

# 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 5<sup>th</sup> of March, 2018.

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.  
Supervisor Nathan D. McMurray gave the Invocation.  
Councilman Peter Marston, Jr. led the Pledge of Allegiance.

## **PROCLAMATION:** **Trees for Bees**

## **PUBLIC COMMENTS:**

***Agenda Items as well as proposed Resolutions on Sewer Connection and Out of District Sewer connection for Holiday Inn Express were open for comment to the Public during this period.***

Speakers: RJ Wynne, Ed Caza, Oliver Gross

## **PUBLIC HEARING:**

### **Bond Resolution – Increase and Improvement of Facilities of the Consolidated Water District – Water Treatment Plant Improvements Project-2018**

A Public Hearing was held on Monday, March 5, 2018 at 8:00p.m. for the purpose of hearing anyone who wanted to comment on a Bond Resolution – Increase and Improvement of Facilities of the Consolidated Water District – Water Treatment Plant Improvements Project-2018.

Speakers: None

Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to adopt the following Resolution and Order after Public Hearing approving the increase and improvement of facilities of the Town of Grand Island Consolidated Water District:

WHEREAS, the Town Board of the Town of Grand Island (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Water District (the “District”); and

WHEREAS, in May of 2014, the Town Board directed Wendel Companies, competent engineers licensed in New York, to prepare a map, plan and report for a water system capital improvements project within the District; and

WHEREAS, in June of 2014, the Town approved the original capital improvements project, through Town Law Section 202-b proceedings and other resolutions and adopted a bond resolution on June 16, 2014; and

WHEREAS, subsequently, the Town determined that the scope of such original capital project should be increased to include additional improvements in the District and directed Wendel Companies, competent engineers licensed in New York, to

**Monday, March 5, 2018 - 1**

## **Town of Grand Island – Regular Meeting #4**

prepare a revised map, plan and report (dated January 2017) to include additional improvements in the District; and

WHEREAS, in January and February of 2017, the Town approved, through Town Law Section 202-b proceedings and other resolutions and adopted an amending bond resolution on February 6, 2017; and

WHEREAS, in light of further improvements, the Town Board has directed Wendel Companies to prepare an addendum to the 2017 revised map, plan and report to include further improvements in the District; and

WHEREAS, the cost of such revised project has increased from \$701,000 to \$806,000 due to such modifications; and

WHEREAS, such further revised and expanded project will generally consist of improvements to the water treatment plant including, but not limited to, the rehabilitation of the residual sludge lagoons (by replacing the bottom clay liners), the installation of approximately 150 linear feet of a new 24-inch water line from the clearwell to the high service pumps and the replacement of the high service pumps with vertical turbine pumps, installation of piping and valves, insulation and electrical upgrades, SCADA system improvements and the installation of steel framing, as well as other such improvements as more fully identified in (or contemplated by) such addendum to the revised map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, this Addendum No. 1 (a) expands the scope of the Project, (b) increases the estimated maximum amount from \$701,000 to \$806,000 and (c) increases the aggregate principal amount of bonds from \$701,000 to \$806,000; and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such addendum to the revised map, plan and report (as so amended) for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an increased estimated maximum amount of \$806,000; said cost to be financed by the issuance of serial bonds of the Town in an increased aggregate principal amount not to exceed \$806,000 such amount to be offset by any federal, state, county and/or local funds received; and

WHEREAS, such further revised map, plan and report, including such Addendum No. 1 (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above;

WHEREAS, the Town Board has determined that the District Improvement is a Type II action; and

WHEREAS, the Town Board issued an Order at its February 5, 2018 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on March 5, 2018 at 8:00 o'clock p.m. (prevailing time) or shortly thereafter, to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this

**Monday, March 5, 2018 - 2**

## Town of Grand Island – Regular Meeting #4

Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$806,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$806,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

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

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to adopt an Amending and Restating Bond Resolution, dated March 5, 2018, of the Town Board of the Town of Grand Island, Erie County, New York (the "Town"), further amending the bond resolution that was adopted on June 16, 2014 and amended on February 6, 2017, and authorizing a capital improvements project within the Town of Grand Island Consolidated Water District at an estimated maximum cost of \$806,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$806,000 pursuant to the Local Finance Law to finance said purpose, said amount to be offset by an Federal, State, County and/or local funds received, and

**Monday, March 5, 2018 - 3**

## **Town of Grand Island – Regular Meeting #4**

delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such bonds to the Town Supervisor:

WHEREAS, on February 6, 2017, the Town Board of the Town of Grand Island, Erie County, New York (the “Town”) adopted an amending bond resolution (the “2017 Amending Bond Resolution”) entitled:

An Amending and Restating Bond Resolution, dated February 6, 2017, of the Town Board of the Town of Grand Island, Erie County, New York (the “Town”), amending the bond resolution that was adopted on June 16, 2014, and authorizing a capital improvements project within the Town of Grand Island Consolidated Water District at an estimated maximum cost of \$701,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$701,000 pursuant to the Local Finance Law to finance said purpose, said amount to be offset by an 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 has previously issued bond anticipation notes pursuant to the 2017 Amending Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

WHEREAS, the Town has determined that the scope of such original capital project be increased to include additional improvements in the Consolidated Water District (the “District”); and

WHEREAS, the Town Board has directed Wendel Companies to prepare an addendum to the 2017 revised map, plan and report to include further improvements in the District; and

WHEREAS, the cost of such revised project has increased from \$701,000 to \$806,000 due to such modifications; and

WHEREAS, the Town Board now wishes to modify the 2017 Amending Bond Resolution for the purposes of: (a) expanding the scope of the Project, (b) increasing the estimated maximum amount from \$701,000 to \$806,000 and (c) increasing the aggregate principal amount of bonds from \$701,000 to \$806,000; and

WHEREAS, the Town Board now wishes to amend and restate the 2017 Amending Bond Resolution for the purpose identified above, and to make other modifications in the 2017 Amending Bond Resolution as may be consistent with law; and

WHEREAS, the 2017 Amending Bond Resolution is being modified to include additional improvements in the District as previously described, and is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Town Board of the Town has determined to proceed with the capital improvements project; and

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 Town Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a capital improvements project within the District generally consisting of improvements to the

**Monday, March 5, 2018 - 4**

## **Town of Grand Island – Regular Meeting #4**

water treatment plant including, but not limited to, the rehabilitation of the residual sludge lagoons (by replacing the bottom clay liners), the installation of approximately 150 linear feet of a new 24-inch water line from the clearwell to the high service pumps and the replacement of the high service pumps with vertical turbine pumps, installation of piping and valves, insulation and electrical upgrades, SCADA system improvements and the installation of steel framing, as well as other such improvements as more fully identified in (or contemplated by) such addendum to the revised map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "District Improvement"). The estimated maximum cost of said purpose is \$806,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$806,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds, and by the assessment, levy and collection of assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 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 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 or charges, there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said 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

**Monday, March 5, 2018 - 5**

## Town of Grand Island – Regular Meeting #4

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 June 16, 2014 or within 60 days prior to the earlier of (a) June 16, 2014 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 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 determined that the Purpose is a Type II action that 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 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 are authorized for an object or purpose for which said Town is not authorized to expend money, or

**Monday, March 5, 2018 - 6**

# Town of Grand Island – Regular Meeting #4

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are 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 said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

SECTION 15. Nothing in this amendment shall affect the validity of the original June 16, 2014 Bond Resolution or the 2017 Amending 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

## **MINUTES:**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to approve Minutes of Workshop Meeting #4, January 29, 2018, Minutes of Workshop Meeting #5, February 5, 2018, Minutes of Regular Meeting #3, February 5, 2018 and Minutes of Workshop Meeting #6, February 16, 2018.

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

## **CONSENT AGENDA:**

1. Building Permits Issued – January 2018
2. Golden Age Center – Facility Usage – January 2018
3. Meeting Minutes – Zoning Board of Appeals – January 4, 2018
4. Meeting Minutes – Conservation Advisory Board – December 14, 2017
5. Meeting Minutes – Board of Architectural Review – January 16, 2018
6. Meeting Minutes – Planning Board – January 8, 2018
7. Meeting Minutes – Parks & Recreation Advisory Board – January 22, 2018

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve the consent agenda as distributed. Parks & Recreation Meeting Minutes have been amended.

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

**Monday, March 5, 2018 - 7**

# Town of Grand Island – Regular Meeting #4

## **COMMUNICATIONS – TOWN BOARD:**

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

#### **Monthly Supervisor’s Report – December 2017**

The Supervisor reported Cash Balance-Operating A/C of \$2,890,466 on December 1, 2017

Total Receipts of \$1,846,818

Total Disbursements of \$2,136,416

Operating A/C Interest \$550

Operating A/C Balance \$2,601,418

Investment Interest \$4,480

Investment Balance \$9,969,665

Total Cash Balance as of December 31, 2017 \$12,571,083

No action by the Town Board.

#### **Monthly Supervisor’s Report – January 2018**

The Supervisor reported Cash Balance-Operating A/C of \$2,601,418 on January 1, 2018

Total Receipts of \$3,710,838

Total Disbursements of \$3,829,106

Operating A/C Interest \$545

Operating A/C Balance \$2,483,694

Investment Interest \$4,433

Investment Balance \$11,154,290

Total Cash Balance as of January 31, 2018 \$13,637,985

No action by the Town Board.

#### **Approve School Resource Officer Agreement**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to authorize the Supervisor to sign the contract subject to the changes presented by the Office-in-Charge with the exception to Section 11 – no changes; Section 4.4 change to five days; Section 5.2 with the understanding immediate notification is not always possible; Section 13 - no changes, and refer to the School Board for final approval.

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

Noes 0

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

### **TOWN ATTORNEY – PETER GODFREY:**

#### **Bond Resolution – Increase and Improvement of Facilities of the Consolidated Water District – Waterline Replacement-2018 – Set Public Hearing**

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

WHEREAS, the Town Board of the Town of Grand Island (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Water District (the “District”); and

WHEREAS, the Town Board has directed Wendel, competent engineers licensed in New York, to prepare a map, plan and report for a water system capital improvements project within the District; and

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to), the installation of approximately 3,075 linear feet of 8-inch PVC waterline along various roads in the Town including, but not limited to,

**Monday, March 5, 2018 - 8**



## Town of Grand Island – Regular Meeting #4

Towerwood Road, Bronson Road and South Parkway Crossing and the transferring of water service to the new waterlines, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the foregoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$550,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$550,000, offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT ORDERED that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on Monday, March 19, 2018 at 8:00p.m. o'clock p.m. (prevailing Time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$550,000, said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

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

### **Bond Resolution – Increase and Improvement of Facilities of the Consolidated Sewer District – Lift Station 8-2018 – Set Public Hearing**

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

WHEREAS, the Town Board of the Town of Grand Island (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Sewer District (the “District”); and

WHEREAS, the Town Board has directed GHD, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District; and

**Monday, March 5, 2018 - 9**

# Town of Grand Island – Regular Meeting #4

WHEREAS, such sewer system capital improvements project will generally consist of (but not be limited to), the installation of approximately 10,560 linear feet of 18-inch forcemain piping along various roads in the Town and the installation of various equipment including interconnections, fittings and valves, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$3,100,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$3,100,000, offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT ORDERED that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on Monday, March 19, 2018 at 8:00p.m. o'clock p.m. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$3,100,000, said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing

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

## **DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL:**

### **Award Contract – Water Plant High Lift Pump Upgrade – Job #M-212-16**

Town Engineer Robert Westfall informed the Town Board that on January 24, 2018 the following bids were received for the Water Plant High Lift Pump Upgrade – Job #M-212-16:

STC Construction, Inc.	\$ 219,000.00
Quackenbush Co., Inc.	\$ 234,500.00
Hohl Industrial, Inc.	\$ 371,000.00

**Monday, March 5, 2018 - 10**

## Town of Grand Island – Regular Meeting #4

After careful review with the Town's consultant Wedel Companies, Mr. Westfall recommends that the Town award the contract to the low bidder, STC Construction, Inc. in the amount of \$219,000.00.

A motion was made by Councilman Marston, seconded by Councilwoman Baney to accept the recommendation of the Town Engineer and award the bid to STC Construction, Inc. for the Water Plant High Lift Pump Upgrade in the amount of \$219,000.00.

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

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

#### **Appointments – Board of Assessment Review**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to appoint Celia Spacone to the Board of Assessment Review for a five-year term expiring September 30, 2022 and Brad Bowman to a one-year term expiring September 30, 2018.

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

#### **Resignation – Board of Assessment Review**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to accept the resignation of Cornelius O'Donnell from the Board of Assessment Review with regret. A certificate of appreciation will be sent to Mr. O'Donnell.

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

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

#### **Grand Island Fire Company – Length of Service Awards**

As required per GML 219-a, the Town Board is required to review the list of firefighters who have qualified to receive their 2017 Service Award and approved the final certification. The list is also posted at the GI Fire Hall for at least 30 days for review by members.

A motion was made by Councilwoman Baney, seconded by Councilman Marston to submit the names to the Accounting Department and approve the payment for the 52 GIFC firefighters who have qualified to receive their 2017 Service Award.

APPROVED Ayes 4 Kinney, Baney, Marston, McMurray  
Abstain 1 Madigan

#### **Budget Amendment – Highway Fund**

Town Accountant Pam Barton reported the 2018 Capital Plan included replacing the 2001 John Deere Loader. In discussion, it makes more sense to purchase the equipment outright, rather than borrow and incur additional costs. Under GML, the General fund is allowed to transfer funds to the Highway fund. The new equipment cost is \$170,000 and the estimated auction value on the 2001 model is \$30,000. Therefore, the request is to amend the General and Highway fund budgets to transfer the funds for the net cost, not to exceed \$150,000. The actual transfer will occur after the costs and revenues settle, for only the net amount.

A motion was made by Councilman Madigan, seconded by Councilman Marston to approve the following budget amendment:

#### **General Fund:**

Increase Appropriated Fund Balance 001.0001.9999 up to \$150,000

Increase Transfer to Other Funds-Highway 001.9901.0900 up to \$150,000

**Monday, March 5, 2018 - 11**

# Town of Grand Island – Regular Meeting #4

**Highway Fund:**

Increase Appropriations:

Machinery-Equipment            002.5130.0200            up to    \$150,000

Increase Revenue:

Transfer from General Fund    002.0002.5031            up to    \$150,000

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

**2016 Agreed Upon Procedures (AUP)**

Town Accountant presented the 2016 AUP for the Town of Grand Island’s Justice Court and Town Clerk Departments prepared by Bonadio & Co., LLP, dated June 12, 2017. A requirement of the *Unified Court System’s Action Plan for Justice Courts* include initiatives to improve accountability and controls over Justice Court finances and records, and requires governing board acknowledgment that the review was conducted. A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to accept the report as a matter of record and a copy will be maintained on file in the Town Clerk’s office.

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

**Employee Leave Request**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve the request of Erin Monnett of an unpaid leave of absence from her position as Recreation Attendant at the Golden Age Center from Monday, February 12 – February 16, 2018.

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

**2017 Budget Transfers**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the following 2017 budget transfers:

General Fund:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
TRAFFIC CONTROL	REP & MAINT EQUIP	001-3310-0443	7,940.00	001-1910-0446	7,940.00	UNALLOCATED INSURANCE	EXCEEDED BUDGET
HWY SUPERINTENDENT	REP & MAINT B&G	001-5132-0422	3,360.00	001-1910-0446	3,360.00	UNALLOCATED INSURANCE	EXCEEDED BUDGET
PROGRAMS FOR AGING	PERS SVCS	001-6772-0198	1,970.00	001-1910-0446	1,970.00	UNALLOCATED INSURANCE	EMPLOYEE TOOK BONUS
PARKS & PLAYGROUNDS	DEPARTMENTAL SPPLS	001-7110-0443	4,915.00	001-1910-0446	4,915.00	UNALLOCATED INSURANCE	EXCEEDED BUDGET
			\$ 18,185.00		\$ 18,185.00		

Highway Fund:

DEPT	ACCOUNT NAME	ACCOUNT NUMBER	TRF NEEDED	FROM A/C	\$	FROM DIFFERENT DEPT	EXPLANATION
MSC B&W	PERS SVCS - SELLBACKS	002-5140-0199	26,000.00				
	PERS SVCS - SICK TIME	002-5140-0110	6,000.00	002-5142-0102	32,000.00	SNOW REMOVAL - OT	ADJUST PAYROLL DISTRIBUTION
TOTALS			\$ 32,000.00		\$ 32,000.00		

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

**CODE ENFORCEMENT OFFICE:**

**Appointment – Code Enforcement Officer**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to accept the recommendation of the Code Enforcement Office Department Head, Ron Milks and appoint Kasey Morgan as Full-time Code Enforcement Officer, effective March 26, 2018 at a start pay of Grade 7, Step 1 of the CSEA schedule, \$23.12/hr., subject to the completion of the necessary pre-employment paperwork. Upon completion of the required CEO certification within the time permitted under applicable law, and upon presentation of proof of such certification to the Town, Mr. Morgan will advance to CEO (B), Grade 8, Step 1 automatically.

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

**Monday, March 5, 2018 - 12**

# Town of Grand Island – Regular Meeting #4

## Status Change

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to approve the status change of Rhonda Tollner from Part-time to Seasonal, for a period not to exceed five months, effective April 1, 2018. Pay rate will remain the same.

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

## PLANNING BOARD:

### River Oaks Marina, 101 Whitehaven Road – Site Plan Approval – Boat Sales/Office Building, Storage Building and Yard

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to accept the recommendation of the Planning Board and grant Site Plan Approval for River Oaks Marina, 101 Whitehaven Road Boat Sales/Office Building, Storage Building and Yard, subject to:

- The issuance of all necessary Zoning variances as required
- All conditions imposed by the Planning Board
- No Building Permit be issued until the temporary storage trailer located on the property is relocated to the portion of the property designated for outdoor storage
- A Certificate of Occupancy will not be issued for the Office Building until the temporary storage trailer is removed entirely from the property in Phase I of project.

APPROVED Ayes 4 Kinney, Baney, Marston, McMurray  
Noes 1 Madigan

### River Oaks Marina, 3001 East River Road – Site Plan Approval – Revised Outdoor Storage

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to accept the recommendation of the Planning Board and approve the revised Site Plan with condition there be no additional containers beyond the number identified on the Site Plan.

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

### GP-50, 2770 Long Road – Site Plan Approval – Building Expansion

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to table the Site Plan approval for GP-50, 2770 Long Road for a building expansion.

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

## GOLDEN AGE CENTER:

### Status Changes

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the status change of Molly Vigrass from Part-time to Seasonal, effective March 6, 2018. Rate of pay will remain the same.

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

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve the status change of Tammy Violanti from Part-time to Seasonal, effective April 2, 2018. Rate of pay will remain the same.

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

## REPORT OF THE AUDIT COMMITTEE:

**Monday, March 5, 2018 - 13**

## Town of Grand Island – Regular Meeting #4

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to pay

Vouchers #123428 -123525	
General	\$105,031.19
Highway	\$ 43,400.61
Sewer	\$ 2,139.41
Water	\$ 2,371.72
Capital	\$ 7,655.00
Fire	\$ 528.17
Total	\$161,126.10

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

### **SUSPEND THE RULES:**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to Suspend the Rules for the following:

- Local Law Intro #1 of 2018 - Amend the Zoning Code of Grand Island to Regulate Truck Stops/Travel Plazas
- Emergency Hired Services – Sink Hole on Bedell Road
- Resolution Accepting an Easement and Sewer Infrastructure Maintenance Agreement & Out of District Sewer Agreement With the Development of a Hotel on Adjacent Property by Grand Island Hotels, LLC
- Public Improvement Permit (PIP) – Sewer Infrastructure – Grand Island Commerce Center & 2761 Long Road (Grand Island Hotels, LLC)

*MOTION FAILED – VOTE NOT UNANIMOUS*

NOT APPROVED Ayes 4 Kinney, Baney, Marston, McMurray  
Noes 1 Madigan

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to Suspend the Rules to consider a Resolution Accepting an Easement and Sewer Infrastructure Maintenance Agreement & Out of District Sewer Agreement With the Development of a Hotel on Adjacent Property by Grand Island Hotels, LLC and a Public Improvement Permit (PIP) – Sewer Infrastructure – Grand Island Commerce Center & 2761 Long Road (Grand Island Hotels, LLC)

*ISSUE WAS NOT VOTED ON*

### **Local Law Intro #1 of 2018 - Amend the Zoning Code of Grand Island to Regulate Truck Stops/Travel Plazas**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to Suspend the Rules to consider setting a Public Hearing for Local Law Intro #1 of 2018 - Amend the Zoning Code of Grand Island to Regulate Truck Stops/Travel Plazas.

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

A motion was made by Councilman Marston, seconded by Councilwoman Baney to set a Public Hearing for Monday, March 19, 2018 at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #1 of 2018 - Amend the Zoning Code of Grand Island to Regulate Truck Stops/Travel Plazas.

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

### **Emergency Hired Services – Sink Hole on Bedell Road**

**Monday, March 5, 2018 - 14**

## Town of Grand Island – Regular Meeting #4

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to Suspend the Rules to consider authorizing an emergency sewer repair on Bedell Road.

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

Town Engineer Robert Westfall reported that he has been notified of apparent sink hole developing on Bedell Road where the 30" interceptor sewer crosses. Contractor United Survey has prepared a proposal to mobilize, clean and televise approximately 147' +/- of sewer between the manhole each side of the road at an estimated amount of \$5,550.00. After consultation with the Town Attorney, it is recommended that the Town execute the proposal immediately, as a collapse could lead to catastrophic consequences.

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Town Engineer to execute the Proposal with United Survey in an amount not to exceed \$5,550.

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

### **Public Improvement Permit (PIP) – Sewer Infrastructure – Grand Island Commerce Center & 2761 Long Road (Grand Island Hotels, LLC) and Resolution Accepting an Easement and Sewer Infrastructure Maintenance Agreement & Out of District Sewer Agreement With the Development of a Hotel on Adjacent Property by Grand Island Hotels, LLC**

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to Suspend the Rules to allow public comments on the Public Improvement Permit (PIP) – Sewer Infrastructure – Grand Island Commerce Center & 2761 Long Road (Grand Island Hotels, LLC) and a Resolution Accepting an Easement and Sewer Infrastructure Maintenance Agreement & Out of District Sewer Agreement With the Development of a Hotel on Adjacent Property by Grand Island Hotels, LLC

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

Speakers: Celia Spacone, Jenn Pusatier, Madeline Hjalmarson, RJ Wynne

Supervisor McMurray closed the Public Comment portion of this issue.

#### **A. Resolution Accepting an Easement and Sewer Infrastructure Maintenance Agreement & Out of District Sewer Agreement With the Development of a Hotel on Adjacent Property by Grand Island Hotels, LLC**

#### **B. Public Improvement Permit (PIP) – Sewer Infrastructure – Grand Island Commerce Center & 2761 Long Road (Grand Island Hotels, LLC)**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to Suspend the Rules to consider the Resolution Accepting an Easement and Sewer Infrastructure Maintenance Agreement & Out of District Sewer Agreement With the Development of a Hotel on Adjacent Property by Grand Island Hotels, LLC and a Public Improvement Permit (PIP) – Sewer Infrastructure – Grand Island Commerce Center & 2761 Long Road (Grand Island Hotels, LLC).

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

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to adopt the following Resolution accepting an Easement and Sewer Infrastructure Maintenance Agreement & Out of District Sewer Agreement With the Development of a Hotel on Adjacent Property by Grand Island Hotels, LLC:

**Monday, March 5, 2018 - 15**

## Town of Grand Island – Regular Meeting #4

WHEREAS, Grand Island Hotels, LLC (the “Developer”) is the owner of certain real property commonly referred to as 2761 Long Road, Grand Island, New York on which it is developing a hotel (the “Hotel Project”); and

WHEREAS, in connection with the Hotel Project, Developer (or its agents) desires to install sewer-related infrastructure pursuant to the fully engineered plans prepared by C&S Companies filed with the Town of Grand Island Engineering Department on February 6, 2018 on real property adjacent to the Hotel Project located on Long Road, Town of Grand Island, New York (the “Commerce Center Property”), which adjacent property is owned by Grand Island Commerce Center, Inc. (“Commerce Center”), and which sewer related infrastructure will be offered for dedication to the Town of Grand Island; and

WHEREAS, the Town of Grand Island Town Board, as SEQRA lead agency, in connection with the Hotel Project, has conducted a full review of potentially adverse environmental impacts from the Hotel Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and duly issued a Negative Declaration pursuant thereto; and

WHEREAS, in connection with Developer’s installation of sewer-related infrastructure on the Commerce Center Property, Commerce Center has offered to the Town Board of the Town of Grand Island for acceptance on behalf of the Town the form of Easement and Sewer Infrastructure Maintenance Agreement attached hereto as exhibit A (the “Easement”); and

WHEREAS, in connection with Developer’s installation of sewer-related infrastructure on the Commerce Center Property, Commerce Center will enter into an Out of District Sewer Agreement attached hereto as exhibit B (the “OOD Agreement”)

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

- 1) Hereby accepts the Easement in substantially the form attached hereto as exhibit A, with such non-material amendments, additions or alterations as may be determined appropriate by the Town’s legal counsel.
- 2) Hereby accepts the OOD Agreement in substantially the form attached hereto as exhibit B, with such non-material amendments, additions or alterations as may be determined appropriate by the Town’s legal counsel
- 3) Authorizes the Town Supervisor to execute the agreements and take all steps necessary to effectuate the same
- 4) This resolution is effective immediately.

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

### **Public Improvement Permit (PIP) – Sewer Infrastructure – Grand Island Commerce Center & 2761 Long Road (Grand Island Hotels, LLC)**

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan approve the Public Improvement Permit (PIP) – Sewer Infrastructure – Grand Island Commerce Center & 2761 Long Road (Grand Island Hotels, LLC).

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

**Monday, March 5, 2018 - 16**



# Town of Grand Island – Regular Meeting #4

## **PUBLIC COMMENTS:**

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

Speakers: Dave Reilly

## **FROM THE BOARD:**

- Association of Towns NYC Meeting Update
- Safety in Town Hall – Exploring New Procedures
- Boy Scout Spaghetti Dinner – St. Stephen’s – Sunday, March 11<sup>th</sup> – 12:00p.m.-6:00p.m.

## **ADJOURNMENT:**

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to adjourn the meeting at 9:32p.m.

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

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

Clark Nesbitt, Sr.	Betty Magnuson
William Lee	Dennis Sundholm
Richard Newcomer	Susan Garcia
Elsa Bodnar	James Spencer
Jason Burrige	Leon Zakrzewski
Donald Haines	Harry Lorence
Grace Glosser	Sandra Dee
Hans Rattmann	Marda Walker
Barbara Bagdy	

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk