

## 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 18<sup>th</sup> of December, 2017.

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.  
Pastor Calvin VanderMey from Bible Fellowship Church gave the Invocation.  
Councilman Christopher K. Aronica led the Pledge of Allegiance.

### **PROCLAMATIONS:**

**Town of Amherst Bicentennial**  
**Councilman Raymond A. Billica**  
**Councilman Christopher K. Aronica**  
**Highway Superintendent James (JT) B. Tomkins**

### **PUBLIC COMMENTS:**

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

*Speakers:* None

### **PUBLIC HEARING:**

#### **Special Use Permit Application – Thomas Burkman, 800 Kirkwood Drive – Bed & Breakfast**

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

A Public Hearing was held on Monday, December 18, 2017 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on a Special Use Permit Application – Thomas Burkman, 800 Kirkwood Drive – Bed & Breakfast.

*Speakers:* None

Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to accept the recommendation of the Planning Board and approve the Special Use Permit for Thomas Burkman, 800 Kirkwood Drive – Bed & Breakfast. The applicant has to file for a Bed and Breakfast license as well.

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

#### **Special Use Permit Application – Nancy Savoy & Thomas Burke, 2285 West River Parkway – Bed & Breakfast**

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

A Public Hearing was held on Monday, December 18, 2017 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on a Special Use Permit Application – Nancy Savoy & Thomas Burke, 2285 West River Parkway – Bed & Breakfast.

*Speakers:* None

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Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilman Billica, seconded by Councilman Aronica to accept the recommendation of the Planning Board and approve Special Use Permit Application for Nancy Savoy & Thomas Burke, 2285 West River Parkway – Bed & Breakfast. The applicant has to file for a Bed and Breakfast license as well.

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

### **Local Law Intro #4 of 2017 – Accessory Uses in Business Zoning Districts on Contiguous Parcels**

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

A Public Hearing was held on Monday, December 18, 2017 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on Local Law Intro #4 of 2017 – Accessory Uses in Business Zoning Districts on Contiguous Parcels.

*Speakers:* None

Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilman Billica, seconded by Councilman Madigan to adopt Local Law #5 of 2017 – Accessory Uses in Business Zoning Districts on Contiguous Parcels as follows:

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

Section 1: Section 407-10 of the Code of the Town of Grand Island is hereby amended by replacing the definition of “ACCESSORY USE OR STRUCTURE” with the following:

#### **ACCESSORY USE OR STRUCTURE**

A use or structure, other than riverside accessory use or structure or a business accessory use or structure, subordinate to a principal use or structure on the same lot and serving a purpose customarily incidental to the principal use or structure.

Section 2: Section 407-10 of the Code of the Town of Grand Island is hereby amended to add the following definition of “BUSINESS ACCESSORY USE OR STRUCTURE” to read in its entirety as follows:

#### **BUSINESS ACCESSORY USE OR STRUCTURE**

A. A use or structure in the B-1, B-2, B-3, Town Center Business (North Business District, Center Business District, and South Business District), M-1 or M-2 zoning districts as set forth in Sections 407-64, 407-68, 407-72, 407-60, 407-82 and 407-87, subordinate to the principal use or structure on the same lot, and serving a purpose customarily incidental to the principal use or structure.

B. A use, in the B-1, B-2, B-3, Town Center Business (North Business District, Center Business District, and South Business District), M-1 or M-2, zoning districts as set forth in Sections 407-64, 407-68, 407-72, 407-60, 407-82 and 407-87, subordinate to the principal use or structure on a contiguous lot, that is part of a common operational scheme that has obtained site plan approval to include both lots as part of a common operational scheme, and serving a purpose customarily incidental to the principal use or structure.

Section 3: Section 407-10 of the Code of the Town of Grand Island is hereby amended to add the following definition of “COMMON OPERATIONAL SCHEME” to read in its entirety as follows:

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## COMMON OPERATIONAL SCHEME

Use of one or more contiguous lots for one common business purpose, where at least one lot has a lawful principal use or structure, and the contiguous lot(s) are used to support the principal use or structure as part of the common business purpose. A common operational scheme requires common ownership or control of the contiguous lots and site plan approval of all such lots together. In addition, where the Town Board determines that the removal of one of the parcels from the common operational scheme presents a risk of an adverse impact to the Town, it may also require the filing of a restrictive covenant preventing the separate sale of the lots.

Section 4: Section 407-10 of the Code of the Town of Grand Island is hereby amended by replacing the definition of “RIVERSIDE ACCESSORY USE OR STRUCTURE” with the following:

## RIVERSIDE ACCESSORY USE OR STRUCTURE

An accessory use or structure located or occurring on a riverside lot and unique to that location, such as boathouses, docks and piers, excluding Business Accessory Uses or Structures.

Section 5: Section 407-10 of the Code of the Town of Grand Island is hereby amended by adding the following definition of “CONTIGUOUS LOTS” to read in its entirety as follows:

## CONTIGUOUS LOTS

Parcels of property that are located immediately next to each other, either side-by-side or back-to-back. This definition does not include parcels that are separated by a public road.

Section 6. Section 407-142(F) of the Code of the Town of Grand Island is hereby amended to read in its entirety as follows:

F. No accessory use or structure, or riverside accessory use or structure, shall be allowed unless a principal use or structure already exists on the lot, except business accessory uses, that otherwise comply with the requirements applicable to accessory structures and uses generally, as set forth in Sections 407-142 (A), (B), (C) and (E), shall be permitted on lots that are contiguous lots to the lot with a principal use or structure, provided the contiguous lots are part of a common operational scheme and receive site plan approval together.

Section 7: Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State pursuant to the Municipal Home Rule Law.

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

## **Local Law Intro #8 of 2017 – Establish a Moratorium on Approvals for Multiple Dwellings for a Period of 6 Months – Set Public Hearing**

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

A Public Hearing was held on Monday, December 18, 2017 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on Local Law Intro #8 of 2017 – Establish a Moratorium on Approvals for Multiple Dwellings for a Period of 6 Months.

Speakers: None

Supervisor McMurray declared the Public Hearing will remain open.

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A motion was made by Councilman Aronica, seconded by Councilman Madigan to refer the comments from the Town Board to the Planning Board for further review and recommendation.

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

### **MINUTES:**

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to approve Minutes of Workshop Meeting #34, December 4, 2017 and Minutes of Regular Meeting #22, December 4, 2017.

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

### **CONSENT AGENDA:**

1. Building Permits Issued – November 2017
2. 2018 Board of Architectural Review Board Meetings
3. Meeting Minutes – Zoning Board of Appeals – November 2, 2017
4. Golden Age Center – Facility Usage – November 2017
5. Meeting Minutes – Planning Board – November 13, 2017

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

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

### **COMMUNICATIONS – TOWN BOARD:**

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

#### **Monthly Supervisor's Report – October 2017**

The Supervisor reported Cash Balance-Operating A/C of \$2,601,215 on October 1, 2017

Total Receipts of \$4,531,691

Total Disbursements of \$4,706,177

Operating A/C Interest \$612

Operating A/C Balance \$2,427,341

Investment Interest \$1,909

Investment Balance \$11,126,514

Total Cash Balance as of October 31, 2017 \$13,552,856

No action by the Town Board.

#### **Monthly Supervisor's Report – November 2017**

The Supervisor reported Cash Balance-Operating A/C of \$2,427,341 on November 1, 2017

Total Receipts of \$1,171,818

Total Disbursements of \$709,255

Operating A/C Interest \$562

Operating A/C Balance \$2,890,466

Investment Interest \$3,670

Investment Balance \$10,840,422

Total Cash Balance as of November 30, 2017 \$13,730,888

No action by the Town Board.

## **Town of Grand Island – Regular Meeting #23**

### **Appointment – Grand Island Fire Department – Gregory Butcher, Hearing Officer**

A motion was made by Councilwoman Kinney, seconded by Councilman Aronica to appoint Greg Butcher as Hearing Officer for a Public Hearing to be held at the Grand Island Fire Company on January 9, 2018 at 7:00p.m. to allow the Grand Island Fire Company to borrow a sum of \$576,000 to purchase a new rescue-pumper truck.

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

### **Appointment – Temporary Recreation Supervisor, Golden Age Center – Jennifer Menter**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to appoint Jennifer Menter to Recreation Supervisor at the Golden Age Center, temporarily during the Director's absence. The pay is Grade 6, Start Year, according to the CSEA contract.

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

### **Clark Patterson Lee – RFP – Community Center**

A motion was made by Councilman Billica, seconded by Councilman Aronica to develop a sketch plan and general description of a proposed Community Center and send out an RFP, reviewed by the Town Attorney and to accept proposals with no obligation to accept or build. The RFP will be based on specifications given to them by the Town Board with the understanding that financing would be contingent on a referendum as required by law. The RFP's should be received by February 15, 2018.

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

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

#### **Resignation – Planning Board**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to accept the resignation of Peter Marston from the Planning Board with regret. A certificate of appreciation will be sent to Mr. Marston.

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

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

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

##### **Hire – Part Time Clerk Typist**

A motion was made by Councilman Aronica, seconded by Councilman Madigan to accept the recommendation of the Town Engineer and hire Jacqueline Ostertag as Part-time Clerk Typist, effective January 2, 2018, Grade 3, Step A, \$13.34/hour, subject to the completion of the necessary pre-employment paperwork.

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

## **Town of Grand Island – Regular Meeting #23**

### **Award Bid – Stony Point and Whitehaven Drainage Improvement Project – Project No. D-42 (2017 Drainage Program)**

Town Engineer Robert Westfall informed the Town Board that on November 29, 2017 the following bids were received for the Stony Point and Whitehaven Drainage Improvement Project – Project No. D-42 (2017 Drainage Program):

American Paving and Excavating	\$ 107,740.00
E&R General Construction	\$ 94,665.00
Fairway Contracting	\$ 63,257.00
L.J. Quagliano II Inc.	\$ 90,880.67
NFP and Sons, Inc.	\$ 56,608.00
Pinto Services, Inc.	\$ 82,173.00
Visone Co.	\$ 167,957.20

After careful review, Mr. Westfall recommends that the Town award the low bidder, NFP and Sons, Inc. be awarded the bid in the amount of \$56,608.00.

A motion was made by Councilman Billica, seconded by Councilman Madigan to accept the recommendation of the Town Engineer and award the bid to NFP and Sons Inc. for the Stony Point and Whitehaven Drainage Improvement Project – Project No. D-42 in the amount of \$56,608.00.

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

### **Award Electrical Maintenance and Emergency Service Contract**

Town Engineer Robert Westfall reported that on December 13, 2017, bids were obtained for the Electrical Maintenance and Emergency Service (600 Volts or less) contract with the low bidder being Cross Controls & Electric.

A motion was made by Councilman Billica, seconded by Councilman Aronica to accept the recommendation of the Town Engineer and authorize the Supervisor to sign a two-year contract (January 2018 – January 2020) for the electrical maintenance and emergency service at Town owned facilities to Cross Controls & Electric according to the Bid Tabulation submitted.

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

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

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

Various purchases have been made for both the roofing/repairs of the concession stand and materials for the pavilion at Veterans Park. The use of \$40,000 of Trust & Agency Parkland Development funds are to be authorized.

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to authorize the transfer and use of Trust & Agency Parkland Development Funds in an amount of \$40,000 and to approve the following budget amendment:

Increase Revenue:

General Fund-Misc. Revenue	001.0001.2770	\$40,000
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Increase Appropriations:

General Fund		
Parks & Playgrounds-Equip	001.7110.0200	\$40,000

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

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

The 2017 budget for Franchise Fees was raised to \$225,000. To date we have received \$300,000 in Franchise Fees revenue. A transfer for the excess of \$74,000 is requested. A motion was made by Councilwoman Kinney, seconded by Councilman Billica to approve the request to transfer \$74,000 from the Franchise Fee Revenue funds to the IT Capital Reserve Fund and to approve the following budget amendment:

Increase Revenue:

General Fund-Franchise Fee Revenue	001.0001.1170	\$74,000
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Increase Appropriations:

General Fund

Transfer to Other Funds-Capital Reserve	001.9901.0903	\$74,000
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APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray

Noes 0

### **CODE ENFORCEMENT OFFICE:**

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

The results of the yearly ballot to elect one member to the Electrical Examining Board were received. George Newman of Newman Electric received the most ballots. He has been contacted and accepted the position for the two-year term of 2018-2019.

No action by the Town Board is necessary.

#### **Board of Plumbing Examiners – Election Results**

The general membership of the plumbers, licensed to practice plumbing in the Town of Grand Island, have elected the following people to represent them on the Board of Plumbing Examiners:

Eric Ackerman

Dan Drexelius

Gerald Soto

They have all been contacted and have agreed to serve on the Board. Their term will be for two years and will commence on January 1, 2018.

No action by the Town Board is necessary.

#### **Special Use Permit Renewal – Terry Mesmer, 2038 Grand Island Boulevard – Addition-Auto Repair Business**

A motion was made by Councilman Aronica, seconded by Councilman Billica to renew the Special Use Permit for Terry Mesmer, 2038 Grand Island Boulevard for an addition to an Auto Repair Business.

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

Noes 0

### **PLANNING BOARD:**

#### **Benderson Development, 2178 Grand Island Boulevard – Revised Site Plan – Proposed 7,120 SF Building (Out Parcel)**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to refer the comments from the Town Board to the Planning Board, Town Board and Town Attorney for further review and recommendation.

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

Noes 0

#### **Grand Island Solar LLC, 2411 Bedell Road – Solar Array Project – Revisions to Approved Site Plan**

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A motion was made by Councilwoman Kinney, seconded by Councilman Billica to accept the recommendation of the Planning Board and approve the revisions to the Site Plan for Grand Island Solar LLC, 2411 Bedell Road – Solar Array Project.

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

### **Grand Island Solar LLC, 126 Industrial Drive – Solar Array Project – Revisions to Approved Site Plan**

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to accept the recommendation of the Planning Board and approve the revisions to the Site Plan for Grand Island Solar LLC, 126 Industrial Drive – Solar Array Project.

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

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

A motion was made by Councilman Madigan, seconded by Councilman Aronica to pay Vouchers #122687 -122793

General	\$ 49,320.63
Highway	\$ 11,773.49
Sewer	\$ 12,816.21
Water	\$ 4,708.28
Capital	\$130,125.10
Garbage	\$118,875.90
Fire	<u>\$297,655.00</u>
Total	\$625,274.61

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

### **UNFINISHED BUSINESS:**

#### **Approve School Resource Officer Agreement**

A motion was made by Councilman Billica, seconded by Councilwoman Kinney to remove the School Resource Officer Agreement from the agenda.

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

#### **Assistant to the Assessor**

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to move Jacqueline McGinty from Assistant to the Assessor-B to Assistant to the Assessor-A, provisional appointment, Grade 7, Start Step, effective January 1, 2018 in accordance with Appendix "A" of the CSEA Collective Bargaining Agreement.

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

### **SUSPEND THE RULES:**

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to Suspend the Rules to consider an appointment to the Planning Board.

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

### **Appointment – Planning Board**

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A motion was made by Councilman Madigan, seconded by Councilman Aronica to appoint David Bruno to the Planning Board as the voting member to fill the vacancy with a term expiring December 31, 2022, effective January 1, 2018.

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

### **PUBLIC COMMENTS:**

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

Speakers: None

### **FROM THE BOARD:**

- **Best of Luck to Councilman Billica and Councilman Aronica**
- **Merry Christmas & Happy Holidays**
- **Update on West River Connector Trail**

### **ADJOURNMENT:**

A motion was made by Councilman Billica, seconded by Councilwoman Kinney to adjourn the meeting at 8:24p.m.

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

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

James Brighton	Barbara Pasioka
Peggy Whitmire	Larry Rogers
William Vaine	Mary Sobczak
Alexander Szabad	William Seifert
Raymond Dlugokinski	

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk