

Town of Grand Island – Regular Meeting #20

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 4th of November, 2019.

Present:	Nathan D. McMurray	Supervisor
	Beverly A. Kinney	Councilwoman
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Peter Marston Jr.	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 Kevin Backus from Bible Presbyterian Church gave the Invocation.
Councilwoman Beverly S. Kinney led the Pledge of Allegiance.

PROCLAMATION:

Citizen Recognition – William F. Koch

PUBLIC COMMENTS:

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

Speakers: Sam Hunt

PUBLIC COMMENTS - Local Law Intro #9 of 2019 – Tree Ordinance

A Public Comment session was held on Monday, November 4, 2019 at 8:00p.m. to hear anyone who wants to comment on Local Law Intro #9 of 2019 – Tree Ordinance – Versions A & B.

Speakers: Dan Drexilius, Paul Yaeger, Diane Evans, Wendy Prosser-Peters, Alice Gerard, Mary Vari, Sue Tomkins, Ed Standora, Sam Akinbami, Chris Shores, Tom Digati, Jeff Green, Fawn Lundquist, Abigail Blair

Supervisor McMurray noted that Local Law Intro #9 of 2019 will have a Public Hearing in the future for consideration of adopting a Tree Ordinance.

MINUTES:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve Minutes of Workshop Meeting #42, October 21, 2019, Minutes of Regular Meeting #19, October 21, 2019, Minutes of Workshop Meeting #43, October 22, 2019, Minutes of Workshop Meeting #44, October 23, 2019 and Minutes of Workshop Meeting #45, October 24, 2019.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

CONSENT AGENDA:

1. Meeting Minutes – Historic Preservation Advisory Board – September 13, 2019
2. Meeting Minutes – Conservation Advisory Board – June 27, 2019

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

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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COMMUNICATIONS –TOWN BOARD:

SUPERVISOR NATHAN D. McMURRAY:

Monthly Supervisor’s Report July 2019

The Supervisor reported Cash Balance-Operating A/C of \$2,413,394 on July 1, 2019

Total Receipts of \$2,136,277

Total Disbursements of \$2,314,639

Operating A/C Interest \$751

Operating A/C Balance \$2,235,783

Investment Interest \$21,087

Investment Balance \$15,272,043

Total Cash Balance as of July 31, 2019 \$17,507,826

No action by the Town Board.

Monthly Supervisor’s Report August 2019

The Supervisor reported Cash Balance-Operating A/C of \$2,235,783 on August 1, 2019

Total Receipts of \$1,240,153

Total Disbursements of \$1,886,488

Operating A/C Interest \$662

Operating A/C Balance \$1,590,110

Investment Interest \$18,758

Investment Balance \$15,339,859

Total Cash Balance as of August 31, 2019 \$16,929,970

No action by the Town Board.

Monthly Supervisor’s Report September 2019

The Supervisor reported Cash Balance-Operating A/C of \$1,590,109 on September 1, 2019

Total Receipts of \$1,546,534

Total Disbursements of \$1,089,809

Operating A/C Interest \$538

Operating A/C Balance \$2,047,372

Investment Interest \$17,691

Investment Balance \$14,325,313

Total Cash Balance as of September 30, 2019 \$16,372,685

No action by the Town Board.

Authorize Supervisor to Sign – Erie County 2019-2022 Intermunicipal Snow

Removal and Ice Control Agreement

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to authorize the Supervisor to sign the Intermunicipal Snow Removal and Ice Control Agreement between the County of Erie and the Town of Grand Island at the following rates:

- 2019-2020 – \$2,096.68 per lane mile September 1, 2019 through December 15, 2019; \$2,096.67 per lane mile through April 15, 2020
- 2020-2021 – \$2,170.07 per lane mile September 1, 2020 through April 15, 2021
- 2021-2022 – \$2,235.17 per lane mile September 1, 2021 through April 15, 2022

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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COMMUNICATIONS – OTHER TOWN OFFICIALS:

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT WESTFALL:

Delinquent Water and Sewer Accounts for 2020 Taxroll

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to adopt the following resolution from the Department of Engineering & Water Resources Department Head, Robert Westfall as follows:

WHEREAS, the Department Head, Department of Engineering & Water Resources did notify consumers within the respective water and sewer districts on Grand Island by having the wording “IF NOT PAID BY OCTOBER 31, ARREARS WILL BE ON TAX ROLLS” printed on water bills sent out quarterly.

Now therefore, be it resolved that the following approximate amount be applied to the Taxroll of 2020:

Water	\$ 302,514.81
Sewer	\$ 402,996.46
O/D Sewer	\$ 2,382.83
Meters	\$ 3,390.00
Misc.	\$ 300.00
Grand Total	\$ 711,584.10

Be it further resolved, that the Town Clerk is hereby directed to accept no payments of such delinquent accounts after the said last day of October 2019.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

Grand Park Vue – Section VIII – Road Dedication

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adopt the following resolution accepting the Road Dedication for Grand Park Vue – Section VIII:

Upon submission of the annexed deed of dedication of John W. Stickl Construction Co., Inc., dedicating and releasing the necessary lands for a proposed town highway as set forth in the annexed legal description in the Town of Grand Island, County of Erie, State of New York, to be known as Cedar Ridge Circle; now therefore it is,

RESOLVED that, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent is given that the Highway Superintendent of the Town of Grand Island make an Order accepting and laying out the aforesaid town highway to be known as Cedar Ridge Circle, the Town highway to consist of the lands described in the deed of dedication, subject to the approvals of the Town Engineer and the attorneys for the Town, and it is further

RESOLVED that, subject to the approvals of the Town Engineer and the attorneys for the Town and the Order of the Highway Superintendent laying out the aforesaid town highway to be known as Cedar Ridge Circle, the Town Board hereby accepts the annexed deed of dedication, provided it is filed by the attorney for John W. Stickl Construction Co., Inc., or its representative, in the Erie County Clerk’s office and the attorneys for the Town are provided with a certified copy thereof documenting such satisfactory filing.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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Grand Park Vue – Section VIII – Accept Sanitary Easements

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adopt the following resolution accepting the Sanitary Easements for Grand Park Vue – Section VIII:

WHEREAS, John W. Stickl Construction Co., Inc. has offered for dedication lands for a proposed town highway to be known as Cedar Ridge Circle ; and

WHEREAS, the plans submitted by John W. Stickl Construction Co., Inc. in connection with such proposed town highways include a sanitary easement in favor of the Town of Grand Island; and

WHEREAS, John W. Stickl Construction Co., Inc., has offered such public sanitation easement to the Town of Grand Island;

NOW, THEREFORE, BE IT RESOLVED, subject to the approval of the attorneys for the Town, the Town Board does hereby accept from John W. Stickl Construction Co., Inc., the owner of Grand Park Vue Section VIII, Permanent Easement for Sanitation annexed hereto as attachment A, provided it is filed by the attorney for John W. Stickl Construction Co., Inc. or its representative, in the Erie County Clerk's office and the attorneys for the Town are provided with a certified copy thereof documenting such satisfactory filing;

AND BE IT FURTHER RESOLVED, that, subject to the approval of the attorneys for the Town, the Supervisor is authorized and directed to execute said easements.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

Modify Procurement Policy for the Town of Grand Island

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to amend the Town of Grand Island's Procurement Policy adding GUIDELINE 8: Language for "Best Value and Piggybacking" procurement purchases as follows:

GUIDELINE 8: Best Value and "Piggybacking" Procurement: The Town Board authorizes the procurement of purchase contracts consistent with the "best value" standard as provided by New York General Municipal Law § 103[1], which is the basis for awarding eligible contracts to the responsive and responsible offeror which optimizes quality, cost and efficiency, as measured to the extent possible by objective and quantifiable analysis. The Town Supervisor shall determine and recommend to the Town Board those purchase contracts that should be procured on the basis of the best value standard, and shall develop the criterion for award thereunder. In addition, the Town Board authorizes the procurement of apparatus, materials, equipment or supplies, or contracts for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, through the use of a contract let by the United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with New York General Municipal Law § 103 and made available for

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use by other governmental entities. The Town Supervisor shall determine and recommend to the Town Board those contracts that should be procured in this manner.

GUIDELINE 9. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

Award Bid – Roof Replacement – Whitehaven Road Pumping Facility – M-73-2019

Town Engineer Robert Westfall reported that on October 24, 2019, bids were opened by Garland/DBS, Inc. under the Master Intergovernmental Cooperative Purchasing Agreement (Cobb County, GA and U.S. Communities) for the Whitehaven Road Pumping Facility Roof Replacement – M-73-2019 as follows:

Progressive Roofing	\$47,959.00
Grover Roofing Services, Inc.	\$52,032.00
Jameson Roofing Co., Inc.	\$58,481.00

After careful review, Mr. Westfall recommends award to the low bidder, Progressive Roofing in the amount of \$47,959.00.

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to adopt the following resolution:

WHEREAS, the Town Board (“Town Board”) of the Town of Grand Island (“Town”) has determined that roofing replacement work (the “Work”) is necessary at the Town’s TGI Water Pump Station in order to preserve Town property and ensure the safe and efficient operation of the Town’s services; and

WHEREAS, the Town Board has adopted a “piggybacking” alternative procurement method consistent with New York General Municipal Law Section 103; and

WHEREAS, following review of available alternatives to complete the necessary Work, the Town Engineer has advised the Town Board that a contract is available pursuant to piggybacking procurement through Cobb County, Georgia, as facilitated by U.S. Communities Government Purchasing Alliance, and that procurement of the necessary Work through this available contract is in the best interests of the Town;

NOW, THEREFORE, BE IT RESOLVED, that, upon the recommendation of the Town Engineer and the Town Supervisor, the Town Board hereby finds that procurement of the necessary Work pursuant to piggybacking procurement procedures is in the Town’s best interests and is consistent with General Municipal Law Section 103; and be it further

RESOLVED, that the Town Board hereby approves the purchase of the necessary Work from Garland/DBS, Inc. (“Garland”), through the available piggybacking contract between Garland and Cobb County, Georgia, in the amount of \$47,959 (consistent with the Roofing Material and Services Proposal from Garland, as presented), and authorizes the Town Supervisor to execute a contract with Garland consistent with the intent and operation of this resolution, subject to review and approval by the Town’s legal counsel; and be it further

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RESOLVED, that the Town Supervisor is authorized to undertake all actions necessary to register the Town with U.S. Communities Government Purchasing Alliance in order to facilitate the procurement herein.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

Authorize Supervisor to Sign Professional Services Agreement – SSES Year 8 (M-198-19)

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign the Professional Services Agreement for SSES Year 8 (M-198-19) with GHD in the amount of \$361,700.00.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK: Status Changes

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the status changes for the following employees: David Williams, Park Mechanic, effective November 7, 2019 to Seasonal, \$18.25/hr. and Henry Grunzweig, Parks General Worker, effective November 5, 2019 to Seasonal, \$11.10/hr.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

GOLDEN AGE CENTER – JENNIFER R. MENTER:

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve the hiring of Christine Ryan, Part-time Recreation Attendant – Kitchen Assistant, effective Wednesday, November 6, 2019, Grade 2, Step A, \$12.10/hr., subject to the completion of the necessary pre employment paperwork.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to pay Vouchers #129401 - #129587

General	\$117,811.84
Highway	\$ 45,052.95
Sewer	\$ 24,050.91
Water	\$ 16,441.37
Trust & Agency	\$ 97.91
Capital	<u>\$232,585.31</u>
Totals	\$436,040.29

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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UNFINISHED BUSINESS:

Local Law Intro #8 of 2019 – Amend Chapter 407 of the Zoning Code Regarding “Dark Sky” Lighting Guidelines

A. Correspondence – Planning Board

Supervisor McMurray closed the Public Hearing that was held on October 21, 2019. A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to refer Local Law Intro #8 of 2019 – Amend Chapter 407 of the Zoning Code Regarding “Dark Sky” Lighting Guidelines to the Planning Board.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

NYSDOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract #D035733 – Supplemental Agreement (SA#2) Authorization

Supplemental Agreement No. 2 (SA#2) extends the contract end date to 12/31/2022 and authorizes additional Federal Funding for the project bringing the total Federal share to \$1,184,800.00. The Local share of \$565,900 includes the Town’s share of the Grand Island Blvd. sidewalk, Erie County’s share for the Whitehaven Road sidewalk and the Town’s share of the conduit installation.

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to adopt the following resolution authorizing the agreement including Supplemental Agreement No. 2 with the New York State Department of Transportation for the Grand Island Accessibility Project that includes the installation of sidewalks on Grand Island Blvd. from Webb Road to Fantasy Island:

Authorizing the implementation, and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid project, to fully fund the local share of Federal-Aid eligible and ineligible projects costs, and appropriating funds therefore

WHEREAS, a Project to install ADA compliant sidewalks on Route 324 Grand Island Blvd. from Webb Road to Martin's Fantasy Island, known as the Town of Grand Island Blvd Sidewalk Accessibility Project, PIN 5762.27, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds an 20% Non-Federal funds; and

WHEREAS, the Town of Grand Island desires to advance the Project by making a commitment of 100% of the Non-Federal share of the Federal Aid eligible costs and any required Local costs of the Design, Construction & Construction Inspection phase of the project, PIN 5762.27.

NOW, THEREFORE, the Town Board of the Town of Grand Island, duly convened does hereby

RESOLVE, that the Town Board of the Town of Grand Island hereby approves the above subject project; and it is hereby further

RESOLVED, that the Town Board of the Town of Grand Island hereby authorizes the Town of Grand Island to pay in the first instance 100% of the Federal and Non-Federal (Local) shares of the cost of the Design, Construction & Construction Inspection phase of the Project or portions thereof, and it is further

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RESOLVED, that the sum of \$565,900 is hereby appropriated or appropriated from the 2017 capital budget and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's Design, Construction & Construction Inspection phase exceeds \$565,900, the current cost of this project phase, the Town of Grand Island shall *convene* its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor of the Town of Grand Island be and hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Grand Island with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of the Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to the necessary Agreement & Supplemental Agreement No. 1 in connection with the Project, and it is further

RESOLVED, this resolution shall take effect immediately.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

NYS DOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract #D035733 – M-224 – Award Contract

Town Engineer Robert Westfall reported that on August 21, 2019 the following bids were received for the Grand Island Blvd. Accessibility Project:

<u>Contractor</u>	<u>Total Bid including Alt 1 & Alt 2</u>
Nova Site Co, LLC	\$1,445,035.00
Millennium Construction	\$1,865,859.00
Catco	\$2,077,828.90
Occhino Corp	\$2,090,909.25

After careful review Mr. Westfall recommends bid award to Nova Site Co., LLD in the amount of \$1,445,035.00.

The base bid portion of the project (Grand Island Blvd. Sidewalks) \$1,175,335.00 is being paid for under NYS DOT PIN 5762.27 and the Whitehaven Road Sidewalk portion, \$40,700.00, is being paid for by Erie County.

The conduit installation portion, \$229,000.00 is full responsibility of the Town.

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A motion was made by Councilwoman Kinney, seconded by Councilman Marston to accept the recommendation of the Town Engineer and award the bid for the NYSDOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract #D035733 – M-224 to Nova Site Co., LLC in the amount of \$1,445,035.00 and allocate \$200,000 from the Technology Fund \$30,000 from the General Fund for the conduit installation portion.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

NYSDOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract #D035733 – M-224 – Authorize Additional Professional Services

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign an agreement with C& S Engineers to amend their existing professional services agreement to include construction inspection services related to the NYSDOT Grand Island Boulevard Accessibility Project – PIN 5762.27 Comptrollers Contract #D035733 – M-224 in an amount not to exceed \$155,194.00.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

Town Hall Gazebo Project (Lumber Purchase) – M 69-19 – Bid Results/Award Contract

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to refer the Town Hall Gazebo Project (Lumber Purchase) – M 69-19 – Bid Results/Award Contract to the Town Board.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

PUBLIC COMMENTS:

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

Speakers: Marsha Phillips, Dan Drexilius, Dick Crawford, Bill Shaw

FROM THE BOARD:

- Election Day – Tuesday, November 5, 2019
- Bridge at Nike Base
- Water/Engineering/Accounting Departments – Hydrant Project
- Master Plan

ADJOURNMENT:

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to adjourn the meeting at 9:10p.m.

APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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

Richard Czerwik	Debra Anderson
Robert Ryan	Carolyn Leggio
Leatrice Schassar	Sandra Dutka
Peter Fabiano	Romilda Plonsky

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

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