

Town of Grand Island – Regular Meeting #14

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 5th of August, 2019.

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

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.
Pastor Calvin VanderMey from Bible Fellowship Center gave the Invocation.
Councilwoman Jennifer L. Baney led the Pledge of Allegiance.

PROCLAMATION: **National Airborne Day – August 16, 2019**

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

Speakers: None

MINUTES:
A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve Minutes of Workshop Meeting #28, July 15, 2019, Minutes of Regular Meeting #13, July 15, 2019 and Minutes of Workshop Meeting #29, July 17, 2019.
APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

CONSENT AGENDA:

1. Meeting Minutes – Zoning Board of Appeals – June 6, 2019
2. Meeting Minutes – Board of Architectural Review – June 18, 2019
3. Meeting Minutes – Conservation Advisory Board – May 23, 2019

A motion was made by Councilman Madigan, seconded by Councilman Marston to approve the consent agenda as distributed.
APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

COMMUNICATIONS –TOWN BOARD:
COUNCILWOMAN BEVERLY A. KINNEY:
Appointments – Economic Development Advisory Board
A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to appoint Kristen Cascio and Michael Marsch to the Economic Development Advisory Board, effective August 5, 2019 with terms expiring December 31, 2022.
APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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COUNCILMAN MICHAEL H. MADIGAN:

SouthPointe Project – Schedule Information Meeting

A motion was made by Councilman Madigan, seconded by Councilwoman Baney to schedule a Public Information Meeting on Monday, August 26, 2019 at 7:00p.m.

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

COUNCILWOMAN JENNIFER L. BANEY:

Safety & Security Team Recommendation – Havenwood Lane Park

A motion was made by Councilwoman Baney, seconded by Councilman Madigan in support of video surveillance (monitoring) of the Havenwood Lane Park with signage noting the monitoring and with the assistance of IT and the Parks Department using standard protocols that are in use at the Town Hall. The Safety and Security Team will review and recommend prices for the purchase of cameras and installation of said equipment at a future Town Board meeting.

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

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN CLERK – PATRICIA A. FRENTZEL:

Authorize Supervisor to Sign Agreement – Erie County SPCA

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to authorize the Supervisor to sign the 2019 agreement with the Erie County SPCA.

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

Amend Fee Schedule – Dog Adoption Fee

A motion was made by Councilwoman Baney, seconded by Councilman Madigan to amend the Fee Schedule for the Dog Adoption Fee from \$84.00 to \$140.00, effective immediately.

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

HIGHWAY SUPERINTENDENT – RICHARD W. CRAWFORD:

Permission to Sell Surplus Equipment at Auction

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

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

TOWN ATTORNEY – PETER GODFREY:

Increase & Improvement of Facilities of the Town of Grand Island Consolidated Sewer District (Bedell Road Interceptor – 2019) – Set Public Hearing

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

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

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

WHEREAS, such sewer system capital improvements project will generally consist of (but not be limited to), the grouting of approximately 130 lineal feet of 30-inch interceptor sewer pipe to address a settlement issue along Bedell Road in the Town, along with the injection of urethane foam to stabilize the settlement area and pavement restoration, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$100,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$100,000, offset by any federal, state, county and/or local funds received.

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 Monday, August 19, 2019 at 8:00p.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 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 \$100,000, said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and 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 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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

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

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

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

WHEREAS, such sewer system capital improvements project will generally consist of (but not be limited to), the removal and replacement of Pump Station 5 with a new recessed wet well mounted pump station, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$350,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$350,000, offset by any federal, state, county and/or local funds received.

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 Monday, August 19, 2019 at 8:00p.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 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 \$350,000, said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and 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

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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 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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

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

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

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

WHEREAS, such sewer system capital improvements project will generally consist of (but not be limited to), the installation of a new concrete wet well, pump station and appurtenances, the connection to existing facilities, abandonment of the existing pump station, demolition of former chemical storage facility and site restoration, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$600,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$600,000, offset by any federal, state, county and/or local funds received.

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 Monday, August 19, 2019 at 8:00p.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 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 \$600,000, said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just

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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 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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

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

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

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

WHEREAS, such sewer system capital improvements project will generally consist of improvements identified in the Sanitary Sewer Evaluation Survey (the “SSES”) for Year 8, such work to generally include, but not be limited to, inspection of various sewer mains in the Town using closed circuit television (CCTV) and light cleaning of sewers, smoke testing of sewers, dyed water testing of homes where downspout discharges are not readily visible, heavy cleaning of sewers using a vacuum truck and dewatering siphon and the inspection of manholes, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above and generally consistent with the Town’s SSES reports, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$400,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$400,000, offset by any federal, state, county and/or local funds received.

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 Monday, August 19, 2019 at 8:00p.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

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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 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 \$400,000, said amount to be offset by any federal, state, county and/or local funds received, and, unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and 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 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

Bond Resolution – Town Hall HVAC Upgrades (Project M-69-219–2019)

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to adopt the following:

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.

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 and construction of improvements to the HVAC system at the Town Hall; and

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project generally consisting of the reconstruction of and construction of improvements to the HVAC system at the Town Hall including, but not limited to, the design and installation of a new Direct Digital Controls (DDC) system, along with damper equipment, condensing units and coils replacements and upgrades, as well as other such improvements as more fully identified in (or contemplated by) a report prepared by

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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 \$265,000.

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 \$265,000 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 has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

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

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

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

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form

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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 15. This resolution is effective immediately.

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

Bond Resolution – Roof Replacement Project – Highway Garage (Project M-28-2019)

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

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 various improvements to the Highway garage building in the Town (primarily roof construction), at an estimated maximum cost of \$275,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$275,000 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 and construction of improvements to the Highway Garage Building in the Town.

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project generally consisting of the reconstruction of and construction of improvements to the Highway Garage Building in the Town including, but not limited to, the sampling and handling of any asbestos of the existing roof and roof reconstruction, 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 \$275,000.

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 \$275,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 12(a)(2) of paragraph (a) of Section 11.00 of the Local Finance

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Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

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

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

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

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

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

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

SECTION 11. The Town has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

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

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

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

SECTION 14. 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 15. This resolution is effective immediately.

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

Bond Resolution – Veteran’s Park Improvement Project (Project M-66-20)

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

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 at Veteran’s Park in the Town (Project M-66-20), at

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an estimated maximum cost of \$220,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$220,000 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 at Veteran’s Park in the Town.

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 at Veteran’s Park located at 1717 Bedell Road in the Town, such improvements to generally consist of (but not be limited to) parking lot improvements, the installation of new electrical service, and the installation of fencing, as well as other such improvements as more fully identified in (or contemplated by) by a report prepared by the Town of Grand Island Engineering Department, 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 “Purpose”). The estimated maximum cost of the Purpose is \$220,000.

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 \$220,000 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 19(c) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

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

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

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

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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 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

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negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

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

SECTION 13. The validity of 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 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of 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 15. This resolution is effective immediately.

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

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT WESTFALL: Award Bid – Water Garage Radiant Heat Replacement

Town Engineer Robert Westfall reported the following bids were received for the replacement of the radiant heat system in the Town Water Garage:

716 Mechanical	\$16,801.00
J.R. Swanson Plumbing	\$17,880.00
DVBrown	\$18,187.00

After careful review, Mr. Westfall recommends the Town award the installation of the new radiant heat in the Water Garage to 716 Mechanical in the amount of \$16,801 to be paid from the Water Budget.

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to accept the recommendation of the Town Engineer and award the installation of the new radiant heat in the Water Garage to 716 Mechanical in the amount of \$16,801 to be paid from the Water Budget.

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

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CODE ENFORCEMENT OFFICE:

Application for Public Display of Fireworks – Martin’s Fantasy Island, 2400 Grand Island Boulevard – September 1, 2019

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to approve the application for a public display of fireworks at Martin’s Fantasy Island, 2400 Grand Island Boulevard on September 1, 2019, no rain date has been indicated.

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

TOWN ACCOUNTANT – PAMELA BARTON:

Budget Amendment – General Fund – Celebrations

The Town is in receipt of a \$500 donation from Anchor Marine, to be used expressly for expenses for the various activities being held during Paddles Up event, July 27, 2019.

A motion was made by Councilwoman Kinney, seconded by Councilman Marston to approve the following 2019 Budget amendment:

Increase Revenue:

General Fund – Revenue	001.0001.2703	\$500
Donations – Celebrations		

Increase Appropriations:

General Fund – Expenditures		
Celebrations – Special Events	001.7550.0462	\$500

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

Budget Amendment/Transfer – General Fund – Town Clerk

The Town is in receipt of the remaining balance of a \$9,224 NYS Grant from Local Government Records Management (representing the second half of the total award). This grant is an award to replace all the filing cabinets in the mail room.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to approve the following 2019 Budget amendments/transfers:

Increase Revenue (amend)

General Fund – Revenue – NYS Grants	001.0001.3007	\$9,224
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Increase Appropriations (amend/transfer)

General Fund:

Town Clerk – Equipment (amend)	001.1410.0200	\$9224
Town Clerk – Equipment (transfer)	001.1410.0200	\$ 2

Decrease Appropriations (transfer)

General Fund:

Contingency	001.1990.0475	\$ 2
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APPROVED Ayes 5 Kinney, Madigan, Baney, Marston, McMurray
Noes 0

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REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to pay Vouchers #128423 - #128636

General	\$152,369.20
Highway	\$ 14,072.88
Sewer	\$ 43,006.87
Water	\$ 9,517.42
Capital	\$ 60,996.25
Total	\$279,962.62

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

UNFINISHED BUSINESS:

SEQR – Local Law Intro #5 of 2019 – Rezoning SBL #64.15-2-53, 365 Elmwood Road – B-2 to R-1E

Supervisor McMurray presented the SEQR – Short Form Environmental Assessment Forms for Local Law Intro #5 of 2019 – Rezoning SBL #64.15-2-53, 365 Elmwood Road – B-2 to R-1E. Mr. McMurray informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Marston, seconded by Councilwoman Baney to issue a Negative Declaration for Local Law Intro #5 of 2019 – Rezoning SBL #64.15-2-53, 365 Elmwood Road – B-2 to R-1E.

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

Local Law Intro #5 of 2019 – Rezoning SBL #64.15-2-53, 365 Elmwood Road – B-2 to R-1E

A motion was made by Councilman Marston, seconded by Councilwoman Kinney to adopt Local Law Intro #5 of 2019 as Local Law #6 of 2019 as follows:

Section I. Rezoning. The official map of the Town of Grand Island is hereby amended so that the SBL #:64.15-2-53, at 365 Elmwood Road shall be and hereby is rezoned from B-2 to R-1E.

That property is more specifically described as follows: All that tract or parcel of land, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot No. 5, according to a map filed in Erie County Clerk's Office under Cover No. 659 is known as the southerly 50 feet of Subdivision Lots Nos. 17 and 18, being 50 feet front and rear by 138 feet in depth, situate on the east side of Elmwood Road commencing 200 feet south of Ferry Road.

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

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

SEQR – Local Law Intro #6 of 2019 – Rezoning Portion of SBL #36.00-1-6.111 Niagara Falls Campground, LLC – M1 to CR

Supervisor McMurray presented the SEQR – Short Form Environmental Assessment Forms for Local Law Intro #6 of 2019 – Rezoning Portion of SBL #36.00-1-6.111 Niagara

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Falls Campground, LLC – M1 to CR. Mr. McMurray informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilwoman Kinney, seconded by Councilwoman Baney to issue a Negative Declaration for Local Law Intro #6 of 2019 – Rezoning Portion of SBL #36.00-1-6.111 Niagara Falls Campground, LLC – M1 to CR.

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

Local Law Intro #6 of 2019 – Rezoning Portion of SBL #36.00-1-6.111 Niagara Falls Campground, LLC – M1 to CR

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adopt Local Law Introl #6 of 2019 as Local Law #7 of 2019 as follows:

Section I. Rezoning. The official map of the Town of Grand Island is hereby amended so that a portion of SBL #:36.00-1-6.111 shall be and hereby is rezoned from M1 to CR.

WHICH PREMISES ARE DESCRIBED AS FOLLOWS:

All that Tract or Parcel of Land situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot 65 of said Island, more particularly bounded and described as follows:

Beginning at a point in the south line of Lot 65, being 788.00 feet west of the east line of Lot 65 as measured along the south line of said Lot, also being the centerline of Whitehaven Road being 66.0 feet wide; Thence northerly, parallel with the east line of Lot 65, a distance of 550.00 feet to the True Point of Beginning; Thence continuing northerly, parallel with the east line of Lot 65, a distance of 2128.11 feet, to a point on the north line of Lot 65; Thence westerly along the north line of Lot 65, a distance of 474.10 feet, to a point on the northeast corner of lands conveyed to WGR Broadcasting Corporation by deed recorded in the Erie County Clerk's Office in Liber of 5280 of Deeds at Page 541; Thence southerly along the east line of said WGR Broadcasting Corporation, a distance of 2128.11 feet, to a point; Thence easterly, parallel to the north line of Lot 65, a distance of 474.10 feet, to the True Point of Beginning. Containing 23.16 acres of land, more or less.

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

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

PUBLIC COMMENTS:

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

Speakers:

Nancy Sandford, Bill Jenkins

FROM THE BOARD:

**New Picnic Shelter at Veterans Park
National Night Out
Paddles Up**

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Victims of Mass Shootings

ADJOURNMENT:

A motion was made by Councilwoman Baney, seconded by Councilwoman Kinney to adjourn the meeting at 8:42p.m.

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

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

David Hammond	Arnold Wylke
James Bradford	Florence Vodraska
Joan Butcher	Renee Neff
Joanne Snyder	Fran Jensen
Mary Kremer-Hartrick	Dorothy Ruff
William Nash	Eugene King
Harrison "Corky" Carter	

Respectfully submitted,

Patricia A. Frentzel
Town Clerk

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