

# Town of Grand Island – Regular Meeting #16

A regular meeting of the Town Board of Grand Island, New York was held at the Town Hall, 2255 Baseline Rd., Grand Island, NY at 8:00p.m. on the 5<sup>th</sup> of September, 2017.

Present:	Nathan D. McMurray	Supervisor
	Raymond A. Billica	Councilman
	Christopher K. Aronica	Councilman
	Beverly A. Kinney	Councilwoman
	Michael H. Madigan	Councilman
	Patricia A. Frentzel	Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Nathan D. McMurray called the meeting to order at 8:00p.m.  
Reverend Kevin Backus from Bible Presbyterian Church gave the Invocation.  
Councilman Michael H. Madigan led the Pledge of Allegiance.

## **PROCLAMATION:**

**American Legion Patriot Poppy Days – September 8<sup>th</sup> & 9<sup>th</sup>**

## **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 #5 of 2017 – Override of Real Property Tax Cap**

A Public Hearing was held Tuesday, September 5, 2017 at 8:00p.m. for the purpose of hearing anyone who wants to comment on Local Law Intro #5 of 2017 – Override of Real Property Tax Cap.

Speakers: Robert Lutnick, Peter Coppola, Sarah Comfort

Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilman Billica, seconded by Councilwoman Kinney to refer Local Law Intro #5 of 2017 to override the Real Property Tax Cap to the Town Board.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

### **Increase and Improvement of Facilities of the Town of Grand Island Consolidated Water District for the installation of approximately 9,350 linear feet of 12-inch PVC transmission water main along Staley Road.**

A Public Hearing was held Tuesday, September 5, 2017 at 8:00p.m. for the purpose of hearing anyone who wants to comment on a Bond Resolution for the Increase and Improvement of Facilities of the Town of Grand Island Consolidated Water District for the installation of approximately 9,350 linear feet of 12-inch PVC transmission water main along Staley Road.

Speakers: None

Supervisor McMurray declared the Public Hearing closed.

A motion was made by Councilman Aronica, seconded by Councilman Billica to adopt the following Resolution and Order after the Public Hearing approving the increase and improvement of facilities of the Consolidated Water District:

**Tuesday, September 5, 2017 - 1**

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

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

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

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to), the installation of approximately 9,350 linear feet of 12-inch PVC transmission water main along Staley Road in the Town and the transferring of water service to the new water main, 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 \$1,330,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,330,000, offset by any federal, state, county and/or local funds received.

WHEREAS, 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; and

WHEREAS, the Town Board issued an Order at its August 21, 2017 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on September 5, 2017 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 \$1,330,000; and it is hereby

**Tuesday, September 5, 2017 - 2**

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

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 \$1,330,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

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

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

A motion was made by Councilman Aronica, seconded by Councilman Billica to adopt the following resolution:

A BOND RESOLUTION, DATED SEPTEMBER 5, 2017, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN the TOWN OF GRAND ISLAND CONSOLIDATED WATER DISTRICT AT AN ESTIMATED MAXIMUM cost OF \$1,330,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,330,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Grand Island, Erie County, New York (the "Town"), has established the Town of Grand Island Consolidated Water District (the "District"); and

WHEREAS, the Town Board has determined by resolution to undertake the construction of a certain capital improvements project within the District, such work to generally consist of (but not be limited to), the installation of approximately 9,350 linear feet of 12-inch PVC transmission water main along Staley Road in the Town and the transferring of water service to the new water main, as well as other such

**Tuesday, September 5, 2017 - 3**

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

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 “District Improvement”); and

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

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

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

SECTION 1. The Town is hereby authorized to undertake a capital improvements project within the District, such work to generally consist of (but not be limited to), the installation of approximately 9,350 linear feet of 12-inch PVC transmission water main along Staley Road in the Town and the transferring of water service to the new water main, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$1,330,000.

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 \$1,330,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

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

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

SECTION 6. The faith and credit of 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

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

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

**Tuesday, September 5, 2017 - 5**

# Town of Grand Island – Regular Meeting #16

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

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

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

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

SECTION 15. This Resolution is effective immediately.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **MINUTES:**

A motion was made by Councilman Billica, seconded by Councilman Madigan to approve Minutes of Workshop Meeting #22, August 14, 2017, Minutes of Workshop Meeting #23, August 21, 2017 and Minutes of Regular Meeting #15, August 21, 2017.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **COMMUNICATIONS – TOWN BOARD:**

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

#### **Resolution – DeGlopper Memorial Grant Funding Request**

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

Therefore, be it Resolved: That the Town of Grand Island will submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Grand Island's DeGlopper Memorial grant funding request.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

**Tuesday, September 5, 2017 - 6**

# Town of Grand Island – Regular Meeting #16

## Solar PILOT for Active Solar

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to approve the PILOT agreements with Grand Island Solar LLC, and authorizes the Supervisor to execute the agreements.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY: Authorize Supervisor to Sign Professional Services Agreement – No Feasible Alternative Analysis

A motion was made by Councilman Billica, seconded by Councilman Aronica to authorize the Supervisor to sign the Professional Services Agreement with GHD for the No Feasible Alternative Analysis. The bonding authorization for the project is already in place.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## RECREATION SUPERVISOR – JOSEPH MENTER:

### Status Changes

A motion was made by Councilman Madigan, seconded by Councilman Billica to approve the following status changes for the Recreation Department:

<u>Name</u>	<u>Title</u>	<u>Rate of Pay</u>	<u>Status</u>
Brian Brennan	Recreation Attendant – Yr. 3 Aide	\$10.20 / hr.	Part Time
Taylor Cecere	Recreation Attendant – Yr. 3 Aide	\$10.20 / hr.	Part Time
Marissa Freedman	Recreation Attendant – Yr. 2 Aide	\$9.95 / hr.	Part Time
Adam Heftka	Recreation Attendant – Yr. 3 Aide	\$10.20 / hr.	Part Time
Julie Klein	Recreation Attendant – Yr. 1 Aide	\$9.70 / hr.	Part Time
Collin McMahan	Recreation Attendant – Yr. 3 Aide	\$10.20 / hr.	Part Time
Francis McNamara	Recreation Attendant – Yr. 1 Aide	\$9.70 / hr.	Part Time
Gracie McMamara	Recreation Attendant – Yr. 3 Aide	\$10.20 / hr.	Part Time
Jake Nowak	Recreation Attendant – Yr. 3 LG	\$13.00 / hr.	Part Time
Michael Podgorny	Recreation Attendant – Yr. 3 Aide	\$10.20 / hr.	Part Time
Shannon Robillard	Recreation Attendant – Yr. 3 Aide	\$10.20 / hr.	Part Time
Christopher Serra	Recreation Attendant – Yr. 3 Aide	\$10.20 / hr.	Part Time
Laura Szczepankiewicz	Recreation Attendant – Yr. 3 LG	\$13.00 / hr.	Part Time
Stephanie Voyzey	Recreation Attendant – Yr. 2 LG	\$12.75 / hr.	Part Time
Scarlett Whitman	Recreation Attendant – Yr. 3 Aide	\$10.20 / hr.	Part Time

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## CODE ENFORCEMENT OFFICE:

### Special Use Permit Renewal – Kim Leys, 2076 Stony Point Road – Keeping of 2 Agricultural Animals on 3 Acres

A motion was made by Councilwoman Kinney, seconded by Councilman Billica to renew the Special Use Permit for Kim Leys, 2076 Stony Point Road for keeping of 2 Agricultural Animals on 3 acres. The site has been inspected and it is unchanged.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## GOLDEN AGE CENTER:

### Full time Hire

A motion was made by Councilman Madigan, seconded by Councilwoman Kinney to hire Barry Conway as Full-time Cook, CSEA, Grade 1, Start Step, \$15.33/hr., effective September 6, 2017.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

**Tuesday, September 5, 2017 - 7**

# Town of Grand Island – Regular Meeting #16

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

A motion was made by Councilman Madigan, seconded by Councilman Aronica to pay Vouchers #121656 -121772

General	\$ 34,838.41
Highway	\$ 9,050.46
Sewer	\$ 17,881.09
Water	\$ 4,780.10
Capital	\$ 13,200.58
Garbage	<u>\$118,875.90</u>
Total	\$198,626.54

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

## **PUBLIC COMMENTS:**

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

Speakers: Pat Akinbami

## **FROM THE BOARD:**

- **School's Open – Drive Carefully**
- **Budget Process**
- **Prayers for victims of Hurricane Harvey in Houston**

## **ADJOURNMENT:**

A motion was made by Councilman Madigan, seconded by Councilman Aronica to adjourn the meeting at 8:59p.m.

APPROVED Ayes 5 Billica, Aronica, Kinney, Madigan, McMurray  
Noes 0

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

Jacqueline Lockman	Richard Pachter
Elaine Skotnicki	Kay Knox
Joseph Scibetta	Ronald Friedman
Ralph Vescio	

Respectfully submitted,

Patricia A. Frentzel  
Town Clerk

**Tuesday, September 5, 2017 - 8**