

Town of Grand Island – Regular Meeting #12

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 18th of July 2022.

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

Excused: John C. Whitney Supervisor

Deputy Supervisor Peter J. Marston called the meeting to order at 8:00p.m. Pastor Kevin Slough from Trinity United Methodist Church gave the Invocation. Councilman Michael H. Madigan led the Pledge of Allegiance.

The Meeting was conducted via ZOOM and streamed live on the Town’s website – www.grandislandny.us

PUBLIC COMMENTS:

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

Speakers: None

PUBLIC HEARINGS:

Preliminary Plat – 859-891 East River Road Minor Subdivision – 4 Lots – Subdivision 118

A. Correspondence – Planning Board

B. Correspondence – Engineering Department

A Public Hearing was held on Monday, July 18, 2022, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Preliminary Plat – 859-891 East River Road Minor Subdivision – 4 Lots – Subdivision 118.

Speakers: Patrick Sheedy

Deputy Supervisor Peter Marston declared the Public Hearing closed.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to table Preliminary Plat – 859-891 East River Road Minor Subdivision – 4 Lots – Subdivision 118.

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

Monday, July 18, 2022 - 1

Town of Grand Island – Regular Meeting #12

Local Law Intro #12 of 2021 – Establishment of the Town of Grand Island Comprehensive Plan Review Board (FKA – Town of Grand Island Strategic Planning Commission)

A Public Hearing was held on Monday, July 18, 2022, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #12 of 2021 – Establishment of the Town of Grand Island Comprehensive Plan Review Board (FKA – Town of Grand Island Strategic Planning Commission) .

Speakers: None

Deputy Supervisor Peter Marston declared the Public Hearing closed.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt Local Law # 5 of 2022 amending the Town of Grand Island Code to add Chapter 181 to establish the Town of Grand Island Comprehensive Plan Review Board_as follows:

Section I. Title.

This chapter shall be Chapter 181 of the Code of the Town of Grand Island and may be cited as the Comprehensive Plan Review Board.

Section II. Purpose.

Strategic planning is vital to the future of the quality of life on Grand Island, taking into consideration all of the economic, environmental, and social elements that define that quality of life. The Comprehensive Plan Review Board (“Review Board”), at the direction of the Town Board, provides overarching comprehensive guidance relative to the achievement of the goals and objectives of the Town of Grand Island Master Plan, the Town of Grand Island Local Waterfront Revitalization Plan, and any other land use or water resource management plans. The Review Board analyzes proposals, town wide-issues, and island trends as needed or as directed determining the level of consistency with the goals and objectives of established island plans. The Comprehensive Plan Review Board also updates land and water use plans as needed.

Section III. Establishment of Comprehensive Plan Review Board; formation; membership; terms of office.

A. There is hereby created a permanent special board to be known as the Town of Grand Island Comprehensive Plan Review Board.

B. The Review Board shall consist of fourteen (14) voting members. Three (3) of the 14 members shall be citizens-at-large members who shall be residents of the Town of Grand Island with expertise deemed to be appropriate to the land use and water use planning functions of the Review Board. The Review Board shall also include a Liaison from the Town Board. The remaining members will be the Chairperson of each of the following advisory boards or organizations, or their designee.

Monday, July 18, 2022 - 2

Town of Grand Island – Regular Meeting #12

- Planning Board
- Zoning Board of Appeals
- Conservation Advisory Board
- Parks and Recreation Advisory Board
- Traffic Safety Advisory Board
- Historical Preservation Advisory Board
- Technology Advisory Board
- Agricultural Advisory Board
- Grand Island School District
- Economic Development Advisory Board
- Grand Island Chamber of Commerce

C. Members of the Review Board shall be appointed by the Town Board. The Review Board may make recommendations to the Town Board for appointments either to fill unexpired terms or new members. The Review Board may identify the qualifications and/or specializations for selecting citizen members.

D. The citizen at large members shall be appointed for terms of five (5) years, with the exception of the initial members. One of the initial members shall be appointed for a term of three (3) years; one member for four (4) years; and one member for five (5) years. Members may be reappointed and serve consecutive terms.

E. If any Board member shall resign or otherwise cannot fulfill his or her term of office, the Town Board shall appoint an interim member to serve the remainder of the term.

Section IV. Organization; rules; meetings; records.

A. The Town Board shall appoint a chair and create and fill such offices as it may determine. The term of the chair and other officers shall be one (1) year, with eligibility for reelection.

B. The Town Supervisor shall designate an appointee to act as the administrative assistant to the Review Board, who will be subject to the direction of the chair. The administrative assistant shall be responsible for taking minutes of all meetings; conducting all correspondence of the Review Board; supervising all clerical work of the Review Board; maintaining a file of all studies, plans, reports, recommendations, and actions of the Review Board; and providing other technical and professional assistance to the Review Board. The administrative assistant shall not be eligible to vote on any matter.

C. The Review Board shall conduct its meetings in a manner consistent with the New York Open Meetings Law and shall keep a record of its members' attendance and of its resolutions, discussions, and findings and recommendations, which shall be a public record.

D. The Review Board shall establish a regular meeting schedule and shall meet as frequently as needed to perform its duties. Meetings may be held at any time on the

Monday, July 18, 2022 - 3

Town of Grand Island – Regular Meeting #12

written request of any two Review Board members. The Review Board must meet at least once per quarter. All meetings shall be open to the public.

E. A quorum for the transaction of business shall consist of a majority of the Review Board members, excluding vacant positions.

Section V. Duties.

A. The duties of the Review Board are advisory. The Review Board is not authorized to take action binding the Town without obtaining Town Board Approval.

B. The duties of the Review Board shall be to:

- (1) To advise the Town Board on matters affecting the future of the quality of life on Grand Island, taking into consideration all of the economic, environmental, and social elements that define that quality of life.
- (2) To advise the Town Board on matters relating to the achievement of the goals and objectives of the Town of Grand Island Master Plan, the Town of Grand Island Local Waterfront Revitalization Plan, and any other land use or water resource management plans.
- (3) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past Grand Island trends, present conditions, and forces at work to cause changes in these conditions.
- (4) To identify needs and problems growing out of those needs;
- (5) To prepare and, from time to time, amend and revise a strategic and coordinated plan for the environmental, social, and economic development of the area.
- (6) To prepare and recommend to the Town Board projects, ordinances, initiatives, and programs along lines indicated in the strategic plan(s) and advise the Board concerning these issues;
- (7) To keep the Town Board and the general public informed and advised as to these matters;
- (8) To monitor the progress and success of the strategic plan(s) and to inform the Town Board of the same; and
- (9) To perform any other duties that may lawfully be assigned to it.

C. As background for its strategic plan(s) and any ordinances it may prepare, the Review Board may gather maps and aerial photographs of physical features of the area; statistics on past trends and present conditions with respect to population, property values, the economic base of the area, and land use; and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Review Board may make, cause to be made, or obtain special studies on the location, the condition, and the adequacy of public facilities. Any expenditures incurred in this regard will be subject to the advance approval of the Town Board.

Monday, July 18, 2022 - 4

Town of Grand Island – Regular Meeting #12

D. The Review Board may from time to time, and upon notice to the Town Board, establish special committees to assist it in studying specific questions and problems. The membership of such committees shall not be limited to Review Board members. The Review Board shall not delegate to any such committee its official powers and duties

Section VI. Rules of conduct.

A. Members of the Review Board shall adhere to the following rules:

- (1) Faithful attendance at all Review Board meetings and conscientious performance of the duties required of Review Board members shall be considered a prerequisite of continuing membership on the Review Board.
- (2) Each member of the Review Board shall be familiar with all statutes, laws, ordinances and rules of procedure relating to the Review Board as time and circumstances permit.
- (3) Each member of the Review Board shall be familiar with the Town of Grand Island Master Plan, the Town of Grand Island Local Waterfront Revitalization Plan, and any other land use or water resource management plans.

B. Members of the Review Board may be removed for cause by the Town Board, including for violation of the rules or any other provision in this Chapter.

Section VII. Compensation; expenses; employees.

A. The members of the Review Board shall receive no compensation for their services.

B. The Town Board may, in its discretion, appropriate funds for the expenses incurred by the Review Board, including but not limited to expenses for professional staff, consultants, clerical assistance and printing and distribution of publications. The Review Board should prepare and submit an annual budget request in the manner prescribed by the Town Board. The Town Board, upon request by the Review Board, may also from time to time, and for designated purposes, assign or detail public employees to perform work for the Board.

Section VIII. Conflict with other provisions.

Where this chapter imposes greater restrictions than are imposed by the provisions of any law, ordinance, or regulation, the provisions of this chapter shall apply. Where greater restrictions are imposed by any law, ordinance, or regulation, such greater restrictions shall apply.

Section IX. Severability.

Town of Grand Island – Regular Meeting #12

Should any part or provision of this local law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

Section X. Effective Date.

This Law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

MINUTES:

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to approve Workshop Meeting #17, June 27, 2022, and Minutes of Regular Meeting #11, June 27, 2022.

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

CONSENT AGENDA:

1. Building Permits Issued – June 2022
2. Golden Age Center – Facility Usage – April 2022 & May 2022
3. Meeting Minutes – Zoning Board of Appeals – June 2, 2022
4. Meeting Minutes – Planning Board – June 13, 2022

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

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

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR JOHN C. WHITNEY:

Resignation – Grand Island Police Department

A motion was made by Councilman Digati, seconded by Councilman Madigan to accept the resignation of John Anthony as a Grand Island Police Officer, effective February 11, 2021, with regret. A certificate of appreciation will be sent to Mr. Anthony.

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

Resignation – Grand Island Police Department

A motion was made by Councilman Madigan, seconded by Councilman Digati to accept the resignation of Jackie Feggans as a Grand Island Police Office, effective June 26, 2022, with regret. A certificate of appreciation will be sent to Mr. Feggans.

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

COUNCILMAN – THOMAS A. DIGATI:

Monday, July 18, 2022 - 6

Town of Grand Island – Regular Meeting #12

Special Events Permit Application – National Night Out 2022, Town Commons – August 2, 2022

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the Special Events Permit for the 2022 National Night Out, Tuesday, August 2, 2022, in the Town Commons.

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

Appointment – Technology Advisory Board

A motion was made by Councilman Digati, seconded by Councilman Madigan to appoint Joseph Spinella to the Technology Advisory Board to the vacant position with a term expiring December 31, 2022.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN CLERK – PATRICIA ANDERSON FRENTZEL:

Status Changes

Town Clerk Patricia Anderson Frentzel informed the Town Board that she has named Deana Richard as Deputy Town Clerk effective June 30, 2022. Becky Stufkosky will remain in office until her retirement on July 12, 2022, as Seasonal – Clerk Typist. There will be no change in pay to either of the employees.

No action by the Town Board necessary.

Retirement – Deputy Town Clerk

Town Clerk Patricia Anderson Frentzel informed the Town Board that Becky Stufkosky submitted her retirement from the Town of Grand Island effective July 12, 2022.

No action by the Town Board necessary.

HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:

Seasonal Help

Highway Superintendent Richard Crawford informed the Town Board that he has hired John Gibney as a Seasonal CDL driver rate at \$18.70/hr.

No action by the Town Board necessary.

Award Bid – Roadway Rehabilitation/Reconstruction Study

Highway Superintendent Richard Crawford informed the Town Board the two (2) proposals were received for the road rehabilitation project, CPL Architecture, Engineering Planning and CHA – Clough Harbor Associates.

After careful review, Mr. Westfall recommends the award of the Roadway Rehabilitation/Reconstruction Study be given to CHA – Clough Harbor Associates in the amount of \$30,000.00 (exclusive of pavement cores).

A motion was made by Councilman Bahleda, seconded by Councilman Digati to accept he recommendation of the Highway Superintendent and award the Roadway

Monday, July 18, 2022 - 7

Town of Grand Island – Regular Meeting #12

Rehabilitation/Reconstruction Study to CHA – Clough Harbor Associates in the amount of \$30,000.00 (exclusive of pavement cores).

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

Highway Special Event Permit Application – ThermoFisher, 3175 Staley Road - GIBCO 60th Anniversary Company Picnic – August 6, 2022

A motion was made by Councilman Bahleda, seconded by Councilman Digati to approve the Highway Closure Permit for ThermoFisher for Saturday, August 6, 2022, from 11:00a.m. – 4:00p.m. at 3175 Staley Road – local traffic only for a “GIBCO 60th Anniversary Company Picnic”. Four security officers will be provided to assist with traffic and pedestrian control.

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

TOWN ATTORNEY – PETER GODFREY:

Grand Island Sunrise LLC, 871 Whitehaven Road – Type 3 Solar Generation Project – Site Plan Approval Amendment

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve the following resolution amending the Site Plan for Grand Island Sunrise LLC, 871 Whitehaven Road – Type 3 Solar Generation Project:

WHEREAS, on December 21, 2021, Grand Island Sunrise, LLC (the “Applicant”) filed applications for a Special Use Permit and Site Plan Approval of the “Grand Island Community Solar Farm” to be located at 871 Whitehaven Road in the Town of Grand Island (the “Proposed Action”), and

WHEREAS, the Proposed Action is for a Tier 3 Solar Energy System, and

WHEREAS, on January 25, 2022, the Proposed Action was referred to the Town of Grand Island Planning Board (the “Planning Board”), and

WHEREAS, on January 26, 2022, Erie County Planning provided the following comments in response to the Town Board of the Town of Grand Island’s (the “Town Board”) referral pursuant to GML §239-m:

1. According to the Erie-Niagara Framework for Regional Growth, the subject property is located in a Developing Area. The Developing Area recommends “minimizing the conversion of significant open space, agricultural lands, and natural systems” (Page 49) The Town may wish to review the Framework prior to granting project approval. The Framework can be found at: <https://www2.erie.gov/regionalframework>.
2. The Town of Grand Island Comprehensive Plan (2018) recommends, “Encourage renewable energy systems at an appropriate scale and density to decrease local utility loads and minimize carbon emissions”.

Monday, July 18, 2022 - 8

Town of Grand Island – Regular Meeting #12

3. The Town should ensure that the proposed array is adequately screened from adjacent residential and public use areas.
4. The applicant should work with DEC to verify the boundary of Wetland TW-10 if they have not done so already, and

WHEREAS, on February 7, 2022, the Town Board declared itself lead agency for the purposes of SEQRA review and classified the action as Type I, and

WHEREAS, on April 11, 2022, the Planning Board voted to recommend site plan approval of the Proposed Action without conditions,

WHEREAS, on May 26, 2022, the Proposed Action was reviewed by the Conservation Advisory Board which recommended the inclusion of a nature corridor and requested that there be no encroachment into the NYSDEC jurisdictional wetland buffers, and

WHEREAS, on May 16, 2022, the Town Board held a public hearing on the project, and

WHEREAS, on June 6, 2022, the Town Board made a negative declaration of environmental significance for purposes of SEQRA, and

WHEREAS, the Town of Grand Island Building/Code Enforcement/Zoning office has reviewed the Applicant's application for site plan approval of site plan 1, drawing revised May 2022, and deemed it complete, and

WHEREAS, after review, the Town Board has weighed the effects of the Proposed Action on health, safety, welfare, comfort and convenience of the public in general and the residents of the immediate surrounding area and made the following findings:

1. The character of Proposed Action **is** compatible with the surrounding neighborhood and in harmony with the Town's Comprehensive Plan because:

It's zoned properly. It's also going beneath something much more massive (1000 ft broad casting tower)
2. The number of proposed access points is not excessive, all access points are adequate in width, grade alignment and visibility, access points are not located too close to intersections or places of public assembly and similar safety considerations are reviewed for all site plan approvals.
3. Exterior lighting for the Proposed Action will be erected and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public roads. The light source will not

Monday, July 18, 2022 - 9

Town of Grand Island – Regular Meeting #12

be higher than 20 feet and will not be directed onto adjacent properties or public roads. The Proposed Action will not utilize high-intensity lighting. *(No Concern)*

4. The Proposed Action will have adequate off-street parking and is not anticipated to attract vehicles. The proposed site plan will minimize the number of cars parked or standing on public roads. *(No Concern)*
5. The interior circulation system is adequate to provide safe accessibility to all parking areas and ensure adequate separation of pedestrian and vehicular traffic because the Proposed Action is not anticipated to attract pedestrians within the confines of the project area.
6. Facility components adjacent to residential areas are reasonably screened and the general landscaping of the site reflects the character of the neighborhood and surrounding area because the applicant proposes a 100-foot setback from the proposed PDD on the East Side and provided a landscaping plan that complies with the solar law.

They are doing a great job with the screening improvement.

7. The proposed use is compatible with geologic, hydraulic, and soil conditions of the site and adjacent areas and the existing natural scenic features are preserved to the greatest possible extent because at least 90 acres of the site will be left undisturbed and undeveloped.
8. The public facilities that service the proposed use, including water, sanitary sewer, drainage, roads and related facilities, parks and open space are adequate for the intended level of use.
9. The proposed use will not create noise, odor, dust or smoke as to create a nuisance or to be detrimental to adjoining properties because:

They have been by Solar Farms and its very quiet.
10. The Town Engineer has reviewed the SWPPP and it complies with the requirements of Town Code Article XXXV.
11. The Proposed Action is not anticipated in any significant soil erosion or sediment deposition.
12. The Proposed Action will not alter the course of a natural watercourse shown on the United States Geodetic Survey maps and the Official Town Map or restrict or impede the free flow of water in these waterways, with piping or other structures.

Monday, July 18, 2022 - 10

Town of Grand Island – Regular Meeting #12

NOW THEREFORE, the Town Board does hereby grant Site Plan Approval for Site Plan 1 revised May 2022 and Landscape Plan revised June 2022 with the following conditions:

1. Submission and approval of a decommissioning plan consistent with the requirements of Town Code §407-165.1(H)(21).
2. Maintain the landscaping.
3. Diverse species of trees planted.

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

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

Special Use Permit Application – NYSOLAR LLC, SBL #:36.00-1-28 – Emery Farm, 2595 Whitehaven Road – Solar Energy Farm – Refer to Planning Boards and Set Public Hearing

A. Planning Board Correspondence

B. Attorney for Applicant Correspondence

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve the following four resolutions for the new Special Use Permit Application – NYSOLAR LLC, SBL #:36.00-1-28 – Emery Farm, 2595 Whitehaven Road – Solar Energy Farm:

WHEREAS, on July 5, 2022, NYSOLAR06, LLC filed applications for a Special Use Permit and Site Plan Approval of the “Emery Farm Solar” to be located at 2595 Whitehaven Road in the Town of Grand Island (the “proposed action”), and

WHEREAS, the proposed action would involve disturbance of approximately 25.56 acres of land in the M-1 Light Industrial and Research District.

NOW THEREFORE, the Town Board of the Town of Grand Island hereby declares itself lead agency for purposes of SEQRA review.

AND THEREFORE, the Town Board of the Town of Grand Island finds that the proposed action would qualify as a Type I action under SEQRA because it would involve activities, other than the construction of residential facilities, involving the physical alteration of more than 10 acres of land pursuant to 6 NYCRR § 617.4(b)(6)(i).

AND THEREFORE, the Town Board of the Town of Grand Island further resolves that the proposed action is classified as a Type I Action under SEQRA.

AND THEREFORE, the Town Board of the Town of Grand Island will review any relevant submissions and comments related to the proposed action in order to make a determination of environmental significance under SEQRA.

Monday, July 18, 2022 - 11

Town of Grand Island – Regular Meeting #12

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

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

WHEREAS, on July 5, 2022, NYSOLAR06, LLC filed applications for a Special Use Permit and Site Plan Approval of the “Emery Farm Solar” to be located at 2595 Whitehaven Road in the Town of Grand Island (the “proposed action”), and

WHEREAS, as part of its application, the Applicant submitted a Full Environmental Assessment Form dated May 26, 2022, and

WHEREAS, on July 18, 2022, the Town Board of the Town of Grand Island declared itself lead agency for purposes of SEQRA review of the proposed action, and

WHEREAS, the Town Board of the Town of Grand Island is required to refer any issuance of special use permits and approval of site plans to the County Planning Board pursuant to GML § 239-m.

NOW, THEREFORE, the Town Board of the Town of Grand Island hereby refers the applications for a Special Use Permit and Site Plan Approval of Emery Farm Solar to the Erie County Planning Board for a report and recommendation thereon, a copy of which is attached hereto and made a part thereof.

AND IT IS FURTHER RESOLVED, that the Town Clerk shall transmit a copy of this resolution and the completed portions of the Full Environmental Assessment Form to the Erie County Planning Board.

AND IT IS FURTHER RESOLVED, that failure of the Erie County Planning Board to provide said report and recommendation to the Town Board within thirty (30) days after receipt of the referral by the Town Board shall be deemed approval.

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

WHEREAS, on July 5, 2022, NYSOLAR06, LLC filed applications for a Special Use Permit and Site Plan Approval of the “Emery Farm Solar” to be located at 2595 Whitehaven Road in the Town of Grand Island (the “proposed action”), and

WHEREAS, as part of its application, the Applicant submitted a Full Environmental Assessment Form dated May 26, 2022, and

WHEREAS, on July 18, 2022, the Town Board of the Town of Grand Island declared itself lead agency for purposes of SEQRA review of the proposed action, and

WHEREAS, the Town Board of the Town of Grand Island is required to refer any issuance of special use permits and approval of site plans to the Town of Grand Island

Monday, July 18, 2022 - 12

Town of Grand Island – Regular Meeting #12

Planning Board, pursuant to Town of Grand Island Town Code §§ 407-108(B) and 407-115(B).

NOW, THEREFORE, the Town Board of the Town of Grand Island hereby refers the applications for a Special Use Permit and Site Plan Approval of Emery Farm Solar to the Town of Grand Island Planning Board for a report and recommendation thereon, a copy of which is attached hereto and made a part thereof.

AND IT IS FURTHER RESOLVED, that the Town Clerk shall transmit a copy of this resolution and the completed portions of the Full Environmental Assessment Form to the Town of Grand Island Planning Board.

AND IT IS FURTHER RESOLVED, that failure of the Town of Grand Island Planning Board to provide said report and recommendation to the Town Board within thirty-one (31) days after receipt of the referral by the Town Board shall be deemed a recommendation for the approval of the special use permits and site plan.

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

WHEREAS, on July 5, 2022, NYSOLAR06, LLC filed applications for a Special Use Permit and Site Plan Approval of the “Emery Farm Solar” to be located at 2595 Whitehaven Road in the Town of Grand Island (the “proposed action”), and

WHEREAS, as part of its application, the Applicant submitted a Full Environmental Assessment Form dated May 26, 2022, and

WHEREAS, on July 18, 2022, the Town Board of the Town of Grand Island declared itself lead agency for purposes of SEQRA review of the proposed action, and

WHEREAS, the Town Board of the Town of Grand Island is required to refer any issuance of special use permits and approval of site plans concerning the use or development of any open area listed in the open space index to the Town of Grand Island Conservation Advisory Board, pursuant to Town of Grand Island Town Code § 39-5(E).

NOW, THEREFORE, the Town Board of the Town of Grand Island hereby refers the applications for a Special Use Permit and Site Plan Approval of Emery Farm Solar to the Town of Grand Island Conservation Advisory Board for a report and recommendation thereon, a copy of which is attached hereto and made a part thereof.

AND IT IS FURTHER RESOLVED, that the Town Clerk shall transmit a copy of this resolution and the completed portions of the Full Environmental Assessment Form to the Town of Grand Island Conservation Advisory Board.

AND IT IS FURTHER RESOLVED, that failure of the Town of Grand Island Conservation Advisory Board to provide said report and recommendation to the Town Board within forty-five (45) days after receipt of the referral by the Town Board shall be deemed approval of the special use permits and site plan.

Monday, July 18, 2022 - 13

Town of Grand Island – Regular Meeting #12

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

Bond Resolution – Reconstruction of and Construction of Improvements to Various Roads (2022)

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt the following Bond Resolution, dated July 18, 2022, of the Town Board of the Town of Grand Island Erie County, New York (The “Town”) authorizing the reconstruction of and construction of improvements to various roads within the Town, at an estimated maximum cost of \$750,000 of the Town, 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:

WHEREAS, the Town Board of the Town of Grand Island, in the County of Erie, New York (the “Town”) desired to undertake a highway reconstruction and resurfacing capital improvements project.

NOW THEREFORE, BE IT RESOLVED, by 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 undertake the reconstruction of and construction of improvements to various roads within the Town, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof, as more fully identified in (or contemplated by) a report prepared by the Town Engineering Department (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$750,000.

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 \$750,000 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 an object or purpose described in subdivision 89 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is five years.

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 is not expected to be in excess of five years.

Monday, July 18, 2022 - 14

Town of Grand Island – Regular Meeting #12

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 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

Monday, July 18, 2022 - 15

Town of Grand Island – Regular Meeting #12

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”) is 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. This resolution is subject to permissive referendum pursuant to Section 35.00(a) of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the signboard of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 17. If no petitions are filed in the permissive referendum period, 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.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda

Monday, July 18, 2022 - 16

Town of Grand Island – Regular Meeting #12

Noes 0

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

Authorize Supervisor to Sign Amended Professional Services Agreement – LED Streetlight Conversion Project – Job # M-120-2019

Town Engineer Robert Westfall reported that during the LED conversion, any emergency repairs were handled by the conversion contractor. Now that the project is nearing 100% completion, the Town needs to hire a company to do routine maintenance and handle emergencies. A proposal from Wendel Energy Services for engineering services to write the RFP for Town Street Lighting Maintenance Services in the amount of \$2,500 was presented to the Town Board for consideration.

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to accept the recommendation of the Town Engineer and authorize the Supervisor to sign the Professional Services Agreement with Wendel Energy Services in the amount of \$2,500 for engineering services to write the RFP for Town Street Lighting Maintenance Service.

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

Request to Authorize an Out of District User – IsleChem Facility, 2801 Long Road

Town Engineer Robert Westfall reported that following the initial request by IsleChem to be allowed to connect to the Town's Municipal Sanitary Sewer, the applicant has now submitted a design report and supporting documentation for domestic sanitary sewer service and has discussed the connection with both Erie County Health Department and the New York State Department of Environmental Conservation. Both outside agencies have agreed to the connection if the Town wishes to permit it.

The Town Engineer has reviewed the proposal and the Town's collection system and finds the proposal acceptable, and the flows within the original design capacity of the sub-system it is connecting to. He recommends the Town allow the connection to the system and enter into an agreement with the petitioner for out of district service. This request should be referred to the Town Attorney to finalize the agreement for service. The connection will be done through a Public Improvement Permit (future authorization) and plumbing permits through the Building Department

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to accept the recommendation of the Town Engineer and approve the Out of District and refer to the Town Attorney to finalize the agreement for service.

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

RECREATION SUPERVISOR – JOSEPH MENTER:

Remove Part-time Employees from Payroll

A motion was made by Councilman Digati, seconded by Councilman Bahleda to remove the following from the Recreation Department roster, effective July 19, 2022:

<u>Name</u>	<u>Title</u>	<u>Last Day Worked</u>
Thomas Banas	Recreation Attendant	3-15-22
Laura Schultz	Recreation Attendant	5-1-22
Justin Podgorny	Recreation Attendant	1-3-22

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

Monday, July 18, 2022 - 17

Town of Grand Island – Regular Meeting #12

CODE ENFORCEMENT OFFICE:

Appointment – Zoning Inspector – Full Time

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve the appointment of Rhonda Tollner to Zoning Inspector – Full Time, CSEA – Grade 6, Start - \$23.01/hr., effective July 19, 2022, subject to and contingent upon finalization of an agreement with CSEA resolving any outstanding grievances associated with Ms. Tollner's service to date, such agreement would need to be satisfactory to the Town Attorney and Town Supervisor.

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

Appointment – Clerk Typist – Part-time

A motion was made by Councilman Marston, seconded by Councilman Digati to approve the hiring of Linda Koch, Part-time Clerk Typist, \$25.00/hr. effective July 19, 2022, and become Seasonal, effective July 20, 2022, at the same rate of pay. Hiring is for training of new employee and meeting coverage and subject to the completion of the necessary pre-employment paperwork.

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

Appointment – Code Enforcement Officer – Part-time

A motion was made by Councilman Marston, seconded by Councilman Digati to approve the hiring of Christopher Cullen, Code Enforcement Officer – Part time, CSEA - \$30.48/hr., effective July 19, 2022, subject to the completion of the necessary pre-employment paperwork.

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

PLANNING BOARD:

Sandywood Circle Subdivision (Subdivision #116), Huth Road, East of Autumnwood Drive – Final Plat Approval

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to accept the recommendation of the Planning Board and reaffirm SEQR, approve the Final Plat Approval, and subject to payment of Recreation Fees.

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

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

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve a Special Use Permit for Top Express, 2130 Grand Island Boulevard to operate a convenience store with gas pumps in the Central Business District.

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

COMMUNICATIONS – GENERAL:

Monday, July 18, 2022 - 18

Town of Grand Island – Regular Meeting #12

Notice of Eight-Year Review and Consolidation of Agricultural Districts and Notice of 30-Day Period for Public Review of Agricultural Districts

The Public Notice has been posted on the Town’s official bulletin board. FYI. No Town Board action necessary.

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay Vouchers #138703 - #138879

General	\$121,603.92
Highway	\$116,998.29
Sewer	\$ 54,457.01
Water	\$ 15,845.00
Trust & Agency	\$ 927.54
Capital	\$154,740.04
Garbage	<u>\$136,733.62</u>
Total	\$601,305.42

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

UNFINISHED BUSINESS:

Local Law Intro #11 of 2021 – Rezoning Portion of SBL #38.11-2-6.11, Whitehaven Road – B-1 to R-2

A. Correspondence – Long Range Planning Committee

A motion was made by Councilman Digati, seconded by Councilman Bahleda to refer Local Law Intro #11 of 2021 – Rezoning Portion of SBL #38.11-2-6.11, Whitehaven Road – B-1 to R-2 to the Town Board.

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

Special Use Permit Renewal – GSPP Grand Island B Land, LLC - 126 Industrial Drive – Community Solar Array Project

A motion was made by Councilman Digati, seconded by Councilman Marston to approve the following resolution renewing the Special Use Permit for GSPP Grand Island B Land, LLC – 126 Industrial Drive for a Community Solar Array Project:

WHEREAS, on or about June 19, 2017, a Special Use Permit was granted for a Community Solar Array project located at 126 Industrial Drive (the “Project”), and

WHEREAS, on April 15, 2019, the Town of Grand Island Town Board again approved the site plan and Special Use Permit for the Project, and

WHEREAS, Special Use Permits have been annually applied for and granted since that time, and

Monday, July 18, 2022 - 19

Town of Grand Island – Regular Meeting #12

Patricia Anderson Frentzel
Town Clerk

Monday, July 18, 2022 - 21