

## Approved Town Board Meeting Minutes - August 16, 2010

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 16<sup>th</sup> of August, 2010.

Present:	Peter A. McMahon	Supervisor
	Mary S. Cooke	Councilwoman
	Richard W. Crawford	Councilman
	Gary G. Roesch	Councilman
	Raymond A. Billica	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter Godfrey	Town Attorney

Supervisor McMahon called the meeting to order at 8:00p.m.

Supervisor McMahon gave the Invocation.

Councilwoman Mary Cooke led the Pledge of Allegiance.

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### **PUBLIC COMMENTS:**

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

*Speakers:* None

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PUBLIC HEARING:

Create Lighting District #59 – Waterford Park Phase III

A public hearing was held at 8:00 P.M. for the purpose of hearing anyone who wanted to speak in favor of or in opposition to creating Lighting District #59 – Waterford Park Phase III.

*Speakers in Favor:*                      None

*Speakers in Opposition:*              None

Supervisor McMahon declared the Public Hearing closed.

A motion was made by Councilman Crawford, seconded by Councilman Roesch to adopt the following resolution creating Lighting District #59 – Waterford Park Phase III:

WHEREAS, previously the Town Board of the Town of Grand Island, received a petition, signed and acknowledged in the manner required by law by sufficient number of property owners, together with a map, plan and report for the creation of the Waterford Park Phase III Lighting District No. 59, Town of Grand Island, the boundaries of which said district are set forth below, and the improvements proposed consist of an electric street lighting system serving said district; and

WHEREAS, pursuant to an Order adopted by this Town Board on August 2, 2010, reciting the filing of the map, plan and report, the improvements proposed, the method of financing, the boundaries of the proposed Creation and all other matters required to be stated by law, the Town Board of the Town of Grand Island held a duly noticed public hearing at the Town Hall, 2255 Baseline Road, Grand Island, New York at 8:00 p.m. on August 16, 2010, to consider creation of said district including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other further action on the part of said Town Board , with relation to the proposed district.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND as follows:

1. Establishment of the Lighting District will not have a significant adverse impact on the environment and therefore a Negative Declaration of Environmental Significance has been issued for the creation of this District.
2. That the Petition is signed and acknowledged or proved or authenticated as required by law, and is otherwise sufficient.
3. That the notice of public hearing was duly published and posted as required by law, and is

otherwise sufficient.

4. That all properties and property owners benefitted by the improvements are included in the District.
5. That all properties and property owners included in the District are benefitted thereby.
6. That it is in the public interest to create the Lighting District.
7. That in the opinion of the Board, none of the properties included in the District will be unduly burdened by the creation of the District.
8. That creation of the District as set forth in the map, plan and report is approved, that the performance of supplying electrical street lighting service be contracted for by the Town Board acting for and on behalf of the District for the illumination of streets or highways in said District pursuant to the provisions of New York Town Law § 198(6), with an annual total charge not to exceed \$1,583.50, with an expected annual cost to the typical property in the proposed District (which typical property is a single family home) of \$68.85, which said expense shall be levied and collected from the several lots and parcels of land within said District, as bounded and described as set forth as follows:

All that tract or parcel of land situate in the town of Grand Island , County of Erie , State of New York , being part of Lot 17 of the Holland Land Company's Survey and being more particularly described as follows:

Beginning at a point in the south line of Waterford Park, at the northwest corner of Sublot No. 10 of Mapcover No. n3402/001 as filed in the Erie County Clerks Office; thence westerly along the said south line of Waterford Park, a distance of 482.10 feet to a point; thence southerly at right angles to the previously described line, a distance of 160.00 feet to a point; thence westerly at right angles to the previously described line, a distance of 640.00 feet to a point; thence southerly at right angles to the previously described line, a distance of 160.00 feet to a point; thence westerly at right angles to the previously described line, a distance of 10.04 feet to a point; thence southerly at right angles to the previously described line, a distance of 233.87 feet to a point; thence easterly at an angle of 89°58'56" in the northeast quadrant, a distance of 831.89 feet to a point; thence northerly at an angle of 100°45'55" in the northwest quadrant, a distance of 203.56 feet to a point; thence easterly at an angle of 100°43'55" in the southeast quadrant, a distance of 263.16 feet to a point; thence northerly at an angle of 89°53'44" in the northwest quadrant, a distance of 353.52 feet to the point or place of beginning, containing 10.70 acres more or less.

9. This Resolution is effective immediately. Within ten (10) days after adoption the Town Clerk shall file one certified copy of this Resolution with the State Comptroller and the Office of the

Erie County Clerk.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

Whitehaven Meadows – Preliminary Plat Approval

The Public Hearing for Whitehaven Meadows – Preliminary Plat Approval was cancelled.

**APPROVAL OF MINUTES:**

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to approve Minutes of Workshop Meeting #51, July 29, 2010, Minutes of Workshop Meeting #52, August 2, 2010, Minutes of Workshop Meeting #53, August 2, 2010, Minutes of Regular Meeting #14, August 2, 2010 and Minutes of Workshop Meeting #54, August 5, 2010.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

**CONSENT AGENDA:**

1. Erie County Water Authority – 2009 Annual Report
2. Time Warner Cable – Developments Affecting Time Warner Cable Subscribers in the Western New York Division
3. Golden Age Center – Vehicle Usage – July 2010
4. Golden Age Center – Facility Usage – July 2010
5. Building Permits Issued - July 2010
6. Erie County Legislator Hardwick - Free Rabies Clinic
7. Meeting Minutes - Planning Board - July 12, 2010
8. Erie County Consortium - Final 2009 Comprehensive Annual Performance Report (CAPER)

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to approve the consent agenda as distributed.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

TOWN CLERK – PATRICIA A. FRENTZEL:

Special Election Resolution - September 23, 2010

A motion was made by Councilman Crawford, seconded by Councilman Roesch to adopt the following resolution for the Special Election to be held on September 23, 2010:

WHEREAS, a petition for the submission of a proposition, hereinafter described, was filed in the Town Clerk of the Town of Grand Island on the 22<sup>nd</sup> day of July 2010, subscribed and authenticated in accordance with law by electors of said town qualified to vote upon said proposition, said electors equaling in number, at least five per centum of the total votes cast for Governor in said town at the last general election held for the election of State officers; and

WHEREAS, the aforesaid petition called for the submission to the voters of the Town of Grand Island of a proposition on whether to decrease representation on the Town Board from four (4) council members to two (2) council members in the Town of Grand Island, New York, such that the Grand Island Town Board shall be comprised of the Supervisor and two (2) council members beginning on January 1, 2012.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That a special election of the residents and taxpayers of the Town of

Grand Island is hereby authorized and directed to be held on the 23<sup>rd</sup> day of September, 2010, between the hours of 6:00 a.m. and 9:00 p.m. for the purpose of voting by ballot on such proposition.

2. The polling place for such election is hereby designated to be held at the Grand Island Fire Hall, 2275 Baseline Road , Grand Island , New York .

3. The Town Clerk is hereby ordered and directed to give notice of such

election by publication thereof in the *Island Dispatch*, a newspaper having general circulation in the Town and designated as the official newspaper of the Town, such publication to be at least ten (10) days prior to the date of such special election, and by

posting on the sign board of the Town, a copy of such notice at least ten (10) days prior to the

date of such special election.

4. The notice of such special election shall be in substantially the form set forth as follows:

PROPOSITION

Shall the representation on the Town Board be decreased from four (4) council members to two (2) council members in the Town of Grand Island, New York, such that the Grand Island Town Board shall be comprised of the Supervisor and two (2) council members beginning on January 1, 2012.

5. The Town Clerk is hereby ordered and directed to contact and make

necessary arrangements with the Erie County Board of Elections for the purpose of bi-partisan selection and designation of qualified election inspectors and ballot clerks and for the aforesaid local personal registration and for the purpose of provision of voting machines and/or ballots in sufficient quantity for use at such special election and to prepare for the use of the election officers the necessary oaths and certificates of election and to procure and deliver to such election officers any and all necessary paraphernalia for the proper conduct of such election.

6. This resolution shall take effect immediately.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon  
Noes 0

DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY:  
2010 - Bituminous Resurfacing of Various Town Roads Job No. M-14-2010

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to authorize the Town Engineer to advertise for bids on Friday, August 20<sup>th</sup> and open bids on September 1, 2010 at 10:00a.m. for the 2010 - Bituminous Resurfacing of Various Town Roads – Job No. M-14-2010.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon  
Noes 0

RECREATION DIRECTOR – LINDA TUFILLARO:  
Permission to Purchase Playground Equipment

A motion was made by Councilwoman Cooke, seconded by Councilman Crawford to authorize the Recreation Director to purchase playground equipment for Ed Ball Park from the State bid list of items: State Contract # PC – 62091 from Miracle Recreation Equipment in the amount of \$6,079.00 with shipping.

The funds for the project are from a \$6,500.00 donation given earlier for the exclusive purpose of play equipment at Ed Ball Park.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

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Personnel - Change from Recreation Attendant Part/Time to Recreation Attendant Seasonal

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to approve the request of the Recreation Director and change the status of Peter Pitts from Recreation Attendant Part-Time to Recreation Attendant – Seasonal, effective August 16<sup>th</sup> at a rate of \$8.80 per hour.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

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ZONING OFFICE:

Special Use Permit Renewal – Cyrus Ardalan, 5345 East River Road – Keeping of up to 10 Agricultural Animals on 50 Acres

A motion was made by Councilman Crawford, seconded by Councilman Roesch to renew the Special Use Permit for Cyrus Ardalan, 5345 East River Road for keeping of 10 agricultural animals on 50 acres.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

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Special Use Permit Renewal - National Fuel Gas Supply Corp. - 1589 Stony Point Road - Natural Gas Regulator/Metering Station

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to renew the Special Use Permit for National Fuel Gas Supply Corp., 1589 Stony Point Road for a natural gas regulator/metering station.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

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PLANNING BOARD:

Grand Park Vue Subdivision – Section 6 – Conditional Approval of Preliminary Plat

A motion was made by Councilwoman Cooke, seconded by Councilman Crawford to accept the recommendation of the Planning Board and grant conditional approval of the Preliminary Plat for Grand Park Vue Subdivision – Section 6.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

Upstate Cellular – Long Road – Site Plan Approval ( Metz Building – SBL #11.00-1-1.2 & 11.00-1-3

A motion was made by Councilman Roesch, seconded by Councilman Billica to adopt the following resolution approving the Site Plan for Upstate Cellular – Long Road ( Metz Building ):

WHEREAS, Upstate Cellular Network d/b/a Verizon Wireless (“Verizon Wireless”), by application dated November 1, 2007, applied to the Town Board of the Town of Grand Island (“Town Board”) for Site Plan approval to construct a telecommunications tower (the “Grand Island 2 Cell Site”) at 2770 Long Road, having tax map number 23.0-1-4, in the Town of Grand Island (the “Application”); and

WHEREAS, based upon comments received by the public and based upon the Town Board’s review of the area in question and alternate site locations for the Grand Island 2 Cell Site, the Town Board requested Verizon Wireless amend the Application and construct the telecommunications tower on property located across the street from the original site, on property having tax map number 11.00-1-1.2 with access through property having tax map number 11.00-1-3, both parcels owned by JSJ Holdings LLC (the “Metz Property”); and

WHEREAS, the Town Board has duly considered the site plan as amended, including alternate sites, the Environmental Assessment Form, the Negative Declaration, the comments made at the public hearing, and such other information deemed appropriate; and

WHEREAS, the Grand Island 2 Cell Site is located in the Town’s M-1 Light Industrial and Research zoning district (“M-1 District”); and

WHEREAS, the Application was duly referred to the Erie County Planning Department, pursuant to General Municipal Law § 239-m; and

WHEREAS, on November 16, 2007, the Erie County Planning Department reviewed the Grand Island 2 Cell Site and determined the Application to be a matter of local concern; and

WHEREAS, representatives of Verizon Wireless met with the Planning Board at its scheduled meetings on November 12, 2007, April 14, 2008, September 8, 2008 to discuss the Grand Island 2 Cell Site; and

WHEREAS, representatives of Verizon Wireless met with the Town Board at its scheduled meetings on May 8, 2008, October 31, 2008, and July 27, 2009 to discuss the Grand Island 2 Cell Site; and

WHEREAS, the Town Board held a public hearing on the Grand Island 2 Cell Site on March 27, 2010; and

WHEREAS, on June 21, 2010, the Town Board, as Lead Agency under the New York State Environmental Quality Review Act (“SEQRA”) determined that the Grand Island 2 Cell Site would not result in any significant adverse environmental impacts and issued a negative declaration of environmental significance; and

WHEREAS, the Town Board is fully familiar with the proposed location, surrounding parcels, and the larger neighborhood regarding the Grand Island 2 Cell Site; and

WHEREAS, the Town Board now wishes to approve the site plan for the Grand Island 2 Cell Site as set forth below.

NOW, THEREFORE, be it resolved by the Town Board that:

1. The Town Board hereby issues site plan approval for the Grand Island 2 Cell Site on the Metz Property.
2. Verizon Wireless is a public utility, as defined under New York law, and also is licensed by the FCC to provide wireless telephone telecommunication services within and around the Town of Grand Island .
3. Under New York Law, public utilities such as Verizon Wireless, because they provide essential services and because a public utility transmitting facility must be located in a particular area in order to provide that service, is afforded a relaxed standard of review by zoning boards, rather than the standards generally required for the necessary approvals.
4. Verizon Wireless has established the need for a telecommunications facility to provide wireless service to the public for the portion of its network centered in and around portions of the Town of Grand Island .
5. Verizon Wireless has demonstrated its limited flexibility with respect to where it can locate the facility to provide the needed service.
6. Verizon Wireless has demonstrated that the proposed facility is inert, that it

will not generate noise, odor, vibration or significant traffic.

7. Verizon Wireless has established, to the satisfaction of the Town Board, that the proposed tower is necessary to allow Verizon Wireless to provide an adequate level of service from this site.

8. The Grand Island 2 Cell Site on the Metz Property is the least intrusive alternative.

9. The Town Board has reviewed the criteria for site plan review as set forth in Section 49-123 of the Town of Grand Island Zoning Ordinance ("Zoning Code") and determined that the Grand Island 2 Cell Site will not negatively impact any of the review standards.

10. The fall down zone of the tower, as set forth in Section 49-201(E) of the Zoning Code, is equal to the height of the tower, and the fall down zone is entirely on property controlled by Verizon Wireless.

11. The Town Board has determined, in accordance with Section 49-197(A) of the Zoning Code, that the Grand Island 2 Cell Site: (i) is necessary to meet current telecommunications demands; (ii) conforms with all applicable FCC regulations and other applicable State or Federal regulations; (iii) is designed and constructed in a manner which minimizes its visual impact; (iv) complies with all other requirements of the Zoning Code; and (v) is the most appropriate site within the immediate area for the location of a telecommunication facility.

12. The Town Board directs the Town Clerk to file this resolution with the Town Supervisor of the Town of Grand Island and any person who has requested a copy; and to maintain a file of this resolution readily accessible to the public.

13. This resolution is effective immediately.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

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COMMUNICATIONS – GENERAL:

Amy E. Stewart – Strides for Stewart Road Race, October 30, 2010

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to refer the request of Amy E. Stewart to host the 2<sup>nd</sup> "Strides for Stewart" road race to benefit Erie County Medical Center on October 30, 2010 at 9a.m. in Veteran's Park to the Director of Parks & Recreation, Parks & Recreation Advisory Board and the Grand Island Police Department.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

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Block Party – Karen DiCarlo – Jen Court – September 11, 2010 – Set Public Hearing

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to set a Public Hearing for Tuesday, September 7, 2010 at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to the closing of a portion of Jen Court on September 11, 2010 for the purposes of a block party.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

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Proposed Property Exchange - David & Geraldine Stalica - 2969 Baseline Road

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to refer the request for a proposed property exchange from David & Geraldine Stalica, 2969 Baseline Road to the Town Board, Town Attorney, Town Engineer and the Parks & Recreation Advisory Board for review and recommendation.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

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REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to pay Vouchers #98613 – 98674

General \$ 27,566.68

Highway \$ 9,987.43

Sewer	\$ 19,955.51
Water	\$ 2,876.22
Capital	\$111,229.50
Garbage	\$103,596.78
Total	\$275,212.12

UNFINISHED BUSINESS:

Appointment – Assessor

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to appoint Judy Tafelski as Full Time Assessor effective August 1, 2010 at Grade 8, Step A to fill an unexpired term ending September 30, 2013.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

Local Law Intro #2 of 2009 - Rezoning of Business Districts - Set Public Hearing

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to set a Public Hearing for Tuesday, September 7, 2010 at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to Local Law Intro #2 of 2009 – Rezoning of Business Districts – which would amend the Zoning Code to replace Town Center Districts with Town Center Business Districts.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

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 TOWN BOARD:

**Councilwoman Cooke:** New bus Stop signs; Thank you for National Airborne Flag; Next TB Meeting – Tuesday, September 7, 2010

**Councilman Roesch:** Hydroplane Boat Races – Greatwick Park – Sat/Sun. Aug. 21<sup>st</sup>-22<sup>nd</sup>  
**Supervisor McMahon:** Bridge lane closure update

**ADJOURNMENT:**

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to adjourn the meeting at 8:32p.m.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

Noes 0

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

Mary Anah Fadum  
Claire Wisnowski

Diane Ciamaga  
Boris Politziner

Rev. Deacon Dorothy Myers

D. Jeanne McDougald

Respectfully submitted,

Patricia A. Frentzel

Town Clerk