

# Town of Grand Island - Regular Meeting # 9

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 15<sup>th</sup> of May 2023.

Present:	John C. Whitney	Supervisor
	Peter J. Marston	Councilman
	Michael H. Madigan	Councilman
	Thomas A. Digati	Councilman
	Christian J. Bahleda	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor John C. Whitney called the meeting to order at 8:00p.m.  
Deacon Allen Bingham from Bible Presbyterian Church gave the Invocation.  
Councilman Thomas A. Digati 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:* None

## **MINUTES:**

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to approve Minutes of Workshop Meeting #10, May 1, 2023, and Minutes of Regular Meeting #8, May 1, 2023.

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

## **CONSENT AGENDA:**

1. Building Permits Issued – April 2023
2. Meeting Minutes – Zoning Board of Appeals – April 6, 2023
3. Meeting Minutes – Planning Board – April 10, 2023

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

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

## **COMMUNICATIONS – TOWN BOARD:**

### **SUPERVISOR JOHN C. WHITNEY:**

#### **Retirement – Town Assessor**

Town Engineer John Whitney informed the Town Board that he has accepted with regret Town Assessor Judy Tafelski's retirement effective May 31, 2023. A certificate of appreciation will be sent to Ms. Tafelski.

No action by the Town Board.

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### Special Event Permit – East Park Garden Club

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the Special Event Permit for the East Park Garden Club on Saturday, May 20, 2023, from 9:00a.m.-3:00p.m. in the Town Gazebo.

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

### Special Event Permit – ZONTA Club

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to approve the Special Event Permit for the Zonta Club on Saturday, September 9, 2023, from 10:00a.m. – 1:00p.m. The Town will provide tables as necessary.

The Town also approves the request of the Zonta Club to put up orange bows on the trees surrounding Town Hall from November 24, 2023 – December 1, 2023, for 10 Days of Service recognition.

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

### Special Event Permit – Relay for Life Grand Island

A motion was made by Councilman Marston, seconded by Councilman Bahleda to approve the Special Event Permit for Relay for Life on Saturday, June 4, 2023, from 2:00p.m. – 7:00p.m. in the Town Common area. A certificate of insurance will be submitted prior to the event.

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

### COUNCILMAN PETER J. MARSTON:

#### Local Law Intro #4 of 2023 – Volunteer Firefighter Property Tax Exemption – Set Public Hearing

A motion was made by Councilman Marston, seconded by Councilman Digati to set a Public Hearing for Monday, July 17, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #4 of 2023 – Volunteer Firefighter Property Tax Exemption.

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

### COMMUNICATIONS – OTHER TOWN OFFICIALS:

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

##### Award Bid – Sludge Removal & Disposal 2023

Town Engineer Robert Westfall reported that on May 10, 2023, the following bids were received for the Sludge Removal & Disposal – 2023:

Modern Disposal Services \$1,714.75/week  
(based on 14 tons)

No other Bids received.

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## **Award Bid – Sludge Removal & Disposal 2023**

After careful review, the Town Engineer reviewed the bid and recommend award of the sludge removal & disposal to Modern Disposal Services for \$1,714.75/week (based on 14 tons) from June 1, 2023, through May 31, 2025.

A motion was made by Councilman Digati, seconded by Councilman Madigan to accept the recommendation of the Town Engineer and award the sludge removal & disposal to Modern Disposal Services for \$1,714.75/week (based on 14 tons) from June 1, 2023, through May 31, 2025.

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

## **Application for Public Improvement Permit (PIP) – Endres Subdivision (#118)**

A motion was made by Councilman Marston, seconded by Councilman Madigan to approve the application for a Public Improvement Permit (PIP) to construct the storm and sanitary sewer to serve 3 lots in the Endres Subdivision (#118).

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

## **RECREATION SUPERVISOR – JOSEPH MENTER:**

### **Seasonal Hires**

A motion was made by Councilman Marston, seconded by Councilman Madigan to approve the hire of Nate Meyers, Recreation Attendant, Year 1- Aide, \$14.55/hr., Seasonal status, effective May 16, 2023, subject to the completion of the necessary pre-employment paperwork.

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

### **Remove Employees from Payroll**

A motion was made by Councilman Digati, seconded by Councilman Bahleda to remove the following employees from the payroll effective May 16, 2023:

<u>Name</u>	<u>Title</u>	<u>Last Day Worked</u>
Jake Nowak	Recreation Attendant	2-6-2023
Luke Rizzo	Recreation Attendant	1-4-2023
Benjamin Steck	Recreation Attendant	2-15-2023

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

## **CODE ENFORCEMENT OFFICE:**

### **Special Use Permit Renewal – Jie Zhu, 2568 Oakfield Road – Bed & Breakfast**

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to renew the Special Use Permit for Jie Zhu, 2568 Oakfield Road – Bed & Breakfast. The site has been inspected and it is unchanged.

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

### **Agricultural Issue – 951 Whitehaven Road**

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A motion was made by Councilman Marston, seconded by Councilman Digati to refer the Agricultural Issue – 951 Whitehaven Road to the Town Attorney for further action.

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

### **PLANNING BOARD:**

#### **John Valenti, Alvin Road Incubator Building – Site Plan Approval – 14,000 S.F. One Story Multi-Unit Building**

A motion was made by Councilman Marston, seconded by Councilman Madigan to table the Site Plan Approval – John Valenti, Alvin Road Incubator Building – 14,000 S.F. One Story Multi-Unit Building, pending SEQR.

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

#### **Thermo Fisher Scientific, 3175 Staley Road – Site Plan Approval – Tank Addition**

A motion was made by Councilman Marston, seconded by Councilman Bahleda to accept the recommendation of the Planning Board and grant Site Plan Approval for Thermo Fisher Scientific, 3175 Staley Road – Tank Addition. The project will not add any additional traffic or employees.

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

#### **Josh Soto, Bedell Road Storage, SBL #: 23.00-3-4.211 – Site Plan Approval – Proposed Mini-Self Storage Facility**

A motion was made by Councilman Digati, seconded by Councilman Madigan to table the Site Plan Approval for Josh Soto, Bedell Road Storage, SBL #: 23.00-3-4.211 Mini-Self Storage Facility, pending SEQR.

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

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

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay

Vouchers #141698 - #141834  
General \$ 76,403.50  
Highway \$ 6,929.37  
Sewer \$ 46,821.11  
Water \$ 33,433.24  
Trust & Agency \$ 630.00  
Capital \$ 271,293.11  
Total \$435,510.33

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

### **UNFINISHED BUSINESS:**

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## Local Law Intro #3 of 2023 – Amend the Town of Grand Island Zoning Code to Require the Establishment of Escrow Accounts to Defray Town Expenses for Certain Large-Scale Development Projects

### A. Correspondence – Planning Board

A motion was made by Councilman Marston, seconded by Councilman Digati to declare that Local Law Intro #3 of 2023 is a Type II action under SEQR, no action is required and to adopt Local Law #2 of 2023 Amending the Town of Grand Island Zoning Code To Require the Establishment of Escrow Accounts to Defray Town Expenses for Certain Large-Scale Development Projects as follows:

**Section 1:** Section 407-190 of the Town of Grand Island Code is hereby amended to read in its entirety as follows:

#### § 407-190 Fees.

- A. The Town Board shall have authority to establish and amend, by resolution, fees and charges to defray the costs of administering this code and reviewing applications. Such fees shall be set forth on the Town Fee Schedule, which may be amended from time to time by resolution. The Town Fee Schedule shall be available on the Town's website.
- B. Escrow account. In addition to the payment of fees required pursuant to Subsection A, the following zoning applications shall require the establishment of an escrow account, pursuant to an agreement between the Town and the Applicant for the payment of engineering, consultant, and legal, expenses incurred by the Town for the review of the Project:
  - (1) Application for a Planned Development District under Article XXVI.
  - (2) Application that includes the use of Incentive Zoning under § 407-20.
  - (3) Residential subdivision applications for 10 or more lots.
  - (4) Commercial development projects of greater than 10,000 square feet in floor area.
  - (5) Residential developments including 25 or more units.
  - (6) Mixed use development projects combining commercial and residential development that include 15,000 square feet in total floor area combining both the residential and commercial uses.
  - (7) Any project capable of producing 150% or more of the electricity consumed on site.

The escrow account may be established by the Town as a separate bank account, or as a line item in an existing Town account, provided the funds are accounted for separately. The total amount to be deposited into the escrow account shall be capped as set forth in Subsection C. A zoning application shall not be complete until the required escrow account has been established pursuant to this Subsection B. Any funds remaining in the escrow account after completion of the review and payment of all invoices shall be returned to the Applicant.

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C. Escrow account amount cap. The total amount of deposits to an escrow account established pursuant to Subsection B shall not exceed:

(1) For residential projects: 3% of the project value, which is calculated as the total construction cost (not including the cost of buildings and structures) plus the greater of the purchase price of the land or the fair market value of the land, as calculated by the Applicant, subject to the Town's review, confirmation, and final approval.

(2) For commercial development projects: 1% of the project value, which is calculated as the total construction cost plus the greater of the purchase price of the land or the fair market value of the land, as calculated by the Applicant, subject to the Town's review, confirmation, and final approval.

(3) For mixed-use development projects: The formula in Subsections (1) and (2) shall be applied to the commercial and residential components and the amounts added together to arrive at the overall cap.

**Section 2.** Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Grand Island hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

**Section 3.** Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

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

### **PUBLIC COMMENTS:**

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

Speakers:

Joe Short, Sharon Kern, Mary Pfalzer

### **FROM THE BOARD:**

- School Board/Budget Vote – May 16, 2023
- Memorial Day Services – Monday, May 29, 2023 – 10:00a.m. – DeGlopper Park
- Relay for Life – June 4, 2023 – Town Commons
- Lawnmower Races – Father's Day – West River
- Relay for Life 5K Run

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### ADJOURNMENT:

A motion was made by Councilman Madigan, seconded by Councilman Digati to adjourn the meeting at 8:29p.m.

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

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

Thomas Arch	Donald Valone
John Gorton, Jr.	Tamey Henderson
James Daluisio	

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk

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