

Town of Grand Island – Regular Meeting #19

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 17th of October, 2011.

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 C. Godfrey	Town Attorney

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

Supervisor Peter McMahon gave the Invocation.

Councilman Raymond Billica led the Pledge of Allegiance.

PUBLIC COMMENTS:

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

Speakers: None

PUBLIC HEARINGS:

Local Law Intro #3 of 2011 – Sex Offender Residency Law

A Public Hearing was held at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to Local Law Intro #3 of 2011 – Sex Offender Residency Law.

Speakers in Favor: Mike Novelli, Kirk & Dawn Lawley, Frank Pusatier, Chuck & Gina Grunzweig, Jean Konopczynski, Mike Jablon, Susan & Rick Kaminski, Jennifer Pusatier, Mary Battaglia, Mike Boyko, Julia Jelonek, Kati Moran

Speakers in Opposition: None

Supervisor McMahon declared the Public Hearing closed.

A motion was made by Councilman Crawford, seconded by Councilman Roesch to adopt Local Law #4 of 2011 restricting the residency of sex offender as follows:

Title

The title of this law shall be “The Town of Grand Island Sex Offender Residency Law.”

Intent Purpose and Findings

The highest priority of the government is the protection of health and safety of its citizens, especially its children. Sex offenders, some of which have committed criminal offenses against minors, reside in the Town of Grand Island. The Town Board finds that convicted sex offenders pose a severe threat to the health and safety of the Town’s children. The Town Board finds that instituting residency and proximity controls for sex offenders is the least restrictive and most effective means of protecting children from sexual predators in the Town of Grand Island.

Accordingly, the purpose of this law is to establish residency and proximity restrictions for sex offenders.

Definitions

1. Sex Offender- any person who has received a Level II or III designation, as defined by the Sex Offender Registration Act.

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2. Residence- a place where a person sleeps, which may include more than one location, and may be mobile or transitory. Also, for purposes of this law, residence shall include any secondary, vacation, or temporary residence.

3. Police department- the Erie County Sheriff's Department.

Registration Requirements

1. Sex offenders residing in the Town shall register with the police department within 10 days after being released from incarceration. The sex offender must provide the police department with the following information:

(a) Legal name and any other names or aliases that he or she has used, or is using, and any new names he or she has applied for in the last year.

(b) Date of birth.

(c) Social security number.

(d) Current address, the address of any other residences or real property he or she owns or leases, the address of any other locations or places of lodging where the sex offender intends to stay, or does in fact stay, for more than three consecutive days at any time, or an aggregate of ten or more days in a registration year. Homeless shelters and extended stay establishments must be included in the disclosure required pursuant to this paragraph. Pursuant to this paragraph, the sex offender must provide a description and location of any and all rented or owned spaces to which the sex offender claims a right to privacy or a right to exclude others, including but not limited to, storage buildings.

(e) His or her place of employment and the name and telephone number of a contact person who knows his or her location at any and all times during employment hours, or other times he or she performs work in the scope of his employment duties.

(f) His or her driver's license number and the license plate number, vehicle identification number, and description by make and model of all vehicles registered to him or her, owned by him or her, driven by him or her during employment, or otherwise available to him or her with regularity by consent from another.

(g) A list of any and all sex offense violations of which he or she has been convicted of, or to which he or she has entered a plea of guilty.

As an alternative, the police department may rely on the database provided by the State of New York for all of the identifying information provided in (a) through (g).

2. If any person receives a deferred sentence from any court for a sex offense that would otherwise trigger registration under this chapter, that person must register as if convicted, unless they obtain an order from a court of competent jurisdiction which, after an evidentiary hearing on the issue, rules that registration is not required.

3. Any sex offender currently incarcerated or confined in a correctional or mental health institution pursuant to article 10 of the Mental Hygiene Law and temporarily at large and free to move about in the Town is required to register under this chapter ten days before each release date. This paragraph includes, but is not limited to, persons on probation, parole, furlough, work release or any similar program that results in or causes the person to be outside the confines of the institution for any reason.

4. In the event of any change in registration information, or addition of new information that would have been required in the initial or subsequent registration, the sex offender must notify the police department and provide new valid information within three days of the time the new information becomes known or should be known by the sex offender.

5. In the event of any change in residence, including the acquisition of additional residences, the sex offender must notify the police department of the prospective change before the change occurs.

6. A sex offender who changes his place of employment must notify the police department ten days before the voluntary change occurs or five days after the change is forced or compelled. Sex offenders must provide the name and telephone number of a new contact person within ten days of the time new work begins.

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Notification Requirements

The Town may make available and disseminate sex offender registration information, as authorized by New York law, on the Town's website for any sex offender. Inclusion of a sex offender in the Town's database and website is based solely on the fact of a prior conviction and not based on any assessment of the current degree of dangerousness posed by any particular sex offender.

Residency Restrictions

1. A sex offender shall not reside within one thousand feet of any playground, park, library, athletic playing field, day care center, nursery school, or any other facility or institution primarily used for the care, education, or treatment of persons under the age of eighteen.
2. A sex offender who maintains a residence within one thousand feet of any playground, park, library, athletic playing field, day care center, nursery school, or any other facility or institution primarily used for the care, education, or treatment of persons under the age of eighteen does not violate this law if the sex offender has established that residence prior to the effective date of this law. No sex offender shall be required to change his or her residence if any of the foregoing facilities are newly established within a thousand feet of the sex offender's residence.
3. A sex offender who maintains a residence within one thousand feet of any playground, park, library, athletic playing field, day care center, nursery school, or any other facility or institution primarily used for the care, education, or treatment of persons under the age of eighteen, does not violate this law if the sex offender is serving a sentence at a jail, prison, juvenile facility or other correctional or mental health facility.

Penalties

Any violation of this law shall be a Class A Misdemeanor. In addition, and to the extent permitted by law, a court may enjoin further violations of this law.

Severability

If any part of this law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this law.

Effective Date

This law shall be effective immediately upon acceptance by the Grand Island Town Board and filing within the New York State Secretary of State.

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

Detailed Plan – Whitehaven Farms PDD, Whitehaven Road

A. Planning Board – Whitehaven Farms PDD, Whitehaven Road, A Part of River Oaks – Detailed Plan Approval and Phase I

A Public Hearing was held at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to the Detailed Plan for Whitehaven Farms PDD, Whitehaven Road and approval of Phase I.

Speakers in Favor: Al Hopkins

Speakers in Opposition: None

Supervisor McMahon declared the Public Hearing closed.

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to adopt the resolution approving the Detailed Plan for Whitehaven Farms PDD with the following conditions:

WHEREAS the applicant has previously submitted, and received approval of the Development Concept Plan, and

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WHEREAS the Applicant has developed and submitted an Application for Detailed Plan approval with the required supporting information and documentation required pursuant to the Zoning Code, and

WHEREAS the Detailed Plan has been reviewed by the Engineering Department, and recommended by the Engineering Department for approval, and

WHEREAS the Planning Board for the Town of Grand Island has reviewed such plan and made a recommendation of approval during its meeting held on October 1, 2011, and

WHEREAS the Town Board of the Town of Grand Island has found the Detailed Plan to be in compliance of Section 49-137(3)(c)(2) of the Zoning Code, and

WHEREAS the Town Board has conducted a Public Hearing on the Detailed Plan per Section 49-137(3)(d)(2) of the Zoning Code,

NOW THEREFORE be it resolved that the Town Board of the Town of Grand Island grants approval of the Detailed Plan for the Whitehaven Farms PDD subject to the following conditions:

1. Phases of construction will require the submittal of a complete engineering development plan package (hereinafter “design plans”), prepared by a licensed professional engineer, licensed in the State of New York, for review and approval by the Engineering Department.
2. The Planning Board shall review the design plans for future phases of the Whitehaven Farms PDD for the purpose of confirming that the design plans for the proposed phase are in “substantial compliance” with the approved Detailed Plan. and its recommendation shall be provided to the Town Board for its consideration in connection with its review of design plans for future phases.
3. The Town Board shall not be required to hold public hearings in connection with its review of future phases of the Whitehaven Farms PDD so long as the design plans are in substantial compliance with the layout of the proposed phase as depicted on the approved Detailed Plan.
4. Future phases of the Whitehaven Farms PDD will need to be reviewed and approved by the Erie County Health Department prior to the Applicant filing a Subdivision Map with the Erie County Clerk’s Office for future phases.
5. The Town Board of the Town of Grand Island shall review and approve each phase for future phases of the Whitehaven Farms PDD individually.
6. The Applicant shall be required to seek and obtain P.I.P. approval from the Town for each phase of the Whitehaven Farms PDD.
7. The Applicant shall be required to submit five originals of the approved Detailed Plan stating the date of approval by the Town Board and providing a title block for signature by the Town Supervisor. Three signed originals of the Detailed Plan shall be provided to the Applicant and one original shall be provided to the Engineering Department and the Town Clerk’s Office. The approved Detailed Plan shall be used for the purpose of the Planning Board

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and Town Board's review of future phases of the Whitehaven Farms PDD to determine whether the design plans are in "substantial compliance" with the approved Detailed Plan pursuant to Condition #2 above.

8. The Applicant is responsible for the cost of all required traffic signs.

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

A motion was made by Councilman Crawford, seconded by Councilman Billica to accept the recommendation of the Planning Board and approve Phase I with the following conditions:

The Town Board, on the recommendation of the Planning Board grants approval of Phase 1 of the Whitehaven Farms PDD, granting the Applicant the permission to file Map Cover Phase 1 as indicated on the map submitted with the following conditions:

1. The final approval of the development plans by the Engineering Department.
2. Applicant obtaining Erie County Health Department approval of the development plans
3. No construction shall take place without the Applicant obtaining a P.I.P. permit from the Town of Grand Island.
4. The Applicant shall provide the Town Clerk's Office and the Engineering Department with two (2) mylar [Engineering] and one (1) paper [Assessor] copies of the filed Subdivision Map Cover with proof of recording.

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

Community Development Block Grants – 2012

A Public Hearing was held on Monday, October 17, 2011 at 8:00p.m. for the purpose of hearing anyone who wanted to suggest a project for 2011 Community Development Block Grant Funds.

Speakers with ideas for CDBG projects: Christine Sanborn
Re: Transportation for children to Nike Base and HS events

Supervisor McMahon declared the Public Hearing closed and referred the comments to the Town Board for review and action.

APPROVAL OF MINUTES:

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to approve Minutes of Workshop Meeting #68, September 29, 2011, Minutes of Workshop Meeting #69, October 3, 2011, Minutes of Regular Meeting #18, October 3, 2011, and Minutes of Workshop Meeting #70, October 6, 2011.

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

CONSENT AGENDA:

1. Meeting Minutes – Planning Board – September 12, 2011
2. Meeting Minutes – Commission for Conservation of the Environment – August 11, 2011
3. Building Permits Issued – September 2011

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4. Golden Age Center – Vehicle Usage – September 2011
5. Golden Age Center – Facility Usage – September 2011
6. Meeting Minutes – Traffic Safety Advisory Board – July 2011

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

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

COMMUNICATIONS – TOWN BOARD:

SUPERVISOR McMAHON:

2012 Budget – Set Public Hearing

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to set a Public Hearing for Thursday, November 10, 2011 at 7:00p.m. for the purpose of hearing anyone who wanted to make comments in favor or in opposition to the proposed 2012 Budget for the Town of Grand Island.

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

Promotion – Sr. Operator – Water Treatment Plant

A motion was made by Councilman Billica, seconded by Councilwoman Cooke to promote James Dlugokinski to Senior Operator at the Water Treatment Plant at the 3rd year (\$29.91/hour), effective November 1, 2011, subject to the remainder of the 6 month probationary period.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN CLERK – PATRICIA A. FRENTZEL:

Erie County Board of Elections – Polling Lease Agreement – Town of Grand Island Properties

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to authorize the Supervisor to sign the Polling Lease Agreement with the Erie County Board of Elections for the use of Town facilities for the 2011 Primary and General Elections.

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

TOWN ATTORNEY – PETER GODFREY:

Local Law Intro #4 of 2011 – Grand Island Right to Farm Law – Set Public Hearing

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to set a Public Hearing for Monday, November 7, 2011 at 8:00p.m. for the purpose of hearing anyone who wanted to make comments in favor or in opposition to the proposed Local Law Intro #4 of 2011 – Grand Island Right to Farm Law.

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

DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY:

Contract #2 Change Order No. 1 – Preliminary Treatment Facility, Wastewater Treatment Plant – Job No. M-192

Town Engineer provided a summary of Contract # 2 Change Order No. 1. Change Order No.1 will result in a net increase to Contract #2 with Goodwin Electric of \$9,952.00.

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Description of Change Summary:

The project included gas sensors located at two separate locations within the building and a display indicator panel mounted on the outside of the Preliminary Treatment Building next to the man door. The contractor needed to provide connecting conduit and wire. Refer to contractor letter PCO 1 for a detailed breakdown of costs. **Total cost: \$4,336.00.**

The washer/compactor requires a solenoid valve with electrical power. The contractor had to run power to the valve. Refer to contractor letter PCO 2 for a detailed breakdown of costs. **Total cost: \$1,670.00.**

Upon installation of the auger/conveyor, it was discovered that the design of the system included an emergency e-stop pull cable that the contractor had to connect to the disconnect switch. Refer to contractor letter PCO 3 for a detailed breakdown of costs. **Total cost: \$1,931.00.**

The contractor had to complete flow meter wiring back to the control room. Refer to contractor letter PCO 4 for a detailed breakdown of costs. **Total cost: \$336.00.**

Communication wiring between two equipment control panels was the responsibility of the equipment supplier. When the equipment supplier was on-site for testing of the equipment, the electrical contractor provided the wiring between the panels and assisted in troubleshooting the wiring. Refer to contractor letter PCO 4 for a detailed breakdown of costs. **Total cost: \$359.00.**

The level sensor for operation of the screens was moved during installation requiring another tee fitting for the electrical contractor. Refer to contractor letter PCO 4 for a detailed breakdown of costs. **Total cost: \$103.00.**

The heating and ventilation system is required to continually operate to meet code and must alarm if the system is not operating. The electrical contractor provided conduit and wire to get the alarm back to the control room. Refer to contractor letter PCO 4 for a detailed breakdown of costs. **Total cost: \$1,576.00.**

Time extension was requested by Goodwin Electric, Corp due to other contractors not having equipment installed that require electrical connections. Time extension was granted because equipment installation was not complete. **Total time added: 31 days (one month).**

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to accept the recommendation of the Town Engineer and approve Change Order No. 1 in the amount of \$9,952.00.

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

Fisherman's Landing Project – Change Order #1

Change Order #1 for Fisherman's Landing has been submitted by Thomann Asphalt for an additional \$5,400.00 for anti-graffiti coatings.

Change Order #1 includes the installation of an anti-graffiti coating on all the newly installed Uni-lock walls. It also includes power washing to remove mildew and existing graffiti from the existing pump station and the application of two coats of the anti-graffiti coating to the entire building.

A motion was made by Councilman Crawford, seconded by Councilman Roesch to accept the recommendation of the Town Engineer and approve Change Order #1 for Fisherman's Landing in the amount of \$5,400.00.

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

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Authorize Supervisor to Sign Service Agreements – Town Phone Service

One Communications/Earth Link Business Communications has provided the Town with new 3 year service agreements at a rate of \$23.49/line and \$0.0140/minute for the following 19 phone lines:

773 – 2827	773 – 9643	773 – 7681	773 – 9687
773 – 8976	773 – 9644	773 – 9682	774 – 2743
773 – 9038	773 – 9654	773 – 9683	775 – 1107
773 – 9604	773 – 9665	773 – 9685	775 – 3343
773 – 9642	773 – 9680	773 – 9686	

These lines are currently with other carriers at higher rates.

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to accept the recommendation of the Town Engineer and authorize the Supervisor to sign a three-year agreement with One Communications/Earth Link Business Communications.

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

RECREATION DIRECTOR – LINDA TUFILLARO:

Part-time Status Change

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to approve the change of status of recreation attendant part time seasonal (5 mo) to recreation attendant part time (19 hrs), effective October 6, 2011 for the following: Jared Billica, Dave Cole, Shane Eddy, John Loos and effective December 6, 2011 for: Terry Wendel.

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

Part-time Seasonal Hire

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to authorize the Director of Recreation to advertise for a part-time seasonal employee for office coverage for 30 hours a week for four weeks at \$8.50 per hour.

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

COMMUNICATIONS – GENERAL:

Grand Island Little League – Name Diamond #1 at Veteran’s Park

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to refer the request of the Grand Island Little League to name a diamond at Veterans Park to the Parks and Recreation Advisory Board for review and recommendation.

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

David Michael Bruno, 2878 East River Road – Request to Split Property

A motion was made by Councilwoman Cooke, seconded by Councilman Crawford to refer the request of David Michael Bruno, 2878 East River Road to split property to the Planning Board for review and recommendation.

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

REPORT OF THE AUDIT COMMITTEE:

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A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to pay Vouchers #102545 – 102646

General	\$ 95,079.65
Highway	\$ 2,487.79
Sewer	\$ 19,748.00
Water	\$110,118.81
Capital	\$119,143.11
Garbage	<u>\$105,964.31</u>
Total	\$452,541.67

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

UNFINISHED BUSINESS:

Internet Service & Wireless Options – Nike Base Location – Revised

A motion was made by Councilman Roesch, seconded by Councilman Crawford to authorize the Supervisor to sign the Internet Service & Wireless Options Agreement with Network Services for improvements and upgrades to the Nike Base and Golden Age Center.

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

Turner’s Port of Call, 997 East River Road – SEQR– Parking Lot

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to adopt the following resolution issuing a Negative Declaration to construct a parking lot:

WHEREAS, Donald Turner has submitted an application for site plan approval to construct a parking lot on the non-riverfront portion of a split-zoned lot at 997 East River Road, Grand Island, New York; and

WHEREAS, the Town Board has duly considered the site plan, the Short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled an “Unlisted” action under SEQRA;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Grand Island that:

1. The proposed site plan for the parking lot will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment.

2. The attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative declaration.

3. This resolution is effective immediately.

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

Turner’s Port of Call, 997 East River Road – Site Plan Approval – Parking Lot

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A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to adopt the following resolution approving the Site Plan for Turner's Port of Call, 997 East River Road for the construction of a parking lot:

WHEREAS, Donald Turner has submitted an application for site plan approval to construct a parking lot on the non-riverfront portion of a split-zoned lot at 997 East River Road, Grand Island, New York; and

WHEREAS, the Zoning Board of Appeals granted Mr. Turner's use variance application; and

WHEREAS, the Town Board has issued a negative declaration for the proposed action; and

WHEREAS, the application for site plan review was referred to the Erie County Division of Planning in accordance with Section 239-m of the General Municipal Law, and the Town Board did not receive a response within the 30-day period; and

WHEREAS, the Planning Board has recommended that Mr. Turner's site plan be approved;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Grand Island that:

1. Mr. Turner's site plan is hereby approved as described in the attached Decision, which is incorporated herein by reference.

2. This resolution is effective immediately.

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: David M. Bruno
Re: Request to Split Property

FROM THE TOWN BOARD:

Councilman Roesch: Prescription Drop-off – Saturday, Oct. 29, 2011 – 10am – 2pm in the Town Hall parking lot.

Councilwoman Cooke: Golden Age Center – Holiday Happenings – Sunday, Oct. 23, 2011 – 11am – 3pm; 200th Anniversary of War of 1812 history books for sale – \$2.00.

Supervisor McMahon: Household Hazardous Waste Drop-off – Honeywell, Buffalo – Saturday, Oct. 22, 2011 – 9am-2pm; Trick or Treat Hours – Monday, October 31st from 5pm – 8pm.

ADJOURNMENT:

A motion was made by Councilman Billica, seconded by Councilman Roesch to adjourn the meeting at 8:41p.m.

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

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

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George “Steve” Spratford Christopher Farley

Linda Sherman William Blok

Patricia Gelz

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

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