

## Town of Grand Island – Regular Meeting #17

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 20<sup>th</sup> of September, 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.  
Reverend Paul Robinson of Trinity United Methodist Church gave the Invocation.  
Councilman Gary Roesch led the Pledge of Allegiance.

### **PROCLAMATION:**

**Crop Walk – September 26, 2010**

### **PUBLIC COMMENTS:**

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

*Speakers:* None

### **APPROVAL OF MINUTES:**

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to approve Minutes of Workshop Meeting #60, September 7, 2010 and Minutes of Regular Meeting #16, September 7, 2010.

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

### **CONSENT AGENDA:**

1. Meeting Minutes – Zoning Board of Appeals – August 5, 2010
2. Certificate of Appreciation – Erie County Department of Health
3. Meeting Minutes – Commission for Conservation of the Environment – August 12, 2010
4. Meeting Minutes – Planning Board – August 9, 2010

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

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

### **COMMUNICATIONS –TOWN BOARD:**

#### **SUPERVISOR McMAHON:**

#### **2011 Community Development Block Grant –Set Public Hearing**

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to set a Public Hearing for Monday, October 4, 2010 at 8:00p.m. for the purpose of hearing anyone who wishes to suggest a project for 2011 Community Development Block Grant Funds.

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

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

#### **HIGHWAY SUPERINTENDENT – JAMES TOMKINS:**

#### **Inventory for Highway Department – Machinery, Tools & Equipment**

For Information Only. No Town Board action necessary.

### **TOWN ATTORNEY – PETER GODFREY:**

#### **Create Lighting District #60 – Country Club Cottages Phase I – Set Public Hearing**

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to adopt the following resolution to set a Public Hearing for Monday, October 4, 2010 at 8:00p.m. as follows:

WHEREAS, a petition has been filed with the Town Clerk, signed and acknowledged in the manner required by law by a sufficient number of property owners, together with a map, plan and report for the creation of the Country Club Cottages Phase I Lighting District No. 60; and

WHEREAS, the boundaries of the proposed district are as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot 12 on said Island, bounded and described as follows:

Commencing at the northeast corner of Lot 12, said north east corner being the point of intersection of the centerline of Baseline Road with the centerline of Fix Road;

Running thence westerly along the north line of Lot 12, and the centerline of Fix Road a distance of 569.00 feet to the Point or Place of Beginning, said point being the northwesterly corner of lands conveyed to John W. Smith and Sophie Smith by deed filed in the Erie County Clerk's Office in Liber 8546 of deeds at page 117;

Running thence southerly, along the westerly line of Smith, S.01°04'45"E a distance of 383.00 feet to the southwest corner of Smith;

Running thence easterly, along the south line of Smith, and Parallel with the north line of Lot 12 N88°58'45"E a distance of 385.67 feet to the northwest corner of Subdivision Lot 11 as shown on Map filed in the Erie County Clerk's office under Map Cover 2268;

Running thence southerly, along the west lines of Subdivision Lots 11 and 12 and Parallel with the east line of Lot 12, S01°01'45"E a distance of 160.02 feet to the southwest corner of said Subdivision Map;

Running thence easterly, along the south line of Subdivision Lot 12 N88°58'15"E a distance of 130.00 feet to a Point of Curve;

Running thence along a curve to the left having a radius of 20.00 feet, an arc length of 31.42 feet and chord bearing of N43°58'15"E and chord distance of 28.28 feet to a point on the west line of Baseline Road;

Running thence easterly N88°58'15"E a distance of 33.00 feet to a point on the centerline of Baseline Road and the east line of Lot 12;

Running thence southerly, along the center line of Baseline Road and the east line of Lot 12 S01°01'45"E a distance of 110.00 feet to a point;

Running thence westerly S88°58'15"W a distance of 33.00 feet to a point on the west line of Baseline Road;

Running thence along a curve to the left having a radius of 20.00 feet, an arc length of 31.42 feet and chord bearing of N.46°01'45"W and a chord

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distance of 28.28 feet to a point on the north line of Subdivision Lot 13 on said subdivision map;

Running thence westerly, along the north line of Subdivision Lot 13 of said subdivision map S88°58'15"W a distance of 130.00 feet to the north west corner of Subdivision Lot 13;

Running thence southerly along the west line of Subdivision Lots 13 through 20 of said Subdivision Map S01°01'45"E a distance of 580.00 feet to the northwest corner of Subdivision Lot 21 of said Subdivision Map, said point also being the northeast corner of Subdivision Lot 53 as shown on Map filed in the Erie County Clerk's office under cover 2274;

Running thence westerly along the north line of Subdivision Lot 53 and its extension S88°58'15"W a distance of 199.00 feet to a point on the east line of Subdivision Lot 52 of said map;

Running thence northerly along the east line of Subdivision Lot 52 N01°01'45"W a distance of 7.07 feet to the northeast corner of Subdivision Lot 52;

Running thence westerly along the north line of Subdivision Lot 52 S88°58'15"W a distance of 129.99 feet to the northwest corner of Subdivision Lot 52, said point being a point on the east line of Subdivision Lot 51;

Running thence northerly along the east line of Subdivision Lot 51 N01°01'15"W a distance of 35.00 feet to the north east corner of Subdivision Lot 51;

Running thence westerly along the north line of Subdivision Lots 51, 50 and 49 S88°58'45"W a distance of 159.78 feet to a point;

Running thence the following 8 courses and distances through the lands conveyed to John Stickl Construction Co, Inc. by deed filed in the Erie County Clerk's Office in Liber 11103 of deeds at page 1677:

1. N01°01'15"W a distance of 94.61 feet to a point
2. N17°35'09"E a distance of 115.86 feet to a point
3. N19°53'12"W a distance of 184.83 feet to a point
4. S88°58'15"W a distance of 477.41 feet to a point
5. N01°01'15"W a distance of 311.60 feet to a point
6. N30°57'11"E a distance of 42.11 feet to a point
7. N41°05'51"E a distance of 48.16 feet to a point

8. N01°01'15"W a distance of 221.72 feet to a point on the south line of Subdivision Lot 6 as shown on Map filed in the Erie County Clerk's office under cover 2268;

Running thence easterly along the south line of Subdivision Lots 6 though 10 of said Subdivision Map N88°58'45"E a distance of 349.36 feet to the southeast corner of Subdivision Lot 10 of said map;

Running thence northerly along the east line of Subdivision Lot 10 N01°01'15"W a distance of 114.00 feet to a point of curve;

Running thence along a curve to the left having a radius of 20.00 feet , an arc length of 31.42 feet and chord bearing of N46°01'15"W and chord distance of 28.28 feet to a point on the south line of Fix Road;

Running thence northerly N01°01'15"W a distance of 33.00 feet to a point on the centerline of Fix Road and the north line of Lot 12;

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Running thence easterly, along the centerline of Fix Road and the north line of Lot 12 N88°58'45"E a distance of 218.84 feet to the Point or Place of Beginning, containing 17.082 acres more or less, and

WHEREAS, the improvements proposed consist of an electric street lighting system serving said Country Club Cottages Phase I, and

WHEREAS, the estimated annual expense of supplying of said electrical street lighting is \$1,805.75, with an expected annual cost to the typical property in the proposed District (which typical property is a single family home) of \$69.45, which said expense shall be levied and collected from the several lots and parcels of land within said Lighting District,

NOW, THEREFORE, be it ORDERED, that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on Monday, October 4, 2010 at 8:00 p.m. on said day, 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 and further action on the part of said Town Board, with relation to the premises; and

BE IT FURTHER ORDERED, that the map, plan and report referred to herein, including the explanation of how the cost to the typical property was determined, may be reviewed at the office of the Town Clerk, 2255 Baseline Road, Grand Island, New York, during normal business hours; and

BE IT FURTHER ORDERED, that the Town Clerk shall publish a copy of this Order at least once in the official newspaper of the Town, the first publication of which is to be not less than ten nor more than twenty days before the date set herein for the public hearing, and shall also cause a copy of this Order to be posted on the sign-board of the Town maintained pursuant to Town Law §30(6), not less than ten nor more than twenty days before the date set herein for the public hearing; and

BE IT FURTHER ORDERED, that the Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller, on or about the date of publication of this Order.

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

### **DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY: Change Order No. 2 – Baseline Road Water Transmission Main – Job No. M-195**

Change Order #2 is an adjustment change order to adjust the final quantities (over/under) to reconcile actual quantities compared to bid quantities. The change order increases the total contract amount by \$7,148.84. The additional funding is available in the project bond. It has been reviewed by Wendel and they recommend the change order in the amount of \$7,148.84.

A motion made by Councilwoman Cooke, seconded by Councilman Roesch to approve Change Order No. 2 as recommended by the Town Engineer in the amount of \$7,148.84.

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

### **PLANNING BOARD:**

**Mighty Taco Restaurant with Drive-Thru Window, 2455 Grand Island Boulevard – Site Plan Approval (Revised)**

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A motion was made by Councilman Roesch, seconded by Councilwoman Cooke at accept the recommendation of the Planning Board and grant Site Plan Approval for Mighty Taco Restaurant with Drive-Thru window subject to the conditions set by the Planning Board.

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

### **New England Village Subdivision – Conditional Approval**

A motion was made by Councilwoman Cooke, seconded by Councilman Crawford to accept the recommendation of the Planning Board and grant Conditional Approval for New England Village Subdivision subject to the conditions set by the Planning Board.

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

### **COMMUNICATIONS – GENERAL:**

#### **Resignation – Chairman, Grand Island Citizen Corp Council**

A motion was made by Councilman Crawford, seconded by Councilman Roesch to accept the resignation of Frank Brusino as chairman of the Grand Island Citizen Corp Council with regret and send a certificate of appreciation to Mr. Brusino. Mr. Brusino will remain on the Grand Island Citizen Corp Council as a member.

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

#### **Approve Closure of Baseline Road – Grand Island Fire Company – Annual Fire Prevention Open House – October 8, 2010**

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to authorize the closing of Baseline Road from 5:00p.m – 8:00p.m. between Grand Island Blvd. and Whitehaven Road on October 8, 2010 for the annual Fire Prevention Open House.

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

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

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to pay

Vouchers #98855 – 98990

General \$ 55,180.79

Highway \$ 18,859.88

Sewer \$ 18,146.08

Water \$ 5,078.76

Capital \$131,551.01

Garbage \$103,596.78

Total \$332,413.31

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

### **UNFINISHED BUSINESS:**

#### **Local Law Intro #2 of 2009 - Rezoning of Business Districts**

Remains Tabled.

#### **Development & Funding Agreement – JSJ Holdings LLC**

Remains Tabled.

### **PUBLIC COMMENTS:**

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

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Speakers: None

## **FROM THE TOWN BOARD:**

**Councilmen Roesch, Cooke and Crawford** : Downsizing Vote – Thursday, September 23 – Main Fire Hall – 6:00a.m.-9:00a.m.; Downsizing Info Meeting – Tuesday, September 21 – Golden Age Center – 12:00noon; Please attend Town Board Workshops

**Supervisor McMahon:** Welcome High School Students

## **ADJOURNMENT:**

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to adjourn the meeting at 8:17p.m.

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

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

Barbara Cannon	Donna McQuade
Richard Barter	Susan Barter
Carol Dworzack	Mark Waldow

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk