

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

## TOWN BOARD OF THE TOWN OF GRAND ISLAND

Grand Island Town Hall  
 2255 Baseline Rd. — Grand Island, New York 14072

Date: July 20, 2020

Time: 8:00 P.M.

**HEARING IMPAIRED LISTENING  
 DEVICES AVAILABLE ON REQUEST**

In the event of a fire or other emergency, please follow the exit signs that are provided in this room and throughout Town Hall.

	TITLE:	DISPOSITION:
I	<b><u>ROLL CALL:</u></b> Town Clerk	
II	<b><u>INVOCATION:</u></b>	
III	<b><u>PLEDGE:</u></b> Councilman Thomas A. Digati	
IV	<b><u>PUBLIC COMMENTS:</u></b> - AGENDA ITEMS ONLY	
V	<b><u>PUBLIC HEARINGS:</u></b> 1. Special Use Permit Application – Karen Panzarella, 2894 East River Road – Bed & Breakfast 2. Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District (Phase 8 Project 2020 SSES-Year 9) 3. Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District (WWTP-Sludge Press) 4. Increase and Improvement of Facilities of the Town of Grand Island Lighting Districts (Special District LED Conversion)	
VI	<b><u>MINUTES:</u></b> 1. Approve Minutes of Workshop Meeting #30, July 6, 2020 2. Approve Minutes of Regular Meeting #12, July 6, 2020	
VII	<b><u>CONSENT AGENDA:</u></b> 1. Building Permits Issued – June 2020 2. Golden Age Center – Facility Usage – June 2020 3. Meeting Minutes – Zoning Board of Appeals – June 18, 2020 4. Meeting Minutes – Planning Board – June 8, 2020 5. Meeting Minutes – Joint Planning Board/Town Board Meeting – June 11, 2020	
VIII	<b><u>COMMUNICATIONS – OTHER TOWN OFFICIALS:</u></b> <b><u>TOWN ATTORNEY – PETER GODFREY:</u></b> 1. Bond Resolution – Road Improvements 2. Further Amending Bond Resolution – Nike Base Community Center	
IX	<b><u>DEPARTMENT OF ENGINEERING &amp; WATER RESOURCES – ROBERT H. WESTFALL:</u></b> 1. Authorize Supervisor to Sign Professional Services Agreement – WTP Filter System Upgrade – Job # M-205-2021 2. Authorize Supervisor to Sign Professional Services Agreement – Baseline Road Waterline Replacement – Job # M-205-2020 3. Change Order No. 1 – Additional Stone Fill and Concrete Cost – Gazebo Foundation Project – Job # M-69-19 4. Authorize Supervisor to Sign Agreement – Indoor Air Quality, Recreation Administration Building & Golden Age Center – American DND Agreement Amendment	
X	<b><u>RECREATION SUPERVISOR – JOSEPH MENTER:</u></b> 1. Seasonal Hire – Pay Rate Correction	
XI	<b><u>TOWN ACCOUNTANT – PAMELA BARTON:</u></b> 1. Budget Transfer – Conservation Commission	

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 Grand Island Town Hall  
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	TITLE:	DISPOSITION:
XII	<b><u>TOWN ASSESSOR – JUDY M. TAFELSKI:</u></b>	
	1. 2021 Reassessment Update	
XIII	<b><u>CODE ENFORCEMENT OFFICE:</u></b>	
	1. Special Use Permit Application – Michelle Fiels, 2249 Bush Road – Home Occupation, Dog Training Facility – Refer to Planning Board and Set Public Hearing	
XIV	<b><u>PLANNING BOARD:</u></b>	
	1. Project Olive:	
	A. Grand Island Commerce Center/Project Olive/R-1A Land, Preliminary Plat – 2 Lot Proposal	
	B. Application for Planned Development District – Project Olive – Local Law Intro #10 of 2020 – Rezoning SBL #23.00-1-50, 2780 Long Road and SBL #23.00-1-26.1, Bedell Road – M-1 to PDD	
	2. Southpointe PDD – Development Concept Plan – Revised	
	3. Magic Mist Auto Wash, 2965 Grand Island Boulevard – Site Plan Approval	
	4. Special Use Permit Application – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens	
XV	<b><u>COMMUNICATIONS – GENERAL:</u></b>	
	1. Hopkins Sorgi & McCarthy PLLC – Heron Pointe, Phase 2 – Modify Conditions of Site Plan Approval	
XVI	<b><u>REPORT OF THE AUDIT COMMITTEE:</u></b>	
XVII	<b><u>UNFINISHED BUSINESS:</u></b>	
	1. Local Law Intro #11 of 2019 – Rezoning SBL #36.00-2-8.1, Alvin Road – B-1/R-1A to B-1	
	2. Local Law Intro #12 of 2019 – Rezoning SBL#36.00-2-7, 2356 Whitehaven Road – R-1A/B-1 to R-1A	
	A. Correspondence – Planning Board – Site Plan Approval	
	B. Correspondence – Planning Board – Special Use Permit	
XVIII	<b><u>PUBLIC COMMENTS:</u></b>	
XIX	<b><u>FROM THE BOARD:</u></b>	
XX	<b><u>MEMORIAL ADJOURNMENT:</u></b>	
	Rosalie Liberante Cory Zaranek	
	Douglas Anderson Adam McMilan	
	Jacqueline Kazmierczak Lois Kaiser	

**LEGAL NOTICE**

**APPLICATION FOR SPECIAL USE PERMIT  
UNDER CHAPTER 407-115 OF THE TOWN CODE**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the  
Town Board of the Town of Grand Island, Erie County, New York,

on **MONDAY, JULY 20, 2020 AT 8:00 P.M.**

in the Town Hall, 2255 Baseline Road to consider an application by

**Karen Panzarella, 2894 East River Road,  
Grand Island, New York 14072**

for authorization by the Town Board for a Permit for Special Use

**Bed & Breakfast**

by the Town of Grand Island Building Zone Ordinance, on premises in an

**R-1D** zoning district located at:

**2894 East River Road, Grand Island, NY 14072**

All interested persons may attend at said time and place and be heard thereon.

By Order of the Town Board of the Town of Grand Island

**Patricia A. Frentzel  
Town Clerk**

**Publish & Post: July 10, 2020**

A meeting of the Town Board of the Town of Grand Island, in the County of Erie, New York, was held at the Town Hall, in said Town, on July 20, 2020.

**PRESENT:**

Hon. John C. Whitney, Supervisor  
Michael H. Madigan, Councilmember  
Jennifer L. Baney, Councilmember  
Peter Marston, Jr., Councilmember  
Thomas A. Digati, Councilmember

-----X  
In the Matter  
of the

Increase and Improvement of Facilities of the Consolidated Sewer District (Project 2020 SSES - Year 9), in the Town of Grand Island, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

-----X  
**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE CONSOLIDATED SEWER DISTRICT**

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

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 generally referred to as Phase 8 Project 2020 SSES - Year 9; and

WHEREAS, such sewer system capital improvements project will generally consist of improvements identified in the Sanitary Sewer Evaluation Survey (the "SSES") for Year 9, such work to generally include, but not be limited to, the lining of approximately 11,780 linear feet of sanitary sewer along various roads in the Town, the rehabilitation of approximately 127 manholes, and the reconstruction of approximately 260 linear feet of sanitary sewer, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report 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 \$1,500,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,500,000 offset by any federal, state, county and/or local funds received.

WHEREAS, the Town determined that the District Improvement is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required; and

WHEREAS, the Town Board issued an Order at its July 6, 2020 meeting calling for a public hearing to be held virtually (via Zoom.us) on July 20, 2020 at 8:00 o'clock P.M. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$1,500,000; and it is hereby

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

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

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and

specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,500,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

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

DATED: July 20, 2020

TOWN BOARD OF THE  
TOWN OF GRAND ISLAND

**A BOND RESOLUTION, DATED JULY 20, 2020, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT (2020 SSES - YEAR 9) WITHIN THE TOWN OF GRAND ISLAND CONSOLIDATED SEWER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$1,500,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE 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; and

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

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

NOW THEREFORE,

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

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

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,500,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

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

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

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of the project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.



Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

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

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

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

SECTION 11. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

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

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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

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

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

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

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

A meeting of the Town Board of the Town of Grand Island, in the County of Erie, New York, was held at the Town Hall, in said Town, on July 20, 2020.

PRESENT:

Hon. John C. Whitney, Supervisor  
Michael H. Madigan, Councilmember  
Jennifer L. Baney, Councilmember  
Peter Marston, Jr., Councilmember  
Thomas A. Digati, Councilmember

-----X  
In the Matter  
of the

Increase and Improvement of Facilities of the Consolidated Sewer District, in the Town of Grand Island, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

-----X

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE CONSOLIDATED SEWER DISTRICT**

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

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

WHEREAS, such sewer system capital improvements project will generally consist of improvements to the wastewater treatment plant including, but not limited to, the installation of sludge dewatering equipment and associated piping and valves, electrical and HVAC improvements, ventilation improvements to the Main Control Building and SCADA/control system upgrades, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the foregoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "District Improvement"); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$1,500,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,500,000 offset by any federal, state, county and/or local funds received.

WHEREAS, the Town determined that the District Improvement is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required; and

WHEREAS, the Town Board issued an Order at its July 6, 2020 meeting calling for a public hearing to be held virtually (via Zoom.us) on July 20, 2020 at 8:00 o'clock P.M. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$1,500,000; and it is hereby

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

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

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,500,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

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

DATED: July 20, 2020

TOWN BOARD OF THE  
TOWN OF GRAND ISLAND

**A BOND RESOLUTION, DATED JULY 20, 2020, 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 SEWER DISTRICT (WASTEWATER TREATMENT PLANT) AT AN ESTIMATED MAXIMUM COST OF \$1,500,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE 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; and

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

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

NOW THEREFORE,

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

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

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed

\$1,500,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

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

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

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of the project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

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

to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

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

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

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

SECTION 11. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

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

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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



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

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

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

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

A meeting of the Town Board of the Town of Grand Island, in the County of Erie, New York, was held at the Town Hall, in said Town, on July 20, 2020.

PRESENT:

Hon. John C. Whitney, Supervisor  
Michael H. Madigan, Councilmember  
Jennifer L. Baney, Councilmember  
Peter Marston, Jr., Councilmember  
Thomas A. Digati, Councilmember

-----X  
In the Matter  
of the

(Joint) Increase and Improvement of Facilities of the Town of Grand Island Lighting Districts, in the Town of Grand Island, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

-----X

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING APPROVING  
THE JOINT INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE TOWN OF GRAND ISLAND  
LIGHTING DISTRICTS**

WHEREAS, the Town Board of the Town of Grand Island (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created Lighting Districts (as identified in Appendix D of the preliminary map, plan and report referred to below) (collectively, the "Districts") within the Town of Grand Island; and

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

WHEREAS, such lighting improvements project will generally consist of (but not be limited to), the acquisition of approximately 530 streetlights from National Grid and the replacement of the high pressure sodium luminaries with LED luminaries, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred

to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Lighting Improvements"); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the Districts and has estimated the total cost thereof to be an estimated maximum amount of \$1,930,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,930,000 offset by any federal, state, county and/or local funds received.

WHEREAS, the Town determined that the Lighting Improvements are a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required; and

WHEREAS, the Town Board issued an Order at its July 6, 2020 meeting calling for a public hearing to be held virtually (via Zoom.us) on July 20, 2020 at 8:00 o'clock P.M. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the Districts and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the Districts as hereinabove described and referred to at the estimated maximum cost of \$1,930,000; and it is hereby

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

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

ORDERED, that the facilities of the Districts shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town

Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

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

FURTHER ORDERED, that such costs will be annually apportioned among the Districts by the Town Board, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

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

DATED: July 20, 2020

TOWN BOARD OF THE  
TOWN OF GRAND ISLAND

**A BOND RESOLUTION, DATED JULY 20, 2020, 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 LIGHTING DISTRICTS AT AN ESTIMATED MAXIMUM COST OF \$1,930,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,930,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE 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 Lighting Districts (as identified in Appendix D of the preliminary map, plan and report prepared in connection with such project) (collectively, the "Districts") within the Town of Grand Island; and

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

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

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

NOW THEREFORE,

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project within the Districts, such project to generally consist of (but not be limited to), the acquisition of approximately 530 streetlights from National Grid and the replacement of the high pressure sodium luminaries with LED luminaries, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"). The estimated maximum cost of said purpose is \$1,930,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,930,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless

paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 5 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 30 years.

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

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

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Such costs will annually be apportioned among the Districts by the Town Board and unless paid from other sources or charges, the cost of the project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

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

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

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

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

SECTION 11. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

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

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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

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

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

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

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 16. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.



# *Town of Grand Island - Workshop Meeting #30* **DRAFT COPY**

A workshop\* meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Road, Grand Island, NY at 6:00p.m. on the 6<sup>th</sup> of July, 2020.

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

Also Present: Richard Crawford Highway Superintendent

\*The Workshop was conducted in the Courtroom, via ZOOM and streamed live on the Town's website – [www.grandislandny.us](http://www.grandislandny.us). The Public was not allowed to attend the meeting, due to the COVID-19 Coronavirus State of Emergency Order.

Supervisor John C. Whitney called the meeting to order at 6:04p.m.

## **NEW ITEMS:**

### **General Discussion:**

#### **Agenda Review:**

- **GI Boulevard Properties, LLC, Grand Island Boulevard – Request to Split/Merge Property – SBL #24.03-1-36 and SBL #24.03-1-33**
  - Rezoning recommendation

### **Town Vehicles Identification**

A motion was made by Councilman Digati, seconded by Councilman Madigan to adopt the new Town vehicle logo and to authorize that the logo be placed on all Town Vehicles with department identification and numbers if applicable in a uniform fashion.

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

### **Authorize the Supervisor to Sign the Feasibility Study Letter for the Power Needs of Fresenius Kabi and Thermo Fisher**

A motion was made by Councilwoman Baney, seconded by Councilman Digati to authorize the Supervisor to sign a letter to the Governor of New York requesting a Feasibility Study for the power needs of Fresenius Kabi and Thermo Fisher.

APPROVED Ayes 4 Baney, Marston, Digati, Whitney  
Noes 0  
Abstain 1 Madigan

*Monday, July 6, 2020 - 1*

## ***Town of Grand Island - Workshop Meeting #30***

### **SEQR – Town Hall Renovation – Town Elevator**

Supervisor John Whitney presented the SEQR – Short Form Environmental Assessment Forms for the Town Hall renovation – Town Elevator. Mr. Whitney informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilwoman Baney, seconded by Councilman Marston to Issue a Negative Declaration for the Town Hall renovation – Town Elevator.

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

*Wendy Salvati and Jim Sharpe joined the meeting via ZOOM at 6:16p.m.*

*Town Engineer Robert Westfall joined the meeting at 6:30p.m.*

### **Review Amended “Resource Guide for the Protection & Promotion of Agriculture and Farming”**

A motion was made by Councilman Madigan, seconded by Councilman Marston to accept the amended “Resource Guide for the Protection & Promotion of Agriculture and Farming”.

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

### **General Discussion:**

**Review and Consider Creation of an Agriculture and Farmland Planning Advisory Board – To be determined at a future Town Board Meeting**

*Wendy Salvati and Jim Sharpe left the meeting at 6:46p.m.*

### **Project Olive – 2780 Long Road – Review Environmental Consultant Scope**

A motion was made by Councilman Digati, seconded by Councilman Marston to expand the scope of work of Wendel Engineers to include a peer review/evaluation of the environmental impact of the Project Olive project – 2780 Long Road, including comments from the Conservation Advisory Board.

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

### **GIS Services for the Town and upgrades to Web Adaptor – Web Mapping Application (WMA) – Geocove**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to authorize the expenditure of an amount not to exceed \$5,000 with GEOCOVE for the development of applications, purchase tablets and GIS services necessary for the web mapping application for the Town of Grand Island.

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

***Monday, July 6, 2020 - 2***

## ***Town of Grand Island - Workshop Meeting #30***

### **Authorize Supervisor to Sign Memorandum of Understanding – 2018 STOP DWI**

#### **Agreement**

A motion was made by Councilwoman Baney, seconded by Councilman Digati to authorize the Supervisor to sign the 2019 STOP-DWI Memorandum of Understanding with Erie County. This agreement allows Erie County to pay for supplying data on DWI cases disposed in Grand Island Court during 2018.

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

#### **EXECUTIVE SESSION:**

A motion was made by Councilman Digati, seconded by Councilman Marston to enter into Executive Session at 7:17p.m. for the purpose of discussing matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person(s) employed by the Town and to obtain legal advice from the Town Attorney.

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

#### **ADJOURN:**

A motion was made by Councilman Marston, seconded by Councilman Digati to return to the Regular Workshop and adjourn at 7:50p.m.

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

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk

***Monday, July 6, 2020 - 3***

## *Town of Grand Island – Regular Meeting #12*

**DRAFT  
COPY**

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 6<sup>th</sup> of July, 2020.

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

Supervisor John C. Whitney called the meeting to order at 8:00p.m.

Councilwoman Jennifer L. Baney gave the Invocation.

Councilman Peter Marston, Jr. led the Pledge of Allegiance.

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

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

### **PUBLIC COMMENTS:**

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

Speakers: None\*

### **PUBLIC HEARINGS:**

#### **Local Law Intro #11 of 2020 – Amend the Town's Zoning Code, Chapter 407 to Include Commercial and Recreational Uses in Town Business Districts**

A Public Hearing was held on Monday, July 6, 2020 at 8:00p.m. to hear anyone who wants to comment on Local Law Intro #11 of 2020 – Amend the Town's Zoning Code, Chapter 407 to Include Commercial and Recreational Uses in Town Business Districts.

Speakers: None

Supervisor John Whitney declared the Public Hearing closed.

A motion was made by Councilman Marston, seconded by Councilwoman Baney to adopt Local Law #10 of 2020 Amending the Town of Grand Island Zoning Code Chapter 407 to Include Commercial and Recreational Uses in Town Business Districts

Be it hereby enacted by the Town Board of the Town of Grand Island as follows:

*Monday, July 6, 2020 - 1*

## *Town of Grand Island – Regular Meeting #12*

SECTION I. Section 407-59, Principal uses and structures, is hereby amended as follows:

- A. The following are principal uses in the North and South Business Districts (NBD and SBD):

.....

- (9) Commercial/recreational uses:
- (a) Amusement parks.
  - (b) Privately owned golf courses, whether or not open to the public.
  - (c) Campgrounds.
  - (d) Country clubs.
  - (e) Golf driving ranges.
  - (f) Yacht clubs.
  - (g) Indoor recreational facilities, including but not limited to ice hockey arenas and indoor soccer facilities.

- B. The following are principal uses in the Central Business District (CBD):

....

- (9) Commercial/recreational uses:
- (a) Amusement parks.
  - (b) Privately owned golf courses, whether or not open to the public.
  - (c) Campgrounds.
  - (d) Country clubs.
  - (e) Golf driving ranges.
  - (f) Yacht clubs.
  - (g) Indoor recreational facilities, including but not limited to ice hockey arenas and indoor soccer facilities.

SECTION II. Section 407-60, Accessory uses, is hereby amended to include:

- J. Club houses at golf courses, country clubs and yacht clubs, including restaurants and banquet facilities for members and guests.
- K. Maintenance buildings, storage buildings and garages.

*Monday, July 6, 2020 - 2*

## *Town of Grand Island – Regular Meeting #12*

- L. Swimming pools and tennis courts.
- M. Restaurants and snack bars for paying patrons of amusement parks, indoor recreational facilities, and campgrounds.
- N. Campground offices, recreation and game rooms, laundries and guest shower/bathroom facilities, and a campground lodge that includes up to five guest rooms for overnight accommodations for up to 10 guests.

SECTION III. Section 407-61, Uses upon issuance of special permit, is hereby amended to include as follows:

- A. North and South Business (NBD and SBD) Districts.  
.....
  - (7) Commercial/Recreational uses:
    - (a) Restaurants open to the public and banquet facilities available for rent by public, located at golf courses, yacht clubs, and country clubs.
    - (b) One caretaker's residence.
- B. Central Business District (CBD).  
....
  - (7) Commercial/Recreational uses:
    - (a) Restaurants open to the public and banquet facilities available for rent by the public, located at golf courses, yacht clubs, and country clubs.
    - (b) One caretaker's residence.

SECTION IV. Section 407-62, Special rules for amusement parks, is hereby enacted as follows:

- A. For purposes of complying with the limitation of one principal use per zoning lot, the location of multiple structures, including rides, and other facilities, is deemed to constitute one principal use.
- B. Notwithstanding other provisions of this code, the height limitation on rides shall be 100 feet.
- C. Prior to issuance of any building permit, site plans shall demonstrate that adequate emergency vehicle ingress and egress is provided.

*Monday, July 6, 2020 - 3*

## *Town of Grand Island – Regular Meeting #12*

### SECTION V. Severability.

If any clause, sentence, paragraph, or part of this chapter or application thereof to any person or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

### SECTION VI. Effective Date.

This local law shall be effective immediately upon filing with the New York Secretary of State.

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

### **Local Law Intro #12 of 2020 – Solar Law Amendments**

A Public Hearing was held on Monday, July 6, 2020 at 8:00p.m. to hear anyone who wants to comment on Local Law Intro #12 of 2020 – Solar Law Amendments.

Speakers:                    \*Via ZOOM - Nicole Gerber

Supervisor John Whitney declared the Public Hearing closed.

A motion was made by Councilman Madigan, seconded by Councilman Digati to adopt Local Law #11 of 2020 to regulate Solar Energy Facilities in the Town.

Be it hereby enacted by the Town Board of the Town of Grand Island as follows:

SECTION 1: Chapter 407 of the Town Code of the Town of Grand Island is amended to add the following section:

407- 165.1 Solar Energy Facilities

#### A. PURPOSE

1. This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore, to mitigate the impacts of solar energy systems on environmental resources, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this legislation is intended to apply to free standing; ground mounted or pole mounted solar energy system installations based upon certain placement. This legislation is not intended to override agricultural exemptions that are currently in place.

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### B: DEFINITIONS

**ALTERNATIVE ENERGY SYSTEMS:** Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

**BUILDING-INTERGRADED PHOTOVOLTAIC (BIPV):** The incorporation of photovoltaic (PV) material into a building's envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

**COLLECTIVE SOLAR:** Installations of Solar Energy Systems that are owned collectively through a homeowner's association, "adopt-a-solar-panel" programs, or other similar arrangements.

**DECOMMISSIONING:** The process of removing an abandoned Solar Energy System and remediating the land

**GLARE:** A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

**GLINT:** A momentary flash of light that may be produced as a direct reflection of the sun on a solar collection system.

**GROUND-MOUNTED SYSTEM:** A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

**MAJOR SOLAR COLLECTION SYSTEM or SOLAR FARM:** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding GROUND-MOUNTED or ROOF-MOUNTED solar collector devices,

**MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM:** A solar photovoltaic cell, panel, array, solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, Minor solar collection systems may consist of BUILDING-INTERGRADED

**NATIVE PERENNIAL VEGETATION:** Native wildflowers, forbs and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the NY DEC.

**PHOTOVOLTAICS,** GROUND-MOUNTED or ROOF-MOUNTED solar collector devices.

**Pollinators:** Bees, birds, bats and other insects or wildlife that pollinate flowering plants.

**Prime Agricultural Soil: Topsoil –** Soil that has the best combination of physical and chemical characteristics for producing crops.

**ROOF-MOUNTED SYSTEM:** A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

**SOLAR ACCESS:** Space that is open to the sun and clear of overhangs or shade.

Structures constructed on private property will not infringe on the rights of adjacent properties.

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SOLAR ENERGY EQUIPMENT and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY EQUIPMENT/SYSTEMS: Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.

SOLAR PANEL: A device capable of collecting and converting solar energy into electrical energy.

### C: APPLICABILITY

1. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair.

2. Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements herein.

3. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code Act and the Town Code.

4. Nothing contained in this provision shall be construed to prohibit "Collective Solar" installations or the sale of excess power through a "net billing" or "net metering" arrangement in accordance with New York State Public Service Law § 66-j or similar New York State or federal law or regulation.

5. All solar energy systems shall be designed, erected, and installed so as to prevent undue glare from falling on adjoining properties or creating traffic safety issues.

### D: SOLAR COLLECTORS AND INSTALLATIONS FOR MINOR SYSTEMS

1. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:

- a) The distance between the roof and highest edge of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
- b) Rooftop and building-mounted solar collectors shall not obstruct solar access to adjacent properties.

2. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:

- a) The location of the solar collectors meets all applicable setback requirements of the zone in which they are located.
- b) The height of the solar collectors and any mounts shall not exceed the height restrictions of the zone when oriented at maximum tilt.

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- c) The solar collectors are located in a side or rear yard. If the side or rear yard is visible from adjacent properties and roads, there shall be a landscape buffer installed.
- d) Ground-mounted and freestanding solar collectors shall not obstruct solar access to adjacent properties.

2. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

3. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Erie County and other applicable laws and regulations.

### E: MAJOR SOLAR SYSTEMS

1. Major Solar Systems are permitted through the issuance of a special use permit and site plan review in accordance with this Chapter in the M-1, M-2, R1-A, R1-B, R1-C, and R1-D Districts. The minimum lot size required is five acres in the M-1 and M-2 Districts, twenty-five acres in the R-1A District, and fifteen acres in the R1-B, R1-C, and R1-D Districts. In addition, Major Solar Systems must meet the criteria set forth below.

2. A Major Solar System may be permitted M-1, M-2, R1-A, R1-B, R1-C, and R1-D Districts when authorized by site plan review and special use permit from the Town Board subject to the following terms and conditions.

- a) The total coverage on a lot, including freestanding solar panels, shall not exceed 80%.
- b) Height and setback restrictions.
  - i. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground.
  - ii. The minimum setback from property lines shall be 25 feet, unless adjacent to residential neighbor.
  - iii. A landscaped buffer of trees, shrubs or bushes shall be provided around all equipment and solar collectors to provide screening from adjacent properties and roads.
- c) Design standards.
  - i. Removal of trees and other existing vegetation shall be limited to the extent necessary for the construction and maintenance of the solar facility. Removal of existing trees larger than six inches in diameter at breast height (DBH) should be minimized to the extent possible.

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- ii. Removal of any prime agricultural soil from the subject parcel is prohibited.
- iii. Proposed major solar systems shall not negatively impact Federal or NYS DEC State recognized wetlands.
- iv. Proposed major solar systems shall not negatively impact the viability of prime agricultural soils on-site.
- v. Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
- vi. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- vii. Solar collectors and other facilities shall have anti-reflective coating and be designed and located in order to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads.
- ix. Major systems or solar farms shall not obstruct solar access to adjacent properties.

### d) Signs.

- i. A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.
- ii. A clearly visible warning sign concerning voltage must be placed at the base of all pad- mounted transformers and substations not to exceed four square feet.

3. A piece of equipment meets the definition of oil-filled operational equipment at 40 CFR part 112.2 (e.g. transformers, capacitors and electrical switches) shall comply with the secondary containment procedures of that regulation.

## F. SPECIAL USE PERMIT REQUIREMENTS

1. In addition to the other special use permit requirements of this Code, the following shall be provided to the Town at the time application for a Special Use Permit is filed and this special use permit must be renewed annually.

- a) Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
- b) Name, address, and contact information of the applicant, property owner(s), and agent submitting the project.
- c) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- d) Site Plan: Site plan approval is required.

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e) Blueprints signed by a Professional Engineer or Registered Architect of the solar installation showing the layout of the system.

f) Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.

g) Landscaping and Screening Plan. All applications for a special use permit for the installation and operation of a Solar Systems shall include a screening and landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that the views of Solar Panels and Solar Energy Equipment from adjacent properties and roadways will be minimized as reasonably practical.

i.) The Landscaping and Screening plan shall specify the locations, elevations, height, plant species, and/or materials that will compromise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening.

ii.) Landscaped Screening shall be comprised of a minimum of one evergreen tree, at least six feet high at the time of planting, plus two supplemental shrubs at the reasonable discretion of the Town Board, all planted within each ten linear feet of the solar energy system. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening requirement.

iii.) The Landscaping and Screening Plan shall identify the number of existing trees larger than six inches in diameter at breast height (DBH) proposed to be removed to complete the installation.

iv.) The Landscaping and Screening plan shall include native pollinator habitats that may include planting short-growing, low-maintenance native seed mix beneath the panels; planting of a diverse pollinator seed mix between the rows of panels; planting buffers with vegetation that benefit pollinators and early successional species as well as the planting of shrubs along the property; or any other measure intended to promote the growth of native vegetation and presence of native pollinators.

h) Applications for a special use permit for Solar Energy Systems larger than 10 acres shall include a visual impact assessment of the solar energy system with respect to public roadways and adjacent properties. At a minimum, a line-of-sight analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analysis, including for example a digital viewshed report may be required to be submitted by the applicant.

i) Fencing requirements. All high voltage electric equipment, including any structure for storage batteries, shall be enclosed by a fence, as

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required by NEC, with a self-locking gate to prevent unauthorized access.  
Fencing must be black vinyl coated 18ga chain link fence.

j) Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within [30] days of the ownership change.

### G. DECOMMISSIONING AND ABANDONMENT

1. Major Solar Energy Systems shall have a decommissioning plan (see Appendix 1) signed by the owner and/or operator of the Solar Energy System and shall be submitted by the applicant, addressing the following:

- a. The cost of removing the Solar Energy System.
- b. The time required to decommission and remove the Solar Energy System and any ancillary structures.
- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

2. Major Solar Energy Systems Decommissioning Financial Security.

- a. The Operator of the Solar Energy System shall provide a bond, or other form of security reasonably acceptable to the Town attorney and/or engineer, in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan as completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth herein.

3. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for eighteen months, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within one year of notification.

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4. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

### **H: SEVERABILITY**

1. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Grand Island hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

### **I: EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

### **MINUTES**

A motion was made by Councilman Marston, seconded by Councilman Madigan to approve Minutes of Workshop Meeting #26, June 11, 2020, Minutes of Workshop Meeting #27, June 15, 2020, Minutes of Regular Meeting #11, June 15, 2020, Minutes of Workshop Meeting #28, June 22, 2020 and Minutes of Workshop Meeting #29, June 26, 2020.

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

### **CONSENT AGENDA:**

1. Meeting Minutes – Board of Architectural Review – February 18, 2020
2. Meeting Minutes – Zoning Board of Appeals – March 5, 2020
3. Meeting Minutes – Parks & Recreation Advisory Board – January 27, 2020 & February 24, 2020
4. Meeting Minutes – Conservation Advisory Board – January 23, 2020, February 27, 2020 & May 28, 2020
5. Meeting Minutes - REVISED – Conservation Advisory Board – September 26, 2019

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

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

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

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

#### **Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District (Phase 8 Project 2020 SSES-Year 9) – Set Public Hearing**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to adopt the following Order calling a Public Hearing to be held on July 20, 2020:

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 generally referred to as (Phase 8 Project 2020 SSES - Year 9); and

WHEREAS, such sewer system capital improvements project will generally consist of improvements identified in the Sanitary Sewer Evaluation Survey (the “SSES”) for Year 9, such work to generally include, but not be limited to, the lining of approximately 11,780 linear feet of sanitary sewer along various roads in the Town, the rehabilitation of approximately 127 manholes, and the reconstruction of approximately 260 linear feet of sanitary sewer, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report 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 \$1,500,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,500,000 offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on July 20, 2020 at 8:00 p.m. 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 be it

FURTHER ORDERED, that due to the COVID-19 pandemic and Executive Orders 202.1 and 202.15, as extended, the public hearings will be held remotely via ZOOM with a telephone dial-in component. The ZOOM public meeting at which the public hearing will be conducted will be accessible either with a computer, smartphone,

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or tablet with internet connection. The link will be available in hyperlink version on the Town's website at <http://www.grand-island.ny.us/> so that the meeting may be joined with a simple click. Alternatively, the meeting may be joined by telephone. The Town Board will immediately begin accepting written public comments on this matter by e-mail at [publiccomments@grand-island.ny.us](mailto:publiccomments@grand-island.ny.us), by fax at 716-773-9618, and by U.S. mail to the Town Clerk at 2255 Baseline Road, Grand Island, NY 14072. The Town Board asks residents who wish to speak on this matter to please let the Town know in advance by e-mail to [publiccomments@grand-island.ny.us](mailto:publiccomments@grand-island.ny.us) and by identifying the matter or matters on which you would like to speak. (Residents who do not wish to speak at the public hearing, but wish to watch the proceedings, may do so on the Town's YouTube channel, accessible by link on the Town's website.); and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$1,500,000 said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the 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.

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

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

A motion was made by Councilman Marston, seconded by Councilwoman Baney to adopt the following Order calling a Public Hearing to be held on July 20, 2020:

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 GHD, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the District; and

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WHEREAS, such sewer system capital improvements project will generally consist of improvements to the wastewater treatment plant including, but not limited to, the installation of sludge dewatering equipment and associated piping and valves, electrical and HVAC improvements, ventilation improvements to the Main Control Building and SCADA/control system upgrades, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$1,500,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,500,000 offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on July 20, 2020 at 8:00 p.m. 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 be it

FURTHER ORDERED, that due to the COVID-19 pandemic and Executive Orders 202.1 and 202.15, as extended, the public hearings will be held remotely via ZOOM with a telephone dial-in component. The ZOOM public meeting at which the public hearing will be conducted will be accessible either with a computer, smartphone, or tablet with internet connection. The link will be available in hyperlink version on the Town’s website at <http://www.grand-island.ny.us/> so that the meeting may be joined with a simple click. Alternatively, the meeting may be joined by telephone. The Town Board will immediately begin accepting written public comments on this matter by e-mail at [publiccomments@grand-island.ny.us](mailto:publiccomments@grand-island.ny.us), by fax at 716-773-9618, and by U.S. mail to the Town Clerk at 2255 Baseline Road, Grand Island, NY 14072. The Town Board asks residents who wish to speak on this matter to please let the Town know in advance by e-mail to [publiccomments@grand-island.ny.us](mailto:publiccomments@grand-island.ny.us) and by identifying the matter or matters on which you would like to speak. (Residents who do not wish to speak at the public hearing, but wish to watch the proceedings, may do so on the Town’s YouTube channel, accessible by link on the Town’s website.); and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$1,500,000 said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the

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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 be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the 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.

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

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

A motion was made by Councilman Digati, seconded by Councilman Madigan to adopt the following Order calling a Public Hearing to be held on July 20, 2020:

WHEREAS, the Town Board of the Town of Grand Island (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created Lighting Districts (as identified in Appendix D of the preliminary map, plan and report referred to below) (collectively, the “Districts”) within the Town of Grand Island; and

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

WHEREAS, such lighting improvements project will generally consist of (but not be limited to), the acquisition of approximately 530 streetlights from National Grid and the replacement of the high pressure sodium luminaries with LED luminaries, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Lighting Improvements”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such joint increase and improvement of facilities of the Districts and has estimated the total cost thereof to be an estimated maximum amount of \$1,930,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,930,000 offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT

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ORDERED that a meeting of the Town Board of the Town of Grand Island will be held at the Town Hall, 2255 Baseline Road, Grand Island, New York, on July 20, 2020 at 8:00 p.m. o'clock p.m. (prevailing time) or shortly thereafter to consider said joint increase and improvement of facilities of the Districts and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that due to the COVID-19 pandemic and Executive Orders 202.1 and 202.15, as extended, the public hearings will be held remotely via ZOOM with a telephone dial-in component. The ZOOM public meeting at which the public hearing will be conducted will be accessible either with a computer, smartphone, or tablet with internet connection. The link will be available in hyperlink version on the Town's website at <http://www.grand-island.ny.us/> so that the meeting may be joined with a simple click. Alternatively, the meeting may be joined by telephone. The Town Board will immediately begin accepting written public comments on this matter by e-mail at [publiccomments@grand-island.ny.us](mailto:publiccomments@grand-island.ny.us), by fax at 716-773-9618, and by U.S. mail to the Town Clerk at 2255 Baseline Road, Grand Island, NY 14072. The Town Board asks residents who wish to speak on this matter to please let the Town know in advance by e-mail to [publiccomments@grand-island.ny.us](mailto:publiccomments@grand-island.ny.us) and by identifying the matter or matters on which you would like to speak. (Residents who do not wish to speak at the public hearing, but wish to watch the proceedings, may do so on the Town's YouTube channel, accessible by link on the Town's website.); and be it

FURTHER ORDERED, that the expense of said joint increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$1,930,000 said amount to be offset by any federal, state, county and/or local funds received, and, that such costs will be annually apportioned among the Districts by the Town Board and, unless paid from other sources or charges, the costs of said joint increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the 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.

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

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## ***Town of Grand Island – Regular Meeting #12***

### **Bond Resolution – Lighting District Capital Improvements Project (General Street Lighting LED Conversion)**

A motion was made by Councilman Marston, seconded by Councilwoman Baney to adopt the following Bond Resolution authorizing a Lighting Capital Improvements Project within the Town, at an estimated maximum cost of \$600,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$600,000 of the Town, pursuant to the Local Finance Law to finance such purpose, such amount to be offset by any Federal, State, County and/or local funds received, and delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such bonds to the Town Supervisor:

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

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

SECTION 1. The Town is hereby authorized to undertake a lighting capital improvements project within the Town, such project to generally consist of, but not be limited to, the acquisition of approximately 240 streetlights from National Grid and the replacement of high pressure sodium luminaries with LED luminaries, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof, as more fully identified in (or contemplated by) a report prepared by the Town Engineering Department (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$600,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$600,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 5 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 30 years.

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

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

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## ***Town of Grand Island – Regular Meeting #12***

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

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

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

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

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thereof, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

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

SECTION 11. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town’s municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 12. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) is required.

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or
  - a) (b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with
  - b) and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or
2. such obligations were authorized in violation of the provisions of the Constitution of New York.

2. SECTION 15. This resolution is subject to permissive referendum pursuant to Section 35.00(a) of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this

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resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 16. If no petitions are filed in the permissive referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

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

### **Bond Resolution – Town Hall Improvements (Elevator)**

A motion was made by Councilman Digati, seconded by Councilman Madigan to adopt the following Bond Resolution authorizing a Capital Improvements Project consisting of the reconstruction of and construction of improvements to the Town Hall (primarily the installation of an elevator) at an estimated maximum cost of \$550,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$550,000 of the Town, pursuant to the Local Finance Law to finance such purpose, such amount to be offset by any Federal, State, County and/or local funds received, and delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such bonds to the Town Supervisor:

WHEREAS, the Town Board of the Town of Grand Island, in the County of Erie, New York (the "Town") desires to undertake a capital improvements project consisting of the reconstruction of and construction of improvements to the Town Hall (primarily the installation of an elevator); and

NOW THEREFORE,

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project consisting of the reconstruction of and construction of improvements to the Town Hall (primarily the installation of an elevator) such project to include, but not be limited to, the excavation and installation of an elevator system, installation of the foundation and controls, modification of exterior walls, heating and electrical improvements, architectural finishes and asbestos abatement, as well as other such improvements as more fully identified in (or contemplated by) a report prepared by the Town Engineering Department, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$550,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to

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exceed \$550,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 13 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 10 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

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

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

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

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

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

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

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

SECTION 11. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 12. The Town 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.

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SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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

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

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

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

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

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

SECTION 16. This resolution is effective immediately.

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

### **Amending Bond Resolution – Town Hall HVAC Upgrades**

A motion was made by Councilwoman Baney, seconded by Councilman Digati to adopt an amending and restating Bond Resolution, amending the Bond Resolution that was adopted on August 5, 2019, and authorizing a Capital Improvements Project consisting of the reconstruction of and construction of improvements to the HVAC system at the Town Hall, at an estimated maximum cost of \$750,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$750,000 of the Town, pursuant to the Local Finance Law to finance such purpose, such amount to be offset by any Federal, State, County and/or local funds received, and delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such bonds to the Town Supervisor as follows:

WHEREAS, on August 5, 2019, the Town Board of the Town of Grand Island, Erie County, New York (the "Town") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

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A BOND RESOLUTION, DATED AUGUST 5, 2019, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE HVAC SYSTEM AT THE TOWN HALL, AT AN ESTIMATED MAXIMUM COST OF \$265,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$265,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

and

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

WHEREAS, the Town Board wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$265,000 to \$750,000 due to the need for additional improvements and b) the amount of serial bonds authorized to be issued from \$265,000 to \$750,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Original Bond Resolution is being modified to include additional improvements, and is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Town Board now wishes to amend and restate (in its entirety) the original August 5, 2019 Bond Resolution for the reasons identified above, and to make other determinations to the Original Bond Resolution as may be consistent with law; and

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

NOW THEREFORE,

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project generally consisting of the reconstruction of and construction of

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improvements to the HVAC system at the Town Hall including, but not limited to, the removal and replacement of the air handling unit and outdoor condensing unit, installation of new refrigerant piping, the design and installation of a new Direct Digital Controls (DDC) system, interim integration with the heating side of the system, installation of damper equipment, modifications to piping and ductwork and electrical improvements, as well as other such improvements as more fully identified in (or contemplated by) a report prepared by the Town Engineering Department, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$750,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$750,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 13 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is ten years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

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

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

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

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00

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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 August 5, 2019 or within 60 days prior to the earlier of (a) August 5, 2019 or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's original declaration of its "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

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

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

SECTION 11. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of

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redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 12. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

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

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or  
a) (b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with  
b) and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or
2. such obligations were authorized in violation of the provisions of the Constitution of New York.

3. SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 17. Nothing in this amendment shall affect the validity of the original August 5, 2019 bond resolution, or any action taken thereunder, and any such actions are hereby ratified.

SECTION 18. This resolution is effective immediately.

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

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## *Town of Grand Island – Regular Meeting #12*

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

#### **Authorize Supervisor to Sign Professional Services Agreement – Construction Phase – Bronson/Towerwood/South Parkway Waterline Replacement – Job M-220**

A motion was made by Councilwoman Baney, seconded by Councilman Marston to authorize the Supervisor to sign the Professional Services Agreement with Wendel Engineers in the amount of \$11,075.00 for the construction administration of the Bronson/Towerwood Waterline Replacement – Job M-220. The South Parkway has been removed.

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

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

#### **Seasonal Hires**

A motion was made by Councilman Digati, seconded by Councilman Madigan to approve the following Seasonal hires, effective July 7, 2020, subject to the completion of the necessary pre employment paperwork, and providing drug screening is waived for these hires only:

Thomas Banas	Recreation Attendant – Yr. 1 Aide	\$11.80/hr.	Seasonal
Thomas Lockett	Recreation Attendant – Yr. 1 Aide	\$11.80/hr.	Seasonal

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

#### **Seasonal Pay Rates**

A motion was made by Councilman Madigan, seconded by Councilman Marston to approve the following pay rate changes effective June 29, 2020:

Joseph Botticello	Recreation Attendant – Yr. 2 Leader	\$12.50 / hr.	Seasonal
Brandon Bruner	Recreation Attendant – Yr. 2 Leader	\$12.50 / hr.	Seasonal
Lauren Chadwick	Recreation Attendant – Yr. 2 Leader	\$12.50 / hr.	Seasonal
Nathan Hunt	Rec. Attendant – Yr. 1 Instructor	\$13.55/hr.	Seasonal
Natalie Kaminski	Rec. Attendant – Yr. 1 Instructor	\$13.55/hr.	Seasonal
Eric Scalise	Recreation Attendant – Yr. 2 Leader	\$12.50/hr.	Seasonal

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

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

#### **Rate of Pay Change**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to approve the following pay rate changes effective May 10, 2020:

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>	<u>Status</u>
Raymond Billica	Parks Mechanic	\$18.65/hr.	No Change

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

*Monday, July 6, 2020 - 28*

## ***Town of Grand Island – Regular Meeting #12***

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

#### **Budget Amendment – Golden Age Center**

A motion was made by Councilman Marston, seconded by Councilman Digati to approve the following budget amendment/transfer for 2020:

Decrease Cash – Trust & Agency Funds	005.0005.0200	Credit \$145
Decrease Liability – MOW Donations	005.0005.0086	Debit \$145

Increase Cash – General Fund	001.0001.0200	Debit \$145
Increase Liability – MOW Donations	001.0001.0604	Credit \$145

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

### **CODE ENFORCEMENT OFFICE:**

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

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to set a Public Hearing for August 17, 2020 at 8:00p.m. for the purpose of hearing anyone who wants to comment on a Special Use Permit Application – Regie Prisca Nofiele-Kawo Young, 2332 Stony Point Road – Keeping of up to 1 Agricultural Animal and 8 Chickens and to refer the matter to the Planning Board.

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

### **TOWN ASSESSOR – JUDY M. TAFELSKI:**

#### **GI Boulevard Properties, LLC, Grand Island Boulevard – Request to Split/Merge Property – SBL #24.03-1-36 and SBL #24.03-1-33**

A motion was made by Councilman Marston, seconded by Councilman Digati to approve the request GI Boulevard Properties, LLC, Grand Island Boulevard to split and merge SBL #24.03-1-36 and SBL #24.03-1-33, subject to the filing of the necessary paperwork with the Erie County Clerk's office. The Assessor, Code Enforcement and Engineering Department recommend the back acre be rezoned from NBD to R1-D to avoid split zoning. The matter of rezoning will be referred back to the applicant.

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

### **COMMUNICATIONS – GENERAL:**

#### **Block Party – Ashley Klenk, Cardinal Lane – Saturday, August 15, 2020**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to approve the request for a Block Party and Street Closing Permit for August 15, 2020 from 2:00p.m. – 10:00p.m. on Cardinal Lane, subject to the enforcement of social distancing and limit the crowd as per Governor's orders.

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

***Monday, July 6, 2020 - 29***



## *Town of Grand Island – Regular Meeting #12*

### **Retirement – Golden Age Center**

A motion was made by Councilman Digati, seconded by Councilwoman Baney to accept the retirement of Elizabeth Wilbert as Recreation Attendant from the Golden Age Center effective July 10, 2020 with regret. A certificate of appreciation will be sent to Ms. Wilbert.

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

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

A motion was made by Councilwoman Baney, seconded by Councilman Digati to pay Vouchers #131610 - #131764

General	\$113,722.15
Highway	\$ 15,370.78
Sewer	\$ 28,128.65
Water	\$ 11,304.62
Trust & Agency	\$ 104.13
Capital	\$ 91,042.95
Fire	<u>\$335,333.75</u>
Total	\$595,007.03

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

### **UNFINISHED BUSINESS:**

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

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

A. Correspondence – Planning Board – Site Plan Approval

B. Correspondence – Planning Board – Special Use Permit

Remains Tabled.

### **PUBLIC COMMENTS:**

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

Speakers:

\* Via ZOOM – Catherine Rayhill, Katherine Hastings, Michael W. Rayhill, Maureen Phillips, Pat Karl, Greg Leroy, Mike Rayhill, Betty Tranter, Dave Reilly, Patrick Davis, Richard Garlapow, Kristin Savard, Louis Macro, Dan Fitzgerald

*Monday, July 6, 2020 - 30*

## *Town of Grand Island – Regular Meeting #12*

### **FROM THE BOARD:**

- Town summer programs began today
- Project Olive peer reviews and additional supplements will be available on Town's website this week
- Cooling centers to be opened this week

### **MEMORIAL ADJOURNMENT:**

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to adjourn the meeting at 9:36p.m.

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

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

Rev. Karen Schwindler	William Gilbert
Francis Lambert, Jr.	Audra Steiger
Donald Tomkins	William Seifert
Betty Killian	John Kilmer, Sr.
Roger Olds	Jeanette Hess
Richard Zygmunt	

Respectfully submitted,

Patricia Anderson Frentzel  
Town Clerk

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