

## Town of Grand Island – Regular Meeting #23

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 16<sup>th</sup> of December, 2019.

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

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.  
Pastor Michael Cancilla from CrossRiver Ministries gave the Invocation.  
Councilman Peter Marston, Jr. led the Pledge of Allegiance.

### **PROCLAMATIONS:**

**Golden Age Center 60<sup>th</sup> Anniversary  
James Sharpe – Deputy Supervisor**

### **PUBLIC COMMENTS:**

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

Speakers: Barbara Berry

### **PUBLIC HEARINGS:**

#### **Local Law Intro #9 of 2019 – Tree Ordinance**

##### **A. Correspondence – Planning Board**

A Public Hearing was held on Monday, December 16, 2019 at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #9 of 2019 – Tree Ordinance.

Speakers: Robert Eddy, Bonnie Miller, Ed Standora, Tom Digati, Sam Hunt, Kristen Cascio, Celia Spacone, Shamus Johnson, Elizabeth Holmes, Dave Bruno, Dan Drexilius, Suzanne Tomkins, Paul Yaeger, Jeff Green, Jenn Pusatier, Jim Czapla

Supervisor McMurray declared the Public Hearing closed.  
A motion was made by Supervisor McMurray, seconded by Councilman Marston to refer Local Law Intro #9 of 2019 – Tree Ordinance to the Planning Board for review and recommendation.

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

#### **Draft Resource Guide for the Protection and Promotion of Agriculture and Farming**

A Public Hearing was held on Monday, December 16, 2019 at 8:00p.m. for the purpose of hearing anyone who wants to comment on the proposed Resource Guide for the Protection and Promotion of Agriculture and Farming.

Speakers: Sam Hunt

Supervisor McMurray declared the Public Hearing closed.

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A motion was made by Supervisor McMurray, seconded by Councilwoman Kinney to approve the following resolution adopting the Resource Guide for the Protection and Promotion of Agriculture and Farming:

**WHEREAS**, the Town of Grand Island has prepared the Grand Island Resource Guide for the Protection and Promotion of Agriculture and Farming, pursuant to Circular 1500, Article 25AAA, Section 324-a, of the New York State Agriculture and Markets Law; and

**WHEREAS**, the Grand Island Resource Guide for the Protection and Promotion of Agriculture and Farming has been prepared under the review and guidance of the Town of Grand Island Agriculture and Farming Planning Committee, with planning consultant assistance provided by WWS Planning and CPL; and

**WHEREAS**, the Town Board held a public hearing on December 16, 2019 to solicit final input and comments on the draft Town of Grand Island Resource Guide for the Protection and Promotion of Agriculture and Farming; and

**WHEREAS**, the Grand Island Town Board, as designated Lead Agency, conducted a SEQR coordinated review in accordance with the requirements of the State Environmental Quality Review Act and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law, and has issued a Negative Declaration based on their determination that the adoption of the Grand Island Resource Guide for the Protection and Promotion of Agriculture and Farming will not have a significant effect on the environment.

**NOW, THEREFORE BE IT RESOLVED**, that the Grand Island Town Board hereby officially adopts the Grand Island Resource Guide for the Protection and Promotion of Agriculture and Farming.

**BE IT FURTHER RESOLVED**, that a copy of the Grand Island Resource Guide for the Protection and Promotion of Agriculture and Farming be filed in the office of the Grand Island Town Clerk and made available on the Town's website; and

**BE IT FURTHER RESOLVED**, that the Grand Island Resource Guide for the Protection and Promotion of Agriculture and Farming, as duly adopted, be submitted to the New York State Department of Agriculture and Markets for formal approval.

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

### **MINUTES:**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to approve Minutes of Workshop Meeting #50, December 2, 2019 and Minutes of Regular Meeting #22, December 2, 2019.

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

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### **CONSENT AGENDA:**

1. Building Permits Issued – November 2019
2. Meeting Minutes – Zoning Board of Appeals – November 14, 2019
3. Golden Age Center – Facility Usage – November 2019
4. Meeting Minutes – Planning Board – November 12, 2019

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

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

### **COMMUNICATIONS –TOWN BOARD:**

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

##### **Transitional Training**

A motion was made by Councilman Marston, seconded by Councilman Madigan to approve the Supervisor Assistant transitional training hire of Rhonda Diehl, Seasonal Clerk, effective December 17, Non-Union, Grade 6A, \$19.48/hr., subject to the completion of the necessary pre employment paperwork.

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

#### **COUNCILWOMAN BEVERLY A. KINNEY:**

##### **Grand Island Social Media Policy 2019**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the Social Media Policy for the Town of Grand Island as follows:

##### **Official Accounts**

1. Purpose. The Town of Grand Island (“Town”) maintains “official” social media accounts (“Official Accounts”) for the purpose of communicating with the members of the public in the most effective ways possible. This Policy gives direction to Town employees, elected officials, and other authorized persons regarding the creation, maintenance, and posting of content through Official Accounts. It also provides direction to Town employees and elected officials with respect to social media use through accounts other than Official Accounts.

This Policy is intended to ensure a cohesive online presence for the Town; enable and encourage efficient and civil communication and positive engagement with members of the public; and protect the Town and its employees and elected officials from the potential harm and legal exposure related to online communications.

For purposes of this Policy, social media refers to the creation and exchange of information among individuals through Internet based applications and includes, but is not limited to, information in the form of text, pictures, videos, links to other sites, or any other type of communications posted to a social media site. Examples of social media sites include, but are not limited to, Facebook, Twitter, Instagram, and YouTube. It is understood that social media is an evolving communications tool and that new resources may become available over time.

2. Establishment and Ownership Official Accounts; Site Administrators. The Town Board shall establish, oversee and have access to all Official Accounts and the Town’s overall online presence. Official Accounts will include the “Town of Grand Island” accounts on social media sites, Department-specific Official Accounts for the Police Department and Recreation Department, and any other Town Board-

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approved Department-specific Official Accounts. The Town Board may establish one or more officers or employees to serve as a Communication Manager for Official Accounts. Should any Department find it necessary to establish a Department-specific Official Account, the Department Head should contact the Communications Manager or the Town Supervisor to discuss obtaining approval from the Town Board to establish the Official Account. Under no circumstances will an Official Account representing an individual position (e.g., a Department Head) be approved.

The Town Board shall designate a Site Administrator for each Official Account. Where the Official Account is Department-specific, the Department Head will generally serve as Site Administrator. Site Administrators must abide by this Policy in all respects when creating, maintaining, and posting content to an Official Account.

All Official Accounts are considered the property of the Town and as such, do not transfer if a Site Administrator terminates employment with the Town or no longer serves in a capacity consistent with Official Account management with the Town.

3. Passwords and Security. Site Administrators must provide credentials (i.e., user names and passwords) for each Official Account to the Communications Manager upon creation and any time log in credentials may change. EXCEPTION: Facebook and other sites requiring personal account information are an exception to the foregoing rule. Usernames and passwords will not be required for such accounts because Site Administrators must use personal accounts to manage pages. Rather than providing personal information, Site Administrators of Official Accounts on Facebook are required to add the Communications Manager as an administrator Official Account. The Communications Manager must have full access to maintain the Official Account in the absence of the Site Administrators. It is advised that Site Administrators also add a secondary back-up administrator to the page, if applicable.

All passwords used for Official Accounts must be adequately complicated to prevent cyberattacks. Passwords should never be sent through email. If at any time a cyberattack on or involving an Official Account is suspected, the Site Administrator must immediately contact the Communications Manager, try to regain access to the Official Account, and change the password if possible. Whenever passwords for Official Accounts are updated, the updated password shall be provided to the Communications Manager.

4. Content. Only the designated Site Administrator for each Official Account will post content to that Official Account. Official Accounts will be used strictly for conveying information about the Town to the public. The Town official website will be the Town's primary and predominant Internet presence. Wherever possible, content posted to Official Accounts will be available on the Town's official website. All content should be complementary of the Town's website and content posted on the social media sites should contain links to the Town's official website. Social media "profile pictures" should clearly represent the Town either with the official Town seal or other identifying marker of Town Department.

Any person or department who is not a Site Administrator wishing to post content to any Official Account shall submit a request to appropriate Site Administrator or

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Town Board with all necessary information and media, including text, photos/videos and links. Subject to any oversight the Town Board determines necessary and appropriate from time to time, the Site Administrator has the right to approve or deny the request based on the guidelines contained herein. Only content approved by the Site Administrator or Town Board shall be posted. It is the responsibility of the relevant Department Head to ensure that that all content submitted for posting has been fully vetted and is free from error.

Site Administrators should remember that when creating, maintaining, and posting through Official Accounts, they are representing the Town government. Accordingly, they must conduct themselves at all times as a representative of the Town using the highest standards of decorum concerning language and content and abide by all Town policies and procedures in relation to all posts.

The Communications Manager will routinely monitor content on all of the Town's Official Accounts to ensure compliance with this Policy and applicable laws.

5. Account Management. Because the purpose of Official Accounts is for the Town to communicate with the members of the public, where there is an option to do so, accounts should generally be established in such a manner as to limit communications to content created by and approved by the Town in accordance with the policy. However, where it is necessary because of the type of social media account to allow public comment, the following disclaimer shall appear on all Official Accounts where possible or, alternatively will be contained in a page on the Town's website and be linked directly to the Official Account:

*As a public entity, the Town must abide by certain standards to serve all its constituents in a civil and unbiased manner. The Town shall be the sole owner of all of its social media accounts and reserves the right to not publish or remove any postings which contain inappropriate content, including, but not limited to:*

- *Libelous comments;*
- *Obscenity;*
- *Derogatory or inflammatory comments about an individual's gender, race, age, disability, religion, national origin, or other protected characteristic.*
- *Incitements to violence;*
- *Speech integral to criminal conduct; and*
- *Content appearing to be "spam".*

*Town social media sites are intended to be informational. Users should not use these forums for making any official communications to the Town; for example, reporting crimes or misconduct, reporting dangerous conditions, requesting an inspection, giving notice required by an statute, regulations or ordinance, such as, but not limited to, notices of claims.*

*It is understood that the Town of Grand Island's social media sites are not monitored 24 hours a day, 7 days per week and immediate responses to any requests via post, direct message, etc. may not occur. The Town reserves the right to not reply or decline to reply to any/all comments posted to its social media accounts. It is also understood that the Town will not automatically "friend", "like", or "connect" to users who follow, comment or "like" Town posts.*

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*Content posted by a member of the public to any Town social media shall not reflect the opinions or policies of the Town.*

Site Administrators will maintain accounts in accordance with this disclaimer, however will obtain approval of the Communications Manager (who, in turn, will consult with the Town Supervisor and the Town Attorney where appropriate) before removing any post or “blocking” any user.

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

### **Resignation – Parks and Recreation Advisory Board**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to accept the resignation of Paul Leuchner from the Parks and Recreation Advisory Board with regret. A certificate of appreciation will be sent to Mr. Leuchner.

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

### **Resignation – Technology Advisory Board**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to accept the resignation of John Ferguson from the Technology Advisory Board with regret. A certificate of appreciation will be sent to Mr. Ferguson.

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

### **Resignation – Economic Development Advisory Board**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to accept the resignation of Michael Marsch from the Economic Development Advisory Board with regret. A certificate of appreciation will be sent to Mr. Marsch.

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

### **COUNCILMAN PETER MARSTON, JR.:**

#### **Local Law Intro #13 of 2019-Amend the Zoning Code Regarding Principal Uses on the Same Lot – Set Public Hearing and Refer to the Planning Board**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to set a Public Hearing for Monday, February 3, 2020 at 8:00p.m. to hear anyone who wants to comment on Local Law Intro #13 of 2019-Amend the Zoning Code Regarding Principal Uses on the Same Lot and to refer the matter to the Planning Board.

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

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

#### **HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:**

##### **Vacation Carry Over**

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to approve the carryover of five (5) vacation days from 2019 for Norman Skip Mrkall and six (6) vacation days from 2019 for Michael Carlson.

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

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

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### **Authorize Supervisor to Sign Professional Services Agreement – Asbestos Survey and Abatement Design and Specifications – Town Hall Elevator – M69-2018**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign the Professional Services Agreement – Asbestos Survey and Abatement Design and Specifications – Town Hall Elevator – M69-2018 with American DND in an amount not to exceed \$19,000.

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

### **Employee Change of Work Classification – Water Department**

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to approve the change of work classification of Colin Gallagher to the position of Water Maintenance Worker in the Water Department at the rate of \$19.53/hr. as shown in the AFSME Contract (Start), effective January 11, 2020.

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

### **Employee Change of Work Classification – Water Department**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the change of work classification of Justin Glose to the position of Laborer in the Water Department at the rate of \$18.42/hr. as shown in the AFSME Contract (Start), effective January 11, 2020.

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

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

#### **Re-Appointment – Board of Assessment Review**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to approve the reappointment of Dave Bruno on the Board of Assessment Review for a five-year term expiring September 30, 2024.

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

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

#### **Budget Amendment – General Fund – Franchise Fees**

The 2019 Budget for Franchise Fees is \$225,000. To date the Town has received over \$319,000 in Franchise Fee Revenue. There is a request to transfer \$94,000 of the excess Franchise Fee funds received in 2019 from the General Fund to the IT Capital Reserve Fund.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the transfer of Franchise Fee Revenue funds to the IT Capital Reserve Fund in the amount of \$94,000 and approve the 2019 budget amendment:

Increase Revenue:

General Fund:

Franchise Fee Revenue	001.0001.1170	\$ 94,000
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Increase Appropriations:

General Fund:

Transfer to Other Funds- Capital Reserve	001.9901.0903	\$ 94,000
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APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

#### **Budget Amendment – General Fund – Parks & Playgrounds**

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There was Town Board authorization to use the purchased materials to build a pavilion at Veteran's Park, and some additional electrical work. The use of \$7,290 of Trust & Agency Parkland Development funds are to be authorized.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the transfer and use of Trust & Agency Parkland Development Funds, in the amount of \$7,290 and approve the following 2019 Budget amendment:

Increase Revenue:

General Fund-Misc. Revenue	001.0001.2770	\$ 7,290
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Increase Appropriations:

General Fund- Parks & Playgrounds-Equip	001.7110.0200	\$ 7,290
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APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **Budget Transfer – Highway Fund**

The 2019 Highway Fund salt budget is over budget. The budget figure is based on averages over five years, and is not sufficient for the winter we have had. Additionally, we need to prepare for the remainder of 2019.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the following 2019 Budget transfer:

Highway Fund:

Decrease Appropriations	002.5110.0432	\$ 70,000
	002.5130.0200	\$ 45,000

Increase Appropriations

Snow Removal-Maint. Supplies	002.5142.0442	\$115,000
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APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **Budget Amendment – Highway/General Funds**

The Town of Grand Island (Highway/General Funds) sold various items at auction in November 2019. The check in the amount of \$18,150 was received. The proceeds will be used to offset expenses in the equipment lines in the Highway and Building (Safety Inspection) departments.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the following 2019 Budget amendment:

Increase Revenue-Highway Fund Sale of Equipment	002-0002-2665	\$ 14,050
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Increase Appropriations Machinery - Equipment	002-5130-0200	\$ 14,050
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Increase Revenue-General Fund Sale of Equipment	001-0001-2665	\$ 4,100
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Increase Appropriations Safety Inspection	001-3620-0200	\$ 4,100
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APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

### **CODE ENFORCEMENT OFFICE:**

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### **Special Use Permit Renewal – Auto Fix of Grand Island LLC, 2038 Grand Island Boulevard – Addition-Auto Repair Business**

A motion was made by Councilman Madigan, seconded by Councilman Marston to renew the Special Use Permit for Auto Fix of Grand Island LLC, 2038 Grand Island Boulevard – Addition-Auto Repair Business.

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

### **Electrical Examining Board – Election Results**

Code Enforcement Officer Ron Milks reported that the yearly ballot to elect two members to the Grand Island Electrical Examining Board were received. George Newman of Newman Electric and Albert LeClerc of LeClerc received the most ballots. They have been contacted and accepted the position for the two-year term of 2020-2021.

No Action by the Town Board.

### **JUSTICE COURT:**

#### **Resignation – Chief Court Clerk**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to accept the resignation of Maria Burns as Chief Court Clerk with regret, effective January 2, 2020. A certificate of appreciation will be sent to Mrs. Burns.

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

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

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to pay Vouchers #129873 - #130035

General	\$ 98,225.70
Highway	\$ 59,316.16
Sewer	\$ 34,880.27
Water	\$ 8,209.14
Trust & Agency	\$ 1,524.17
Capital	\$ 41,757.64
Garbage	\$121,696.45
Fire	<u>\$321,170.25</u>
Total	\$686,779.78

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

### **UNFINISHED BUSINESS:**

#### **Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1**

##### **A. Correspondence – Planning Board**

Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to refer Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1 to the Town Board.

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

#### **Local Law Intro #12 of 2019 – Rezoning SBL#36.00-2-7, 2356 Whitehaven Road – R-1/B-1 to R-1A**

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## A. Correspondence – Planning Board

Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to refer Local Law Intro #12 of 2019 – Rezoning SBL#36.00-2-7, 2356 Whitehaven Road – R-1/B-1 to R-1A to the Town Board.

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

### **PUBLIC COMMENTS:**

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

Speakers: Shamus Johnson, Dick Crawford, John Whitney,  
Sam Hunt, Kristen Cascio, Jenn Pusatier

### **FROM THE BOARD:**

- Thanks and best of luck to outgoing Supervisor McMurray, Deputy Supervisor Sharpe and Councilwoman Kinney
- Merry Christmas, Happy New Year!

### **ADJOURNMENT:**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adjourn the meeting at 10:05p.m.

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

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

Joseph Steffan	Hazel Rowe
Julia Goodwin	Elizabeth Miskines
Kenneth Zulawski	Donald Harris, Jr.
Lee Celano	

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk