

Town of Grand Island – Regular Meeting #18

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 3rd of October, 2016.

Present:	Nathan D. McMurray	Supervisor
	Raymond A. Billica	Councilman
	Christopher K. Aronica	Councilman
	Beverly A. Kinney	Councilwoman
	Michael H. Madigan	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.
Reverend Earle C. King Jr. from St. Martin-in-the-Fields Episcopal Church gave the Invocation.
Councilman Christopher K. Aronica led the Pledge of Allegiance.

PUBLIC COMMENTS:

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

Speakers: Reg Schopp, Rose Bugman, Martin Goss, Jim Mazza, Bonnie Fitzgerald, Josephine Ciffa, Richard Fitzgerald, Richard Garlapow, Colleen Martin

PUBLIC HEARINGS:

Community Development Block Grant – 2017

A Public Hearing was held on Monday, October 3, 2016 at 8:00p.m. for the purpose of hearing anyone who wants to propose an idea or comment on the 2017 Community Development Block Grant.

Speakers: None

Supervisor McMurray closed the Public Hearing.

A motion was made by Councilman Billica, seconded by Councilman Aronica to authorize the Supervisor to sign and submit an application for the purchase of a new vehicle for the Golden Age Senior Center and/or an elevator in Town Hall, and to sign, submit and execute a contract with the County of Erie for this project.

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

MINUTES:

A motion was made by Councilman Aronica, seconded by Councilwoman Kinney to approve Minutes of Workshop Meeting #42, September 19, 2016 and Minutes of Regular Meeting #17, September 19, 2016.

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

CONSENT AGENDA:

1. Meeting Minutes – Grand Island Memorial Library – September 8, 2016
2. Meeting Minutes – Board of Architectural Review – August 16, 2016
3. Meeting Minutes – Parks & Recreation Advisory Board – August 22, 2016

A motion was made by Councilman Aronica, seconded by Councilwoman Kinney to approve the Consent Agenda as distributed.

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

Monday, October 3, 2016 - 1

Town of Grand Island – Regular Meeting #18

COMMUNICATIONS – TOWN BOARD:

SUPERVISOR NATHAN D. McMURRAY:

Monthly Supervisor’s Report – June 2016

The Supervisor reported Cash Balance-Operating A/C of \$4,713,373 on June 1, 2016

Total Receipts of \$817,690

Total Disbursements of \$1,309,087

Operating A/C Interest \$493

Operating A/C Balance \$4,222,469

Investment Interest \$946

Investment Balance \$11,256,080

Total Cash Balance as of June 30, 2016 \$15,478,549

No action by the Town Board.

Monthly Supervisor’s Report – July 2016

The Supervisor reported Cash Balance-Operating A/C of \$4,222,469 on July 1, 2016

Total Receipts of \$1,868,134

Total Disbursements of \$1,534,041

Operating A/C Interest \$469

Operating A/C Balance \$4,557,031

Investment Interest \$920

Investment Balance \$10,493,451

Total Cash Balance as of July 31, 2016 \$15,050,482

No action by the Town Board.

Monthly Supervisor’s Report – August 2016

The Supervisor reported Cash Balance-Operating A/C of \$4,557,031 on August 1, 2016

Total Receipts of \$1,879,267

Total Disbursements of \$2,026,154

Operating A/C Interest \$334

Operating A/C Balance \$4,410,479

Investment Interest \$763

Investment Balance \$10,181,986

Total Cash Balance as of August 31, 2016 \$14,592,465

No action by the Town Board.

SEQR – Grand Island Solar, LLC – Request for Waiver of Subdivision Regulations – SBL #:23.00-1-17.11

Supervisor McMurray presented the SEQR – Short Form Environmental Assessment Forms for Grand Island Solar, LLC – Request for Waiver of Subdivision Regulations – SBL #:23.00-1-17.11. Mr. McMurray informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilwoman Kinney, seconded by Councilman Aronica to issue a Negative Declaration for Grand Island Solar, LLC – Request for Waiver of Subdivision Regulations – SBL #:23.00-1-17.11.

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

Noes 0

Grand Island Solar, LLC – Request for Waiver of Subdivision Regulations – SBL #:23.00-1-17.11

Monday, October 3, 2016 - 2

Town of Grand Island – Regular Meeting #18

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to approve the request for waiver of Subdivision Regulations for Grand Island Solar, LLC. SBL #:23.00-1-17.11. The parcel has received an area variance approval by the ZBA.
APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray
Noes 0

Town of Grand Island Document Retention Policy

A motion was made by Councilwoman Kinney, seconded by Councilman Aronica to adopt the Town of Grand Island Document Retention Policy as follows:

I. STATEMENT OF POLICY

The purpose of this policy is to confirm that employees and officers of the Town of Grand Island (the "Town") must review and comply with the records retention schedules outlined in "Records Retention and Disposition Schedule MU-1, Section 185.11, 8NYCRR, State Education Department, New York State Archives (1988, revised 2003) (copy attached), *available at*:

http://www.archives.nysed.gov/common/archives/files/mr_pub_mu1.pdf, and to clarify certain elements of that policy as it pertains to notes, memoranda and other unofficial records generated by Town employees and officers in the course of their official duties, while simultaneously recognizing the Town's administrative need to manage its records and provide for their systematic destruction after those records no longer have value to the Town.

II. COVERAGE

This policy applies to all Town employees and officers while conducting Town business or otherwise performing his/her official duties for the Town.

III. DEFINITIONS

"Record" means any documentary material, maintained in any form or medium, paper, electronic, or otherwise, including drafts of such material, and working files, as defined in this policy, that are generated by an employee, officer, official or agent of the Town in the course of his/her official duties, or otherwise in the course of Town business unless records are Excluded Records.

"Working files" means all notes, memoranda, pictures/ photographs or other materials be it written, electronic, or otherwise, pertaining to active official Town business or operations, unless such materials are Excluded Records.

"Excluded Records.": Notwithstanding anything to the contrary, personal notes, research and investigative material developed for policy formulation and research by elected officials and which have not been shared with third parties are "Excluded Records" and will not be considered records or working files covered by this Policy

"Active" refers to any record which has an ongoing or continuous administrative, fiscal, legal or historical value.

IV. GENERAL PROVISIONS

1.
 - A. All records and working files are Town property.
 - B. All Town employees and officers must retain all records for the minimum periods prescribed by the New York State Records Retention and Disposition Schedule MU-1. Records should be maintained beyond the minimum periods prescribed by MU-1 so long as they are active, as that term is defined above.

Town of Grand Island – Regular Meeting #18

C. From time to time, Town employees and officers may keep, assemble, or maintain working files consisting of active records, in the course of their official duties. In the event that such Town employees and officers cease to be Town employees or officers, by means of voluntary departure, termination, or otherwise, such working files remain Town property and must be delivered to the Town Clerk within seven (7) days from the date that the employee or officer maintaining the working file(s) ceases to be an employee or officer of the Town.

EMPLOYEE ACKNOWLEDGMENT FORM

Detach and return this page to the Town Supervisor after you have read this Policy. I acknowledge that I have received and read the Town of Grand Island Record Retention Policy and the provisions contained therein on the date indicated below. I agree to abide by the terms of the policy.

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

Liaisons to Advisory Boards

Supervisor McMurray advised the Town Board that he has appointed Councilwoman Bev Kinney as liaison to the Parks & Recreation Advisory Committee and liaison to the Police Department.

No action by the Town Board.

COUNCILMAN MICHAEL H. MADIGAN:

West River Greenway Connector Trail Bike Path – Multi-purpose Bike-Pedestrian Trail Project – Project Meeting Scheduled for October 6, 2016, 1100 Ransom Road, Grand Island High School Auditorium, 7:00p.m. – Meeting Agenda Discussion

Councilman Michael Madigan reviewed the agenda for the meeting.

No action taken by the Town Board.

Breach in Open Meetings Law

#1 A motion was made by Councilman Madigan, seconded by Councilman Aronica to:

A. Not accept or recognize the letter issued following the illegally held Town Board meeting on August 22, 2016 that involves scheduling, notification and deliberations that failed to comply with NYS Open Meetings Law.

B. Request that Parks & Recreation Advisory Board to properly schedule meeting (if they so choose) with agenda to deliberate without Town Board influence what option to support regarding the West River Greenway Connector Trail Bike Path – Multi-purpose Bike-Pedestrian Trail Project.

C. The Town Board will send a copy of this resolution to NYS Parks notifying them that Grand Island Town Board has not accepted or recognized the letter issued by the Parks & Recreation Advisory Board and did not authorize issuing the letter following this meeting. Further, asking the NYS Parks to remove the letter from the files.

APPROVED Ayes 3 Billica, Aronica, Madigan
Noes 2 Kinney, McMurray

#2 A motion was made by Councilman Madigan, seconded by Councilman Billica revising the authority to appoint liaisons to Advisory and Planning Boards from the Supervisor to the entire Town Board by drafting a Local Law and holding a mandatory referendum at the earliest date possible without incurring additional election costs.

APPROVED Ayes 3 Billica, Aronica, Madigan
Noes 2 Kinney, McMurray

Monday, October 3, 2016 - 4

Town of Grand Island – Regular Meeting #18

3 A motion was made by Councilman Madigan, seconded by Councilman Aronica to have two members of the Town Board initiate an investigation regarding whether ethical or legal breaches have occurred in communication internally or externally including misrepresentations of the Board, conflicts of interests or legal breaches. This investigation will include FOIL requests both internally and externally as deemed necessary. This investigation will be limited to the month of October with the public findings report (or reports) to be issued on or before October 31st and submitted for open public review by November 7th.

APPROVED Ayes 3 Billica, Aronica, Madigan
Noes 2 Kinney, McMurray

#4 A motion was made by Councilman Madigan, seconded by Councilman Aronica to send to NYS Parks the meeting transcript and recorded audio tape of the meeting on May 2, 2016 for their records. A letter would be included in the mailing stating the following: Dear Angela and Mark, the attached transcript and audio recording is from the only Town Board Meeting where closure of the West River Parkway was discussed prior to the July 22, 2016 Public Hearing conducted by NYS Parks on the West River Parkway closure option. Three of the five Town Board members had not heard of the proposed closure of the Parkway prior to this meeting that was held on May 2, 2016 as evidence in the audio tape. Three of the five members had serious concerns regarding the proposed closure. Full Town Board support did not exist and the Supervisor did not propose a motion as originally suggested at the beginning of the meeting. Best Regards, The Town of Grand Island Town Board.

APPROVED Ayes 3 Billica, Aronica, Madigan
Noes 2 Kinney, McMurray

Local Law Intro #7 of 2016 – Tourist Homes – Status Update

No action by the Town Board.

COMMUNICATIONS – OTHER TOWN OFFICIALS:

HIGHWAY SUPERINTENDENT – JAMES TOMKINS:

Inventory for Highway Department – Machinery, Tools & Equipment

On file in the Town Clerk's office. No action by the Town Board.

TOWN ATTORNEY – PETER GODFREY:

Bond Resolution – Increase and Improvement of Facilities of the Consolidated Sewer District (WWTP-Parking Lot Improvements) – Set Public Hearing

A motion was made by Councilman Billica, seconded by Councilman Aronica 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 the Town of Grand Island Engineering Department, 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 improvements at the wastewater treatment plant including, but not limited to, the reconstruction of and construction of improvements to the entrance drive and parking lot located at 3500 Baseline Road in the Town, as well as other such improvements as more fully identified in 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

Monday, October 3, 2016 - 5

Town of Grand Island – Regular Meeting #18

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 \$250,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$250,000, 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 October 17, 2016 at 8:00p.m. o'clock P.M. or shortly thereafter (prevailing Time) 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 \$250,000 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 Billica, Aronica, Kinney, Madigan, McMurray
Noes 0

Create Lighting District #64 – Country Club Cottages Phase II – Set Public Hearing

A motion was made by Councilman Billica, seconded by Councilman Aronica to adopt the following resolution:

WHEREAS, a petition has been filed with the Town Clerk, signed and acknowledged in the manner required by law by a sufficient number of property owners, together with a map, plan and report for the creation of the Country Club Cottages Phase II Lighting District No. 64; and

WHEREAS, the boundaries of the proposed district are as follows:
ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot 12 on said Island, bounded and described as follows:

Beginning at the north east corner of Lot 41 as shown on Map filed in the Erie County Clerk's Office under Cover 2274;
Thence N 1°01'15" W a distance of 744.12 feet to a point of curve;
Thence along an arc 42.04 feet to the left, having a radius of 54.00 feet, the chord of which is N 23°19'19" W for a distance of 40.98 feet to a point of reverse curve;

Monday, October 3, 2016 - 6

Town of Grand Island – Regular Meeting #18

Thence along an arc 333.59 feet to the right, having a radius of 71.00 feet, the chord of which is N 88°58'45" E for a distance of 101.10 feet to a point of reverse curve;

Thence along an arc 42.04 feet to the left, having a radius of 54.00 feet, the chord of which is S 21°16'48" W for a distance of 40.98 feet to a point of tangency;

Thence S 1°01'15" E a distance of 93.38 feet to a Point;

Thence N 88°58'15" E a distance of 100.00 feet to the north west corner of Cottagewood Lane as described in deed filed in the Erie County Clerk's Office in Liber 11195 of deeds at page 1349;

Thence S 1°01'015" E, along the west line of Cottagewood Lane a distance of 70.00 feet to the south west corner thereof;

Thence S 88°58'15" W a distance of 100.00 feet to a point;

Thence S 1°01'15" E a distance of 580.74 feet to a point on the west line of Lot 42 as shown on Map filed in the Erie County Clerk's Office under Cover 2274;

Thence S 88°58'45" W a distance of 70.00 feet and the POINT OR PLACE OF BEGINNING.

Map Cover 3664, title County Club Cottages Phase 2, was amended by affidavit of Kenneth L. Slaughenhoupt, PLS, executed the 26th day of July, 2016 and recorded at the Erie County Clerk's Office on August 11, 2016 in Liber 11300 of Deeds at Page 1477.

The above described parcel contains ± 1.756 acres (76473.5 sq. ft.)

WHEREAS, the improvements proposed consist of an electric street lighting system serving such Lighting District; and

WHEREAS, the estimated annual expense of supplying of said electrical street lighting is approximately \$1,900.55, with an expected annual cost to the typical property in the proposed District of approximately \$82.36, which said expense shall be levied and collected from the several lots and parcels of land within such Lighting District on a benefit basis in just proportion to the amount of benefit conferred upon the same, except as otherwise provided by law.

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 October 17, 2016 at 8:00p.m. on said day, to consider creation of said district including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

BE IT FURTHER ORDERED, that the map, plan and report referred to herein, including the explanation of how the cost to the typical property was determined, may be reviewed at the office of the Town Clerk, 2255 Baseline Road, Grand Island, New York, during normal business hours; and

BE IT FURTHER ORDERED, that the Town Clerk shall publish a copy of this Order at least once in the official newspaper of the Town, the first publication of which is to be not less than ten nor more than 20 days before the date set herein for the public hearing, and shall also cause a copy of this Order to be posted on the sign-board of the Town maintained pursuant to Town Law §30(6), not less than ten nor more than 20 days before the date set herein for the public hearing.

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

DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY:

Monday, October 3, 2016 - 7

Town of Grand Island – Regular Meeting #18

Authorize Supervisor to Sign Agreement – Scenic Woods/Bicentennial Park Phase I-IA – LWRP Grant – Contract #C1000708

A motion was made by Councilman Billica, seconded by Councilman Aronica to authorize the Supervisor to sign the agreement with NYS Department of State for the Scenic Woods/Bicentennial Park Phase 1-1A project that includes the construction of trails in Phase 1 and 1A of Scenic Woods and the construction of the trailhead parking lot.

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

PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK:

Seasonal Hire

A motion was made by Councilman Billica, seconded by Councilman Aronica to approve the status request for Joseph Killian, Parks Senior Worker from Part-time to Seasonal, effective October 4, 2016 at the rate of pay of \$10.00 per hour.

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

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – Grand Island Boulevard, LLC, 2024 Grand Island Boulevard – Convenience Store (Modified Space)

A motion was made by Councilman Aronica, seconded by Councilman Billica to renew the Special Use Permit for Grand Island Boulevard, LLC, 2024 Grand Island Boulevard – Convenience Store (Modified Space).

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

JUSTICE COURT – MARIA C. BURNS:

Grant Application – 2016 New York State Unified Court System – Justice Court Assistance Program

A motion was made by Councilman Billica, seconded by Councilman Aronica to adopt the following resolution:

WHEREAS the State of New York Unified Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, construction/renovations, automation, furniture, supplies and training.

WHEREAS the funding available under the State of New York Unified Court System would facilitate local efforts in upgrading the Town's Justice Departments.

RESOLVED that the Supervisor of the Town of Grand Island is hereby authorized and directed to file an application with the Justice Court Assistance Program not to exceed \$30,000 in grant funding.

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

REPORT OF THE AUDIT COMMITTEE:

Monday, October 3, 2016 - 8

Town of Grand Island – Regular Meeting #18

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to pay

Vouchers #118604 -118738

General \$ 92,541.90

Highway \$ 17,776.70

Sewer \$ 40,761.10

Water \$ 47,279.32

Garbage \$116,128.00

Capital Reserve \$ 1,289.90

Total \$315,776.92

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

Noes 0

UNFINISHED BUSINESS:

2800 Grand Island Boulevard, LLC, 2800 Grand Island Boulevard – Site Plan Approval/Elderwood Grand Island Independent Senior Housing

A. Correspondence – Planning Board

Remains Tabled

Police Commissioner

A motion was made by Councilman Aronica, seconded by Councilman Billica to refer the Police Commissioner matter to the Town Board.

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

Noes 0

Award Bid – Parking Lot Extension for Parks Maintenance Building

Remains Tabled

PUBLIC COMMENTS:

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

Speakers:

Joyce Jones, Vince Ciffa, Bonnie Fitzgerald, Randy White, Martin Goss, Rose Bugman

FROM THE BOARD:

Cancer Awareness Month – October Building at Marina

ADJOURNMENT:

Monday, October 3, 2016 - 9

Town of Grand Island – Regular Meeting #18

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to adjourn the meeting at 11:27p.m.

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

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

Everest DeMartin	Lois Lambert
Saydee Smith	Paul Long
Stuart Savory	Daniel McBride, Jr.
Donald Link	Patricia Maurer
Jay Roberts	

Respectfully submitted,

Patricia A. Frentzel
Town Clerk