

## Town of Grand Island – Regular Meeting #16

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 4<sup>th</sup> of September, 2018.

Present:	Nathan D. McMurray	Supervisor
	Beverly A. Kinney	Councilwoman
	Michael H. Madigan	Councilman
	Jennifer L. Baney	Councilwoman
	Peter Marston Jr.	Councilman
	Karen M. Cooney	Deputy Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.  
Pastor Matthew Pfeil from Cornerstone Church gave the Invocation.  
Councilwoman Jennifer L. Baney led the Pledge of Allegiance.

### **PROCLAMATION:**

#### **Migratory Bird Treaty Act**

### **PUBLIC COMMENTS:**

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

Speakers: None

### **PUBLIC HEARING:**

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

A Public Hearing was held on Tuesday, September 4, 2018 for the purpose of hearing anyone who wanted to comment on the proposed Bond Resolution – Increase and Improvements of the Consolidated Water District – Water Treatment Plant and Waterline Improvements-2018.

Speakers: None

A motion was made by Councilman Marston, seconded by Councilwoman Baney to adopt the following Resolution and Order after Public Hearing approving the Increase and Improvement of Facilities of the Consolidated Water District:

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

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

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to) the installation of additional filters at the Water Treatment Plant, construction of an addition to the Water Treatment Plant to accommodate the new filters, and the installation of approximately 11,600 linear feet of waterline along various roads in the Town including, but not limited to, Baseline Road, 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

**Tuesday, September 4, 2018 - 1**

## **Town of Grand Island – Regular Meeting #16**

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 \$5,370,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$5,370,000, offset by any federal, state, county and/or local funds received.

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

WHEREAS, the Town Board issued an Order at its August 20, 2018 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on September 4, 2018 at 8:00 o’clock p.m. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this 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 \$5,370,000; 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

## **Town of Grand Island – Regular Meeting #16**

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 \$5,370,000, 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 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0

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

A Bond Resolution, dated September 4, 2018, of the Town Board of the Town of Grand Island, Erie County, New York (The "Town") authorizing a capital improvements project within the Town of Grand Island Consolidated Water District at an estimated maximum cost of \$5,370,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$5,370,000 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 Water District (the "District"); and

WHEREAS, the Town Board has determined, by resolution, to undertake a certain water system capital improvements project; 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 water system capital improvements project that will generally consist of (but not be limited to) the installation of additional filters at the Water Treatment Plant, construction of an addition to the Water Treatment Plant to accommodate the new filters, and the installation of approximately 11,600 linear feet of waterline along various roads in the Town including, but not limited to, Baseline Road, 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 "Project"). The estimated maximum cost of said purpose is \$5,370,000.

**Tuesday, September 4, 2018 - 3**

## **Town of Grand Island – Regular Meeting #16**

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 \$5,370,000 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 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

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

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

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

**Tuesday, September 4, 2018 - 4**

## **Town of Grand Island – Regular Meeting #16**

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 has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

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

## Town of Grand Island – Regular Meeting #16

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

### **MINUTES:**

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to approve the Minutes of Workshop Meeting #24, August 20, 2018 and Minutes of Regular Meeting #15, August 20, 2018.

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

### **CONSENT AGENDA:**

1. Meeting Minutes – Board of Architectural Review – July 17, 2018
2. Meeting Minutes – Historic Preservation Advisory Board – July 20, 2018

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

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

### **COMMUNICATIONS – TOWN BOARD:**

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

#### **Agricultural District Annual Enrollment Period**

FYI – No Town Board Action

#### **COUNCILMAN MICHAEL H. MADIGAN:**

#### **Joint Grand Island School Board and Town Board Wellness Committee Update**

FYI – No Town Board Action

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

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

#### **WESTFALL:**

#### **Authorize Supervisor to Sign Professional Services Agreement – Scenic Woods Wetland Monitoring – M-176-16**

The 5 year wetland monitoring is a requirement of the NYSDEC Wetland permit. The Wilson Environmental Technologies, Inc. proposal has \$4,550.00 for the first year (baseline pre-construction) report and \$4,000.00 for each subsequent year for a total of \$24,550.00.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to authorize the Supervisor to sign the Wetland Monitoring Agreement for Scenic Woods & Bicentennial Park in the amount of \$24,550.00.

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

#### **Authorize Supervisor to Sign National Grid Proposal – (NMPC WR #24543224) – Veteran’s Park Power Upgrade M-66**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign the proposal with National Grid Proposal (NMPC #24543224) for overhead and underground electric facilities at Veteran’s Park in the amount of \$28,591.50 to install one new riser pole and 1225 feet of single phase underground service.

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

**Tuesday, September 4, 2018 - 6**

# Town of Grand Island – Regular Meeting #16

## **Award Bid – Job No. M-14-2018 – Bituminous Resurfacing of Various Town Roads**

Town Engineer Robert Westfall reported on August 29, 2018, four bids were received for the Bituminous Resurfacing of Various Town Roads – Job #M-14-2018.

<u>Contractor</u>	<u>Bid</u>
Amherst Paving	\$767,090.00
Milherst Construction	796,636.50
Robinson Paving	797,701.30
Northeast Diversification	833,951.00

After careful review, Mr. Westfall recommends award to Amherst Paving in the amount of \$767,090.00.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to accept the recommendation of the Town Engineer and award the bid for Bituminous Resurfacing of Various Town Roads – Job #M-14-2018 to Amherst Paving in the amount of \$767,090.00.

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

## **Authorize Supervisor to Sign WIIA Grant Application – Water System Improvement Project – M-205**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign the application for the WIIA Grant for improvements at the Water Plant and waterline replacement on Bush Road.

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

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

### **Budget Amendment – Fire Protection District**

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

Increase Appropriated Fund Balance	012.0012.999	\$1,400
Increase Appropriations	012.0012.0400	\$1,400

APPROVED Ayes 4 Kinney, Madigan, Baney, Marston, McMurray  
Noes 0  
Abstain 1 Madigan

## **TOWN ASSESSOR – JUDY TAFELSKI:**

### **Branches of Niagara – Request to Merge/Split Property – SBL #:36.00-1-6.11 and SBL #:36.00-1-7**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to approve the request to merge and split properties SBL #36.00-1-6.11 and 36.00-1-7, subject to the necessary paperwork being filed with the Erie County Clerk's office.

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

## **CODE ENFORCEMENT OFFICE:**

### **Local Law Intro #8 of 2018 – Plumbing Code Change**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to request the Town Attorney draft a Local Law to amend Chapter 246, Article V as requested by the Code Enforcement Office.

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

## **Sidewalk Installation on Vacant Parcel**

**Tuesday, September 4, 2018 - 7**

## **Town of Grand Island – Regular Meeting #16**

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to refer the sidewalk installation on vacant parcel to the Town Board.

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

### **PARKS MAINTENANCE CREW CHIEF – THOMAS DWORAK:**

#### **Seasonal Hire**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to hire Gary Roesch, Parks Senior Worker, effective September 4, 2018, Part-time, \$12.25/hr., subject to the completion of the necessary pre-employment paperwork.

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

### **Future Hiring Practices of the Town of Grand Island**

A motion was made by Supervisor McMurray, seconded by Councilman Marston to require all future hiring for the Town of Grand Island will be done through open posting on the Town's website and Town's Facebook page, subject to a future and more complete detailed program of hiring.

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

### **GOLDEN AGE CENTER:**

#### **Part-time Hire**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to appoint Victoria Mordaunt as a Part-time, Recreation Attendant, effective September 5, 2018, Grade 1A – \$11.40/hr., subject to the completion of the necessary pre-employment paperwork.

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

#### **Full Time Hire**

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to appoint Carrie Mesmer as Full-time Recreation Leader, effective September 5, 2018, CSEA – Grade 4, \$17.56/hr., subject to the completion of the necessary pre-employment paperwork.

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

#### **Status Change**

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve the status change of Denise LaBarre, Recreation Attendant from Part-time to Seasonal, effective Monday, September 17, 2018 at the same rate of pay - \$11.40/hr.

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

### **REPORT OF THE AUDIT COMMITTEE:**

**Tuesday, September 4, 2018 - 8**



## Town of Grand Island – Regular Meeting #16

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

Vouchers #125165 – 125299

General	\$ 43,279.67
Highway	\$ 47,165.05
Sewer	\$ 23,506.83
Water	\$ 13,773.94
Total	\$127,725.49

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

### **UNFINISHED BUSINESS:**

**Local Law Intro #7 of 2018 – Mining/Excavation Overlay – 2626 & 2640 Staley Road**  
Remains Tabled.

### **PUBLIC COMMENTS:**

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

Speakers: None

### **FROM THE BOARD:**

- Back to School
- Thank you First Responders
- Lawn Mower Races – September 15<sup>th</sup> - Veterans Park
- BBQ Battle – September 8<sup>th</sup> – [www.grandislandbbq.com](http://www.grandislandbbq.com) for details

### **ADJOURNMENT:**

A motion was made by Councilman Madigan, seconded by Councilman Marston to adjourn the meeting at 8:55p.m.

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

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

Jacqueline Atkinson	Nunzio Parisi
Joann Hall	Nancy Colbert
Weston Hoddick, Jr.	Hazel Mallwitz
Charles Price, Jr.	Michael Moshman
Harold Fleischman, Jr.	

Respectfully submitted in the absence of the Town Clerk,

Karen M. Cooney  
Deputy Town Clerk

**Tuesday, September 4, 2018 - 9**