

Town of Grand Island – Regular Meeting #4

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 March, 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 Fellowship Center gave the Invocation.
Councilman Michael H. Madigan led the Pledge of Allegiance.

PROCLAMATION:

Red Cross Volunteers

PUBLIC COMMENTS:

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

Speakers: None

PUBLIC HEARING:

Unsafe Structure – 2041 Baseline

Pursuant to Town Code Section 125-10 (E), a Hearing was conducted on Monday, March 4, 2019 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on an unsafe structure at 2041 Baseline Road, SBL #37.03-1-46.

Speakers: Ron Milks, CEO, Sam Hunt

A motion was made by Councilman Marston, seconded by Councilman Madigan to authorize the Code Enforcement Officer to prepare an RFP and order the demolition and removal of the unsafe structure located at 2041 Baseline Road, SBL #37.03-1-46, and to assess all expenses thereof against the land on which it is located which shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

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

MINUTES:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve Minutes of Workshop Meeting #4, January 28, 2019, Minutes of Workshop Meeting #5, February 1, 2019, Minutes of Workshop Meeting #6, February 4, 2019, Minutes of Regular Meeting #3, February 4, 2019, Minutes of Workshop Meeting #7, February 12, 2019 and Minutes of Workshop Meeting #8, February 14, 2019.

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

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CONSENT AGENDA:

1. Building Permits Issued – January 2019
2. Meeting Minutes – Traffic Safety Advisory Board – December 11, 2018
3. Golden Age Center – Facility Usage – January 2019
4. Meeting Minutes – Zoning Board of Appeals – January 3, 2019
5. Meeting Minutes – Board of Architectural Review – January 15, 2019
6. Meeting Minutes – Planning Board – January 14, 2019

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

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

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR NATHAN D. McMURRAY:

Sunshine Law

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to adopt the following resolution:

WHEREAS the Town Board is committed to transparency in government;

NOW IT BE THEREFORE RESOLVED that the Town Board of the Town of Grand Island does hereby support open government and is committed to complete compliance with the New York State Open Meetings Law.

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

Grand Island Fire Company:

A. Resolution Approving Supervisor's Approval of Borrowing

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

RESOLVED, that the Town Board of the Town of Grand Island, Erie County, New York upon reading the Appointment of Hearing Officer executed by Nathan D. McMurray, Supervisor dated February 4, 2019; the Notice of Public Hearing published on February 8, 2019 in the *Island Dispatch* and the Report of Hearing Officer dated February 26, 2019 for the Public Hearing held on February 26, 2019 at 7:00p.m.; hereby approve the "Approval of Borrowing" on behalf of the Town Board.

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

Needs Assessment – Cannon Building

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to authorize the Supervisor to sign the Professional Services Agreement with CGR with the amendments as follows: Clarification of the scope of work will include staffing and departmental structure analysis; Section 6 – Deliverables – Review Process will be amended to provide for 10 business days for written comments; and final agreement with amendments will be approved subject to the approval of the Town Attorney.

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

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COUNCILMAN PETER MARSTON, JR.:

Waive User Fees Billed to Grand Island Little League

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to approve the request to waive the user fees for Grand Island Little League for the use of the snack stand building in 2018 in the amount of \$1,035.00.

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

Fees – Parks Department

A motion was made by Councilman Marston, seconded by Councilman Madigan to amend the Fee Schedule to add the following Parks User Fees:

\$25.00 – No Show – Weekend days for fields that are prepared and no used. 24 hour cancellation required.

\$30.00 – Off Island Adult Soccer Team Registration Fee

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN JUSTICE – MARK J. FRENTZEL:

Appointment – Clerk to Town Justice

Town Justice Mark Frentzel informed the Town Board he has appointed Jennifer Cammarano to the position of Clerk to Town Justice, effective March 11, 2019 at Grade 6.5A - \$20.28/hr. This appointment is made subject to the completion of the pre-employment paperwork.

No Action by the Town Board.

TOWN ATTORNEY – PETER GODFREY:

Amend Bond Resolution – Capital Improvements – Nike Base Community Center

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to approve the amended Bond Resolution as follows:

An amending and restating Bond Resolution, dated March 4, 2019, of the Town Board of the Town of Grand Island, Erie County, New York (The “Town”) amending the Bond Resolution that was adopted on October 2, 2017 and 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 \$600,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$600,000 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, on October 2, 2017, the Town Board of the Town of Grand Island, Erie County, New York (the “Town”) adopted a certain bond resolution (the “Original Bond Resolution”) entitled:

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

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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 wishes to modify the Original Bond Resolution for the primary purpose of modifying the scope of the project and to make other modifications to the Original Bond Resolution as may be consistent with the project plan and the law; and

WHEREAS, due to a modification to the scope of the project, the Town Board wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$225,000 to \$600,000 and b) the amount of serial bonds authorized to be issued from \$225,000 to \$600,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Original Bond Resolution is being modified to include additional improvements as previously described, and is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Town Board now wishes to amend and restate (in its entirety) the original October 2, 2017 Bond Resolution for the reasons identified above, and to make other determinations to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Town has not previously issued bond anticipation notes pursuant to the Original Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

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 encapsulation of asbestos in the building, installation of new flooring and drywall, installation of ceiling tiles, lighting improvements, installation of new HVAC units, fire system alarm modifications, improvements to restroom facilities to make them handicapped accessible and the construction of a new single use ADA compliant restroom with an outside access door, as well as other such improvements as more fully identified in (or contemplated by) a revised 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 \$600,000.

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

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exceed \$600,000 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.

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 October 2, 2017 or within 60 days prior to the earlier of (a) October 2, 2017 or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures)

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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 original declaration of its "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.

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.

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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. Nothing in this amendment shall affect the validity of the original October 2, 2017 bond resolution, or any action taken thereunder and any such actions are hereby ratified.

SECTION 16. This resolution is effective immediately.

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

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT WESTFALL: Professional Services Agreement – Staley Road Waterline Replacement – Job # M-225

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign the Professional Services Agreement with Wendel for the Staley Road Waterline Replacement – Job # M-225 in the amount of \$117,185.00.

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

Request Authorization to Advertise for Bids – Nike Base Community Center Improvements – Job # M-213

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the Town Engineer to advertise for bids for the Nike Base Community Center Improvements – Job # M-213 on Friday, March 15, 2019 and to receive bids on Wednesday, April 10, 2019 at 10:00a.m. local time.

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

PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK:

Hires

A motion was made by Councilman Marston, seconded by Councilman Madigan to refer the request from Parks Maintenance Crew Chief Thomas Dworak to the Town Board.

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

TOWN ACCOUNTANT – PAMELA BARTON:

Establishing Golden Age Center Capital Reserve Account

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt the following resolution, subject to Permissive Referendum:

RESOLVED, that the Town Board of the Town of Grand Island hereby establishes a capital reserve fund pursuant to Section 6-c of the General Municipal Law (“Section 6-c”), which shall be known as the “Reserve Fund – Golden Age Center” (the “Fund”); that the purpose of the Fund shall be to accumulate moneys to finance the cost of capital improvements at the Town’s Golden Age Center; that the estimated maximum cost of such capital improvements is \$250,000; that there shall be deposited

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into the Fund the amount of \$90,000 (which constitutes the proceeds of an insurance settlement relating to programs operated at the Golden Age Center), as well as (a) any annual surplus funds attributable to operation of programs at the Golden Age Center, (b) any donations received by the Town which are dedicated by the donor to support the operation of the Golden Age Center and (c) any other amounts directed by the Town Board to be deposited into the Fund; and that the Fund shall be implemented and operated in accordance with Section 6-c.

This resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c.

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

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – Carol M. Merckel, 2324 East River Road – Keeping of 2 Agricultural Animals on 3 Acres

A motion was made by Councilman Madigan, seconded by Councilman Marston to renew the Special Use Permit for Carol M. Merckel, 2324 East River Road for keeping of 2 agricultural animals on 3 acres. The site has been inspected and it is unchanged. There are no animals at this time.

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

Local Law Intro #1 of 2019 – Rezoning SBL #36.00-2-7, 2356 Whitehaven Road – CR to R-1A – Set Public Hearing

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to refer Local Law Intro #1 of 2019 – Rezoning SBL #36.00-2-7, 2356 Whitehaven Road – CR to R-1A to the Planning Board for review and recommendation.

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

PLANNING BOARD:

Herb'n Garden Farms, LLC, 381 Lang Boulevard – Hydroponic Greenhouse Nursery – Site Plan Revision

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board and approve the revised Site Plan for Herb'n Garden Farms, LLC, 381 Lang Boulevard – Hydroponic Greenhouse Nursery.

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

Project Submission/Review Requirements/Checklist

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board and approve the checklist for new Site Plan projects and that from this point forward, all new Site Plan projects are to be submitted to the Code Enforcement Office with ancillary information (as needed) be reviewed by the Town Engineer and Storm water Management Officer.

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

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REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to pay Vouchers #126923 - #127072

General	\$ 69,341.10
Highway	\$141,468.07
Sewer	\$ 73,179.03
Water	\$ 26,369.39
Capital	\$ 57,287.66
Garbage	<u>\$121,696.45</u>
Total	\$489,341.70

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

UNFINISHED BUSINESS:

Heron Pointe, Phase 2 – Whitehaven Road – Revised Site Plan

A. Correspondence – Traffic Safety Advisory Board

Remains Tabled.

Authorize Supervisor to Sign – Energy Services Program Master Cost Recovery Agreement

A. Correspondence – Michael H. Madigan

Remains Tabled.

GIS Upgrades

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to authorize the Supervisor to sign the Professional Services Agreement with GEOCOVE to perform the first step to “Activate and Configure the ArcGIS Online Organization” in an amount not to exceed \$800.00.

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: Sam Hunt, Patrick Dworak

FROM THE BOARD:

- Grand Island High School Hockey Team – Champions
- “Hello Dolly” performance at St. Stephen’s
- Open Meetings Compliance

ADJOURNMENT:

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A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adjourn the meeting at 8:55p.m.

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

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

Donna Gross	Joan Kingston
Christopher Shores II	James Watkins
George Pachter, Jr.	Henry Burak
Wayne Askew	William Linton
Stanley Wesolowski	Marilyn Boorady
Olga "Ollie" Fachko	

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

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