

# Town of Grand Island – Regular Meeting #18

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 2<sup>nd</sup> of October, 2017.

|          |                        |               |
|----------|------------------------|---------------|
| Present: | Nathan D. McMurray     | Supervisor    |
|          | Raymond A. Billica     | Councilman    |
|          | Christopher K. Aronica | Councilman    |
|          | Beverly A. Kinney      | Councilwoman  |
|          | Michael H. Madigan     | Councilman    |
|          | Patricia A. Frentzel   | Town Clerk    |
|          | Peter C. Godfrey       | Town Attorney |

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.  
Reverend Earle King Jr. from St. Martin-in-the-field Episcopal Church gave the Invocation.

Councilman Christopher K. Aronica led the Pledge of Allegiance.

## **PROCLAMATION/CERTIFICATE OF APPRECIATION:**

- **Trinity United Methodist Church – 150<sup>th</sup> Anniversary**
- **John Whitney – Town Engineer**

## **PUBLIC COMMENTS:**

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

*Speakers:* Nancy Killian

## **MINUTES:**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to approve Minutes of Workshop Meeting #25, September 18, 2017 and Minutes of Regular Meeting #17, September 18, 2017.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **CONSENT AGENDA:**

1. Meeting Minutes – Board of Architectural Review – August 15, 2017

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

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **COMMUNICATIONS – TOWN BOARD:**

### **SUPERVISOR NATHAN D. McMURRAY:**

#### **Designate Fair Housing Officer**

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to designate Deputy Supervisor James Sharpe as the Fair Housing Officer. This action is recommended by the Town Attorney to avoid accruing unnecessary legal fees associated with the Town Attorney attending these trainings.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

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### **Resignation – Part-time Clerk Typist – Engineering Department**

A motion was made by Councilman Billica, seconded by Councilman Aronica accept the resignation of Kristen Thore, as Clerk-Typist in the Engineering Department, effective September 25, 2017 with regret. A certificate of appreciation will be sent to Ms. Thore.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

### **Approve Contract – TelecomDataService**

A motion was made by Councilman Billica, seconded by Councilwoman Kinney to refer the approval of a contract with TelecomDataService to the Town Board for further review.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

### **Local Law Intro #6 of 2017 – Sewer Rents for Farm Operations in County-adopted, State-certified Agricultural Districts – Set Public Hearing**

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to set a Public Hearing for Monday, October 16, 2017 at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #6 of 2017 – Sewer Rents for Farm Operations in County-adopted, State-certified Agricultural Districts.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

### **Authorize Supervisor to Execute Agreement – NYSDOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptroller’s Contract #D035733**

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to authorize the Supervisor to sign an agreement with C&S Engineers to perform design services for the above referenced work at a fee not to exceed \$149,000.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

### **COUNCILMAN MICHAEL H. MADIGAN:**

### **Local Law Intro #7 of 2017 – Require Elected Officials’ Deputies to File Annual Disclosure Statements, Pursuant to Chapter 48 of the Town of Grand Island Code – Set Public Hearing**

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to set a Public Hearing for Monday, October 16, 2017 at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #7 of 2017 – Require Elected Officials’ Deputies to File Annual Disclosure Statements, Pursuant to Chapter 48 of the Town of Grand Island Code.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

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

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

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

For Information purposes only. No Town Board action necessary.

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## **TOWN ATTORNEY – PETER GODFREY:**

### **Bond Resolution – Capital Improvements Project at the Nike Base Community Center (2017)**

A motion was made by Councilman Billica, seconded by Councilman Aronica to adopt the following Bond Resolution:

A Bond Resolution, dated October 2, 2017, of the Town Board of the Town of Grand Island, Erie County, New York (The “Town”) authorizing a capital improvements project consisting of the reconstruction of and construction of improvements to the Nike Base Community Center in the Town, at an estimated maximum cost of \$225,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$225,000 of the Town, pursuant to the Local Finance Law to finance such purpose, such 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 a capital improvements project consisting of the reconstruction and construction of improvements to the Nike Base Community Center in the Town; and

WHEREAS, the Town anticipates receiving grant funds from the State and Municipal Facilities Program to pay for a portion of the costs of such 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 a capital improvements project generally consisting of the reconstruction of and construction of improvements to the Nike Base Community Center in the Town including, but not limited to, the abatement of asbestos in the building, installation of new flooring, installation of ceiling tiles, and improvements to restroom facilities to make them handicapped accessible, as well as other such improvements as more fully identified in (or contemplated by) a report prepared by the Town Engineering Department, 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 (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$225,000.

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 \$225,000 of the Town, hereby authorized to be issued therefore 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 12(a)(2) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

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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 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 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 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 earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) 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 (or reaffirmation) 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 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.

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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 determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. 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 13. 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 14. 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 15. This resolution is effective immediately.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

**DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY:  
Re-Affirm Final Plat – Hunter’s Way – Love & Alt Subdivision – 6 Lots – Alt  
Boulevard & Love Road (fka – Farugia Subdivision)**

The applicant failed to file the Map Cover within the State mandated 62 day period, thus voiding the Town’s approval. There have been no changes to the project.

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to re-affirm Final Plat for Hunter’s Way – Love & Alt Subdivision – 6 lots – Alt Boulevard & Love Road.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

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## **Request Authorization to Advertise – Part-time Clerk Typist – Engineering**

### **Department**

A motion was made by Councilman Madigan, seconded by Councilman Billica authorize the Town Engineer to advertise for a Part-time Clerk Typist in the Engineering Department to fill a vacancy.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **TOWN ACCOUNTANT – PAMELA BARTON:**

### **Budget Amendment**

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to approve the following budget amendment:

Increase Grant Revenue

|                    |               |         |
|--------------------|---------------|---------|
| Erie County Grants | 001.0001.3006 | \$1,000 |
|--------------------|---------------|---------|

Increase Appropriation

|                      |               |         |
|----------------------|---------------|---------|
| Golden Age Equipment | 001.6772.0200 | \$1,000 |
|----------------------|---------------|---------|

Decrease Contingent a/c

|  |               |         |
|--|---------------|---------|
|  | 001.1990.0475 | \$1,850 |
|--|---------------|---------|

Increase Appropriation

|                      |               |         |
|----------------------|---------------|---------|
| Golden Age Equipment | 001.6772.0200 | \$1,850 |
|----------------------|---------------|---------|

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **CODE ENFORCEMENT 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 Madigan, seconded by Councilwoman Kinney to renew the Special Use Permit for National Fuel Gas Supply Corp., 1589 Stony Point Road – Natural Gas Regulator/Metering Station.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

### **Special Use Permit Renewal – Jeffrey D. Matthews, 2389 Whitehaven Road – Operate Motor Vehicle Repair Service M-2 Zone**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to renew the Special Use Permit for Jeffrey D. Matthews, 2389 Whitehaven Road – operate motor vehicle repair service in an M-2 Zone.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **TOWN ASSESSOR – JUDY M. TAFELSKI:**

### **Cold War Vet – Permanent Exemption**

A motion was made by Councilman Billica, seconded by Councilman Aronica to refer the matter to the Town Attorney to draft a Local Law.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

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

A motion was made by Councilman Madigan, seconded by Councilman Aronica to pay Vouchers #121956 -122106

|         |                     |
|---------|---------------------|
| General | \$ 46,680.49        |
| Highway | \$ 19,044.44        |
| Sewer   | \$ 19,882.25        |
| Water   | \$ 8,359.22         |
| Capital | \$ 31,671.86        |
| Garbage | <u>\$118,875.90</u> |
| Total   | \$244,514.16        |

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **UNFINISHED BUSINESS:**

### **Bond Resolution – Increase and Improvement of Facilities of the Consolidated Water District – 2017**

Remains Tabled.

### **Local Law Intro #5 of 2017 – Override of Real Property Tax Cap**

A motion was made by Councilman Madigan, seconded by Councilman Billica to refer Local Law Intro #5 of 2017 – Override of Real Property Tax Cap to the Town Board.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

### **Authorize Supervisor to Sign Professional Services Agreement – Staley Road Waterline Replacement – Job No. M-225**

Remains Tabled.

## **SUSPEND THE RULES:**

### **Appointment – Town Engineer**

A motion was made by Councilman Billica, seconded by Councilman Madigan to Suspend the Rules to consider an employee appointment.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

A motion was made by Councilman Billica, seconded by Councilwoman Kinney to appoint Robert Westfall as Town Engineer, effective October 3, 2017, Grade 13, \$44.41/hr., subject to a six-month probationary period.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **PUBLIC COMMENTS:**

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

Speakers: None

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## FROM THE BOARD:

- Prayers to the victims of Las Vegas shooting
- Golden Age Center Events: October 6<sup>th</sup> Flu Shot Clinic, October 21<sup>st</sup> Island Happenings
- Update on West River Parkway Closure and Bikepath

## ADJOURNMENT:

A motion was made by Councilman Billica, seconded by Councilman Aronica to adjourn the meeting at 8:31p.m.

APPROVED Ayes 5      Billica, Aronica, Kinney, Madigan, McMurray  
              Noes 0

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

|                          |                      |
|--------------------------|----------------------|
| Barbarann DeMaria        | Donald Richard       |
| James Carlson            | Christopher McKee    |
| Charles Piggott III      | Leonard Rinaldo      |
| Vinicio Jurich           | Martin Grisanti, Sr. |
| Michael Paonessa-Darnley |                      |

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk