24, 2018
2. Meeting Minutes – Board of Architectural Review – June 19, 2018
3. Building Permits – July 2018

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:**

#### **Monthly Supervisor's Report – May 2018**

The Supervisor reported Cash Balance-Operating A/C of \$2,911,679 on May 1, 2018

Total Receipts of \$1,403,511

Total Disbursements of \$1,659,615

Operating A/C Interest \$838

Operating A/C Balance \$2,656,412

Investment Interest \$11,921

Investment Balance \$15,704,762

Total Cash Balance as of May 31, 2018, 2018 \$18,361,174

No action by the Town Board.

*Monday, August 6, 2018 - 1*

## ***Town of Grand Island – Regular Meeting #14***

### **Monthly Supervisor's Report – June 2018**

The Supervisor reported Cash Balance-Operating A/C of \$2,656,412 on June 1, 2018

Total Receipts of \$987,682

Total Disbursements of \$927,236

Operating A/C Interest \$728

Operating A/C Balance \$2,717,585

Investment Interest \$11,614

Investment Balance \$15,367,212

Total Cash Balance as of June 30, 2018, 2018 \$18,084,798

No action by the Town Board.

### **Authorizing Resolution – NYS Dept. of Transportation TAP Grant – Baseline Road Sidewalk Grant**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt the following resolution for the NYS Dept. of Transportation TAP Grant – Baseline Road Sidewalk Grant:

WHEREAS, the Town Board desires to pursue funding opportunities to address public safety and pedestrian/bicycle transportation concerns in the Town of Grand Island. This is a construction project that will install ADA-compliant sidewalks along currently un-served sections of Baseline Road, increasing safe pedestrian transportation and access to Town Hall facilities and nearby commercial establishments.

WHEREAS, the Town Board desires to provide this type of facility to residents at the lowest possible cost to the Town and Town taxpayers, and

WHEREAS, the Town Board desires to apply for financial assistance from the NYSDOT Transportation Alternative Program, and

WHEREAS, the Town Board commits to providing the required local matching funds to insure the timely implementation of the proposed project.

THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits an application to the NYS Department of Transportation TAP (Transportation Alternative Program) for funding for the Grand Island Sidewalk Construction Project in the amount of \$375,000, and

BE IT FURTHER RESOLVED, that upon approval of the application for financial assistance that the Town make available \$75,000 (20%) in matching funds to satisfy the requirements of the funding program, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to sign all documents and agreements related to the TAP/CMAQ application.

RESOLVED, that Nathan McMurray, as Supervisor of the Town of Grand Island, is hereby authorized and directed to file an application for funds from the New York State Department of Transportation, Transportation Alternatives Program, and authorize a Town financial commitment in an amount no less than 20% of the approved funding, and upon approval of said request to enter into and execute a project agreement with the State of New York for such financial assistance to the Town of Grand Island for the proposed Sidewalk Construction Project.

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

***Monday, August 6, 2018 - 2***

## ***Town of Grand Island – Regular Meeting #14***

### **COUNCILWOMAN JENNIFER L. BANEY:**

#### **Streets Committee (Joint Town Board/School Board Committee)**

Councilwoman Baney reported that the Streets Committee (Joint Town Board/School Board committee) developed a plan to improve the safety of the crosswalk on Ransom Road near the High School. The Plan includes solar powered crosswalk signs and 3D paint for crosswalk improvements and communication with the students and parents. No action by the Town Board is necessary at this time.

#### **Local Law Intro #5 of 2018 – Stop Signs – Harvey Road at its Intersection with Park Place**

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to authorize the Highway Superintendent to install W1-2a (curve ahead) signs in both directions – east and west, a 25mph sign to be installed on Harvey Road warning drivers of the change in direction and speed limit on curve. In addition, change of existing fog line on Harvey Road to 6 inches wide and additional enforcement is ordered.

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

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

#### **TOWN CLERK – PATRICIA A. FRENTZEL:**

##### **LGRMIF Grant Award 2018 – 2019**

Town Clerk Patricia Frentzel informed the Town Board that the Town of Grand Island received a LGRMIF Grant in the amount of \$18,448.00.

This grant will allow the Town to replace all the broken, unsafe, moldy file cabinets in the mailroom. The first phase of this grant will be to evaluate our needs for the number and size of cabinets needed, coordinate with staff, time to remove the files from the current cabinets, remove the old cabinets, and replace with the new ones and final implementation of the replacement in early spring of 2019.

The Town has received the first payment from the State of New York and have received permission to move forward on the project.

No action by the Town Board.

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

#### **Bond Resolution – Increase and Improvements of the Consolidated Sewer District – Tank Replacement – Set Public Hearing**

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

WHEREAS, the Town Board of the Town of Grand Island (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Sewer District (the "District"); and

WHEREAS, the Town Board has directed GHD, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District; and

WHEREAS, such sewer system capital improvements project will generally consist of (but not be limited to), the replacement of the chemical bulk storage tanks at the Wastewater Treatment Plant, concrete repairs to the containment area and transfer pad, replacement of piping and various equipment including tank level sensing equipment and alarm stations, as well as other such improvements as more fully

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identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "District Improvement"); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$460,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$460,000, offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT ORDERED that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on August 20, 2018 at 8:00p.m. o'clock p.m. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$460,000, said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

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

### **Bond Resolution – Additional Financing for Scenic Woods Trail Project**

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

A Bond Resolution, dated August 6, 2018, of the Town Board of the Town of Grand Island, Erie County, New York (The "Town") authorizing additional financing for the reconstruction and construction of improvements to Scenic Woods/Bicentennial Park, at an estimated maximum cost of \$845,000; appropriating said amount therefor; and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$445,000 of the Town, pursuant to the local Finance Law to finance a portion of such appropriation, in addition to the \$400,000 previously authorized for such purpose, such amount of additional Serial Bonds authorized to be offset by any Federal, State, County and/or local funds received; determining the description of the project; and

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delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such bonds to the Town Supervisor.

WHEREAS, the Town Board of the Town of Grand Island, in the County of Erie, New York (the "Town") desires to authorize additional funds for the financing of a reconstruction of and construction improvements project in the Town's Scenic Woods/Bicentennial Park; and

WHEREAS, the Town anticipates applying grant funds from the NYS Department of State and Buffalo and Erie County Greenway Fund to pay for a portion of the total costs of such project.

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 issue up to \$445,000 principal amount of serial bonds to provide additional financing for the previously authorized (on August 19, 2013) Scenic Woods/ Bicentennial Park capital improvements project. Such work to include, but not be limited to, the construction of one or more trails, and other such modifications to the original project as may be determined by NYSDEC or the Town as appropriate modifications to achieve the overall intent of the previously adopted bond resolution. Such work will also include the installation of bio-fiber rolls for wetland protection, installation of metal trail access gates, and a required wetland monitoring program, as well as other such improvements as more fully identified in (or contemplated by) a 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 \$845,000.

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 exceed \$445,000 of the Town to finance a portion of such appropriation, in addition to the \$400,000 of serial bonds previously authorized pursuant to the bond resolution adopted by the Town Board on August 19, 2013, pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. (The Town anticipates that it will apply grant funds from the New York State Department of State and Buffalo and Erie County Greenway Fund towards the total project cost.) 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 19(c) 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.

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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 the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) 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 "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.

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SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary. Specifically, this action was evaluated by the Town Board and a negative declaration was issued on August 19, 2008. The Town Board has evaluated whether any project changes, new information, or changes in circumstances are substantive or significant to require amendment or rescission of the negative declaration, pursuant to 6 N.Y.C.R.R. § 617.7(e) and (f). The Town Board has determined that there none and determines that neither amendment or rescission of the negative declaration is needed. Specifically, the Town Board evaluated minor project changes, including the reduction in the number of trails and the realigning of trails to reduce wetland impacts. The Town Board finds that these changes actually reduce potential adverse environmental impacts. The Town Board thus reconfirms its prior negative declaration on this action.

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.

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. This resolution is effective immediately.

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

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

#### **Re-Approve Final Plat – Phase 2 – Gun Creek Subdivision**

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to reapprove Final Plat for Gun Creek Subdivision – Phase 2. The developer failed to file the subdivision within the required 62 days (approved 11/20/17 by the Town Board). There are no changes to the previously approved Phase, and is nearing completion of construction.

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

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## ***Town of Grand Island – Regular Meeting #14***

### **Crossroads Subdivision – Section 1 – Accept Right-of-Way and Easement Dedication**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to adopt the resolution for Crossroads Subdivision – Section 1 – Accept Right-of-Way and Easement Dedication as follows:

WHEREAS, Mark Zarbo has developed or is developing a subdivision known as Crossroads Subdivision, and

WHEREAS the plans submitted by Mark Zarbo in connection with such subdivision include sanitary sewer easements in favor of the Town of Grand Island; and

WHEREAS, Mark Zarbo has offered such sanitary sewer easement to the Town of Grand Island;

NOW THEREFORE, BE IT RESOLVED, subject to the approval of the attorneys for the Town, the Town Board does hereby accept from Mark Zarbo the owner of Crossroads Subdivision, the sanitary sewer easement over the easement area described on the Schedule A (as follows) provided such sanitary sewer easement is filed by the attorney for Mark Zarbo, or its representative, in the Erie County Clerk's office and the attorneys for the Town are provided with a certified copy thereof documenting such satisfactory filing:

#### **SCHEDULE A**

Commencing at a point of beginning, said point in the north line of Bedell Road, where the northerly line of Bedell Road intersects with the easterly line of a map filed in the Erie County Clerk's Office under Cover no. 2566;

THENCE west along the northerly line of Bedell Road a distance of 310.32 feet to a point in the easterly line of Baseline Road

THENCE northwesterly forming an interior angle of 136°17'38" and along the easterly line of Baseline Road a distance of 24.6 feet to a point;

THENCE easterly and parallel to the northerly line of Bedell Road, to a point, said point being on the east boundary line of a map filed in the Erie County Clerk's Office under Cover no. 2566;

THENCE southerly along the east boundary line of a map filed in the Erie County Clerk's Office under Cover no. 2566, a distance of 17.0 feet to the point of beginning. Containing 0.125 acres +/-.

AND BE IT FURTHER RESOLVED, that, subject to the approval of the attorneys for the Town, the Supervisor is authorized and directed to exercise said easement.

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

### **Country Club Cottages – Phase 3**

#### **Adopt Resolutions – Road Dedication**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt the following resolution for Country Club Cottages – Phase 3:

Upon submission of the annexed deed of dedication of John W. Stickl Construction Co., Inc., dedicating and releasing the necessary lands for a proposed town highway as set forth in the annexed legal description in the Town of Grand Island, County of Erie, State of New York, to be known as Country Club Court; now therefore it is,

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## ***Town of Grand Island – Regular Meeting #14***

RESOLVED that, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent is given that the Highway Superintendent of the Town of Grand Island make an Order accepting and laying out the aforesaid town highway to be known as Country Club Court, the Town highway to consist of the lands described in the deed of dedication, subject to the approvals of the Town Engineer and the attorneys for the Town, and it is further

RESOLVED that, subject to the approvals of the Town Engineer and the attorneys for the Town and the Order of the Highway Superintendent laying out the aforesaid town highway to be known as Country Club Court, the Town Board hereby accepts the annexed deed of dedication, provided it is filed by the attorney for John W. Stickl Construction Co., Inc., or its representative, in the Erie County Clerk's office and the attorneys for the Town are provided with a certified copy thereof documenting such satisfactory filing.

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

### **Country Club Cottages – Phase 3**

#### **Authorize Supervisor to Sign Escrow Agreement and Recording Documents**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the Supervisor to sign the necessary Escrow Agreement and Recording Documents for Country Club Cottages – Phase 3.

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

#### **Authorize Supervisor to Sign Professional Services Agreement – NYSDOT Grand Island Boulevard Accessibility Project – Lighting/Sidewalk Project**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to table the proposed Professional Services Agreement – NYSDOT Grand Island Boulevard Accessibility Project – Lighting/Sidewalk Project.

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

#### **Request Authorization to Advertise for Bids – 2018 Bituminous Resurfacing of Various Town Roads – Job No. M-14-2018**

A motion was made by Councilman Marston, seconded by Councilman Madigan to authorize the Town Engineer to advertise for bids for the 2018 Bituminous Resurfacing of Various Town Roads – Job No. M-14-2018 on August 17, 2018 and receive bids on Wednesday, August 29, 2018 at 10:00a.m. local time.

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

#### **TOWN ASSESSOR – JUDY TAFELSKI:**

##### **Erino Fabrizi, Jr. – Request to Split Lot – SBL #:50.04-2-19.112**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to approve the request of Erino Fabrizi, Jr. to split lot SBL #50.04-2-19.112 subject to obtaining all the necessary variances and filing of the necessary paperwork with Erie County.

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

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## *Town of Grand Island – Regular Meeting #14*

### **TOWN ACCOUNTANT – PAMELA BARTON:**

#### **Budget Amendment – Fire Protection District**

The Brighton Fire Company was called as a mutual aid assist by the GIFC to the emergency issue at the Water Treatment Plant on April 26, 2018. As a result of that call, two (2) one-time use Haz-Mat suits were utilized by Brighton. The Fire Protection District Fund has reimbursed Brighton for the replacement of the suits. The 2018 Fire Budget needs to be amended to allow for the disbursement.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the budget amendment for the Fire Protection District as follows, subject to the submission of the an insurance claim:

Increase Appropriated Fund Balance	012.0012.9999	\$2,270.00
Increase Appropriations	012.0012.0400	\$2,270.00

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

#### **Budget Amendment – General Fund – Town Clerk**

The Town of Grand Island is in receipt of a \$9,224. NYS Grant from the Local Government Records Management (representing one half of the total award). The grant is to replace all the filing cabinets in the mail room.

A motion was made by Councilwoman Baney, seconded by Councilman Marston to approve the budget amendment for the General Fund – Town Clerk as follows:

Increase Revenue		
General Fund – Revenue	001.0001.3007	\$9,224.00
NYS Grants		
Increase Appropriations		
General Fund		
Town Clerk Equipment	001.1410.0200	\$9,224.00

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

#### **Budget Amendment – General Fund – Town Board**

The Town of Grand Island is in receipt of a \$5,000.00 grant from NYSERDA. This grant is an award for running a comprehensive solar campaign. The funds may be used to offset any and all expenses associated with the campaign.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the budget amendment for the General Fund – Town Board as follows:

Increase Revenue		
General Fund – Revenue	001.0001.3007	\$5,000.00
NYS Grants		
Increase Appropriation		
General Fund		
Town Board Professional Services	001.1010.0409	\$5,000.00

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

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## ***Town of Grand Island – Regular Meeting #14***

### **Amend 2018 Budget**

The Town of Grand Island received two (2) checks totaling \$40,000.00 from Erie County Department of Environmental Planning, to be used for the Comprehensive Plan that was comprised from Clark Patterson Lee.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the budget amendment to the 2018 Budget as follows:

Increase Expenditure a/c		
Long Range Planning – Prof. Services	001.8022.0409	\$40,000.00
Increase Revenue a/c		
Erie County Grants	001.0001.3003	\$40,000.00

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

### **2017 Agreed Upon Procedures (AUP)**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to accept the 2017 AUP for the Town of Grand Island's Justice Court and Town Clerk's Department prepared by Bonadio & Co., LLP. A copy will be maintained on file in the Town Clerk's office.

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

### **CODE ENFORCEMENT OFFICE:**

#### **Special Use Permit Renewal – Jennifer Tirone, 993 Whitehaven Road – Keeping of up to 4 Agricultural Animals on 5.9 Acres**

A motion was made by Councilman Madigan, seconded by Councilman Marston to renew the Special Use Permit for Jennifer Tirone, 993 Whitehaven Road for keeping of up to 4 Agricultural Animals on 5.9 acres. The site has been inspected and it is unchanged.

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

#### **Tower Permit Renewal – Upstate Cellular Network (Verizon) – 1639 West River Road**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to renew the Tower Permit for Upstate Cellular Network (Verizon) at 1639 West River Road. The site has been inspected and it is unchanged.

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

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

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to pay Vouchers #124761 -124971

General	\$ 59,735.03
Highway	\$120,234.99
Sewer	\$ 29,590.02
Water	\$ 17,438.18
Capital	\$526,304.71
Garbage	\$121,232.96
Fire	\$ 2,270.00
Total	\$876,805.89

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

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## *Town of Grand Island – Regular Meeting #14*

### **UNFINISHED BUSINESS:**

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

### **PUBLIC COMMENTS:**

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

Speakers:

JR Tripi, Brad Price, Joe Hickman, James Smith, Maria Korhummel

### **FROM THE BOARD:**

- Be safe, observe traffic signs
- Crosswalk on Ransom Rd. near High School
- National Night Out – Tuesday, August 7<sup>th</sup> 6:00p.m.-9:00p.m.
- Financial status of Town

### **ADJOURNMENT:**

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to adjourn the meeting at 9:16p.m.

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

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

Emma Whitney	Ina Kramer
Susan Piazza	Michael Wagner
Patricia Kostenbauder	William Kantenwein
Virginia Wendel	Patrick Thompson
Carol Ennis	Marie LaMarco
Dale Loder	Betty Papke

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk

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

**MINUTES  
July 5, 2018**

**MEMBERS PRESENT:** Chairman Marion Fabiano, Betty Harris, Bob Mesmer  
and Alternate Dan Drexelius

**MEMBERS ABSENT:** John Braddell and Tim Phillips

**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) 1900 East River Road – Glenn Wallace**

The property is zoned R1B. Applicant is requesting to use their property as a short term (less than 30 days) rental which our code defines as a transient home. In January, 2017, Mr. Wallace was Denied a Use Variance request from Town Code §407-105(D)(2) to operate 1900 East River Road as a nonconforming transient home. Currently, Mr. Wallace is requesting a Use Variance from Local Law No. 9, Town Code §407-167.2 which states; With the exception of bed-and-breakfasts as specifically authorized in this chapter, transient rentals or short-term rentals are not permitted in the following zoning districts: R1A, R1B, R1C, R1D, R1E, R-2, R-2A, and R-3., making it necessary for a use variance to operate a transient rental.

The applicant is requesting that his use variance request to operate a transient home be tabled until the August 2, 2018 ZBA meeting.

A **motion** was made by Mesmer / Harris to **TABLE** the request for a Use Variance to operate a transient or short term rental home at 1900 East River Road at the applicants request.

**Roll Call:**

**Ayes:** Fabiano, Harris, Drexelius, Mesmer

**Noes:** None

**Carried**

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2018 AUG -3 PM 10:51  
TOWN CLERK  
GRAND ISLAND

2) **801 Colony Road – Sue Yaksich**

This property is zoned R1D. Applicants are requesting to construct a 12' x 12' x 12' high open pergola on the river side of property. The Town Code Section 407-18c4 allows 4 ft. for an accessory structure on the shoreline lot making an 8 ft. height variance necessary. The Applicant was granted a 1% lot coverage variance at the August 4, 2017 ZBA meeting and this project will increase the lot coverage another 1%, Making it necessary for an additional 1% lot coverage variance.

Appearing before the Board was Sue and Dave Yaksich. They explained they would like to put up a 12' x 12' four post pergola for shade about 25 ft. from the rivers edge. Sue Yaksich presented the Board with photos of the pergola and stated that it is only about 8 ft. in height and it is open sided and didn't believe it would block anyone's view. Chairman Fabiano questioned if the new shed that was granted last year was complete and why the third shed that was to be removed from the vacant parcel next had not yet been removed. The Yaksich's responded that they moved in last year and are still unpacking the shed and it will be removed by summers end.

Speaking was Joan and Don Portik who reside at 793 Colony Road. The Portik's stated they had no issues with the pergola but they are trying to keep the integrity of their view and other neighbors view. The Portik's would like to see the pergola moved back from where the drawing indicated towards the house to keep their line of sight. Joan Portik stated she was worried that the pergola may block their view if curtains, plants, or shades ect. are hung from the structure. The Board showed the Portiks the pictures of the structure they were presented with.

Speaking again were the Yaksichs. They are willing to move the pergola across from the new storage shed no closer to the river than the closest corner of the shed and is never to be enclosed.

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

A **motion** was made by Mesmer / Drexelius to **GRANT** the request for a 3.5 ft. height variance for a 12' x 12' pergola in the rear yard at 801 Colony Road. The pergola will not be enclosed and be no closer to the river than the new storage building.

**Roll Call:**

**Ayes:** Fabiano, Harris, Drexelius, Mesmer,

**Noes:** None

**Carried**

A **motion** was made by Mesmer / Drexelius to **GRANT** the request for an additional 1 % (2% total) over the maximum allowed lot coverage for the placement of a pergola at 801 Colony Road.

**Roll Call:**

**Ayes:** Fabiano, Harris, Drexelius, Mesmer,

**Noes:** None

**Carried**

A **motion** was made to **GRANT** the pergola on the condition it will never be enclosed.

**Roll Call:**

**Ayes:** Fabiano, Harris, Drexelius, Mesmer,

**Noes:** None

**Carried**

**Rationale:**

1. This action was taken because the open pergola will never be closer to the river than the variance granted for the shed from 2017.
2. This action was granted after mitigating all the neighbors concerns

**3) 3651 East River Road – Mark Diletti**

This property is zoned R1B. The applicant is requesting to construct a single family dwelling. After reviewing the submitted house construction drawings the building department found conflicting measurements and determined that the single family dwelling is 37 ft. high, not 35 ft. high as required in Schedule 1 of the Town Code, making it necessary for a 2 foot height variance.

Appearing before the Board were Mark and Geri Diletti. They apologized to the Board for requesting another variance for their new house. Code Enforcement Officer, William Shaw, spoke to the Board and explained that there was a mathematical error on part of the design professional that was not realized until code review and without the requested variance the construction of the house could be held up for several months or more for new drawings.

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

A **motion** was made by Mesmer / Harris to **GRANT** the request for a 2 ft. height variance for a single family dwelling at 3651 East River Road.

**Roll Call:**

**Ayes:** Mesmer, Drexelius, Harris, Fabiano

**Noes:** None

**Carried**

**Rationale:**

1. This action was taken to rectify an error made by an outside party

2. This action was taken because the this single family dwelling was already approved for this site

**4) 2024 Grand Island Blvd – Dunkin Donuts**

This property is zoned CBD. Applicant is proposing additional signage to an existing pole sign. The new proposed sign adding Dunkin Donuts will be an additional 21 sq. ft., making a total square footage of 101.5 sq.ft. Section 295-6B(1)b of the Town Code allows total face area not to exceed 60 sq.ft., Section 295-8E allows gas stations an additional 32 sq. ft. of signage for brand name and price of fuel making a total of 92 sq. ft. which will require a 9.5 sq. ft. sign face variance.

Appearing before the Board was Anthony Quimby from the sign company working with Dunkin Donuts. Mr. Quimby stated that he was contracted by the new owners of Dunkin Donuts to promote the drive thru which is poorly designed. Mr. Quimby is requesting to add an additional 9.5 sq. ft. on the existing pole sign and removing a smaller directional sign to elsewhere on the property to help direct traffic around the building. Mr. Quimby presented the Board with colored before and after photos of what the signage would look like. Board member Mesmer, commented on the visability of oncoming traffic on the Blvd if more signage was added. Mr. Quimby stated that the sign is 6 ft. off the ground the sign does not obstruct view because it is out of the right of way. Mr. Mesmer disagreed. Code Enforcement Officer, William Shaw stated the Code for the sign §295-6B(b) and said it was well within what was allowed for a pole sign. Location or type of the sign is not what is before the Board.

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

A **motion** was made by Fabiano to **GRANT** the request for a 9.5 sq. ft. sign face variance for Dunkin Donuts to be added to the existing pole sign at 2024 Grand Island Blvd. No second was made, motion failed. No action taken.

**OLD BUSINESS:**

**1) 2124 East River Road – Glenn Wallace**

This property is zoned R1B. Applicant is requesting to use their property as a short term (less than 30 days) rental which our code defines as a transient home. In January, 2017, Mr. Wallace was Denied a Use Variance request from Town Code §407-105(D)(2) to operate 2124 East River Road as a nonconforming transient home. Currently, Mr. Wallace is requesting a Use Variance from Local Law No. 9, Town Code §407-167.2 which states; With the exception of bed-and-breakfasts as specifically authorized in this chapter, transient rentals or short-term rentals are not permitted in the following zoning

districts: R1A, R1B, R1C, R1D, R1E, R-2, R-2A, and R-3., making it necessary for a use variance to operate a transient rental. Mr. Wallace appeared before the Board with his attorney and submitted more documentation and some photos. The Board moved to TABLE the request to review the additional information. The public hearing was closed, 6-7-18. The ZBA considered the materials presented by the applicant as well as the public hearing testimonies. The ZBA concluded the applicant failed to meet his burden of proof to provide dollars and cents demonstrating he will not realize a reasonable rate of return. The hardship is not unique and the use variance would alter the essential character of the neighborhood. Therefore the application is denied and a motion to that effect is in order.

A **motion** was made by Mesmer / Harris to **DENY** the request for a Use Variance to operate a transient rental at 2124 East River Road. *Decision attached.*

**Roll Call:**

**Ayes:** Mesmer, Harris, Fabiano, Drexelius

**Noes:** None

**Carried**

**Rationale:**

1. This action was taken because applicant is not deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence
2. This action was taken because the requested use variance, if granted will alter the essential character of the neighborhood

**APPROVE MINUTES:**

ZBA           A **motion** was made by Mesmer / Drexelius to Approve the June 7, 2018 Minutes as written.

**Roll Call:**

**Ayes:** Fabiano, Harris, Mesmer, Drexelius

**Noes:** None

**Carried**

**OTHER MINUTES RECEIVED:**

**Board of Architectural Review Minutes** – May 15, 2018

**Planning Board Agenda** –April 9, 2018

**Planning Board Minutes**-May 14, 2018

**Town Board Agenda** –Regular Meeting #10, June 4, 2018, Regular Meeting #10, June 18, 2018

**Town Board Minutes** –Regular Meeting #9, May 21, 2018, Regular Meeting #10, June 4, 2018

**Town Board Workshop Meeting**- Regular Meeting #17, June 4, 2018

## **Long Range Planning Committee – March 14, 2018**

A motion was made by Mesmer / Drexelius to adjourn the meeting at 7:58 p.m.  
Minutes prepared by Rhonda Tollner, Zoning Clerk.

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

#### **SEQRA Determination Of Significance And Decision On The Application For A Use Variance To Operate A Short-Term Rental/Tourist Home**

Property Address: 2124 East River Road, Grand Island, NY (the "Property")  
Applicant: Glenn Wallace (the "Applicant")

#### **Background**

The Town Board adopted Local Law No. 9 of 2015, prohibiting Tourist Homes (or short-term, transient rentals) within the Town of Grand Island. Local Law No. 9 became effective upon its filing with the New York Secretary of State on October 15, 2015. The Town Board noted that New York law permits the Town to put a definitive end to nonconforming uses, even if they existed lawfully at the time the Code was changed. Non-conforming uses are not allowed to continue in perpetuity, unless allowed to do so by the local zoning code. The Town Board determined to eliminate then-existing Tourist Homes (alleged pre-existing non-conforming uses) in a reasonable way, with an amortization period, which would allow any impacted property owner to recoup some of his/her investment, to the extent any investment is lost as a result of eliminating the use. The Town Board did not believe that any amortization period was required because the use of the property had not been disallowed; the property may still be utilized as a single-family residence. The Town Board found that any loss of investment to the property owner resulting from prohibiting transient rentals, if anything, is relatively slight and insubstantial. Nonetheless, the Board determined to allow a one-year amortization period, and further determined to provide for a hardship extension for up to three (3) years, provided the property owner meets the standard.

The Applicant submitted a request to the ZBA for an extension of the amortization period, pursuant to Local Law No. 9 of 2015 (see Town Code § 407-105(D)(2)). Town Code § 407-105(D)(2) provides for an extension of the one-year amortization period for up to three (3) years, provided that:

1. The applicant demonstrates, with dollar-and-cents proof, that he/she made, prior to the nonconformity, substantial financial expenditures related to the nonconformity;

2. The applicant has not recovered substantially all of the financial expenditures related to the nonconformity;
3. The applicant will not realize a reasonable rate of return on his/her investment in the property; and
4. The period for which the nonconforming use is permitted to continue is the minimum period sufficient for the applicant to recover a reasonable amount of its financial expenditures incurred related to the nonconformity.

It should be noted that the Applicant's request for an extension was denied by the ZBA on January 5, 2017. The ZBA's prior decision denying the Applicant's request for an extension of the amortization period is incorporated herein by reference. Despite being afforded every opportunity to do so, the Applicant failed to provide the board with proof demonstrating entitlement to an extension. As set forth in the decision:

The material submitted by the Applicant, however, is insufficient to meet the burden of demonstrating entitlement to an extension of the amortization period. The Applicant states that he has made "substantial financial expenditures prior to the nonconformity," but fails to explain what those are, other than a generic statement. There is no proof that these expenditures were ever made. The Applicant also failed to provide his revenues from short-term rental of the Property. All that he provided was a statement that he has "earned a net rental income from renting my home that I consider to be income." Nor is there any estimate of revenues that would result from long-term rental of the Property. This information is critical because if the Applicant could realize the same revenue for long-term rentals (which is permitted) as for short-term rentals, there would be no inability to realize a reasonable rate of return. And, even if the long-term rental revenue were lower, the standard is "reasonable" rate of return, not the highest rate of return. The ZBA does not have the information necessary to render a determination. Simply put, with the information submitted, there is nothing demonstrating that the Applicant will not realize a reasonable rate of return.

The ZBA as an administrative body is required to adhere to prior precedent. While the factors to be considered for an extension of the amortization period set forth in Town Law § 407-105(D)(2) differ from those required for a use variance under Town Law § 267-b, there is significant overlap.

### **Standard of Review**

Town Law § 267-b(2) sets forth the factors that must be considered by the ZBA on an application for a use variance. "No such variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning

regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable rate of return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created." N.Y. Town Law § 267-b(2)(b). Failure to meet any of these factors requires denial by the ZBA. The Applicant bears the burden of proof on each element and must address each and every permitted use in the zoning district. Moreover, "[t]he board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

### **Burden of Proof/Evidence Required**

With respect to the required proof, "[t]he landowner bears a heavy burden; an applicant must demonstrate the lack of reasonable return by substantial evidence, and the evidence must include "dollars and cents" proof. P. Salkin, *New York Zoning Law and Practice*, at § 29:11. In providing this proof, the lack of a reasonable return, not the inability to get the highest return is what the ZBA considers. In New York, an approval needed to make a venture more "profitable and competitive – do[es] not sufficiently establish significant economic injury." *Orchard Michael, Inc. v. Falcon*, 110 A.D.2d 1048 (4th Dep't 1985), *aff'd*, 65 N.Y.2d 1007 (1985).

The New York Court of Appeals cases are instructive. The types of documentary proof that must be submitted as "dollars and cents" proof to establish inability to realize a reasonable return include: (1) the purchase price of the parcel in issue; (2) the present value of the parcel; (3) expenses attributable to maintenance of the parcel; (4) the amount of taxes on the parcel; (5) the amount of mortgages and other encumbrances; (6) income from the land in issue; and (7) other facts relevant to the particular circumstances. *Crossroads Recreation, Inc. v. Broz*, 4 N.Y.2d 39, (1958) (Failure to provide the purchase price of the property amounts to failure to provide "dollars and cents" proof.); *Sullivan v. City of Albany Bd. of Zoning Appeals*, 20 A.D.3d 665, 798 N.Y.S.2d 200 (3d Dep't 2005) (Testimony from a realtor or other witness that is unsubstantiated is also insufficient as "dollars and cents" proof.) All of this information is required. For example, failure to provide the purchase price of the



property is a failure to submit “dollars and cents” proof. *Sullivan*, 20 A.D. 3d at 665.

It is also important to note what unacceptable proof is. For example, the bare conclusory testimony in the application on the inability of the applicant to realize a reasonable return is insufficient to meet the requirements of the law. Provision of raw data without the required analysis is insufficient to satisfy the applicant’s burden of proof, and any conclusions of any expert witness must rely on evidence which has been documented. *Village of Fayetteville v. Jarrold*, 53 N.Y.2d 254 (1981); *Village Bd. of See Congregation Beth El of Rochester v. Crowley*, 30 Misc. 2d 90 (Sup 1961) (holding that the simple testimony of a realtor that the land would not attract a developer for the purposes permissive under the zoning was insufficient to prove lack of reasonable return); *Fusco v. Town of Oyster Bay*, 23 Misc. 2d 72, 200 N.Y.S.2d 567 (Sup 1960) (holding that the opinion of a real estate broker that the land will not yield a reasonable return if it is devoted to a conforming use is insufficient as “dollars and cents” proof); *Tantalo v. Zoning Bd. of Appeals of Town of Seneca Falls*, 43 A.D.2d 793 (4th Dep’t 1973) (holding that proof is insufficient where a landowner testifies that his land is unsuitable for farming because an adjacent dump causes flies and odors, and his oral attempts to sell were unsuccessful).

### **The Public Hearing**

The ZBA conducted a public hearing on the Application at its June 7, 2018 meeting. A representative of the Applicant appeared, spoke, and presented materials to the ZBA. The minutes of the public hearing are incorporated herein by reference.

### **SEQRA – Negative Declaration and Reasoned Elaboration**

The ZBA has determined that the Application is an unlisted action under SEQRA. The ZBA has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required SEQRA. The ZBA compared the proposed application (“action”) with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3) and Parts 1 and 2 of the Environmental Assessment Form (“EAF”). The ZBA has reviewed the following impact areas and has determined that there will not be a significant adverse environmental impact that warrants the preparation of an environmental impact statement: (1)

traffic, (2) noise, (3) air quality, (4) wetlands, (5) erosion, flooding and drainage, (6) solid waste production, (7) vegetation or fauna, wildlife, fish, and habitat, (8) critical environmental areas, (9) the community's current plans and goals, (10) historical, archeological, architectural, and aesthetic resources and community character, (11) energy use, (12) potential health hazard, (13) change in the intensity of use and agricultural and recreational resources, (14) potential to draw large numbers of people, and (15) cumulative impacts. The ZBA determines to answer the questions in Part 2 of the EAF in the negative and hereby issues a negative declaration. The Application does not involve new construction, but essentially to use the property as it had once been previously used. Thus, impacts from new construction (e.g., habitat destruction, dust, noise, truck traffic, wetlands impacts) are not applicable. The ZBA does, however, believe that the Application would likely allow excess noise, traffic, and community character/community planning impacts that the Town Board identified in the findings to Local Law No. 9 that are consistent with transient rentals. However, those impacts do not warrant the preparation of an environmental impact statement. Denial of the Application essentially maintains the use of the property as a single-family residence as contemplated in the current zoning and in the current land use plans, for which SEQRA has already been completed and the impacts with traditional single-family residential use (including leases for longer than 30 days) have been considered.

### **Decision**

The Application consisted of a completed form requesting a use variance. Part 1 of the EAF is included with the application materials. The Application was referred to the Erie County Department of Environmental and Planning ("ECDEP") as contemplated by Section 239-m of the General Municipal Law; the ECDEP responded that the application was of local concern. The Application also contained written materials. The Applicant submitted supplemental materials to the ZBA on June 14, 2018 after the public hearing was closed. These materials were considered by the ZBA. The ZBA has evaluated the Applicant, supplemental materials submitted, and the public hearing testimony and concludes as follows:

The Applicant has not met his burden of proof demonstrating that he "cannot realize a reasonable rate of return, provided that lack of return is substantial as demonstrated by competent financial evidence." As noted above, this is an exacting standard. It requires evaluation of all uses in the zoning district and requires "dollars and cents" proof. The Application consists of generic, unsupported statements of gross income, net income, expenses, and potential rental amounts. Nowhere is there any documentation of these figures. There is no documentation demonstrating purchase price, property value, rental amounts,

and expenses. There is no information from a competent expert on property values and rental values. The Applicant has not met his burden on this factor. Moreover, the property is located in the R1B District. In addition to the Applicant's failure to evaluate the use of the property for long-term rental in evaluating the return, the Applicant failed to address uses permitted in the district with a special use permit. See Town Code § 407-28. For example, a bed and breakfast is allowed with a special use permit. This requires owner occupancy. There was no discussion of this issue. This failure requires denial in and of itself.

The ZBA disagrees with the Applicant's evaluation of the uniqueness of the hardship. The Town Board made a decision to terminate short-term rentals. This decision affected all residential properties in the Town, including several properties that had been operating short-term rentals. The situation here is not unique as the Applicant owns a single-family residence, similar to those in the surrounding neighborhood. Thus, the hardship here would apply to a substantial portion of the district or neighborhood.

The ZBA finds that the use variance would alter the essential character of the neighborhood, which is residential. The Town Board specifically found that short-term rental uses bring impacts that are not conducive to residential use. Traffic, noise, and debris are some of the impacts referenced by the Town Board. The ZBA agrees with those findings.

The ZBA further finds that the alleged hardship has not been self-created because Local Law No. 9 became applicable after the Applicant purchased the property and used the property for short-term rentals.

In conclusion, the Applicant failed to meet his burden of proof to provide "dollars and cents" proof demonstrating he will not realize a reasonable rate of return. The hardship is not unique and the use variance would alter the essential character of the neighborhood. Therefore, the Application is DENIED.

**JENNIFER R. MENTER**

*Recreation Supervisor -*

*Senior Citizen*



**THE TOWN OF GRAND ISLAND**

**Golden Age Center**

3278 Whitehaven Road

Grand Island, NY 14072

(716) 773-9682 & (716) 773-9683

goldenage@grand-island.ny.us

August 6, 2018

TO: Town of Grand Island Town Board

FROM: Jennifer Menter, Recreation Supervisor – Senior Citizen

RE: Usage of the Golden Age Center Facility for July 2018

Please see the Activity Participation Totals below for the month of July 2018 at the Golden Age Center.

### Monthly Events & Special Events

Walmart Trip (twice per month):

Birthday Lunch entertainment from Judd Sunshine:

Members' Coffee:

Brain Games:

4<sup>th</sup> of July Parade, Decorating the Bus & Festivities:

Travel Club meeting:

Dementia Caregiver Support Group:

Social Support Group for individuals with dementia & Alzheimer's Disease:

Blue Cross Blue Shield of WNY:

Learn to Kayak trip with Tina Spencer, NYS Parks, Recreation & Historic Preservation:

Potluck Dinner & Tuesday night fun at Town Commons, hearing Reflektor:

Christmas in July Day Trip: Saturday, July 14, featuring member Don Hamman in concert:

Town Time with Bev Kinney:

United Health Care:

Fidelis Care:

Past Presidents' Luncheon with Past Presidents of the Golden Age Club:

Hearing Health presentation with Ken-Ton Hearing:

Hearing Screening with Ken-Ton Hearing:

Food Truck Thursday Day Trip at the Canal in Tonawanda:

French "Behind the Scenes" Tour to Coco Restaurant:

### Weekly programming:

BINGO Bonanza: (Tuesday afternoons & Thurs. AM)

Fun with French (Summer Classes @ various times through month):

Anything Craft Classes:

Book Club:

Computer Club with Molly:

Card Games (including NEW GAMES Euchre, Pinochle, Solitaire & Poker):

Dominoes:

Billiards:

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<u>Chess:</u>	16
<u>Exercise Programs (6 different programs):</u>	468
<u>Coups for Troops:</u>	27
<u>Artists' Haven:</u>	16
<u>Mahjong:</u>	13
<u>Chess:</u>	16
<u>Golden Age Center Chorus:</u>	54
<u>Crafting for a Cause:</u>	16
<u>Rummikub:</u>	3
<u>Golf:</u>	13
<u>Walking Club with Erin:</u>	36

#### Monthly Meetings & Lunches:

<u>Birthday Lunch:</u>	47
<u>Executive Board Meeting:</u>	9
<u>General Meeting:</u>	51

#### Daily Activities & Usage:

<u>Lunches:</u>	702
<u>Meals on Wheels:</u>	322
<u>Van &amp; Bus Transportation:</u>	574

<u>Days OPEN:</u>	21
<u>Total Monthly Attendance:</u>	3251

Respectfully submitted,

*Jennifer R Menter*

Jennifer R Menter  
Recreation Supervisor – Senior Citizen

**PLANNING BOARD MEETING**

**MINUTES: JULY 9, 2018**

**MEMBERS PRESENT:** Bidell, Bruno, Greco, Lare, Starzynski, Stessing  
Alternate member - Bowman

**MEMBERS ABSENT:** Duchscherer, Alternate member - Worrall

**OTHERS PRESENT:** Councilman Marston, Robert Westfall, Town Engineer, Bill Shaw, Code Enforcement Officer and Those Listed Herein.

Chairman Bruno opened the meeting at 7:02 P.M.

Chairman Bruno welcomed Brad Bowman to his first meeting. He will be a voting member tonight.

**MINUTES:** Planning Board Meeting – June 11, 2018

Page 5 – Amend last paragraph to read, Driveway will be gravel. From the engineer's standpoint, with regard to storm water, gravel roads are considered impervious.

It was moved by Stessing – Bidell to **APPROVE** the minutes as amended.

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

**VOUCHER:** Arlene Ehde, Recording Secretary - \$274.01

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

Roll Call: Ayes – Greco, Lare, Bidell, Bowman, Bruno, Starzynski, Stessing  
Noes – None  
Carried

It was moved by Bruno – Greco to suspend the rules and add Granger Development, 2+ acre pond on Staley Rd. to COMMUNICATIONS – OTHERS.

Roll Call: Ayes – Bruno, Greco, Bidell, Bowman, Lare  
Noes – Starzynski, Stessing  
Not Carried

This matter will be heard at next month's meeting.

It was moved by Bruno – Greco to suspend the rules and add Kelly's Country Store, 3121 Grand Island Blvd. to COMMUNICATIONS – OTHERS.

Roll Call: Ayes – None  
Noes – Bidell, Bruno, Bowman, Greco, Lare, Starzynski, Stessing  
Carried

RECEIVED  
210 AUG 16 AM 8:58  
TOWN ENGINEER  
GRAND ISLAND

Maureen Knight, sister to Kevin Kelly, stated that they would like a pavilion and a farmers' market on Sundays on their property. She didn't have any other information available. She was told to submit information for the next agenda.

### REFERRALS

1. FROM: Town Engineer

RE: SHANNON Mc NICHOL – 2488 GRAND ISLAND BLVD.  
CHANGE OF USE – PARKING LOT EXPANSION

Brian Louis, RA, Louis Design Solutions Architecture, LLC appeared in behalf of Shannon McNichol, requesting approval of a change of use and a parking lot expansion at 2488 Grand Island Blvd.

Mr. Louis stated that Ms. McNichol will open a Snap Fitness Gym on the north side of the existing small strip plaza, requiring 31 additional parking spaces. There are 16 existing spaces. The gym will be open 24 hours with usually no more than 12 cars in the parking lot. The gym is being relocated from Baseline Rd. to this property.

There is an existing drainage swale on the property which comes across the proposed parking lot. It will be rerouted and reconnected. It will stay as an open ditch.

Currently there is wide open pavement to the plaza. They will cut it down by 25'-30'.

Landscaping and a berm is proposed between the parking lot and the road to help screen the parking. Crab Apple and Red Maple trees are proposed, 25' apart, along with shrubbery on the side of the property.

They are seeking relief from the Town Board for the 10' wide landscaped island at the entry to the parking lot. The island could impede the use of the existing loading dock.

Grand Island Blvd. is a State road. The NYSDOT may want an in and out driveway. They will determine the improvements that can be made.

Sidewalks are shown in the ROW. There is about ½ mile to the nearest sidewalk. This too will have to be approved by the DOT. There is an existing sidewalk directly in front of the building.

There are no plans for a pole sign.

They will retop and restripe the existing pavement.

There is no ditch in front of the building. Piping is underground.

The proposal will be a big improvement for the site.

It was noted that the zoning, B-1, on the application is incorrect. This property is zoned NBD.

It was moved by Bidell – Stessing to recommend **APPROVAL** of the project and recommend that the Town Board waive the requirement of the driveway access island as required by the Performance Standards.

Roll Call: Ayes – Bidell, Stessing, Bowman, Bruno, Greco, Lare, Starzynski  
Noes – None  
Carried

2. FROM: Town Engineer

RE: RODNEY REISDORF – 2401 BEDELL RD.  
SITE PLAN APPROVAL – AUTO STORAGE BUILDING

Mr. Reisdorf appeared with plans for a second 3,200 SF storage building, to be constructed at 2401 Bedell Rd.

The proposed building will be located next to an existing building and will be exactly the same in size, color, siding, and doors.

The building is 6' from the side yard and meets the 5' side yard requirement for an accessory structure. However, he will need a variance as the Code states that there be no more than one accessory structure in a M-1 zoning district.

Mr. Westfall recommended a drainage swale along the west side of the building tied into the existing drainage in the front yard swale.

There will be no electric, heat or sewer to the building. It is a storage building.

No additional parking is needed.

Gravel or millings will be used.

It was moved by Bruno – Greco to recommend **APPROVAL** of the Site Plan contingent on a variance being granted by the Zoning Board of Appeals.

Roll Call: Ayes – Bruno, Greco, Bidell, Bowman, Lare, Starzynski, Stessing  
Noes – None  
Carried

3. FROM: Town Engineer

RE: MICHAEL LUDWIG – 2120 ALVIN RD.  
SITE PLAN REVISION – POLE BARN/COLD STORAGE BUILDING

Michael Ludwig was not yet present. It was moved by Bruno – Greco to move Mr. Ludwig from #3 to #4 on the agenda.

Roll Call: Ayes – Bruno, Greco, Bidell, Bowman, Lare, Starzynski, Stessing  
Noes – None  
Carried



3. FROM: Town Engineer

RE: HYDROPONIC GREENHOUSE NURSERY – 381 LANG BLVD.  
CONCEPT PLAN – INFORMAL DISCUSSION

Ari Sobel and Kevin Colosimo appeared for a discussion on their plans for a Hydroponic Greenhouse Nursery at 381 Lang Blvd.

Mr. Sobel explained that they purchased the property in November of 2017. They are proposing, in Phase 1, a three bay gutter connected greenhouse, 66'x128'x15' and a packing structure, 24'x40'. The plan shows the possibility of adding 6 more phases.

Six parking spaces, including one handicapped space are proposed. Initially, there will be four employees per shift, one shift per day. If more employees are needed, they can expand the parking lot.

It is a controlled environment to grow vegetables all year long, to provide fresh vegetables to local businesses. There is a shortage of locally grown organic produce.

When asked about growing hemp, Mr. Sobel stated that they cannot say with absolute certainty at this time. Regulations could become over burdensome for a company like theirs. They are concentrating on leafy green types of crops and herbs. This would be the most profitable part of the business. Part of their long term business goals is pickling and salad kits.

They don't expect a lot of truck traffic. They may have 10,000 heads of lettuce, like butter leaf lettuce, in a month. They estimate 5-10 trucks per day depending on the produce. They describe the trucks as refrigerated mini-vans or box trucks.

Color of the building has not yet been decided. The six mil poly plastic covering would have to be changed every 4 years. Concrete is used under the footprint. Solar heat coming through the plastic is used, natural gas heating, if needed. They believe the greenhouse will look much better than the vacant land and the Grand Island Commerce Center and it will fit with the surrounding buildings.

Based on humidity and air temperature, approximately 8,000 gallons of water per day will be used. No sewerage. They may need 2 water meters to monitor usage.

The land was admitted into the Erie County Agricultural District in May, 2018. Mr. Sobel stated that the greenhouse qualifies under NYS Agriculture and Market code as both a temporary structure and a principal use structure. It was noted that Erie County does not consult the Town on which parcels should be allowed in an Ag District.

This is a M-1 Zoning District. Agricultural use is not allowed in M-1. B-1, General Business District allows growing of plants and retail and wholesale. There may be legal questions. This could set a precedent.

It was suggested that they meet with Mr. Shaw, Code Enforcement Officer. There are many items missing with this submittal, such as landscaping, storm water management, elevations,

utilities, paving. It was recommended that they check 407-109 of the Code for all the requirements for site plan submittal.

No action at this time.

4. FROM: Town Engineer

RE: MICHAEL LUDWIG – 2120 ALVIN RD.  
SITE PLAN REVISION – POLE BARN/COLD STORAGE BUILDING

Mr. Ludwig appeared with a revision to his Site Plan, which was approved in 2015, for the construction of a pole barn at 2120 Alvin Rd.

He explained that he wants to increase the size of the building from 24'x36' to 50'x60'. It will not exceed 18' to the peak. The building will be the same color as the existing building with a metal roof. He cannot get the architectural plans until he has Site Plan approval. There will not be electricity to the building at this time, possibly at a later date.

There are three separate buildings which will be removed with the proposed construction.

The building will not be visible because of the oak tree line and hedge row.

It was moved by Stessing – Starzynski to recommend **APPROVAL** of the Site Plan as submitted.

Roll Call: Ayes – Stessing, Starzynski, Bidell, Bowman, Bruno, Greco, Lare  
Noes – None  
Carried

**COMMUNICATIONS – OTHER OFFICIALS**

1. FROM: Town Board

RE: MINUTES – May 21, June 4, 2018  
Received and filed.

2. FROM: Board of Architectural Review

RE: MINUTES – May 15, 2018  
Received and filed.

3. FROM: Zoning Board of Appeals

RE: MINUTES – June 7, 2018  
Received and filed.

**COMMUNICATIONS – OTHERS**

1. FROM: Donald G. Wilson - Wilson Environmental Technologies, Inc.

RE: SOLAR PARK 2 PROJECT – 1611 WHITEHAVEN RD.  
REGULATORY REQUIREMENTS AS IT PERTAINS TO NATIONWIDE 51 PERMITTING & SECTION  
404 CLEAN WATER ACT

A letter was received from Donald G. Wilson, dated June 14, 2018, clarifying the requirements and statements made at the June meeting.

The following are comments made by Sandy Lare:

I reviewed the attached memo by Don Wilson/Wilson Environmental Technologies. This memo explains the project's stream and wetland permitting strategy for the Solar Array Project at 1611 Whitehaven Road. Based on the memo, it does not appear that stream/wetland permit applications have been submitted yet. I have these comments on the memo, which may be useful for Town Board awareness as related to the ongoing State Environmental Quality Review Act (SEQRA) review of the project. This is in the interest of getting assurances that the Applicant goes through all of the appropriate regulatory review processes, pertaining to stream/wetland resource impacts, that may be applicable to the project.

- 1) They mention Army Corps of Engineers permitting and Joint Application, but there's no mention of state-level involvement or permitting with NYS Dept. Environmental Conservation (NYSDEC). Specifically, the stream onsite is a Class B stream, which would be a state-jurisdictional resource. As part of the access road, they propose to construct a bridge crossing the stream. Has the Applicant/consultant considered or made determinations on the need for permitting under NYS Environmental Conservation Law (ECL) Article 15 – Protection of Waters?
- 2) Memo doesn't mention: Have they made preliminary determinations re: NYSDEC jurisdiction over any / all of the wetlands onsite? (The wetlands are not currently mapped on NYSDEC Freshwater Wetlands maps, but may potentially be state-jurisdictional, based on size onsite and size of assumed surrounding connected wetlands. (NYSDEC has asserted and could assert jurisdiction over wetlands not currently/formally mapped as DEC Freshwater Wetlands.)
- 3) Do they expect any requirement for compensatory wetland mitigation (for the permanent conversion of forested wetland to emergent wetland)?
  - a. I was told they did a survey of the trees. Mr. Wilson explains that the method of tree clearing affects whether it's considered dredge/fill (e.g, not dredge/fill/not regulated if cutting trees above the ground and leaving roots intact and no ground disturbance) – but doesn't state whether this is the selected method the project would (or could) undertake. Leaving the root system intact may categorize the activity as not regulated, and as such may negate the requirement for compensatory mitigation (by keeping the activity out of the Corps' jurisdiction), but leaving the roots may not be feasible for the project. (Compensatory wetland mitigation is regularly required for other types of energy projects involving temporary dredge/fill if permanent conversion of forested wetland vegetation to herbaceous vegetation occurs.)
  - b. If compensatory wetland mitigation were to be required, it could 1) result in changes to site plan (to re-design project to avoid triggering requirement), 2) change the financial picture for project (considering the high price of mitigation costs), and/or 3) could represent a potential opportunity for the town (for ex, tree planting or other enhancements to existing wetlands on GI).

It may be prudent for the Town Board to consider requesting or conditioning its approval of the project based on Applicant submitting appropriate documentation from the U.S. Army Corps of Engineers and NYSDEC that the project has received all required permits and compensatory mitigation is provided for,

7/9/18

and/or (in the case not required) submit documentation *from each regulatory agency* that they have reviewed and determined that \_\_\_\_\_ (name the specific permit/s) and/or compensatory mitigation is not required.

Ms. Lare will send a copy of her comments to Councilman Marston.

It was moved by Bidell – Starzynski to receive and file Mr. Wilson's letter.

Roll Call: Ayes – Bidell, Starzynski, Bowman, Bruno, Greco, Lare, Stessing  
Noes – None  
Carried

2. FROM: Robert Fraser – 1671 Whitehaven Rd.  
RE: SOLAR ARRAY PROJECT – 1611 WHITEHAVEN RD.

Chairman Bruno received an e-mail from Mr. Fraser objecting to the Solar Array Project at 1611 Whitehaven Rd. Mr. Bruno suggested to Mr. Fraser that he attend the public meeting to express his concerns.

Correspondence received and filed.

**UNFINISHED BUSINESS**

None

**DISCUSSION**

1. **AGRICULTURE AND MARKET RULES**

Mr. Starzynski suggested that between now and the next meeting the Board members should check out the Agriculture Open Enrollment Form – Article 25AA, Ag and Market Law.

The proposal for the Hydroponic Greenhouse Nursery at 381 Lang Blvd. is for a wholesale/retail operation.

The Board believes it would be helpful to have the Town Attorney present at the next meeting to answer questions on the Ag and Market Law.

2. **COMPLETE APPLICATION DEADLINE DATES**

There was a discussion on the submission deadlines. Mr. Westfall stated that the agenda is set as of the "Complete Application Deadline" on the schedule of meetings. However, he needs submissions at least ten days before the deadline to have time for review of the plans.

It was moved by Greco – Starzynski to **ADJOURN** at 9:15 P.M.

Roll Call: Ayes – Greco, Starzynski, Bidell, Bowman, Bruno, Lare, Stessing  
Noes – None  
Carried

Respectfully submitted,  
Arlene Ehde, Recording Secretary



RECEIVED

2018 AUG 16 AM 8:50

TOWN CLERK  
GRAND ISLAND N.Y.

OFFICE OF THE TOWN SUPERVISOR  
NATHAN D. McMURRAY

## MEMORANDUM

---

TO: Pattie Frentzel  
FROM: Emily Wynne  
CC: Karen Cooney  
DATE: 8/16/18

SUBJECT: Town Board Meeting 8/20/18 Agenda

WHEREAS, Tonawanda Coke Corporation, a major foundry coke manufacturer, has been convicted of numerous environmental violations in recent years; and

WHEREAS, on July 20, 2018 the New York State Department of Environmental Conservation (DEC) Commissioner issued a cease and desist order to Tonawanda Coke Corporation due to ongoing environmental violations and resident concerns; and

WHEREAS, Tonawanda Coke Corporation continues to operate the facility at all hours, filling the air with benzene—a chemical known to cause leukemia and lymphoma—and other pollutants that have the potential to harm surrounding communities;

NOW THEREFORE BE IT RESOLVED that the Town Board does hereby support the cease and desist order, and calls upon Tonawanda Coke Corporations to immediately halt all operations.

NDM/eaw

THE TOWN OF



GRAND ISLAND

MIKE MADIGAN  
COUNCILMAN

2255 BASELINE ROAD  
GRAND ISLAND  
NEW YORK  
14072-1710  
OFFICE (716) 773-9600  
FAX (716) 773-9618

**To:** Pattie Frentzel

**From:** Mike Madigan

**Subject:** Motion to approve NYPA Terms and Conditions associated with the LED Conversion Project.

**Date:** 20-August-2018

**Background:**

This request for approval of the Master Services Agreement is not the approval of the NYPA LED Light Conversion project. This approves only the terms and conditions under which the LED light conversion Project would be managed in the event that the conversion project is approved by the Town Board at a later date.

The LED Light Conversion Project statement of work (contract) would be drafted after the MSA is approved by the Board and signed by the Supervisor.

A Summary of the benefits of the proposed NYPA LED Light Conversion Project, as currently proposed, includes:

- Starting in year 8 the total cost savings to the town and the town tax payers is \$234,406/year in utility costs
- The simple payback for the cost of the project is less than 7 years with an internal rate of return (IRR) of 16.8%
- The project will realize a positive cash flow for the town starting in year one with a savings of \$28,656

**Motion:**

I would like to make a motion to authorize the Town Supervisor to sign the New York Power Authority's Master Cost Recovery Agreement (Master Services Agreement) contingent upon review and approval by the Grand Island Town Attorney.

  
Mike Madigan  
Town Councilman

RECEIVED  
2016 AUG 16 AM 10:05  
TOWN CLERK  
GRAND ISLAND, NY

Patricia A. Frentzel  
Town Clerk



The Town of Grand Island

2255 BASELINE ROAD  
GRAND ISLAND, NEW YORK 14072  
(716) 773-9600 EXT. 622  
FAX (716) 773-9618  
Email: pfrentzel@grand-island.ny.us

TO: Grand Island Town Board  
FROM: Patricia A. Frentzel, Town Clerk *pf*  
RE: Regulation on Reporting for Elected or Appointed Officials  
DATE: August 20, 2018

In accordance to the new NYS requirements on the Regulations on Reporting for Elected or Appointed Officials, the Standard Work Day and Reporting Resolution for Elected and Appointed Officials must be passed.

The resolution will then be posted on the Town's website for a minimum of thirty days in accordance with the regulations. A certified copy of the resolution and an affidavit of posting shall be filed by the clerk of the governing board with the Office of the State Comptroller within 45 days of the adoption of the resolution. The failure of the governing board to adopt such resolution shall result in the suspension of service crediting and Retirement System membership benefits for the elected or appointed official until such time as the resolution is adopted, posted, and filed with the Comptroller.



Office of the New York State Comptroller  
New York State and Local Retirement System  
Employees' Retirement System  
Police and Fire Retirement System  
110 State Street, Albany, New York 12244-0001

# Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A

(Rev. 8/15)

BE IT RESOLVED, that the \_\_\_\_\_ Town of Grand Island / 30281 \_\_\_\_\_ hereby establishes the following standard work days for these titles and \_\_\_\_\_  
(Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
<b>Elected Officials</b>								
Highway Superintendent	8	Richard W. Crawford, Jr.			<input type="checkbox"/>	1-1-2018-12-31-2021	22.95	<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
<b>Appointed Officials</b>								
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

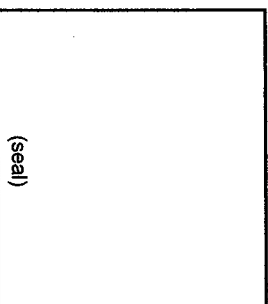
## SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, \_\_\_\_\_ Patricia A. Frenzel \_\_\_\_\_, secretary/clerk of the governing board of the \_\_\_\_\_ Town of Grand Island \_\_\_\_\_, of the State of New York,  
(Name of secretary or clerk) (Circle one) (Name of Employer)  
do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the \_\_\_\_\_ 20 \_\_\_\_\_ day of \_\_\_\_\_  
August \_\_\_\_\_, 20 \_\_\_\_\_ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the \_\_\_\_\_ Town of Grand Island \_\_\_\_\_ on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_\_\_\_, \_\_\_\_\_  
(Signature of the secretary or clerk) (Name of Employer)

Affidavit of Posting: I, \_\_\_\_\_ Patricia A. Frenzel \_\_\_\_\_, being duly sworn, deposes and says that the posting of the  
(Name of secretary or clerk)  
Resolution began on \_\_\_\_\_ (Date) \_\_\_\_\_ and continued for at least 30 days. That the Resolution was available to the public on the

- ☐ Employer's website at \_\_\_\_\_  
☐ Official sign board at \_\_\_\_\_  
☐ Main entrance secretary or clerk's office at \_\_\_\_\_





A meeting of the Town Board of the Town of Grand Island, in the County of Erie, New York, was held at the Town Hall, in said Town, on August 20, 2018.

PRESENT:

Hon. Nathan D. McMurray, Supervisor  
Beverly A. Kinney, Councilmember  
Michael H. Madigan, Councilmember  
Jennifer L. Baney, Councilmember  
Peter Marston, Jr., Councilmember

-----X

In the Matter

of the

Increase and Improvement of Facilities of the  
Town of Grand Island Consolidated Water District  
in the Town of Grand Island, County of Erie, New York,  
pursuant to Section 202-b of the Town Law.

-----X

**ORDER CALLING PUBLIC  
HEARING TO BE HELD ON  
SEPTEMBER \_\_, 2018**

WHEREAS, the Town Board of the Town of Grand Island (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Water District (the "District"); and

WHEREAS, the Town Board has directed Wendel, competent engineers licensed in New York, to prepare a map, plan and report for a water system capital improvements project within the District; and

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to), the installation of additional filters at the Water Treatment Plant, construction of an addition to the Water Treatment Plant to accommodate the new filters, and the installation of approximately 11,600 linear feet of waterline along various roads in the

Town including, but not limited to, Baseline Road, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "District Improvement"); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$5,370,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$5,370,000, offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on September \_\_\_\_, 2018 at \_\_\_\_\_ p.m. o'clock p.m. (prevailing Time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$5,370,000, said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

DATED: August 20, 2018

TOWN BOARD OF THE  
TOWN OF GRAND ISLAND

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](mailto:engineering@grand-island.ny.us)

Town Board Agenda: August 20, 2018

August 9, 2018

To: Town Board

From: Robert Westfall, P.E.  
Town Engineer

Re: National Grid Easement  
(NMPC Work Request #24543224)  
Veteran's Park Power Upgrade M-66

Honorable Town Board:

Attached, please find the National Grid Easement (NMPC work request # 24543224) for overhead and underground electric facilities at Veteran's Park.

The Easement is needed to move ahead with the project to install a new primary electrical service to Veteran's Park that was approved by the Town Board in October 2017.

We hereby request the Town Supervisor be authorized to sign the Easement.

lmd  
Attachment

RECEIVED  
2018 AUG -9 PM 3:15  
TOWN OF GRAND ISLAND, N.Y.

## GRANT OF EASEMENT

**THE TOWN OF GRAND ISLAND**, a municipal corporation with an address of 2255 Baseline Road, Grand Island, New York 14072 (hereinafter referred to as "Grantor"), for consideration of One Dollar (\$1.00), and other valuable considerations paid, the receipt and sufficiency of which are hereby acknowledged under seal, hereby grants to **NIAGARA MOHAWK POWER CORPORATION**, a New York corporation, having an address of 144 Kensington Avenue, Buffalo, New York, 14214 and **VERIZON NEW YORK, INC.**, a New York corporation, having an address of 140 West Street, New York, New York 10007, (hereinafter collectively referred to as "Grantees") for Grantees and their lessees, licensees, successors, and assigns, the perpetual right and easement as described in Section 1 below (the "Easement") in, under, through, over, across, and upon the Grantor's land, as described in Section 2 below (the "Grantor's Land").

**Section 1 – Description of the Easement.** The "Easement" granted by the Grantor to the Grantee consists of a perpetual easement and right-of-way, with the right, privilege, and authority to:

a. Construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at its pleasure, abandon or remove underground electric facilities including a line or lines of wires or cables (either direct-buried or installed in underground conduits), handholes, manholes, conduit, vaults, junction boxes, pad-mount transformers, housings, connectors, switches and switching equipment, pipes, pedestals, closures, ducts and duct work, markers, cables, connections to overhead and underground wires, any poles or lines of poles, supporting structures, cables, crossarms, overhead and underground wires, guys, guy stubs, insulators, transformers, braces, fittings, foundations, anchors, lateral service lines, communications facilities, and other fixtures and appurtenances (collectively, the "Facilities"), which the Grantee shall require now and from time to time, for the transmission and distribution of high and low voltage electric current and for the transmission of intelligence and communication purposes, by any means, whether now existing or hereafter devised, for public or private use, in, upon, over, under, and across that portion of the Grantor's Land described in Section 3 below (the "Easement Area"), and the highways abutting or running through the Grantor's Land, and to renew, replace, add to, and otherwise change the Facilities and each and every part thereof and the location thereof within the Easement Area, and utilize the Facilities within the Easement Area for the purpose of providing service to the Grantor and others;

b. From time to time, without further payment therefore, clear and keep cleared the Easement Area of any and all trees, vegetation, roots, aboveground or belowground structures, improvements, or other obstructions and trim and/or remove other trees, roots and vegetation adjacent to the Easement Area that, in the opinion of the Grantee, may interfere with the construction, operation, and maintenance of the underground Facilities of the Grantee. The first clearing may be for less than the full width and may be widened from time to time to the full width; and from time to time, without further payment therefore, clear and keep cleared, that portion of Grantor's Land described in Section 3 below (the "Trimming Easement Area") of any and all trees, limbs, branches, roots or vegetation and trim and remove danger trees adjacent to the Easement Area that, in the opinion of the Grantee may jeopardize the integrity of the Grantee's electric distribution facilities; Grantee shall follow accepted arboricultural standards which may require Grantor to make pruning cuts closer to the tree stems, outside the 10-foot easement area.

c. Excavate or change the grade of the Grantor's Land as is reasonable, necessary, and proper for any and all purposes described in this Section 1; provided, however, that the Grantee will, upon completion of its work, backfill and restore any excavated areas to reasonably the same condition as existed prior to such excavation; and

d. Pass and repass along the Easement Area to and from the adjoining lands and pass and repass over, across, and upon the Grantor's Land to and from the Easement Area, and construct, reconstruct, relocate, use, and maintain such footbridges, causeways, and ways of access, if any, thereon, as is reasonable and necessary in order to exercise to the fullest extent of the Easement.

**Section 2 – Description of Grantor's Land.** The "Grantor's Land" is described in a certain Deed recorded in the Erie County Clerk's Office on November 13, 1978 in Liber 8721 of Deeds at Page 169 and consists of land described as being part of Tax Parcel No. 24.10-1-7 in the Town of Grand Island, County of Erie, State of New York, being part of Lot Nos. 92 and 93, commonly known as 1717 Bedell Road.

**Section 3 – Location of the Easement Area.** The "Easement Area" shall consist of a portion of the Grantor's Land twenty feet (20') in width throughout its extent for overhead facilities and ten feet (10') in width for underground facilities; the centerline of the Easement Area being the centerline of the Facilities. The general location of the Easement Area is shown on the sketch entitled Exhibit A, which is attached hereto and recorded herewith, copies of which are in the possession of the Grantor and the Grantees. The final and definitive location(s) of the Easement Area shall become established by and upon the final installation and erection of the Facilities by the Grantees in substantial compliance with Exhibit A hereto. The "Trimming Easement Area" shall be a strip of land measured ten (10) feet from the outermost electric conductor on each side of the line.

**Section 4 – Facilities Ownership.** It is agreed that the Facilities shall remain the property of the Grantee, its

COPY

**Section 5 – General Provisions.** The Grantor, for itself, its heirs, legal representatives, successors, and assigns, hereby covenants and agrees with the Grantee that no act will be permitted within the Easement Area which is inconsistent with the Easement hereby granted; no buildings or structures, or replacements thereof or additions thereto, swimming pools, or obstructions will be erected or constructed above or below grade within the Easement Area; no trees shall be grown, cultivated, or harvested, and no excavating, mining, or blasting shall be undertaken within the Easement Area without the prior written consent of the Grantee, it being the intent that the Easement herein conveyed is intended to prohibit the longitudinal or parallel use or occupancy of said Easement Area by surface or subsurface activities or structures which might damage or interfere with the Facilities; the Easement shall not be modified nor the Easement Area relocated by the Grantor without the Grantee's prior written consent; the present grade or ground level of the Easement Area will not be changed by excavation or filling.

IN WITNESS WHEREOF, the Grantor has duly executed this Grant of Easement under seal this \_\_\_\_\_ of 2018.

**Nathan McMurray**

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2018, before me, the undersigned, personally appeared \_\_\_\_\_ 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

1717 Bedell Rd. Esmt.

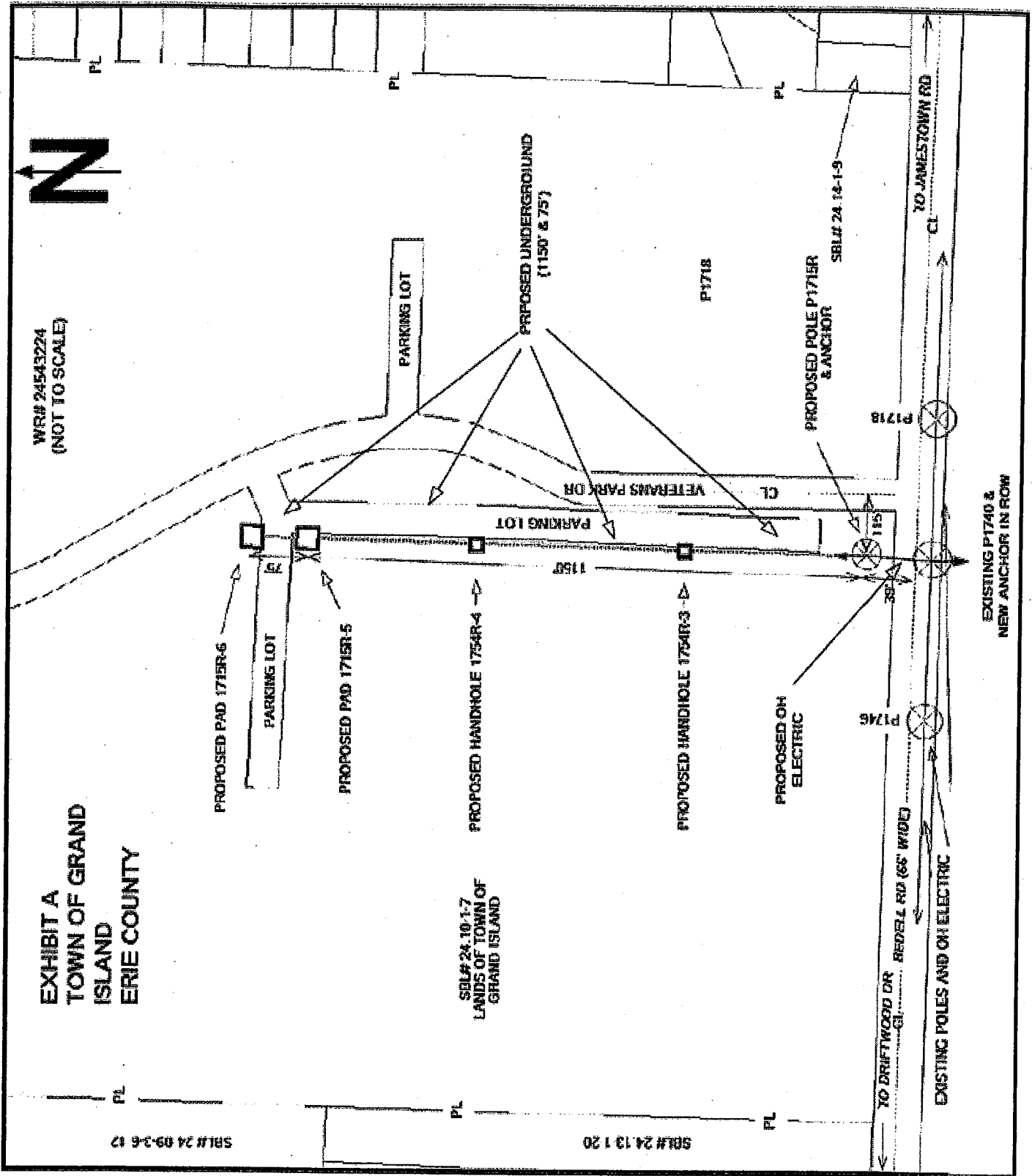
**EXHIBIT A  
TOWN OF GRAND  
ISLAND  
ERIE COUNTY**

WR# 24543224  
(NOT TO SCALE)

SBL# 24 09-3-6 12

SBL# 24 13 1 20

SBL# 24 10-1-7  
LANDS OF TOWN OF  
GRAND ISLAND



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](mailto:engineering@grand-island.ny.us)

Town Board Agenda: August 20, 2018

August 16, 2018

To: Town Board

From: Robert Westfall, P.E.  
Town Engineer

RE: Scenic Woods & Bicentennial Park Phase I-IA  
M-176-2016 - Award Contract

RECEIVED  
2018 AUG 16 AM 9:09  
TOWN OF GRAND ISLAND, NY

Honorable Town Board:

On July 25, 2018, bids were received for the Scenic Woods & Bicentennial Park Phase I-IA project.

<u>Contractor</u>	<u>Bid</u>
LDC Construction Co, Inc	\$ 542,200.00
Scott Lawn Yard, Inc.	567,000.00
Wayside Nursery	838,245.00

We have reviewed the bids and recommend award to LDC Construction Co, Inc. in the amount of \$ 542,200.00.

LMD

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  
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(716) 773-9600, Ext. 635 Office  
(716) 773-9618 Fax  
E-mail: [engineering@grand-island.ny.us](mailto:engineering@grand-island.ny.us)

Town Board Agenda: August 20, 2018

August 16, 2018

To: Town Board

From: Robert Westfall, P.E.  
Town Engineer

Re: Scenic Woods & Bicentennial Park Phase I-IA  
Construction Services  
M-176-2016

RECEIVED  
2018 AUG 16 AM 10:00  
TOWN CLERK  
GRAND ISLAND, N.Y.

Honorable Town Board:

The Engineering Department would like to hire Barton & Loguidice on a time and expense basis for construction services for the above referenced project. Construction Services may include but not be limited to: interpretation of design questions, reviewing shop drawings, responses to requests for information, stormwater inspections, site visits/inspections, project meetings, as-built plans, environmental support in regards to design changes effecting NYSDEC wetland permit or NWP, and preparing the All-Terrain Vehicle Control Plan for the NYSDEC permit. Construction services not to exceed \$30,000.00.

The bonding authorization for the project is already in place.

We hereby request the Town Supervisor be authorized to sign the agreement with B&L for construction services not to exceed \$30,000.

LMD



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](mailto:engineering@grand-island.ny.us)

Town Board Agenda: August 20, 2018

August 16, 2018

To: Town Board

From: Robert Westfall, P.E.  
Town Engineer

Re: Professional Services Agreement  
WWTP Chemical Bulk Storage Upgrade  
M-227

Honorable Town Board:

Attached, please find the Professional Services Agreement for the above referenced project. The bonding authorization is already in place.

We hereby request the Town Supervisor be authorized to sign the Professional Services Agreement.

LMD  
Attachment



July 3, 2018

Reference No. 11033702

Robert Westfall, P.E.  
Town Engineer  
Town of Grand Island  
2255 Baseline Road  
Grand Island, New York 14072

*Original Sent Via Email*

Dear Mr. Westfall:

**Re: WWTP Chemical Bulk Storage Upgrades  
Town of Grand Island, New York**

GHD is pleased to provide an engineering services proposal to the Town of Grand Island (Town) for services related to replacing the existing chemical bulk storage (CBS) tanks at the Wastewater Treatment Plant (WWTP).

## **1. Background**

The WWTP utilizes liquid sodium hypochlorite for disinfecting plant effluent and liquid ferrous chloride in the activated sludge system for phosphorous removal. These two chemicals are stored in outdoor tanks. The chemical storage and feed facilities are subject to New York State Department of Environmental Conservation (NYSDEC) chemical bulk storage regulations. On June 12, 2018, a representative from the NYSDEC inspected the WWTP to determine compliance with CBS regulations. The NYSDEC identified several violations and issued a Notice of Violation (NOV) dated June 14, 2018. The NOV requires corrective action by July 13, 2018. It is our understanding that the Town will update their Spill Prevention Report (SPR) and provide proper tank labeling by this date to satisfy the NOV requirements. However, it has become clear that the existing chemical bulk storage facilities have reached the end of their useful service life and require replacement. This proposal is for design and construction services related to replacing the existing chemical tanks.

## **2. Scope of Services**

GHD proposes to complete the following scope of services:

### ***Task 1 – Design Phase Services***

1. Prepare a Map, Plan and Report as necessary to bond the project; outside funding sources are not anticipated.
2. Prepare preliminary plans for review by the Town. The design will include the following items:
  - a. Replace two existing sodium hypochlorite tanks and two existing ferrous chloride tanks.



- i. The existing sodium hypochlorite tanks are polyvinyl chloride (PVC) construction, approximately 3,000 gallons each, and were installed in approximately 1999. The existing ferrous chloride tanks are fiberglass reinforced plastic (FRP) construction, approximately 4,000 gallons each, and were also installed in approximately 1999. The materials of construction have generally held up well; however, the FRP ferrous chloride tanks were gel-coated to reduce the effects of degradation from exposure to sunlight. Consideration will be given to replacing with similar materials or specifying alternate materials. We anticipate the capacity of the new tanks will be similar to the existing.
  - b. Repair surface of concrete containment area and concrete transfer pad. The existing chemical resistant finish is spalling off the concrete and requires removal and replacement.
  - c. Replace existing exterior chemical feed piping from the tanks to the Chemical Building. Replacement of chemical pumps or chemical piping within the building is not included.
  - d. Replace tank level sensing equipment and level alarm stations at the chemical transfer pad.
3. Prepare technical specifications detailing job specific requirements.
4. Facilitate two review meetings with the Town at the 30 percent and 90 percent design completion stages. Update draft plans and specifications based on feedback from the Town.
5. Prepare a submittal (for informational purposes only) to the NYSDEC containing drawings and specifications.

#### ***Task 2 – Bid Phase Services***

1. Provide 20 sets of contract drawings and specifications to for bidding and construction purposes.
2. Organize and conduct a pre-bid meeting and site tour for potential bidders interested in the project.
3. Prepare and distribute addenda, if necessary, to clarify intent of the bid documents.
4. Assist the Town in securing bids, tabulating results, and analyzing bid proposals.
5. Furnish a recommendation of award to the Town.

#### ***Task 3 – Construction Phase Services***

1. Organize and facilitate a pre-construction conference with the contractor and representatives from the Town. Distribute minutes to all attendees.
2. Review and comment on the project schedule proposed by the contractor. Work with the contractor to develop a schedule and sequence of construction that is acceptable to the Town.
3. Review contractor submittal of materials, comment and indicate whether the submittal is approved or if it needs to be revised and resubmitted. Our review will determine if a submitted item is as specified, "or-equal," or a substitute item. For submitted items determined to be a substitute,



contractor will be responsible to submit sufficient information to allow Engineer to determine if the proposed item is essentially equivalent to that named and an acceptable substitute therefor.

4. Receive and respond to contractor's request for information and issue sketches or other information as necessary.
5. Notify the Town immediately of a proposed change in the work, and evaluate if contractor's change proposals are justified and reasonable. Prepare work change directives, field orders, and change orders as required. Changes will be discussed with and approved by the Town before implementation.
6. Prepare Record Drawings of the completed project based on "redline" drawings submitted by the contractor. Two paper copies and one electronic copy will be provided to the Town.
7. Conduct monthly progress meetings with the contractor and representatives of the Town. Minutes will be prepared and distributed to all parties.
8. Conduct one final inspection of the completed work with the representatives of the Town, develop final list of items for the contractor to complete, and make a recommendation to the Town for final payment.
9. The budget for construction phase services is based on anticipated overall construction duration of 3 months, with an active duration of 2 months.

#### ***Task 4 – Inspection Phase Services***

Provide the services of a part-time resident project representative inspector during periods of active construction. The inspector will be responsible for the following:

1. Monitoring work to determine the progress, quality, quantity, and conformance of the work with the Contract Documents.
2. Documenting work in writing and with photos.
3. Reviewing and verifying quantities, and making recommendation for monthly and final payments to the contractor based on work performed.
4. The budget for inspection services is based on 160 hours in the field. This budget provides part-time inspection services approximately half time (i.e. 20 hours per week) for an estimated on-site construction duration of 2 months. During periods of more intensive construction activities, such as setting/installation of new tanks, inspection may be more than 20 hours per week. For less intensive construction, such as concrete surface preparation, inspection will be less than 20 hours per week.



### 3. Payments to Engineer

The Town shall pay GHD for the basic services outlined in the above Scope of Services for the fee as presented in Table 3.1.

**Table 3.1 Fee Summary**

Item	Total Fee	Basis
Task 1 – Design Phase Services	\$26,300	Lump Sum
Task 2 – Bid Phase Services	\$ 6,900	Lump Sum
Task 3 – Construction Phase Services	\$11,700	Lump Sum
Task 4 – Inspection Phase Services	\$17,800	Hourly
<b>Total</b>	<b>\$62,700</b>	

### 4. Period of Service

GHD will commence our services upon written acceptance of our proposal, and will complete our services within 180 days.

Should you find this proposal acceptable, please sign and return one copy of the attached "Standard Terms for Professional Services," which will constitute the Agreement for this project. If you have any questions, or if you would like to discuss this proposal in more detail, please contact our office.

Sincerely,

GHD

John D. Story, PE


JDS/las/3

Attachment

cc: Ms. Lynn Dingey – Town of Grand Island  
Mr. Ian James – Town of Grand Island WWTP

**Standard Terms for Professional Services**

GHD Consulting Services Inc. ("GHD") and Client (as set out below) agree that any professional services performed by GHD for Client, relating to the scope of work, will be on the following standard terms:

1. Invoices for services rendered will be issued monthly payable on receipt. ~~Amounts due will be increased at the rate of 1 1/2 percent per month after 30 days.~~ GHD reserves the right, without penalty, to discontinue services in the event of non-payment of undisputed amounts. 
2. GHD maintains statutory workers compensation insurance, and professional, pollution, general, auto, and employers liability insurance which GHD deems adequate. Certificates of insurance shall be provided on request.
3. GHD's services are solely for Client's benefit and may not be relied upon by any third party without GHD's express written consent. Any use, change, or distribution of Work Product without the written consent of GHD shall be at Client's risk and will not give rise to liability of GHD.
4. GHD shall perform its professional services in the manner consistent with the level of care and skill ordinarily exercised by other professional firms acting under similar circumstances and at similar times. GHD makes no other warranty, implied or expressed.
5. GHD shall indemnify and hold harmless Client for its services to the extent GHD's neglect or willful misconduct causes liability for the Client. Neither party shall be liable for any consequential loss, injury or damages suffered by the other party, including but not limited to loss of use, earnings, and business interruption.
6. To the maximum extent permitted by law, GHD's liability and that of its employees, agents, directors, officers, and subcontractors to Client due to any negligent acts, errors or omissions, shall not exceed \$1,000,000, except as to damages resulting from the gross negligence or willful misconduct of GHD.
7. Client acknowledges that the pre-existing presence, if any, of pollutants, and other potentially hazardous conditions at the project site were not caused by or are not the responsibility of GHD, and that this contractual arrangement does not transfer any legal responsibilities for such conditions to GHD.
8. GHD may terminate this Agreement for nonpayment or other default by Client. Terms agreed to under this Agreement shall survive any such termination.
9. Client hereby agrees that this agreement may be assigned to another entity within the GHD group of companies that will be directly or indirectly wholly-owned by GHD Group Pty Ltd. (a "Related Entity"). Any such Related Entity shall assume all of GHD's liabilities, duties and obligations in, to, and under this Agreement. Client hereby agrees that this assignment may be effected without any further notice or action on the part of GHD. Upon request, Client agrees to execute and deliver any further documents as may be reasonably requested by GHD or its successor to evidence such consent and/or assignment.

These Terms and Conditions are hereby accepted this \_\_\_\_ day of \_\_\_\_, 201\_\_.

**Client Signature:**

Name of Company: Town of Grand Island

Per: \_\_\_\_\_

Title: \_\_\_\_\_

I have authority to bind the Corporation

TOWN OF GRAND ISLAND  
PARKS DEPARTMENT  
1881 BEDELL ROAD  
GRAND ISLAND, NY 14072



RECEIVED  
2018 AUG 15 AM 11:11

TOWN CLERK  
GRAND ISLAND, N.Y.

To: Supervisor Nathan McMurray & Town Board Members  
From: Tom Dworak, **Parks Department** Crew Chief  
RE: Seasonal Hire/Status Change  
Date: August 20, 2018

## Items for Agenda: Monday August 20, 2018

1. The Parks Department requests permission to hire the following employees subject to the completion of the necessary pre-employment paperwork:

Name	Title	Effective Date	Seasonal/Part Time	Rate of Pay
Joseph Killian	Parks Senior Worker	August 29, 2018	Status Change to Seasonal 40hrs	\$13.00
Gary Roesch	Parks Senior Worker	September 27, 2018	Part Time 19 Hours	\$12.25

## ACCOUNTING DEPARTMENT

Pamela Barton  
Supervising Accountant



## TOWN OF GRAND ISLAND

2255 Baseline Road  
Grand Island, NY 14072  
(716) 773-9600 ext. 602  
Fax: (716) 773-9615

TO: Town Board  
FROM: Pam Barton  
DATE: 08/16/2018  
RE: Budget Amendment – 08/20/2018 Agenda

We are in receipt of a County Grant in the amount of \$500 for use at the Golden Age Center toward the purchase of a media equipment for the center. The 2018 Budget needs to be amended.

**Your approval is requested for the following budget amendment/transfer for 2018:**

### Increase Grant Revenue

Erie County Grants	001.0001.3006	\$ 500
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### Increase Appropriation

Golden Age Equipment	001.6772.0430	\$ 500
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Cc: J. Menter

RECEIVED  
2018 AUG 16 AM 10:19  
TOWN CLERK  
GRAND ISLAND, NY



/ENDOR NO. 110927

DATE 08/03/2018

CHECK NO. 0423520

INVOICE#	REFERENCE#	DESCRIPTION	AMOUNT
FIRST PAYMENT	5100475007	PO4000016633.1-2018 18-418-LE	500.00
		Total	500.00

PAGE 1 OF 1

## COUNTY OF ERIE - BUFFALO, NEW YORK - DISBURSING

ORIGINAL DOCUMENT IS PRINTED ON WATERMARKED PAPER WITH VISIBLE & INVISIBLE FIBERS. TO VIEW WATERMARK HOLD UP TO THE LIGHT.  
THIS CHECK HAS A SPECIAL BLEED THROUGH RED NUMBER AND A MICRO PRINTED CHECK BORDER.

County of Erie

Office of the Comptroller  
95 Franklin St. Suite 1154  
Buffalo, New York 14202

**M&T BANK**  
Manufacturers and Traders Trust Company  
Commercial Banking

DATE 08/03/2018

50-757 NE  
219CHECK NUMBER  
0423520

GENERAL DISBURSING ACCOUNT

PAY THIS AMOUNT

\*\*\*500.00

Y EXACTLY

FIVE HUNDRED DOLLARS

NOT VALID AFTER 6 MONTHS

Y TOWN OF GRAND ISLAND  
THE 2255 BASELINE RD  
DER OF GRAND ISLAND NY 14072



*Stephen L. Noble*  
AUTHORIZED SIGNATURE

TOWN OF GRAND ISLAND  
RENEWAL OF SPECIAL USE PERMIT

Special Use Description: Natural Gas Regulator-Metering Station

Zoning Class: R-1B

Date Special Use Permit Granted: 8/1/1994

Located at: 1589 Stony Point Rd

Name of Applicant: National Fuel Gas Supply Corp  
Applicant Address: 5955 Taylor Road Orchard Park  
Applicant Telephone: 716-667-5501

Name of Owner: National Fuel Gas Supply Corp  
Owner Address: 5955 Taylor Road Orchard Park  
Owner Telephone: 716-667-5501

Special Use: (X) Unchanged ( ) Changed as Follows:

PAID  
TOWN CLERK  
Town of Grand Island

AUG 06 2018

Patricia A. Frentzel  
pd \$50 -  
CK #3311  
POT

Patricia McQuerry  
Signature of Applicant

PLEASE MAKE CHECK PAYABLE TO PATRICIA A. FRENTZEL, TOWN CLERK  
(NON-REFUNDABLE RENEWAL FEE \$50.00)

Inspected By: William Shaw Date: 8/7/18  
Zoning Officer

Comments: Site is unchanged

Town Board APPROVED / DENIED

Date: \_\_\_\_\_

( ) Town Board permits renewal without conditions.

( ) Town Board permits renewal with the following conditions:

TOWN OF GRAND ISLAND  
RENEWAL OF SPECIAL USE PERMIT

Special Use Description: Convenience Store (Modified Space)

Zoning Class: CBD

Date Special Use Permit Granted: 8/15/2011

Located at: 2024 Grand Island Blvd

Name of Applicant: John R. Simon Enterprises, Ltd

Applicant Address: 5105 Lockport Rd Lockport

Applicant Telephone: 625-6690

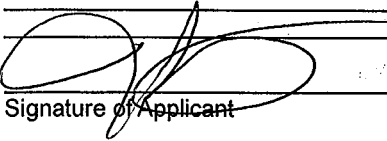
Name of Owner: John R. Simon Enterprises, Ltd

Owner Address: 5105 Lockport Rd Lockport

Owner Telephone: 625-6690

Special Use: ☒ Unchanged ( ) Changed as Follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Signature of Applicant

PLEASE MAKE CHECK PAYABLE TO PATRICIA A. FRENTZEL, TOWN CLERK  
(NON-REFUNDABLE RENEWAL FEE \$50.00)

Inspected By: William Shaw  
Zoning Officer

Date: 8/14/18

Comments: Unchanged  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Board APPROVED / DENIED

Date: \_\_\_\_\_

( ) Town Board permits renewal without conditions.

( ) Town Board permits renewal with the following conditions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

P ↓ \$50-  
CK #1039  
OTS

PAID  
TOWN CLERK  
Town of Grand Island

AUG - 8 2018

*Patricia A. Frentzel*

**Planning Board**



**The Town of Grand Island**

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

FOR TOWN BOARD AGENDA: AUGUST 20, 2018

**MEMO**

**TO:** Town Board

**FROM:** Planning Board

**DATE:** August 15, 2018

**RE:** DESIGN AND PERFORMANCE STANDARDS

RECEIVED  
2018 AUG 16 AM 8:53  
TOWN OF  
GRAND ISLAND, N.Y.

At the August 13<sup>th</sup> Planning Board Meeting, it was noted that on Page 2, 2.2.1 Submission Requirements, of the Design and Performance Standards, there is a clerical error. Section 49-122 should be changed to Section 407-109.

David Bruno  
Chairman

/ae



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

FOR TOWN BOARD AGENDA: AUGUST 20, 2018

MEMO

TO: Town Board

FROM: Planning Board

DATE: August 15, 2018

RE: HERB'N GARDEN FARMS – 381 LANG BLVD.  
SITE PLAN APPROVAL – HYDROPONIC GREENHOUSE NURSERY

RECEIVED  
2018 AUG 16 AM 8:58  
TOWN CLERK  
GRAND ISLAND, NY

Ari Sobel and Kevin Colosimo appeared at the August 13<sup>th</sup> Planning Board Meeting, requesting Site Plan Approval, for three greenhouses and a packing house at 381 Lang Blvd.

Each greenhouse is 135'x22' for a total of approximately 9,000 sf and the packing house is 24'x40'.

In this first phase, the parking lot will be paved to the front of the packing house and along the side loading area. Landscaping and grass is proposed.

The property has been accepted into the Erie County Agricultural District.

Mr. Sobel explained that they are exempt from a building permit for a temporary greenhouse, as the public is not going inside. Mr. Colosimo stated that they will obtain any required building permit.

The packing house is a prefabricated steel structure and is the primary structure, containing a packing area, restroom, storage of harvested product, administrative area, IT, utility meters and back flow preventer. It will have a man door on the front, bay door on the side, sky lights and potentially a window. Greenhouses are an accessory use. They are not sure what colors will be used on the building. However, a shade of brown was shown on the submission and may be used.

It will be one continuous structure as greenhouses are added in future phases. In a M-1 Zoning District, one accessory structure is allowed.

The compost bin will be used for vegetable matter only. There is a locking lid to keep "critters" out.

A wetland delineation will be done at the site prior to Phase II development.

There will be no retail business out of these buildings in this first phase. Wholesale customers can pick up product or have it delivered. With less traffic it will keep the greenhouses as sterile as possible. Sometime, in the future, they would like to have retail sales in another location.

A temporary storm water detention area is sufficient at this time. With any additional construction, in a later phase, a larger storm water detention area to the rear of the property will be done.

Mr. Sobel stated that in the future, they plan to add to the façade of the building to make it look more proper for the project. They don't know when it is going from a pole barn type building to a successful looking Agricultural operation. The Board commented that they would like to see possibly adding some eaves, a gable, and windows. This project will have to go to the Board of Architectural Review.

Phase II will be capital dependent. Right now, it is a start-up business.

Liz Colosimo believes it fits within the area. Next door there is a blue pole barn and a crumbling commerce center. This will be a good looking project.

It was moved by Stessing – Starzynski to recommend **APPROVAL** of the Site Plan as submitted and dated August 10, 2018.

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

David Bruno  
Chairman

/ae



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

FOR TOWN BOARD AGENDA: AUGUST 20, 2018

MEMO

**TO:** Town Board  
**FROM:** Planning Board  
**DATE:** August 15, 2018  
**RE:** DAVID MAZUR – 1780 GRAND ISLAND BLVD.  
SITE PLAN APPROVAL – MINI PLAZA

Kristin L. Savard, PE, owner/President, Advanced Design Group appeared, at the August 15, 2018 Planning Board Meeting, with a Site Plan for a mini plaza at 1780 Grand Island Blvd.

She explained that this is a triangular shaped property with the frontage on Grand Island Blvd. going back to a point in the rear. The proposed building will be a restaurant/retail type of use. There is parking in the front with landscaping and a 4' high split rail fence. Parking to the rear is for employees and deliveries. There could be additional parking to the west, if necessary. Landscaping is shown around the perimeter of the property. There is a detention pond to the rear of the parcel. Landscaping is shown in the bio retention area. This keeps water in one spot with minimum maintenance.

There were no elevations of the building shown in the submitted drawings. Elevations of a similar building were submitted at an earlier presentation.

Design and Performance Standards require a landscaped island in the driveway to the parking area. Ms. Savard will request a waiver from this requirement.

There was a discussion regarding the proposed 4' split rail fence and how much of the parking it will hide and whether a 4' vinyl fence, wall, or planter could be constructed. A foundation cannot be built for a wall because of the stone and drainage along the frontage. However, post holes for a fence are possible.

It was moved by Bidell – Greco to recommend that Site Plan Approval be **GRANTED** contingent on applicant being allowed to deviate from the Design and Performance Standards for landscaping along the Boulevard with a fence to be constructed along the southeast parking area in place of a berm, two additional River Birch trees to be planted along the Boulevard at the northern boundary as well as deviation from parking entrance island requirement and based on elevations previously submitted.

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

David Bruno  
Chairman

/ae