

Town of Grand Island – Regular Meeting #13

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 15th of July, 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 Martin Gallagher from St. Stephen's Roman Catholic Church gave the Invocation.

Councilman Michael H. Madigan led the Pledge of Allegiance.

PUBLIC COMMENTS:

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

Speakers: None

MINUTES:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve Minutes of Workshop Meeting #26, July 1, 2019, Minutes of Regular Meeting #12, July 1, 2019 and Minutes of Workshop Meeting #27, July 3, 2019.

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

CONSENT AGENDA:

1. Meeting Minutes – Historic Preservation Advisory Board – June 28, 2019
2. Building Permits Issued – June 2019
3. Golden Age Center – Facility Usage – June 2019
4. Meeting Minutes – Planning Board – June 10, 2019

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

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

COMMUNICATIONS –TOWN BOARD:

SUPERVISOR NATHAN D. McMURRAY:

Monthly Supervisor's Report – May

The Supervisor reported Cash Balance-Operating A/C of 1,945,377 on May 1, 2019

Total Receipts of \$2,119,053

Total Disbursements of \$1,382,221

Operating A/C Interest \$729

Operating A/C Balance \$2,682,938

Investment Interest \$21,841

Investment Balance \$15,814,062

Total Cash Balance as of May 31, 2019, \$18,497,000

No action by the Town Board.

Monday, July 15, 2019 - 1

Town of Grand Island – Regular Meeting #13

Monthly Supervisor’s Report – June 2019

The Supervisor reported Cash Balance-Operating A/C of \$2,682,938 on June 1, 2019

Total Receipts of \$1,055,856

Total Disbursements of \$1,326,148

Operating A/C Interest \$749

Operating A/C Balance \$2,413,394

Investment Interest \$20,002

Investment Balance \$15,715,358

Total Cash Balance as of June 30, 2019, \$18,128,752

No action by the Town Board.

Reappointment – Town Assessor

A motion was made by Councilman Marston, seconded by Councilwoman Baney to appoint Judy Tafelski as Town Assessor to a six-year term, October 1, 2019 to September 30, 2025.

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

Town Hall Elevator – Approve Phase 2 of Project

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve Phase 2 of the Town Hall Elevator Project with TRM Architecture Design and Planning in the amount of \$17,500.00

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

COUNCILWOMAN JENNIFER L. BANEY:

Web Mapping Application (WMA) – Expenditures/Budget Transfer

A motion was made by Councilman Madigan, seconded by Councilman Marston to approve the following expenditure and budget transfer the Web Mapping Application (WMA) with GeoCove to manage the Town’s GIS needs in the amount of \$4,000.00:

Increase Appropriation

Town Engineer – Professional Services	001.1440.0409	\$4,000
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Decrease Appropriation

Contingency	001.1990.0475	\$4,000
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APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:

Status Change

Highway Superintendent Richard Crawford notified the Town Board that Greg Golde, MEO has been moved from Temporary to Permanent and Patrick Gallagher, Caretaker has been moved from Temporary to Permanent, both with six-month probation periods. No Action by Town Board.

Town of Grand Island – Regular Meeting #13

TOWN ATTORNEY – PETER GODFREY:

Bond Resolution – Reconstruction of and Construction of Improvements to Various Roads (2019)

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to adopt the following Resolution:

A BOND RESOLUTION, DATED JULY 15, 2019, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS WITHIN THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$675,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$675,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Grand Island, in the County of Erie, New York (the "Town") desired to undertake a highway reconstruction and resurfacing capital improvements project; and

WHEREAS, the Town is not expected to receive funds from Erie County or New York State for such project.

NOW THEREFORE, BE IT RESOLVED, by the Town (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the reconstruction of and construction of improvements to various roads within the Town, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof, as more fully identified in (or contemplated by) a report prepared by the Town Engineering Department (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$675,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$675,000 of the Town, hereby authorized to be issued therefor 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 89 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is five years.

Monday, July 15, 2019 - 3

Town of Grand Island – Regular Meeting #13

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 is not expected to be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation

Town of Grand Island – Regular Meeting #13

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 hereby determines 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”) is 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
 - a) (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
 - b) 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.

2. SECTION 14. This resolution is subject to permissive referendum pursuant to Section 35.00(a) of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, 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.

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

Town of Grand Island – Regular Meeting #13

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT WESTFALL: Nike Base Community Center Improvements – Change Order No. 2 – Job #:M-213

Change Order No. 2 is made up of 17 different items (incidentals and extra requested work).

The change to American DND's contract is an increase of \$100.00.

The change to Contract A with Empire Dismantlement Corp is an increase of \$3,625.00.

The change to Contract B with Montante Construction is an increase of \$40,950.00. Included in Change Order No. 2 is the work necessary by Advanced Alarm to bring the renovation work into code compliance and replace 11 existing smoke detectors at an amount not to exceed \$5,500. The total increase due to Change Order No. 2 is \$50,175. The Bond is sufficient to cover the increases in the contract amounts.

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to approve Change Order No. 2 in the total amount of \$50,175.00.

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

2019-Bituminous Resurfacing of Various Town Roads – Job No. M-14-2019

A motion was made by Councilwoman Baney, seconded by Councilman Marston to authorize the Town Engineer to advertise for bids on Friday, July 26, 2019 and receive bids on Wednesday, August 14, 2019 at 10:00a.m. local time.

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

Gun Creek PDD, Phase 4 – Townhomes Section – 63 Units/16 Buildings – Detailed and Final Plat Approval & Public Improvement Permit

A motion was made by Councilman Marston, seconded by Councilwoman Kinney approve the Public Improvement Permit to construct the waterline, and sanitary sewer for Phase 4 for Gun Creek PDD – Townhomes section and to accept the recommendation of the Planning Board and approve the Detailed Plan and Final Plat subject to all green space components are completed south of the creek and recreation fees of \$31,500 are paid. This project consists of Townhomes with a private roadway and private storm water system, only the water and sanitary sewer shall be dedicated to the Town.

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

Heron Pointe Apartments, Phase 2 – Public Improvement Permit

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to accept the recommendation of the Town Engineer and approve the Public Improvement Permit for Heron Pointe Apartments, Phase 2 to construct the waterline and sanitary sewer serving the Heron Pointe Apartments, conditioned on final acceptance from Erie County Health Department and payment of recreation & SWPP (stormwater) fees.

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

Monday, July 15, 2019 - 6

Town of Grand Island – Regular Meeting #13

TOWN ACCOUNTANT – PAMELA BARTON:

Budget Amendment

A motion was made by Councilman Madigan, seconded by Councilwoman Baney approve the following Budget Amendment from a donation from the Alzheimer's Association for the Golden Age Center for supplies needed to run the Dementia Social Respite Program:

Increase Revenue		
Donation – Senior Citizens	001.0001.2708	\$600

Increase Appropriation		
Golden Age Special Events	001.6772.0462	\$600

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

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – Jennifer Tirone, 993 Whitehaven Road – Keeping of up to 4 Agricultural Animals on 5.9 Acres

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to renew the Special Use Permit for Jennifer Tirone, 993 Whitehaven Road – for keeping of up to 4 Agricultural Animals on 5.9 acres. The site has been inspected and it is unchanged.

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

PLANNING BOARD:

Proposed Tree Ordinance

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to refer the proposed Tree Ordinance to the Conservation Advisory Board to have a joint meeting with representatives from the Code Enforcement Office, Planning Board, Parks & Recreation, and Economic Development Advisory Boards for review and further recommendations.

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 #128292 - #128406

General	\$ 38,284.11
Highway	\$ 3,102.99
Sewer	\$ 22,655.68
Water	\$ 90,581.29
Trust & Agency	\$ 1,360.00
Capital	\$269,012.20
Garbage	\$121,696.45
Fire	<u>\$321,170.25</u>
Total	\$867,862.97

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

Monday, July 15, 2019 - 7

Town of Grand Island – Regular Meeting #13

UNFINISHED BUSINESS:

Local Law Intro #5 of 2019 – Rezoning SBL #64.15-2-53, 365 Elmwood Road – B-2 to R-1E

A. SEQR

Remains tabled.

Local Law Intro #6 of 2019 – Rezoning Portion of SBL #36.00-1-6.111 Niagara Falls Campground, LLC – M1 to CR

A. SEQR

Remains tabled.

Grand Island Secure Storage, 1730 Baseline Road – Site Plan Approval – Proposed Expansion

Remains Tabled.

PUBLIC COMMENTS:

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

Speakers: None

FROM THE BOARD:

- Paddles Up – July 27th
- National Night Out – August 6th
- Parade protocol for 2020

ADJOURNMENT:

A motion was made by Councilman Marston, seconded by Councilwoman Baney to adjourn the meeting at 8:46p.m.

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

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

Charles Weglarski, Sr.	Kathleen O'Connell
Thomas Muscoreil, Sr.	Alfred Miklei
Richard Bates	Deborah Parvon
Joan Ackerman	Terrence Fox
Cormick Greco	

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

Monday, July 15, 2019 - 8