

## 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 20<sup>th</sup> of July, 2020.

Present:	John C. Whitney	Supervisor
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Peter Marston Jr.	Councilman
	Thomas A. Digati	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor John C. Whitney called the meeting to order at 8:00p.m.  
Councilwoman Jennifer L. Baney gave the Invocation.  
Councilman Thomas A. Digati led the Pledge of Allegiance.

\*Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Town Board of the Town of Grand Island’s meetings will be held electronically via the Town’s website link/You Tube Channel instead of a public meeting open for the public to attend in person. Members of the public may view the Town Board’s meetings by connecting to the You Tube Channel via the Town’s website: [www.grandislandny.us](http://www.grandislandny.us).

\*The Meeting was conducted in the courtroom, via ZOOM and streamed live on the Town’s website – [www.grandislandny.us](http://www.grandislandny.us)

### **PUBLIC COMMENTS:**

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

*Speakers:*                      \*Via ZOOM – Patrick Brown, Maureen Phillips, Sandra Nelson, Dave Reilly

### **PUBLIC HEARINGS:**

#### **Special Use Permit Application – Karen Panzarella, 2894 East River Road – Bed & Breakfast**

A Public Hearing was held on Monday, July 20, 2020 at 8:00p.m. to hear anyone who wanted to comment on a Special Use Permit Application – Karen Panzarella, 2894 East River Road – Bed & Breakfast.

*Speakers:*                      Robert Waz, Melissa Rayhill

Supervisor Whitney declared that the Public Hearing will remain open until the Planning Board has reviewed the application and pending SEQ. R.

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WHEREAS, the Town Board issued an Order at its July 6, 2020 meeting calling for a public hearing to be held virtually (via Zoom.us) on July 20, 2020 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 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 \$1,500,000; 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 the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,500,000, 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

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

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                  Noes    0

A motion was made by Councilman Madigan, seconded by Councilman Marston to adopt the following Bond Resolution authorizing a Capital Improvements Project (2020 SSES – Year 9) within the Town of Grand Island Consolidated Sewer District at an estimated maximum cost of \$1,500,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$1,500,000 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, Erie County, New York (the “Town”), has established the Town of Grand Island Consolidated Sewer District (the “District”); and

WHEREAS, the Town Board has determined by resolution to undertake the construction of a certain capital improvements project within the District; and

WHEREAS, the Town Board has determined to proceed with such Project ; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such Project.

NOW THEREFORE,

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

SECTION 1.    The Town is hereby authorized to undertake a capital improvements project within the District, such work to generally consist of improvements identified in the Sanitary Sewer Evaluation Survey (the “SSES”) for Year 9, such work to generally include, but not be limited to, the lining of approximately 11,780 linear feet of sanitary sewer along various roads in the Town, the rehabilitation of approximately 127 manholes, and the reconstruction of approximately 260 linear feet of sanitary sewer, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project and generally consistent with the Town’s SSES reports, 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 “Project”). The estimated maximum cost of said purpose is \$1,500,000.

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

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exceed \$1,500,000 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 received. 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 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 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 4 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 said 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, the cost of the project 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 such bonds 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 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

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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 Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 12. The Town determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination

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or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 13. 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 14. 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 the Town is not authorized to expend money, or
- (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 15. 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 the Town and designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District (WWTP-Sludge Press)**

A Public Hearing was held on Monday, July 20, 2020 at 8:00p.m. to hear anyone who wanted to comment on the Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District (WWTP-Sludge Press).

Speakers: None

Supervisor John Whitney declared the Public Hearing closed.

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to adopt the Resolution and Order After Public Hearing approving the Increase and Improvement of Facilities of the Consolidated Sewer 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 Sewer District (the “District”); and

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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

WHEREAS, such sewer system capital improvements project will generally consist of improvements to the wastewater treatment plant including, but not limited to, the installation of sludge dewatering equipment and associated piping and valves, electrical and HVAC improvements, ventilation improvements to the Main Control Building and SCADA/control system upgrades, 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 \$1,500,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,500,000 offset by any federal, state, county and/or local funds received.

WHEREAS, the Town determined that the District Improvement 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; and

WHEREAS, the Town Board issued an Order at its July 6, 2020 meeting calling for a public hearing to be held virtually (via Zoom.us) on July 20, 2020 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 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:

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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 \$1,500,000; 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 the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,500,000, 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 will record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

APPROVED   Ayes   5           Madigan, Baney, Marston, Digati, Whitney  
              Noes   0

A motion was made by Councilman Madigan, seconded by Councilman Marston to adopt the following Bond Resolution authorizing a Capital Improvements Project within the Town of Grand Island Consolidated Sewer District (Wastewater Treatment Plant) at an estimated maximum cost of \$1,500,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$1,500,000 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, Erie County, New York (the "Town"), has established the Town of Grand Island Consolidated Sewer District (the "District"); and

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WHEREAS, the Town Board has determined by resolution to undertake the construction of a certain capital improvements project within the District; and

WHEREAS, the Town Board has determined to proceed with such Project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such Project.

NOW THEREFORE,

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project within the District, such work to generally consist of improvements to the wastewater treatment plant including, but not limited to, the installation of sludge dewatering equipment and associated piping and valves, electrical and HVAC improvements, ventilation improvements to the Main Control Building and SCADA/control system upgrades, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, 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 “Project”). The estimated maximum cost of said purpose is \$1,500,000.

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 \$1,500,000 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 received. 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 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 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 4 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.

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SECTION 6. The faith and credit of said 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, the cost of the project 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 such bonds 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 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.

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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 Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town’s municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 12. The Town determined that the Project 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 13. 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 14. 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 the Town is not authorized to expend money, or
- (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 15. 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

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circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.

APPROVED   Ayes   5           Madigan, Baney, Marston, Digati, Whitney  
              Noes   0

### **Increase and Improvement of Facilities of the Town of Grand Island Lighting Districts (Special District LED Conversion)**

A Public Hearing was held on Monday, July 20, 2020 at 8:00p.m. to hear anyone who wanted to comment on the Increase and Improvement of Facilities of the Town of Grand Island Lighting Districts (Special District LED Conversion)

Speakers:                   None

Supervisor John Whitney declared the Public Hearing closed.

A motion was made by Councilman Marston, seconded by Councilman Madigan to adopt the Resolution and Order After Public Hearing approving the Joint Increase and Improvement of Facilities of the Town of Grand Island Lighting Districts:

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 Lighting Districts (as identified in Appendix D of the preliminary map, plan and report referred to below) (collectively, the “Districts”) within the Town of Grand Island; and

WHEREAS, the Town Board has directed the Town of Grand Island Engineering Department, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a LED street lighting conversion improvements project within the Districts (Project M120-2019); and

WHEREAS, such lighting improvements project will generally consist of (but not be limited to), the acquisition of approximately 530 streetlights from National Grid and the replacement of the high pressure sodium luminaries with LED luminaries, 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 “Lighting Improvements”); 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 Districts and has estimated the total cost thereof to be an estimated maximum amount of \$1,930,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,930,000 offset by any federal, state, county and/or local funds received.

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WHEREAS, the Town determined that the Lighting Improvements are 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; and

WHEREAS, the Town Board issued an Order at its July 6, 2020 meeting calling for a public hearing to be held virtually (via Zoom.us) on July 20, 2020 at 8:00 o’clock P.M. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the Districts 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 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 Districts as hereinabove described and referred to at the estimated maximum cost of \$1,930,000; and it is hereby

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

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

ORDERED, that the facilities of the Districts 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 unless paid for from other charges, the expense of the Lighting Improvement shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$1,930,000, said amount to be offset by any federal, state, county and/or local funds received; and it is hereby

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FURTHER ORDERED, that such costs will be annually apportioned among the Districts by the Town Board, 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 Districts, 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 will record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

APPROVED   Ayes   5       Madigan, Baney, Marston, Digati, Whitney  
              Noes   0

A motion was made by Councilman Madigan, seconded by Councilman Marston to adopt the following Bond Resolution authorizing a Capital Improvements Project within the Town of Grand Island Lighting Districts at an estimated maximum cost of \$1,930,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$1,930,000 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, Erie County, New York (the "Town"), has established the Town of Grand Island Lighting Districts (as identified in Appendix D of the preliminary map, plan and report prepared in connection with such project) (collectively, the "Districts") within the Town of Grand Island; and

WHEREAS, the Town Board has determined by resolution to undertake the construction of a certain capital improvements project within the Districts; and

WHEREAS, the Town Board has determined to proceed with such Project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of such Project.

NOW THEREFORE,

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project within the Districts, such project to generally consist of (but not be limited to), the acquisition of approximately 530 streetlights from National Grid and the replacement of the high pressure sodium luminaries with LED luminaries, as well as other such improvements as more fully identified in (or contemplated by) such 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

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incidental thereto and in connection with the financing thereof (collectively, the “Project”). The estimated maximum cost of said purpose is \$1,930,000.

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 \$1,930,000 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 received. 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 special assessments from the several lots and parcels of land within the Districts 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 5 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 30 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 said 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. Such costs will annually be apportioned among the Districts by the Town Board and unless paid from other sources or charges, the cost of the project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts 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. 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 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

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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 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 Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local

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Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 12. The Town determined that the Project 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 13. 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 14. 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 the Town is not authorized to expend money, or  
(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 15. 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 the Town and designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.  
APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **MINUTES**

A motion was made by Councilman Marston, seconded by Councilman Digati to approve Minutes of Workshop Meeting #30, July 6, 2020 and Minutes of Regular Meeting #12, July 6, 2020.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **CONSENT AGENDA:**

1. Building Permits Issued – June 2020
2. Golden Age Center – Facility Usage – June 2020
3. Meeting Minutes – Zoning Board of Appeals – June 18, 2020
4. Meeting Minutes – Planning Board – June 8, 2020
5. Meeting Minutes – Joint Planning Board/Town Board Meeting – June 11, 2020

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

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

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

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

##### **Bond Resolution – Road Improvements**

A motion was made by Councilman Madigan, seconded by Councilman Marston to adopt the to adopt the following Bond Resolution 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.

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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.

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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 Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town’s municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 12. 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 13. 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 14. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

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

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

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

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1. 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 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## **Further Amending Bond Resolution – Nike Base Community Center**

A motion was made by Councilman Madigan, seconded by Councilman Marston to adopt an Amending and Restating Bond Resolution dated July 20, 2020 further amending the Bond Resolution that was adopted on October 2, 2017 and amended on March 4, 2019, and authorizing a Capital Improvements Project consisting of the reconstruction of and construction of improvements to the Nike Base Community Center in the Town, at an estimated maximum cost of \$625,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$625,000 of the Town, pursuant to the Local Finance Law to finance such purpose, such amount to be offset by any Federal, State, County and/or local funds received, and delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such bonds to the Town Supervisor:

WHEREAS, on March 4, 2019, the Town Board of the Town of Grand Island, Erie County, New York (the “Town”) adopted an amending and restating bond resolution (the “2019 Amending Bond Resolution”) entitled:

AN AMENDING AND RESTATING BOND RESOLUTION, DATED MARCH 4, 2019, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE “TOWN”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON OCTOBER 2, 2017, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE NIKE BASE COMMUNITY CENTER IN THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$600,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$600,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND

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ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

and

WHEREAS, the Town Board wishes to modify the 2019 Amending Bond Resolution for the primary purpose of modifying the scope of the project and to make other modifications to the 2019 Amending Bond Resolution as may be consistent with the project plan and the law; and

WHEREAS, due to a modification to the scope of the project, the Town Board wishes to modify the 2019 Amending Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$600,000 to \$625,000 and b) the amount of serial bonds authorized to be issued from \$600,000 to \$625,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the 2019 Amending Bond Resolution is being modified to include additional improvements as previously described, and is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Town Board now wishes to amend and restate (in its entirety) the 2019 Amending Bond Resolution for the reasons identified above, and to make other determinations to the 2019 Amending Bond Resolution as may be consistent with law; and

WHEREAS, the Town has previously issued bond anticipation notes pursuant to the 2019 Amending Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

NOW THEREFORE,

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project generally consisting of the reconstruction of and construction of improvements to the Nike Base Community Center in the Town including, but not limited to, the encapsulation of asbestos in the building, installation of new flooring and drywall, installation of ceiling tiles, lighting improvements, installation of new HVAC units, fire system alarm modifications, improvements to restroom facilities to make them handicapped accessible, the construction of a new single use ADA compliant restroom with an outside access door and the installation of a storage room and janitor's closet with sink, as well as other such improvements as more fully identified in (or contemplated by) a revised report prepared by the Town Engineering Department, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in

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connection with the financing thereof (collectively, the “Purpose”). The amended estimated maximum cost of the Purpose is \$625,000.

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 \$625,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 12(a)(2) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

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

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

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specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after October 2, 2017 or within 60 days prior to the earlier of (a) October 2, 2017 or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) 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 Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 12. The Town has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

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SECTION 13. 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 14. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

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

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

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

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 16. Nothing in this amendment shall affect the validity of the original October 2, 2017 bond resolution or the 2019 Amending Bond Resolution, or any action taken thereunder and any such actions are hereby ratified.

SECTION 17. This resolution is effective immediately.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL:** **Authorize Supervisor to Sign Professional Services Agreement – WTP Filter System Upgrade – Job # M-205-2021**

A motion was made by Councilwoman Baney, seconded by Councilman Digati to accept the recommendation of the Town Engineer and authorize the Supervisor to sign the Professional Services Agreement with Wendel in the amount of \$260,000 for the design and bidding services for the WTP Filter System Upgrade, Job M-205-2021. The Bonding authorization for the project is already in place.

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APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **Authorize Supervisor to Sign Professional Services Agreement – Baseline Road Waterline Replacement – Job # M-205-2020**

A motion was made by Councilman Marston, seconded by Councilman Madigan to accept the recommendation of the Town Engineer and authorize the Supervisor to sign the Professional Services Agreement with Wendel in the amount of \$165,000 for the design and bidding services for the Baseline Road Waterline Replacement, Job M-205-2020. The Bonding authorization for the project is already in place.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **Change Order No. 1 – Additional Stone Fill and Concrete Cost – Gazebo Foundation Project – Job # M-69-19**

Town Engineer informed the Town Board that during the course of the work on the Gazebo foundation, additional stone fill was required. The contractor also paid upfront for the concrete that the Town was to provide for this project.

Change Order No. 1 is for the additional material required to prepare the subsurface for gazebo construction and pour the foundations. This additional material was 150.03 tons of 2" Crusher Run Stone along with 4 yards of delivered concrete. The additional materials resulted in a net change to the contract of \$2,755.45. The total cost of the foundation construction for this project is now \$27,352.45.

A motion was made by Councilwoman Baney, seconded by Councilman Marston to accept the recommendation of the Town Engineer and approve Change Order No. 1 in the amount of \$2,755.45.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **Authorize Supervisor to Sign Agreement – Indoor Air Quality, Recreation Administration Building & Golden Age Center – American DND Agreement Amendment**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to authorize the Supervisor to sign the agreement with American DND for an additional \$4,491.21 for setting up the Air Quality Study and Proposal with a suitable IAQ firm.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **RECREATION SUPERVISOR – JOSEPH MENTER:**

#### **Seasonal Hire – Pay Rate Correction**

A motion was made by Councilman Marston, seconded by Councilman Digati to approve the following pay rate correction for Sean Murray, Recreation Attendant, Year 3 - Aide, from \$12.20/hr. to \$12.30/hr., effective/retroactive June 24, 2020.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

**Monday, July 20, 2020 - 27**

# Town of Grand Island – Regular Meeting #13

## TOWN ACCOUNTANT – PAMELA BARTON:

### Budget Transfer – Conservation Commission

On November 15, 2018 the Town Board authorized the Supervisor to sign a contract with WNY Land Conservancy. In February 2020 the invoice for \$9,000 was paid. The request is to amend the 2020 Budget to allow those funds to be appropriated to the Conservation Commission Department.

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to approve the following budget transfer for 2020:

Decrease Contingency	001.1990.0475	(\$9,000)
Increase Appropriations	001.8730.0409	\$9,000
Conservation Commission – Professional Services		

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## TOWN ASSESSOR – JUDY M. TAFELSKI:

### 2021 Reassessment Update

A motion was made by Councilman Digati, seconded by Councilman Marston to approve the updated proposal from ENPM (Emminger, Newton, Pigeon, Magyar, Inc.) in the amount of \$50,000 for the update to the assessment roll for the 2020-2021 tax year.

The reassessment project was postponed for a year due to the Covid-19 Pandemic.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## CODE ENFORCEMENT OFFICE:

### Special Use Permit Application – Michelle Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility – Refer to Planning Board and Set Public Hearing

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to set a Public Hearing for Monday, August 17, 2020 at 8:00p.m. for anyone who wants to comment on a Special Use Permit Application – Michelle Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility and to refer the matter to the Planning Board for review.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## PLANNING BOARD:

### Project Olive:

- A. Grand Island Commerce Center/Project Olive/R-1A Land, Preliminary Plat – 2 Lot Proposal
- B. Application for Planned Development District – Project Olive – Local Law Intro #10 of 2020 – Rezoning SBL #23.00-1-50, 2780 Long Road and SBL #23.00-1-26.1, Bedell Road – M-1 to PDD

RECEIVED AND FILED.

**Monday, July 20, 2020 - 28**

# **Town of Grand Island – Regular Meeting #13**

## **Southpointe PDD – Development Concept Plan – Revised**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to table the Southpointe PDD – Revised Development Concept Plan.

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                      Noes    0

## **SEQR – Magic Mist Auto Wash, 2965 Grand Island Boulevard**

Supervisor John Whitney presented the SEQR – Short Form Environmental Assessment Forms – Part 2 for Magic Mist Auto Wash, 2965 Grand Island Boulevard. Mr. Whitney informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Marston, seconded by Councilman Madigan to issue a Negative Declaration for Magic Mist Auto Wash, 2965 Grand Island Boulevard.

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                      Noes    0

## **Magic Mist Auto Wash, 2965 Grand Island Boulevard – Site Plan Approval**

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the recommendation of the Planning Board and approve the Site Plan for Magic Mist Auto Wash, 2965 Grand Island Boulevard, subject to a 60’ setback in lieu of the 65’ setback and waiving the sidewalk requirement.

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                      Noes    0

## **Special Use Permit Application – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens**

A motion was made by Councilman Baney, seconded by Councilman Madigan to accept the recommendation of the Planning Board and approve the Special Use Permit for Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens, subject to the applicant showing the barn on the drawing for the Zoning and Engineering Departments.

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                      Noes    0

## **COMMUNICATIONS – GENERAL:**

### **Hopkins Sorgi & McCarthy PLLC – Heron Pointe, Phase 2 – Modify Conditions of Site Plan Approval**

A motion was made by Councilman Madigan, seconded by Councilman Marston to grant an extension of the timeframe for the installation of the left hand turn lane on Grand Island Boulevard pursuant to the approved design plans until November 30, 2020 and Temporary Certificates of Occupancy can be issued until such time the turning lane is complete.

APPROVED    Ayes    5            Madigan, Baney, Marston, Digati, Whitney  
                      Noes    0

**Monday, July 20, 2020 - 29**

# Town of Grand Island – Regular Meeting #13

## REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Baney, seconded by Councilman Digati to pay Vouchers #131778 - #131910

General	\$468,564.81
Highway	\$ 10,982.10
Sewer	\$ 65,643.19
Water	\$ 13,830.08
Capital	\$ 30,459.50
Garbage	<u>\$126,803.79</u>
Total	\$716,283.47

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## UNFINISHED BUSINESS:

### Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1

A motion was made by Councilman Marston, seconded by Councilwoman Baney to refer Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1 to the Town Engineer and Code Enforcement Officer for follow up on final details of possible submissions needed for the Solar Law compliance.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### Local Law Intro #12 of 2019 – Rezoning SBL#36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A

#### **A. Correspondence – Planning Board – Site Plan Approval**

#### **B. Correspondence – Planning Board – Special Use Permit**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to refer Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1 to the Town Engineer and Code Enforcement Officer for follow up on final details of possible submissions needed for the Solar Law compliance.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## SUSPEND THE RULES:

A motion was made by Councilman Marston, seconded by Councilman Digati to Suspend the Rules to consider an appointment of a Working Crew Chief in the Water Department.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

## Appoint Working Crew Chief

A motion was made by Councilman Marston, seconded by Councilman Madigan to appoint Justin Bridenbaker as Working Crew Chief, effective July 31, 2020, Permanent

**Monday, July 20, 2020 - 30**

## **Town of Grand Island – Regular Meeting #13**

Appointment Non-Competitive at the start rate of \$31.16/hr. as shown in the CSEA Contract to fill the position which will be vacated by Michael Gallagher on July 30, 2020.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

### **PUBLIC COMMENTS:**

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

Speakers: Richard Crawford, \* Via ZOOM – Jim Duggan, Joyce Jones, Robbyn Drake

### **FROM THE BOARD:**

- Meeting/Resident Communication – ZOOM, You-Tube Channel, Town’s website, Facebook, word-of-mouth, media
- Transparency
- Project Olive project on “pause”

### **MEMORIAL ADJOURNMENT:**

A motion was made by Councilman Madigan, seconded by Councilman Digati to adjourn the meeting at 9:15p.m.

APPROVED Ayes 5 Madigan, Baney, Marston, Digati, Whitney  
Noes 0

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

Rosalie Liberante	Cory Zaranek
Douglas Anderson	Adam McMilan
Jacqueline Kazmierczak	Lois Kaiser

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk

**Monday, July 20, 2020 - 31**