

Town of Grand Island - Regular Meeting # 13

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 7th of August 2023.

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

Deputy Supervisor Peter J. Marston called the meeting to order at 8:00p.m.
Colin Edmunds 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 #15, July 17, 2023, and Minutes of Regular Meeting #12, July 17, 2023.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

CONSENT AGENDA:

1. Golden Age Center – Facility Usage – May 2023
2. Meeting Minutes – Board of Architectural Review – June 20, 2023
3. Building Permits Issued – July 2023

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

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

COMMUNICATIONS – TOWN BOARD:

DEPUTY SUPERVISOR – PETER J. MARSTON:

Resignation – Supervisor

A motion was made by Councilman Bahleda, seconded by Councilman Digati to accept the resignation of Supervisor John Whitney with regret and a certificate of appreciation to be sent to Mr. Whitney.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Title Change – Chief Accountant to Town Accountant

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A motion was made by Councilman Bahleda, seconded by Councilman Madigan to approve the title change of Korin Frantz from Chief Accountant to Town Accountant, effective August 7, 2023. There is no change to rate of pay.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

COUNCILMAN – THOMAS A. DIGATI:

Pickleball Courts Hours

A motion was made by Councilman Digati, seconded by Councilman Marston to change the hours of pickleball courts from dawn to dusk to 8:00am to dusk.

NOT APPROVED

Ayes 2 Marston, Digati
Noes 2 Madigan, Bahleda

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

Resolution Authorizing the Supervisor to Execute Pilot Agreement – Comfort Solar, LLC – Solar Array – 2356 Whitehaven Road

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt the following resolution authorizing the Supervisor to execute a PILOT Agreement with Comfort Solar LLC for a Solar Array to be located at 2356 Whitehaven Road:

WHEREAS, on or about February 21, 2020, SolarPark 4a LLC (the “Applicant”) submitted its initial application to construct a solar array at 2356 Whitehaven Road on parcels bearing tax map numbers 36.00-2.7.11 and 36-2-7.12 (the “Project”), and

WHEREAS, the Applicant sold the Project to Comfort Solar LLC (the “Project Owner”), a subsidiary of Nautilus Solar Energy, LLC and the Project has been renamed by the Project Owner from SolarPark 4a to Comfort Solar, and

WHEREAS, the Project has received all necessary approvals from the Town of Grand Island , and

WHEREAS, pursuant to New York State Real Property Tax Law 487 Section 487 (9)(a), the Town of Grand Island has indicated its intent to require a Payment in Lieu of Taxes (“PILOT”) Agreement with the Project Owner, under which the Project Owner (or any successor owner of the Project) will be required to make annual payments to the Town of Grand Island for each year during the term of this Agreement, and

WHEREAS, a copy of the proposed PILOT Agreement between the Project Owner and the Town of Grand Island is attached hereto, and

NOW, THEREFORE, the Town Council resolves to authorize the Deputy Town Supervisor to execute the PILOT Agreement on behalf of the Town of Grand Island.

AND THEREFORE, the Town Clerk is hereby directed to enter this resolution in the minutes of this meeting.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

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Resolution Approving the Decommissioning Plan – Solar Array – 2356 Whitehaven Road

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt the following resolution approving the Decommissioning Plan for a Solar Array to be located at 2356 Whitehaven Road:

WHEREAS, on or about February 21, 2020, SolarPark 4a LLC (the “Applicant”) submitted its initial application to construct a solar array at 2356 Whitehaven Road (the “Project”), and

WHEREAS, the Applicant sold the Project to Comfort Solar LLC (the “Project Owner”), a subsidiary of Nautilus Solar Energy, LLC and the Project has been renamed by the Project Owner from SolarPark 4a to Comfort Solar, and

WHEREAS, the Town of Grand Island Planning Board recommended site plan approval for the Project on June 10, 2020, and

WHEREAS, on October 5, 2020, the Town Council of the Town of Grand Island granted the Applicant a special use permit and approved rezoning of the property for the Project, and

WHEREAS, on October 7, 2020, the Town Council of the Town of Grand Island granted the Applicant site plan approval for the Project, and

WHEREAS, on December 2, 2021, the Zoning Board of Appeals for the Town of Grand Island granted the Applicant a 0.54-acre area variance for the subdivision of 2356 Whitehaven Road, and

WHEREAS, on February 7, 2022, the Applicant submitted a notice of intent to commence construction of the Project, and

WHEREAS, on October 3, 2022, the Applicant submitted an application for renewal of its Special Use Permit and amendment of its Site Plan dated September 29, 2022, to move the array to increase the setback from Alvin Road to greater than 600 feet, and

WHEREAS, on October 17, 2022, the Town Council resolved to renew the Special Use Permit for the Project and approve the amended Site Plan dated September 29, 2022, bearing file name Solar Park 4 Design_09.29.22, and

WHEREAS, the Project Owner submitted a proposed decommissioning plan dated July 2023 which has been reviewed by the Town Engineer and is compliant with the requirements of the Town of Grand Island Solar Law (the “Decommissioning Plan”), and

WHEREAS, the Project Owner, by its bank Banque Nationale du Canada, has provided an irrevocable performance standby letter of credit issued July 24, 2023, with the Town of Grand Island named as beneficiary thereof as security for the Decommissioning Plan (the “Letter of Credit”), and

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NOW, THEREFORE, the Town Council resolves to approve the Decommissioning Plan for the Project and authorizes the Deputy Town Supervisor to execute the Letter of Credit.

AND THEREFORE, the Town Clerk is hereby directed to enter this resolution in the minutes of this meeting.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

Bond Resolution – \$592,349 Bond Resolution for the Acquisition of Equipment, Machinery and Apparatus for use by the Town (Highway Department) – 2023

A motion was made by Councilman Madigan, seconded by Councilman Digati to adopt the following Bond Resolution, dated August 7, 2023, of the Town Board of the Town of Grand Island Erie County, New York (The “Town”) authorizing the acquisition of equipment, machinery and apparatus for use by the Town (Highway Department) at an estimated maximum cost of \$592,349 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$592,349, 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.

BE IT RESOLVED, by the Town Board of the Town of Grand Island, in the County of Erie, New York (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 acquire equipment, machinery and apparatus for use by the Town (Highway Department) including, but not limited to a hydraulic excavator, including all necessary equipment, apparatus and warranties and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$592,349.

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 \$592,349 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 28 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.

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

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

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. 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

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thereof, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

SECTION 11. 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 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town’s municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. 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 14. 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 15. 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 16. 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.

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SECTION 17. This Resolution is effective immediately.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL: Public Improvement Permit – Sandywood Circle Subdivision – Subdivision #116 (17 Lots)

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Town Engineer, and approve the Public Improvement Permit – Sandywood Circle Subdivision – Subdivision #116 (17 Lots). The application has been reviewed and the fees have been paid.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Award Bid – Water Treatment Plant Intake – Fall Cleaning & Inspection

Town Engineer Robert Westfall reported that the Water Treatment Plant Intake requires cleaning and inspection annually.

The Town requested quotes from the four companies that perform that type of work and received the following in March 2023:

	Spring 2023	Fall 2023
Hunt Underwater Specialties, LLC	\$ 12,500.00	\$12,500.00
BIDCO Marine Group	\$ 13,690.00	\$13,690.00
Allen Marine	\$ 16,500.00	\$16,500.00
Finger Lakes Industrial Contracting Corp.	\$ 23,020.00	\$16,016.00

At that time, we authorized the spring cleaning with the Fall cleaning to be authorized if necessary. The sediment levels found during the Spring cleaning make it necessary to authorize the Fall 2023 cleaning.

A motion was made by Councilman Digati, seconded by Councilman Madigan to accept the recommendation of the Town Engineer, and authorize Hunt Underwater Specialties, LLC to perform the Fall Intake cleaning and inspection in the amount of \$12,500.00.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Award Concrete Repair Mini-Bid – Regency Drive Driveway & Sidewalk Replacement Project – Regency Turn-a-Round Removal

Town Engineer Robert Westfall reported that Bids were received on July 23, 2023, for concrete work related to the removal of the Turn-a-Round at Regency Drive. The Town solicited bids from numerous contractors but only obtained a single bid from Niagara Custom Concrete for unit the price of \$18.50/SF to replace driveways, driveway aprons, and install new sidewalk in the area of the former turn-a-round (4 homes impacted) on Regency Drive.

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The bid totaled \$38,850.00 based on the unit price contract and the projected quantities. At the advice of the Town Attorney, we have negotiated with the bidder allowing flexibility to the schedule, which led him to a reduction in unit pricing to \$16.66/SF, and a project total of \$34,995 based on the estimated quantities, and still getting the work done in a timely manner.

A motion was made by Councilman Bahleda, seconded by Councilman Digati to accept the recommendation of the Town Engineer, and award the Regency Drive Driveway and Sidewalk Replacement Project to Niagara Custom Concrete at the unit price of \$16.66/SR for the work, for an estimated project total of \$34,995.00.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Request for Employee Promotion – Wastewater Department

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to promote Thomas Shanor to the position of Maintenance Worker in the Sewer Department at the rate of \$26.83/hr. as shown in the AFSME Contract (Year 1), effective August 5, 2023.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Request for Pay Adjustment – Wastewater Department

A motion was made by Councilman Digati, seconded by Councilman Marston to amend the rate of pay of the promotion for Richard Nichols to Maintenance Worker in the Sewer Department dated July 17, 2023, from \$21.76/hr. as per AFSCME Contract (Start), effective July 22, 2023, to \$26.83/hr. as shown in the AFSME Contract (Year 1), effective July 22, 2023.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

CODE ENFORCEMENT OFFICE:

Park Place Conservation Easement

The Assessor received a request for a minor split of an existing parcel at 278 Park Place and the research revealed neighboring property owners have constructed buildings, a fence and placed personal items on Town owned property. According to Town Code Chapter 121, for Conservation Easements, Section 121-9, the authority to enforce such violations is by the Town Board.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the Code Enforcement Officer to send the owners of the offending neighboring parcels violation letters requesting the removal of the items and structures from the property.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Local Law Intro #5 of 2023 – Rezoning SBL #:24.15-3-8.1, Ransom Road – B3 to PDD – Set Public Hearing and Refer to Planning Board

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A motion was made by Councilman Madigan, seconded by Councilman Digati to refer Local Law Intro #5 of 2023 – Rezoning SBL #:24.15-3-8.1, Ransom Road – B3 to PDD – Set Public Hearing and Refer to Planning Board to the Town Board.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Special Use Permit Renewal – Tops Express, 2130 Grand Island Boulevard – Operate a Convenience Store with Gas Pumps in a Central Business District

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to renew the Special Use Permit for Tops Express, 2130 Grand Island Boulevard – Operate a Convenience Store with Gas Pumps in a Central Business District. The site has been inspected and there are no changes.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Special Use Permit Renewal – Sandy Beach Yacht Club, 1851 Winter Road – Parking Lot

A motion was made by Councilman Digati, seconded by Councilman Bahleda to renew the Special Use Permit for Sandy Beach Yacht Club, 1851 Winter Road – Parking Lot.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Special Use Permit Renewal – Speedway #9882, 2024 Grand Island Boulevard – Convenience Store (Modified Space)

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to renew the Special Use Permit – Speedway #9882, 2024 Grand Island Boulevard – Convenience Store (Modified Space). The site has been inspected and it is unchanged.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

TOWN ACCOUNTANT – KORIN FRANTZ:

Status Changes – Senior Account Clerk Typists

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to approve the status of Sarah Rivers and Jacqueline Kowzan from provisional to permanent in the position of Senior Account Clerk Typists, effective August 7, 2023. There is no change in the rate of pay.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Budget Amendment

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve the following budget amendment/transfer for 2023:

Increase Revenue a/c	001.0001.2709	Donations	\$3,000
Increase Appropriation	001.3120.0200	Police-Equipment	\$3,000

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

REPORT OF THE AUDIT COMMITTEE:

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

Vouchers #142469 - #142664

General	\$192,372.37
Highway	\$ 32,393.47
Sewer	\$ 79,781.41
Water	\$ 24,586.67
Capital	\$ 34,268.01
Lighting	\$ 2,176.50
Garbage	<u>\$144,020.19</u>
Total	\$509,598.62

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

UNFINISHED BUSINESS:

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

Remains Tabled.

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 Bahleda to refer the Josh Soto, Bedell Road Storage, SBL #: 23.00-3-4.211 – Site Plan Approval – Proposed Mini-Self Storage Facility to the Town Board.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Cinderella Campground, 2789 Grand Island Boulevard – Site Plan Approval – Campground Redevelopment & Expansion – SEQR

Deputy Supervisor Peter Marston presented the SEQR – Short Form Environmental Assessment Forms for Cinderella Campground, 2789 Grand Island Boulevard – Site Plan Approval – Campground Redevelopment & Expansion. Mr. Marston informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to issue a Negative Declaration for Cinderella Campground, 2789 Grand Island Boulevard – Site Plan Approval – Campground Redevelopment & Expansion.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

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Cinderella Campground, 2789 Grand Island Boulevard – Site Plan Approval –
Campground Redevelopment & Expansion

A. Correspondence – Code Enforcement Office – Site Plan

B. Correspondence – Code Enforcement Office – Declaration of Easement

A motion was made by Councilman Madigan, seconded by Councilman Digati to grant Site Plan Approval for Cinderella Campground, 2789 Grand Island Boulevard – Campground Redevelopment & Expansion, subject to the execution of the Declaration for Easement Access (shared driveway) in a manner satisfactory to the Town Attorney.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

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

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt Local Law Intro #4 of 2023 as Local Law #3 of 2023 – Volunteer Firefighter Property Tax Exemption as follows:

Be it hereby enacted by the Town Board of the Town of Grand Island as follows:

Section 1. Legislative Intent.

It is the intent of the Town Board of the Town of Grand Island to provide a partial real property tax exemption to qualifying volunteer firefighters and ambulance workers as set forth in Real Property Tax Law § 466-a.

Section 2. Authority.

Real Property Tax Law § 466-a authorizes the Town Board to adopt a local law providing a real property tax exemption of up to ten percent of the assessed value of real property owned by qualifying volunteer firefighters and ambulance workers.

Section 3. Grant of Real Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance workers.

A new Article IX of Article 337 “Taxation” shall be added as follows:

337-22. Exemption Granted for Certain Volunteer Firefighters and Volunteer Ambulance Workers. The Town of Grand Island provides a partial real property tax exemption of ten percent (10%) of the assessed value of real property for individuals that meet the following qualifications:

- a) The individual is a qualified, enrolled, and certified member of the Grand Island Fire Company or other incorporated volunteer fire company, fire department, or incorporated ambulance service that serves the Town of Grand Island and has a minimum of two (2) years of services; and
- b) The individual resides in the Town of Grand Island; and
- c) The property receiving the benefit is the primary residence of the individual and is used exclusively for residential purposes, and any portion of the property not used for residential purposes shall be subject to taxation; and

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- d) The individual has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member who has served such incorporated volunteer fire company, fire department, or voluntary ambulance services for at least two (2) years; and
- e) The individual must submit said certification from the authority having jurisdiction together with the tax exemption application.
- f) For purposes of this Local Law, the “Authority Having Jurisdiction” shall mean:
 - (i) In the case of a contract fire department in a fire protection district, the Town Board.

Section 337-23. Lifetime Exemption Granted for Certain Volunteer Firefighters and Volunteer Ambulance Workers.

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance services, shall be granted the ten percent (10%) exemption authorized by this Local Law for the remainder of his or her life as long as his or her primary residence is located within the county.

Section 337-24. Surviving, Un-Remarried Spousal Exemption for Volunteer Firefighters or Volunteer Ambulance Workers Killed in the Line of Duty.

The property tax exemption granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service shall, upon application, be continued to such deceased enrolled member’s un-remarried spouse if such member is killed in the line of duty, provided that:

- a) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of such enrolled member who was killed in the line of duty.
- b) Such deceased volunteer had been an enrolled member for at least five (5) years; and
- c) Such deceased volunteer had been receiving the exemption prior to his or her death.

Section 337-25. Surviving, Un-Remarried Spousal Exemption for Deceased Volunteer Firefighters or Volunteer Ambulance Workers with Twenty Years of Enrolled Member Service.

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The property tax exemption granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service shall, upon application, be continued to such deceased enrolled member's un-remarried spouse, provided that:

- a) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of such enrolled member.
- b) Such deceased volunteer had been an enrolled member for at least twenty (20) years; and
- c) Such deceased volunteer had been receiving the exemption prior to the death of such volunteer.

Section 337-26. Application.

An application form for such exemption and a certification provided by the appropriate authority having jurisdiction shall be filed with the Town Assessor on or before the taxable status date of each year or as otherwise required as prescribed by New York State.

Section 337-27. No Diminution of Benefits.

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of Article 4 of the New York State Real Property Tax Law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provision of this Local Law.

Section 337-28. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 337-29. Effective Date.

This Local Law shall be effective immediately upon filing with the Secretary of State.

APPROVED	Ayes	3	Marston, Digati, Bahleda
	Noes	0	
	Abstain	1	Madigan

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Local Waterfront Revitalization Program – SEQRA Determination – Contract #T1000939 – Job # M-62-2018

Town Engineer Robert Westfall reported that the Local Waterfront Revitalization Program (LWRP) Draft was accepted as an official draft on March 20, 2023, and has been submitted to the New York State Department of State (NYS DOS). The Town Board has been designated to act as Lead Agency for SEQRA.

The Environmental Assessment Form (EAF) for the LWRP, when compared to the criteria for determining significance under 6 NYCRR 617.7, the LWRP has been determined to be a Type 1 action that will not have a significant environmental impact resulting in a negative declaration.

Mr. Westfall is requesting the Town Board pass the following resolution, which will reaffirm the Town Board's acceptance of the LWRP as an official draft document, designate The Town Board as Lead Agency, and issue a Negative Declaration for the project.

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to adopt the following Resolution for the SEQRA Notice of Lead Agency Designation, Determination of Significance, and acceptance of Draft Town of Grand Island Local Waterfront Revitalization Program:

Whereas, the Town Board has charged the Comprehensive Plan Review Board (Review Board, formerly known as the Long-Range Planning Committee) with the development of the Town of Grand Island Local Waterfront Revitalization Program (LWRP), which is intended to serve as the localized version of the State/Federal Coastal Management Program in accordance with the provisions of Executive Law, Article 42; and

Whereas, the Review Board has worked with local planning consultants CPL to prepare a draft LWRP which has undergone preliminary review by NYS Department of State (DOS) and is ready for the required 60-day review by State, federal, and regional agencies pursuant to the provisions of Article 42 of the NYS Executive Law as part of the LWRP approval process; and

Whereas, the Town Board is required to accept the LWRP as an official draft document for the required 60-day review prior to which an environmental review of said draft is required; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town Board intends to serve as Lead Agency for SEQRA review of this Type 1 Action and will determine if the proposed action will have a significant effect on the environment; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town Board adopted a resolution on March 20, 2023, declaring its intent to act as Lead Agency for this Type 1 Action and circulated said intent to all Involved Agencies; and

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Whereas, no Involved Agencies challenged the intent of the Town Board to act as Lead Agency.

Now, Therefore, Be It Resolved, that the Town Board hereby designates itself as Lead Agency for the proposed action pursuant to 6 NYCRR Part 617.

Be It Further Resolved that based upon examination of the Environmental Assessment Form (EAF), its own independent analysis of the Proposed Action, and comparison with the criteria for determining significance under 6 NYCRR 617.7, the Town Board finds that the Proposed Action will not have a significant environmental impact and hereby issues a Negative Declaration with publication in the Environmental Notice Bulletin as required; and

Be it Further Resolved that Draft LWRP for the Town of Grand Island is accepted by the Grand Island Town Council as complete and ready for public review and shall be submitted to the New York State Department of State for the required 60-day review by State, federal, and regional agencies pursuant to the provisions of Article 42 of the NYS Executive Law.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Water & Wastewater Vehicle Purchases

Town Engineer Robert Westfall reported that the Wastewater Department & Water Department received bids for a new Dodge Caravan for each department through the on-line vehicle bid system. The low bid for each vehicle is \$51,368.42. \$55,000 was included on the ARPA project list for the purchase of each vehicle. Both 2023 vans are available for immediate delivery.

The Water Department also received bids for a new pick-up truck through the on-line vehicle bid system. There were no bids on the original bid for a 2023 pickup resulting in the need to rebid for a 2024 truck that will have to be ordered. The low bid for the 2024 truck is \$58,897.84 with the plow included. The water budget included \$47,000 for the purchase with another \$20,000 included on the ARPA project list to cover any amount over the water budget amount.

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to accept the recommendation of the Town Engineer and authorize the purchase of the three vehicles along with authorization to spend \$115,634.68 of the \$130,000 of ARPA funds originally listed for the purchase of the three vehicles for Wastewater and Water.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

SUSPEND THE RULES:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to Suspend the Rules to consider a Special Use Permit Application – Kateri Solberg, 3179 West River Road – Bed & Breakfast.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

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Special Use Permit Application – Kateri Solberg, 3179 West River Road – Bed & Breakfast – SEQR

Deputy Supervisor Peter Marston presented the SEQR – Short Form Environmental Assessment Forms for Kateri Solberg, 3179 West River Road – Bed & Breakfast. Mr. Marston informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Madigan, seconded by Councilman Digati to issue a Negative Declaration for Kateri Solberg, 3179 West River Road – Bed & Breakfast.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Special Use Permit Application – Kateri Solberg, 3179 West River Road – Bed & Breakfast

A. Correspondence – Planning Board

A motion was made by Councilman Marston, seconded by Councilman Digati to approve the Special Use Permit for Kateri Solberg, 3179 West River Road for a Bed & Breakfast, subject to the condition that the applicant-owner is responsible for the snow removal from West River to the owner’s residence, and that appropriate signage for the Bed & Breakfast, in a residential manner (liking to the size of a realty sign) to clearly mark the location of the Bed & Breakfast.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

PUBLIC COMMENTS:

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

Speakers: Sherrie Kern, Richard Crawford, Paula Sciuk, Mary Pfalzer

FROM THE BOARD:

- Long Road Distribution Facility Workshop Cancelled
- Public Meeting to be scheduled at the GHS Auditorium in September
- Go Bills!

ADJOURNMENT:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adjourn the meeting at 8:45p.m.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

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

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Betty Phillips

Dorothy Roehrig

William Barry

Curtis Indridson

Joseph Czora, Jr.

Tom Bunce

Kathy Jakab

Kathleen Carroll

Loretta Bayse

Ann Duquin

Richard F. Pirie

Janet Mumm

Respectfully submitted,

Patricia Anderson Frentzel

Town Clerk

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