

Town of Grand Island – Regular Meeting #14

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 1st of August, 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.
Parishioner Roberta Cap from Trinity United Methodist Church gave the Invocation.
Councilman Gary Roesch led the Pledge of Allegiance.

PROCLAMATION:

Matthew Mondoux – Walking 4 Lou

PUBLIC COMMENTS:

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

Speakers: None

PUBLIC HEARING:

James Tamsen – Block Party – South Lane, August 27, 2011

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 a request to temporarily close a street for a block party in the 300 Block of South Lane into the cul-de-sac area on Saturday, August 27, 2011 from 3:00p.m. to 11:00p.m. (Raindate of September 3, 2011).

Speakers in Favor: None

Speakers in Opposition: None

Supervisor McMahon declared the Public Hearing closed.

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to approve the request to temporarily close in the 300 Block of South Lane into the cul-de-sac area on Saturday, August 27, 2011 from 3:00p.m. to 11:00p.m. (Raindate of September 3, 2011) except for emergency vehicles for a block party.

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

APPROVAL OF MINUTES:

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to approve Minutes of Workshop Meeting #49, July 14, 2011, Minutes of Workshop Meeting #50, July 18, 2011, Minutes of Regular Meeting #13, July 18, 2011 and Minutes of Workshop Meeting #51, July 22, 2011.

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

Monday, August 1, 2011 - 1

Town of Grand Island – Regular Meeting #14

CONSENT AGENDA:

1. Federal Energy Regulatory Commission – ECOsponsible, Inc. – Order Issuing Preliminary Permit and Granting Priority to File License Application
2. New York State Department of Environmental Conservation – Notice of Complete Application – Enbridge Pipelines Line 10
3. Meeting Minutes – Zoning Board of Appeals – June 2, 2011
4. Meeting Minutes – Grand Island Memorial Library – June 7, 2011
5. Meeting Minutes – Grand Island Memorial Library, Special Meeting – June 13, 2011
6. Meeting Minutes – Board of Architectural Review – June 21, 2011
7. State of New York, Legislature of Erie County – Resolution to Adopt Inclusion and Reject Inclusion of Parcels in Agricultural Districts
8. County of Erie, Department of Environment and Planning – Community Development Block Grant Report (Cumulative) – 4/01/11-6/30/11
9. New York State Dept of Taxation & Finance, Office of Real Property Tax Services – Certificate of the Final State Equalization Rate for the 2011 Assessment Roll

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

Bond Resolution – Reconstruction of and Construction of Improvements to Various Roads

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to adopt the following Bond Resolution for the reconstruction of and construction of improvements to various roads:

A BOND RESOLUTION, DATED AUGUST 1, 2011, 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 \$665,000 AND AUTHORIZING A) THE USE OF \$100,000 FROM THE TOWN'S 2011 BUDGET AND B) THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$565,000 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”) desires to undertake an improvements project for 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 as more specifically described in a report prepared by the Town Engineering Department and on file at the office of the Town Clerk (collectively, the “Purpose”);

Monday, August 1, 2011 - 2

Town of Grand Island – Regular Meeting #14

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Grand Island, in the County of Erie, New York (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 as more specifically described in a report prepared by the Town Engineering Department and on file in the office of the Town Clerk (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$665,000

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the use of \$100,000 from the Town’s 2011 budget and by the issuance of serial bonds in an amount not to exceed \$565,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources, 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 the 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 said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

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 shall 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, 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 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 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.

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

Monday, August 1, 2011 - 3

Town of Grand Island – Regular Meeting #14

Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. 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 to 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)(B)(i) of the Code.

SECTION 10. 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 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 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said 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) if 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 twenty (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 13. 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.

SECTION 14. This resolution is effective immediately.

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

Monday, August 1, 2011 - 4

Town of Grand Island – Regular Meeting #14

DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY:

Sealing & Striping Library Parking Lot

The Town Engineer reported that he received (3) quotes to seal and stripe the library parking lot.

A motion was made by Councilman Crawford, seconded by Councilman Roesch to accept the recommendation of the Town Engineer and authorize the Town Engineer to sign a contract with Modified Asphalt Coatings, Inc. in the amount of \$3,120.00.

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

Request Authorization to Advertise for Bids – WW Pumping Station No. 6, Forcemain Replacement Job #M-201

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to authorize the Town Engineer to advertise on Friday, August 5, 2011 and receive bids on Wednesday, August 17, 2011 at 10:00a.m. for WW Pumping Station No. 6, Forcemain Replacement Job #M-201.

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

ZONING OFFICE:

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

A motion was made by Councilman Crawford, seconded by Councilman Roesch to renew the Special Use Permit for National Fuel Gas Supply Corp., 1589 Stony Point Road – Natural Gas Regulator/Metering Station. The site has been inspected and it is unchanged.

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

Special Use Permit Application – WNY Towing by Marty's, Inc., 1733 Baseline Road – Motor Vehicle Repair Service – Set Public Hearing

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to set a Public Hearing for Monday, August 18, 2011 at 8:00p.m. for the purpose of hearing from anyone who wants to comment in favor or in opposition to an application for a Special Use Permit for WNY Towing by Marty's, Inc., 1733 Baseline Road – Motor Vehicle Repair Service.

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

Special Use Permit Application – Grand Island Blvd LLC, 2024 Grand Island Boulevard – Convenience Store (Modified Space) – Set Public Hearing

A motion was made by Councilwoman Cooke, seconded by Councilman Crawford to set a Public Hearing for Monday, August 18, at 8:00p.m. for the purpose of hearing from anyone who wants to comment in favor or in opposition to an application for a Special Use Permit for Grand Island Blvd LLC, 2024 Grand Island Boulevard – Convenience Store (Modified Space).

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

Monday, August 1, 2011 - 5

Town of Grand Island – Regular Meeting #14

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to pay Vouchers # 101817 – 101938

General	\$ 74,458.96
Sewer	\$ 21,253.08
Water	\$ 6,423.51
Capital	<u>\$246,219.77</u>
Total	\$348,355.32

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

UNFINISHED BUSINESS:

Tower Permit Renewal – Crown Castle USA, Inc. – Bedell Road Bikepath

Remains Tabled.

Tower Permit Renewal – Crown Castle USA, Inc. – 3078 Staley Road

Remains Tabled.

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: Tuesday, August 2, 2011 – 7:00p.m. – Town Gazebo – National Night Out

ADJOURNMENT:

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to adjourn the meeting at 8:19p.m.

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

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

Richard Yensan, Sr.	Anthony Felich
Edward Rowe, Jr.	Margaret MacNeil

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

Monday, August 1, 2011 - 6