

Town of Grand Island – Regular Meeting #12

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 2nd of July, 2018.

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|----------|----------------------|---------------|
| 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.
Pastor Calvin VanderMey from Bible Fellowship Center gave the Invocation.
Councilwoman Jennifer L. Baney led the Pledge of Allegiance.

PROCLAMATIONS:

**Town Hall 50th Anniversary
Paddles Up 2018**

PUBLIC COMMENTS:

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

Speakers: Paul Leuchner, Pat Akinbami

PUBLIC HEARINGS:

Local Law Intro #4 of 2018 – Cold War Veterans Exemption

A Public Hearing was held on Monday, July 2, 2018 at 8:00p.m. for the purpose of hearing anyone that wanted to comment on Local Law Intro #4 of 2018 – Cold War Veterans Exemption.

Speakers: None

Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to adopt Local Law #4 of 2018 as follows:

A LOCAL LAW in relation to enacting an exemption from real property taxes for Cold War veterans as authorized by Section 458-b of the Real Property Tax Law.

WHEREAS, the state legislature has expanded the Cold War veteran's exemption by allowing municipalities to adopt local laws authorizing the elimination of the 10-year limitation period relating to such exemption for certain qualifying property;

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND AS FOLLOWS that Section 337-18(C) shall be enacted as follows:

C. The exemption provided by § 337-18A of this article shall be granted for a period of 10 years, the commencement of such ten-year period being governed pursuant to this subsection. Where a qualified owner owns qualifying residential real property on the effective date of this article, such ten-year period shall commence with the Town of Grand Island's 2010 tax year. Where a qualified owner does not own qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an

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exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential property, such ten-year period shall be measured from the first assessment roll in which the exemption occurred. If, before the expiration of the such ten-year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to § 337-18A of this article for the unexpired portion of the ten-year exemption period. *However, notwithstanding the 10-year limitation period imposed by the foregoing provisions of this paragraph, this exemption shall apply to qualifying owners of qualifying property for as long as they remain qualifying owners, without regard to such 10-year limitation.*

This local law shall be effective immediately upon filing with the New York Secretary of State pursuant to the Municipal Home Rule Law.

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

Local Law Intro #5 of 2018 – Stop Signs – Harvey Road at its Intersection with Park Place – Set Public Hearing

Due to an error in the publishing of the Public Hearing Notice in the official paper of the Town, the Public Hearing cannot be held and needs to be rescheduled.

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to set a Public Hearing for Monday, July 16, 2018 for the purpose of hearing anyone who wants to comment on Local Law Intro #5 of 2018 – Stop Signs – Harvey Road at its Intersection with Park Place.

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

MINUTES:

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve Minutes of Workshop Meeting #18, June 18, 2018, Minutes of Regular Meeting #11, June 18, 2018 and Minutes of Workshop Meeting #19, June 20, 2018.

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

CONSENT AGENDA:

1. Meeting Minutes – Board of Architectural Review – May 15, 2018
2. Meeting Minutes – Conservation Advisory Board – May 24, 2018
3. Meeting Minutes - Technology Advisory Board – May 15, 2018
4. Meeting Minutes – Historic Preservation Advisory Board – May 18, 2018

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

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

COMMUNICATIONS – TOWN BOARD:

COUNCILWOMAN BEVERLY A. KINNEY:

Resignation – Parks and Recreation Advisory Board

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to accept the resignation of Alice Kozen from the Parks and Recreation Advisory Board with regret. A certificate of appreciation will be sent to Mrs. Kozen.

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

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Appointment – Parks and Recreation Advisory Board

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to appoint Eric Soehnlein to a vacancy on the Parks and Recreation Advisory, with a term expiring December 31, 2018.

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

COUNCILMAN MICHAEL H. MADIGAN:

Local Law Intro #6 of 2018 – Amendment to Grand Island Solar Law – Set Public Hearing

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to refer Local Law Intro #6 of 2018 – Amendment to Grand Island Solar Law to the Town Board for further review.

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

New York State Welcome Center – Request for Out of District Access and Hookup to Sewer System – Set Public Hearing

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to conduct a Town Informational Session on Saturday, July 14, 2018 at 9:00a.m. regarding the NYS Welcome Center request for out-of-district access and hookup to the Town of Grand Island Sewer System. Questions are to be submitted no later than Wednesday, July 11, 2018 to the Town Clerk's office. Information will be posted on the Town's website page.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

Bond Resolution – Reconstruction of and Construction of Improvements to Various Roads (2018)

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt the following Bond Resolution for the Reconstruction of and Construction of Improvements to Various Roads (2018) as follows:

A Bond Resolution, dated July 2, 2018, of the Town Board of the Town of Grand Island, Erie County, New York (The "Town") (I) Authorizing the reconstruction and construction of improvements to various roads within the Town, at an estimated maximum cost of \$1,060,000; (II) Amending a certain Bond Resolution adopted on June 5, 2017 and authorizing the application of \$260,000 of obligations from such Bond Resolution for the 2018 Road Capital Improvements Project (III) Authorizing the (A) The use of \$125,000 from the Town's 2018 Budget and (B) The issuance of Serial Bonds in the 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 (IV) 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

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

WHEREAS, the Town has determined that it will amend a certain bond resolution adopted on June 5, 2017 to authorize the use of \$260,000 from such bond resolution for the 2018 road reconstruction project due to a downsizing of the 2017 project;

NOW THEREFOR, 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 \$1,060,000.

SECTION 2. The Town Board (I) hereby amends a certain bond resolution adopted on June 5, 2017 for the purpose of authorizing the use of \$260,000 of obligations authorized by such bond resolution for the 2018 road capital improvements project and (II) plans to finance the estimated maximum cost of the Purpose by: (a) the application of \$260,000 of obligations from such June 5, 2017 bond resolution, b) the use of \$125,000 from the Town's 2018 Budget and c) 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.

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

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

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

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

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

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(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. Except as set forth above, the certain bond resolution adopted on June 5, 2017 has not been amended and nothing in this resolution shall affect the validity of the original June 5, 2017 bond resolution, or any action taken thereunder and any such actions are hereby ratified.

SECTION 15. 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 16. 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

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H.

WESTFALL:

Authorize Supervisor to Sign Audit Results – National Grid Street Light Audit – Job No. M-120

National Grid performed a Street Light Audit for the Town of Grand Island for billing account #18552-9519. The Audit results in an increase to our monthly facility charge bill of \$67.66.

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to authorize the Supervisor to sign the General Release accepting the Audit Results, the Form SL2- Application for Service between the Town of Grand Island and National Grid and the Schedule SL2 reflecting the new inventory.

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

Authorize Supervisor to Execute Release/Settlement – Sewer System Damage – National Grid – 2300 Block of Stony Point Road

Town Engineer Robert Westfall presented a form of Release pertaining to a claim against National Grid related to damages to the Town's sewer system from their utility work. National Grid augured a new pole through the Town's sewer along the 2300 Block of Baseline Road. The Town's costs to fix the work totaled \$10,000.00.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the Supervisor to execute the Release, then allowing National Grid to provide the payment of \$10,000.00.

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

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Authorize Supervisor to Sign Professional Services Agreement – Water System Improvement Project – Engineering Report with WIIA Grant Application – Job No. M-221

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign a Professional Services Agreement with Wendel for the Water System Improvement Project – Engineering Report with WIIA Grant Application – Job No. M-221 in the amount of \$25,000.00.

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

Authorize Supervisor to Sign Professional Services Agreement – Community Center Upgrades – Additional Services for ADA Bathrooms & HVAC Design – Job No. M-213

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign the Professional Services Agreement with American DND Community Center Upgrades – Additional Services for ADA Bathrooms & HVAC Design – Job No. M-213 in the amount of \$24,600.00.

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

PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK: Seasonal Hire

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to hire Samuel Colao as a Parks Sr. Worker, Seasonal, effective July 3, 2018, \$12.25/hr., subject to the completion of the necessary pre-employment paperwork.

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

CODE ENFORCEMENT OFFICE:

Special Use Permit Application – Melissa & Walter Yanicki, 2332 Stony Point Road – Keeping of 2 Agricultural Animals on 3 Acres – Set Public Hearing

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to refer the Special Use Permit Application – Melissa & Walter Yanicki, 2332 Stony Point Road – Keeping of 2 Agricultural Animals on 3 Acres to the Planning Board for review and recommendation and to set a Public Hearing for Monday, July 16, 2018 at 8:00p.m. for the purpose of hearing anyone who wants to comment on the matter.

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

Local Law Intro #7 of 2018 – Mining/Excavation Overlay – 2626 & 2640 Staley Road – Set Public Hearing

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to refer Local Law Intro #7 of 2018 – Mining/Excavation Overlay – 2626 & 2640 Staley Road to the Conservation Advisory Board and the Planning Board for review and recommendation and to set a Public Hearing for Monday, July 16, 2018 at 8:00p.m. for the purpose of hearing anyone who wants to comment on the matter.

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

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REPORT OF THE AUDIT COMMITTEE:

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

Vouchers #124414 -124578

General \$112,299.04

Highway \$ 472.47

Sewer \$ 35,494.06

Water \$ 32,061.43

Capital \$ 42,544.15

Garbage \$121,232.96

Total \$344,104.11

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

UNFINISHED BUSINESS:

Special Use Permit Application – SolarPark Energy LLC, 1611 Whitehaven Road – Solar Array Project

A. Correspondence – SolarPark Energy LLC

Remains Tabled.

Authorizing Resolution – DEC Urban and Community Forestry Round 14 Grant Program – 2018 Request for Funding

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt the authorizing resolution for the DEC Urban and Community Forestry Round 14 Grant Program – 2018 Request for Funding as follows:

WHEREAS, the Grand Island Town Board, in coordination with the Grand Island Conservation Advisory Board, desires to complete a comprehensive Town-wide inventory and assessment of trees located within the Grand Island right-of-way along streets and municipal properties;

WHEREAS, the Town of Grand Island will procure professional services to complete the comprehensive Town-wide Tree Inventory and Assessment and incorporate the reported data into a detailed Community Forestry Management Plan;

WHEREAS, the Grand Island Town Board has endorsed an application requesting an amount not to exceed the maximum available grant funds of \$50,000 for financial assistance through Round 14 of the Urban and Community Forestry Program (UCF) administrated by the New York State Department of Environmental Conservation in the form of grant funding;

THEREFORE BE IT RESOLVED, that Mr. Nathan McMurray, as Supervisor of the Town of Grand Island, is hereby authorized and directed to file an application to the New York State Department of Environmental Conservation's Urban and Community Forestry Program for funds in an amount not to exceed \$50,000 for a comprehensive town-wide tree inventory and assessment.

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:

Calvin VanderMey, Kristin Savard

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FROM THE BOARD:

- Happy Fourth of July!
- KidBiz Success
- Casey's Cabana
- Joint Meetings with School Board
 - Streets Committee – Safety opportunities available
- National Night Out – August 7th 6:00p.m.-9:00p.m.
- Thank you to soldiers still serving

ADJOURNMENT:

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to adjourn the meeting at 9:03p.m.

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

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

| | |
|---------------------|-----------------------|
| Margaret Hoffman | James Shanor |
| Margaret Deifenbach | Mary Jane Conschafter |
| Emilie Burk | Steven Meyer |

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

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