

Town of Grand Island – Regular Meeting #15

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 19th of August, 2019.

Present:	James R. Sharpe	Deputy 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

Absent: Nathan D. McMurray Supervisor

Deputy Supervisor James R. Sharpe called the meeting to order at 8:00p.m. in the absence of the Supervisor.

Pastor Michael Cancilla from CrossRiver Ministries gave the Invocation.
Councilwoman Peter Marston, Jr. led the Pledge of Allegiance.

PROCLAMATION: **Bernie Callahan 100th Birthday Celebration**

PUBLIC COMMENTS:

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

Speakers: None

PUBLIC HEARINGS: **Increase & Improvement of Facilities of the Town of Grand Island Consolidated Sewer District (Bedell Road Interceptor – 2019)**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt the Resolution and Order after the Public Hearing approving the Increase and Improvements of Facilities of the Consolidated Sewer District as follows:

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

WHEREAS, the Town Board has directed the Town of Grand Island Engineering Department, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District (Project M 8-2019); and

WHEREAS, such sewer system capital improvements project will generally consist of (but not be limited to), the grouting of approximately 130 lineal feet of 30-inch interceptor sewer pipe to address a settlement issue along Bedell Road in the Town, along with the injection of urethane foam to stabilize the settlement area and pavement restoration, 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

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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 \$100,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$100,000 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 August 5, 2019 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on August 19, 2019 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 \$100,000; 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 \$100,000 said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and

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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 4 Kinney, Madigan, Baney, Marston
Noes 0

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to adopt the following Bond Resolution dated August 19, 2019, of the Town Board of the Town of Grand Island, Erie County, New York (the "Town"), authorizing a capital improvements project (M 8-2019) within the Town of Grand Island Consolidated Sewer District at an estimated maximum cost of \$100,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$100,000 of the Town, pursuant to the Local Finance Law to finance said purpose, said 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, such work to generally consist of (but not be limited to), the grouting of approximately 130 lineal feet of 30-inch interceptor sewer pipe to address a settlement issue along Bedell Road in the Town, along with the injection of urethane foam to stabilize the settlement area and pavement restoration, 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 incidental thereto and in connection with the financing thereof (collectively, the "Project"); and

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

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the 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 sewer system capital improvements project within the District, such work to generally consist of (but not be limited to), the grouting of approximately 130 lineal feet of 30-inch interceptor sewer pipe to address a settlement issue along Bedell Road in the Town, along with the injection of urethane foam to stabilize the settlement area and pavement restoration, as

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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 incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$100,000.

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 \$100,000 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 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

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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 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 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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

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(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 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.
APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Increase & Improvement of Facilities of the Town of Grand Island Consolidated Sewer District (Pump Station 5 – 2019)

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to adopt the Resolution and Order after the Public Hearing approving the Increase and Improvements of Facilities of the Consolidated Sewer District as follows:

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

WHEREAS, the Town Board has directed the Town of Grand Island Engineering Department, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District (Project M-232); and

WHEREAS, such sewer system capital improvements project will generally consist of (but not be limited to), the removal and replacement of Pump Station 5 with a new recessed wet well mounted pump station, 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 \$350,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$350,000 offset by any federal, state, county and/or local funds received; and

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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 August 5, 2019 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on August 19, 2019 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 \$350,000; 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 \$350,000 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 4 Kinney, Madigan, Baney, Marston
Noes 0

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adopt the following Bond Resolution dated August 19, 2019, of the Town Board of the Town of Grand Island, Erie County, New York (the "Town"), authorizing a capital improvements project (M-232) within the Town of Grand Island Consolidated Sewer District at an estimated maximum cost of \$350,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$350,000 of the Town, pursuant to the Local Finance Law to finance said purpose, said 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, such work to generally consist of (but not be limited to), the removal and replacement of Pump Station 5 with a new recessed wet well mounted pump station, 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 incidental thereto and in connection with the financing thereof (collectively, the "Project"); and

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

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the 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 sewer system capital improvements project within the District, such work to generally consist of (but not be limited to), such work to generally consist of (but not be limited to), the removal and replacement of Pump Station 5 with a new recessed wet well mounted pump station, 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 incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$350,000.

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 \$350,000 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

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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 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,

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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 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 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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

(1) (a) Such obligations are authorized for an object or purpose for which 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 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general

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

SECTION 15. This Resolution is effective immediately.
APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Increase & Improvement of Facilities of the Town of Grand Island Consolidated Sewer District (Pump Station 11 – 2019)

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to adopt the Resolution and Order after the Public Hearing approving the Increase and Improvements of Facilities of the Consolidated Sewer District as follows:

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

WHEREAS, the Town Board has directed the Town of Grand Island Engineering Department, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District (Project M-233); and

WHEREAS, such sewer system capital improvements project will generally consist of (but not be limited to), the installation of a new concrete wet well, pump station and appurtenances, the connection to existing facilities, abandonment of the existing pump station, demolition of former chemical storage facility and site restoration, 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 \$600,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$600,000 offset by any federal, state, county and/or local funds received; and

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 August 5, 2019 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on August 19, 2019 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

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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 \$600,000; 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 \$600,000 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 4 Kinney, Madigan, Baney, Marston
Noes 0

A motion was made by Councilwoman Baney, seconded by Councilman Marston to adopt the following Bond Resolution dated August 19, 2019, of the Town Board of the Town of Grand Island, Erie County, New York (the "Town"), authorizing a capital improvements project (M-233) within the Town of Grand Island Consolidated Sewer District 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 said purpose, said amount to be offset by any Federal, State, County and/or local funds received and delegating the power to

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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 (M-233) within the District, such work to generally consist of (but not be limited to), the installation of a new concrete wet well, pump station and appurtenances, the connection to existing facilities, abandonment of the existing pump station, demolition of former chemical storage facility and site restoration, 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 incidental thereto and in connection with the financing thereof (collectively, the “Project”); and

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

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the 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 sewer system capital improvements project within the District, such work to generally consist of (but not be limited to), the installation of a new concrete wet well, pump station and appurtenances, the connection to existing facilities, abandonment of the existing pump station, demolition of former chemical storage facility and site restoration, 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 incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$600,000.

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 \$600,000 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.

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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 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 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 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 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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

- (1) (a) Such obligations are authorized for an object or purpose for which 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 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.
APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District 2019 SSES (Year 8)

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to adopt the Resolution and Order after the Public Hearing approving the Increase and Improvements of Facilities of the Consolidated Sewer District as follows:

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

WHEREAS, the Town Board has directed GHD, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District (Project 2019 SSES - Year 8); and

WHEREAS, such sewer system capital improvements project will generally consist of improvements identified in the Sanitary Sewer Evaluation Survey (the “SSES”) for Year 8, such work to generally include, but not be limited to, inspection of various sewer mains in the Town using closed circuit television (CCTV) and light cleaning of sewers, smoke testing of sewers, dyed water testing of homes where downspout discharges are not readily visible, heavy cleaning of sewers using a vacuum truck and dewatering siphon and the inspection of manholes, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above 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 “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 \$400,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$400,000 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 August 5, 2019 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on August 19, 2019 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 \$400,000; 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 \$400,000, 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 4 Kinney, Madigan, Baney, Marston
Noes 0

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adopt the following Bond Resolution dated August 19, 2019, of the Town Board of the Town of Grand Island, Erie County, New York (the "Town"), authorizing a capital improvements project (2019 SSES – Year 8) within the Town of Grand Island Consolidated Sewer District at an estimated maximum cost of \$400,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$400,000 of the Town, pursuant to the Local Finance Law to finance said purpose, said 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, such work to generally consist of improvements identified in the Sanitary Sewer Evaluation Survey

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(the “SSES”) for Year 8, such work to generally include, but not be limited to, inspection of various sewer mains in the Town using closed circuit television (CCTV) and light cleaning of sewers, smoke testing of sewers, dyed water testing of homes where downspout discharges are not readily visible, heavy cleaning of sewers using a vacuum truck and dewatering siphon and the inspection of manholes, 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”); and

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

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the 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 8, such work to generally include, but not be limited to, inspection of various sewer mains in the Town using closed circuit television (CCTV) and light cleaning of sewers, smoke testing of sewers, dyed water testing of homes where downspout discharges are not readily visible, heavy cleaning of sewers using a vacuum truck and dewatering siphon and the inspection of manholes, 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. The estimated maximum cost of said purpose is \$400,000.

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 \$400,000 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.

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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 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

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thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town determined that the 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 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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

(1) (a) Such obligations are authorized for an object or purpose for which 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 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 15. This Resolution is effective immediately.
APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

MINUTES:

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve Minutes of Workshop Meeting #30, August 5, 2019, Minutes of Regular Meeting #14, August 5, 2019.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

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CONSENT AGENDA:

1. Meeting Minutes – Zoning Board of Appeals – July 11, 2019
2. Building Permits Issued – July 2019
3. Meeting Minutes – Planning Board – July 8, 2019
4. Golden Age Center – Facility Usage – July 2019

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

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN CLERK – PATRICIA A. FRENTZEL:

Resignation – Dog Control Officer

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to accept with regret, the resignation of Michael Dallessandro as Part-time Dog Control Officer, effective August 16, 2019. A certificate of appreciation will be sent to Mr. Dallessandro.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:

Permission to Sell Surplus Equipment at Auction

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to authorize the Highway Superintendent to send surplus vehicles and equipment to auction. Sales will be facilitated by the internet-based auction house, Auctions International, Inc.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT WESTFALL:

Niagara Falls Water Board – Cooperative Bid for Water/Wastewater Chemicals

The Town of Grand Island has previously participated in the Niagara Falls Water Board Cooperative Bid for Water/Wastewater Chemicals. By doing so, the Town can take advantage of the large quantity pricing the Water Board receives. The current cooperative bid expires on December 31, 2019. The Niagara Falls Water Board anticipates awarding the new bid in early November 2019.

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to authorize the Town Engineer to allow the Niagara Falls Water Board to bid and award the bid for Water/Wastewater Chemical on the Town's behalf.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Authorize Supervisor to Sign Agreement – Grand Island-Baseline Road Accessible Sidewalk – PIN 5763.46 Comptrollers Contract #D036485 – M-229

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adopt the following resolution authorizing the Supervisor to sign the agreement with New York State Department of Transportation authorizing the implementation, and funding in the first instance 100% of the Federal-Aid eligible costs, of a Transportation Federal-Aid project, to fully fund the local share of Federal-Aid eligible and ineligible projects costs, and appropriating funds therefore:

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WHEREAS, a Project to install ADA compliant sidewalks on Baseline Road from Webb Road to Grand Island Blvd, known as Grand Island- Baseline Rd Accessible Sidewalks - CMAQ, PIN 5763.46, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the Town of Grand Island desires to advance the Project by making a commitment of 100% of the Non-Federal share of the Federal Aid eligible costs and any required Local costs of the Design, Construction & Construction Inspection phase of the project, PIN 5763.46.

NOW, THEREFORE, the Town Board of the Town of Grand Island, duly convened does hereby

RESOLVE, that the Town Board of the Town of Grand Island hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board of the Town of Grand Island hereby authorizes the Town of Grand Island to pay in the first instance 100% of the Federal and Non-Federal (Local) shares of the cost of the Design, Construction & Construction Inspection phase of the Project or portions thereof, and it is further

RESOLVED, that the sum of \$65,000 is hereby appropriated or appropriated from the 2019 capital budget and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full Federal and Non-Federal shares of the cost of the project exceeds the amount appropriated above, the Town of Grand Island shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor of the Town of Grand Island be and hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Grand Island with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of the Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to the necessary Agreement in connection with the Project, and it is further

RESOLVED, this resolution shall take effect immediately.
APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

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

Town Engineer Robert Westfall reported the following bids were received on August 14, 2019 for the Bituminous Resurfacing of Various Town Roads – Job No. M-14-2019:

Milherst Construction	\$518,920.00
Robinson Paving	\$649,012.00
Mark Cerrone, Inc.	\$653,620.00

After careful review, Mr. Westfall recommends the Town award the bid to Milherst Construction in the amount of \$518,920.00

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to accept the recommendation of the Town Engineer and award the bid for the Bituminous Resurfacing of Various Town Roads – Job No. M-14-2019 to Milherst Construction in the amount of \$518,920.00.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Accept Project Development Agreement – M-120-2019 – LED Streetlight Conversion Project

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to authorize the Supervisor to sign the Project Development Agreement to develop an Energy Performance Contract with Wendel Energy Services for the conversion of the existing high pressure sodium streetlights to LED streetlights, subject to the approval of the Town Attorney.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Adopt Supporting Resolution – LED Streetlight Conversion Project

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adopt the following resolution for the LED Streetlight Conversion Project:

WHEREAS, the Town is interested in upgrading public street lighting infrastructure to improve energy efficiency and lighting quality, and reduce current energy, operational and maintenance costs, and

WHEREAS, in accordance with Article 9 of the New York State Energy Law, the Town has the opportunity to implement an energy and operational savings project by means of an Energy Performance Contract, and

WHEREAS, the Town, reviewed the opportunity to reduce street lighting utility costs and discussed the opportunity of receiving Energy Performance Contract proposals from qualified companies to improve street lighting infrastructure to reduce associated energy and maintenance costs, and

WHEREAS, on April 18, 2019, the Town issued a Request For Qualifications for an Energy Performance Contract to implement an LED Street Lighting Conversion project, and

WHEREAS, the Town received Energy Performance Contract responses on May 10, 2019, reviewed the submissions, and selected Wendel Energy Services, LLC, and

WHEREAS, the Town has received a Project Development Agreement from Wendel Energy Services, LLC for a GIS field audit, energy analysis, reporting and design services, to implement a project under the New York State Energy Law,

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THEREFORE BE IT RESOLVED, that the Supervisor, or his/her designee, contingent upon form and terms of agreement having been reviewed and approved by Town Counsel, is hereby authorized to enter into an agreement with Wendel Energy Services for a Project Development cost of \$36,000.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Authorize Supervisor to Sign Professional Services Agreement – Water Quality Improvement Program Engineering Report – M-8-2018

A motion was made by Councilwoman Kinney, seconded by Councilman Madigan to authorize the Supervisor to sign the Professional Services Agreement for additional services as part of the LS #8 Forcemain Project. The additional fee is for the in-depth engineer's report required for the Water Quality Improvement Program grant application.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

TOWN ASSESSOR – JUDY M. TAFELSKI:

Josephine & Lee Celano, 2341 Falls Link – Request to Split/Merge Lots – SBL #:36.01-3-7.1, SBL #:36.01-3-11 and SBL #:36.01-3-12

A motion was made by Councilwoman Baney, seconded by Councilman Marston to refer the request of Josephine & Lee Celano, 2341 Falls Link to split/merge lots – SBL #:36.01-3-7.1, SBL #:36.01-3-11 and SBL #:36.01-3-12 to the Town Board for review and recommendation.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

Baywa RE Development Land Holdco LLC, 2356 Whitehaven Road – Request to Merge Lots – SBL #:36.00-2-7 and SBL #:36.00-2-8.1

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to refer the request of Baywa RE Development Land Holdco LLC, 2356 Whitehaven Road to merge lots – SBL #:36.00-2-7 and SBL #:36.00-2-8.1 to the Town Attorney for review and recommendation.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK:

Status Change

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to approve the status change of Joseph Killian, Parks Crew Chief, from Part-time to Seasonal, effective August 29, 2019.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

PLANNING BOARD:

Love Road Plaza, 1815 Love Road – Site Plan Approval/Renovations

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to accept the recommendation of the Planning Board and grant Site Plan Approval for renovation at the Love Road Plaza, 1815 Love Road subject to the following:

- Dark Sky lighting is used
- Continue front sidewalks to the ROW with crosswalk intersection
- Banked parking to be paved and striped when needed for tenants
- Outdoor storage to be relocated when needed

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

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REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to pay Vouchers #128653 - #128789

General	\$ 60,421.75
Highway	\$ 13,750.76
Sewer	\$ 47,411.07
Water	\$ 16,387.87
Trust & Agency	\$ 1,280.00
Capital	\$320,823.77
Garbage	<u>\$121,696.45</u>
Total	\$581,771.67

PUBLIC COMMENTS:

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

Speakers: Nancy Killian, Dan Drexilius

FROM THE BOARD:

- **Back to School**
- **Pinto E-Waste Drive – Saturday, August 24th, Town Hall Parking Lot**
- **Prayers for Maras Family**
- **Employee Appreciation Luncheon**

ADJOURNMENT:

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to adjourn the meeting at 8:39p.m.

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston
Noes 0

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

Karen Kinda	Joseph Zuppelli
Arthur Iazard	Patricia Wydra
Joan Hanny	Robert Brick, Jr.

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

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