

Town of Grand Island - Regular Meeting # 11

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 26th of June 2023.

Present: Peter J. Marston Deputy Supervisor
Michael H. Madigan Councilman
Thomas A. Digati Councilman
Christian J. Bahleda Councilman
Patricia A. Frentzel Town Clerk
Peter C. Godfrey Town Attorney

Excused: John C. Whitney Supervisor

Deputy Supervisor Peter J. Marston called the meeting to order at 8:00p.m.
Pastor Kevin Slough from Trinity United Methodist Church gave the Invocation.
Councilman Michael H. Madigan led the Pledge of Allegiance.

PUBLIC COMMENTS:

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

Speakers: Alice Carlson

PUBLIC HEARING:

Increase and Improvement of Facilities of the Town of Grand Consolidated Water District (Consolidated Water District Pump Station Improvements-2023)

A Public Hearing was held on Monday, June 26, 2023, at 8:00p.m. for the purpose of hearing anyone who wants to comment on Increase and Improvement of Facilities of the Town of Grand Consolidated Water District (Consolidated Water District Pump Station Improvements-2023).

Speakers: None

Deputy Supervisor Peter Marston declared the Public Hearing closed.
A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt the following Resolution and Order after the Public Hearing approving the Increase and Improvement of Facilities of the Consolidated Water District:

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

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

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WHEREAS, such water system capital improvements project will generally consist of improvements to the various pump stations in the Town, such improvements to include, but not be limited to, the replacement and installation of new vertical turbine pumps at the Raw Water Pump Station; the installation of a new Cla-Val pressure regulating valve and lower horsepower pumps at the Whitehaven Tank Pump Station; the installation of new vertical turbine pumps and converting from the current horizontal pumps at the High Service Pump Station; along with the installation of: new check valves, isolation valves, variable frequency drives (VFDs), piping modifications, structural modifications and electrical wiring, 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 \$1,830,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,830,000, offset by any federal, state, county and/or local funds received.

WHEREAS, the Town determined 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 June 5, 2023 meeting calling for a public hearing to be held, at the Town Hall, Grand Island, New York, on June 26, 2023 at 8:00 o'clock p.m. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

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

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

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DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$1,830,000; 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 \$1,830,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

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

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adopt the following Bond Resolution, dated June 26, 2023, of the Town Board of the Town of Grand Island Erie County, New York (The "Town") authorizing a Water System Capital Improvements Project within the Town of Grand Island Consolidated Water District at an estimated maximum cost of \$1,830,000 and authorizing the issuance of Serial Bonds in an aggregate principal amount not to exceed \$1,830,000 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

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WHEREAS, the Town Board has determined, by resolution, to undertake a certain water system capital improvements project; and

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

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

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

SECTION 1. The Town is hereby authorized to undertake a water system capital improvements project that will generally consist of improvements to the various pump stations in the Town, such improvements to include, but not be limited to, the replacement and installation of new vertical turbine pumps at the Raw Water Pump Station; the installation of a new Cla-Val pressure regulating valve and lower horsepower pumps at the Whitehaven Tank Pump Station; the installation of new vertical turbine pumps and converting from the current horizontal pumps at the High Service Pump Station; along with the installation of: new check valves, isolation valves, variable frequency drives (VFDs), piping modifications, structural modifications and electrical wiring, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (the "Project"). The estimated maximum cost of said purpose is \$1,830,000.

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 \$1,830,000 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.

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

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

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

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 this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. 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 11. 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 12. 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 13. The Town determined 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 14. 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 15. 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.

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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 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 17. This Resolution is effective immediately.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

MINUTES:

A motion was made by Councilman Madigan, seconded by Councilman Digati to approve minutes of Workshop Meeting #13, June 5, 2023, and Minutes of Regular Meeting #10, June 5, 2023.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

CONSENT AGENDA:

1. Building Permits Issued – May 2023
2. Golden Age Center – Facility Usage – April 2023
3. Meeting Minutes – Zoning Board of Appeals – May 4, 2023
4. Meeting Minutes – Planning Board – May 8, 2023
5. Meeting Minutes – Board of Architectural Review – May 16, 2023

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

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

COMMUNICATIONS – TOWN BOARD:

SUPERVISOR JOHN C. WHITNEY:

Request Authorization to Sign Intermunicipal Agreement – Veteran’s Park/Miracle League Project

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the Supervisor to sign and Intermunicipal Agreement between Erie County and the Town of Grand Island for improvements at Veterans Park/Miracle League, subject to the approval of the Town Attorney. The funding is in the amount of \$1,505,000.00.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Request Authorization to Sign Contract – Public Benefit Services Contract on Behalf of the Grand Island Police Department

A motion was made by Councilman Digati, seconded by Councilman Bahleda to authorize the Supervisor to sign the Public Benefits Services Contract on behalf of the Grand Island Police Department, subject to the approval of the Town Attorney. The funding from Erie County is in the amount of \$25,000.00.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda

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Noes 0

COUNCILMAN – THOMAS A. DIGATI:

Appointments – Parks and Recreation Advisory Board

A motion was made by Councilman Digati, seconded by Councilman Bahleda to appoint Joe Killian to the Parks and Recreation Advisory Board with a term expiring December 31, 2023, and appoint Sam Clarke for a vacant alternate position with a term expiring December 31, 2023.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

Bond Resolution – Reconstruction of and Construction of Improvements to Various Roads (2023)

A motion was made by Councilman Digati, seconded by Councilman Digati, seconded by Councilman Madigan to adopt the following Bond Resolution, dated June 26, 2023, of the Town Board of the Town of Grand Island Erie County, New York (The “Town”) authorizing the reconstruction of and construction of improvements to various roads within the Town, 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 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, in the County of Erie, New York (the “Town”) desired to undertake a highway reconstruction and resurfacing capital improvements project.

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 the reconstruction of and construction of improvements to various roads within the Town, 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 \$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 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

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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 89 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is five 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 that the proposed maturity of the obligations authorized by this resolution is not expected to 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 this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution

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with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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

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

SECTION 16. 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 resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 17. 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 4 Madigan, Marston, Digati, Bahleda
Noes 0

Increase and Improvement of Facilities of the Town of Grand Consolidated Sewer District (WWTP and Lift Station 8 Improvements-2023) – Set Public Hearing

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

WHEREAS, such sewer system capital improvements project will generally consist of improvements to the wastewater treatment plant and Lift Station 8 pump station including, but not limited to, the installation of new vertical centrifugal pumps, the installation of larger diameter piping for increased flow at each pump station, installation of various equipment such as flowmeters, valves, appurtenances and frequency drives, and electrical and control modifications, 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 \$2,940,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$2,940,000 offset by any federal, state, county and/or local funds received.

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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 17, 2023 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 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 \$2,940,000 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 4 Madigan, Marston, Digati, Bahleda
 Noes 0

DEPARTMENT OF ENGINEERING & WATER RESOURCES – ROBERT H. WESTFALL: NYSDEC General SPDES Permit for Stormwater Discharges Annual Report for Public Comment

The New York State Department of Environmental Conservation (NYSDEC) requires regulated small Municipal Separate Storm Sewer Systems (MS4s) to obtain coverage under a State Pollutant Discharge Elimination System (SPDES) for the discharge of storm water from Town owned storm sewer systems. As part of the EPA requirements, the Draft Annual Report and the Stormwater Management Plan must be available for public comment. The report will be on the Town's website at: www.grandislandny.us. A hard copy can be requested by calling the Town. Public comments on the Annual Report will be accepted until June 30th, 2023.

No action by the Town Board is necessary.

Tops Plaza, 2160 Grand Island Boulevard – Proposed 4,776 S.F. Outparcel (2022) – Revised Site Plan

A motion was made by Councilman Bahleda, seconded by Councilman Madigan to approve the revised Site Plan for Tops Plaza, 2160 Grand Island Boulevard – proposed 4,776 S.F. outparcel (2022) as submitted.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

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Town Hall Concrete Repairs – Change Order No. 2, Additional Repairs & Coatings – Job # M-59-2022

Town Engineer Robert Westfall reported that Change Order No. 2 is for work not in the original scope and involves removing and replacing the railings in 8 locations around the building, additional brick repair work at the east and west end of the building and applying coatings to the brown slate and the elevator façade. These elements were not in the original scope as they were not essential items for weatherproofing/building integrity but now that the other work is complete these items stand out in an area where extensive improvements were undertaken, and these were not addressed. The additional work will require a change order to the Garland DBS contract of \$53,600.71. The project is being funded by ARPA monies, and there are additional funds available in that source to cover this work.

Mr. Westfall recommends that Change Order No. 2 be approved with an increase of \$53,600.71 to Garland’s awarded contract amount.

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Town Engineer and approve Change Order No. 2 in the amount of \$53,600.71.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

WWTP & Lift Station 8 Upgrades – SEQR – Job # M-243

A motion was made by Councilman Madigan, seconded by Councilman Digati to adopt the following resolution:

WHEREAS, the Town of Grand Island (Town) is considered a local agency per 6NYCRR Parts 617.2 and 617.3 and the NYS Environmental Conservation Law (ECL), and is responsible to implement the New York State Environmental Quality Review Act (SEQRA), and;

WHEREAS, the New York State Department of Environmental Conservation has recently inspected sanitary sewer Lift Station 8 (LS-8) and the Raw Waste Pumps at the Wastewater Treatment Plant (WWTP) and noted these two pumping stations do not have adequate redundancy to pump peak flows with one unit out of service for maintenance, and;

WHEREAS, these two pumping stations are critical infrastructure for maintaining the functionality of the sanitary sewer collection system, and failure of these pumps to convey peak flows may directly contribute to sanitary sewer overflows (SSO), and;

WHEREAS, the Town is proposing to replace the pumps and associated piping at both facilities due to their age, general condition, and to address the lack of redundancy, which may include:

- Three new pumps at LS-8, each capable of pumping a peak flow of approximately 1,500 gallons per minute to replace the three existing pumps currently rated at 1,000 gallons per minute each

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- Three new pumps at the WWTP Influent Pump Station, each capable of pumping a peak flow of approximately 3,000 gallons per minute to replace the three existing pumps currently rated at 1,600 gallons per minute each
- New piping, valves, and associated appurtenances as needed to accommodate the new pumps and replace equipment that has reached the end of its useful service life
- New motors, variable frequency drives, and other electrical and controls improvements
- Manhole rehabilitation

(hereinafter referred to as “said Action”), and;

WHEREAS, said Action requires consideration under SEQRA per 6NYCRR Part 617, and;

WHEREAS said Action is not listed in 6NYCRR Part 617.4 and does not meet the thresholds specified in 6NYCRR Part 617.4, and therefore is not considered a Type I Action, and;

WHEREAS said Action is not anticipated to have a significant adverse impact on the environment based on the criteria specified in in 6NYCRR Part 617.7(c), and;

WHEREAS said Action consists of the following Type II Actions as listed in 6NYCRR Part 617.5(c)

(1) maintenance or repair involving no substantial changes in an existing structure or facility;

(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part; and;

NOW, THEREFORE BE IT RESOLVED that on this 26th day of June 2023, the Town Board hereby determines that the said Action constitutes a Type Action II as defined in 6NYCRR Part 617.5(c)(1-2) and is not subject to review under SEQRA.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

Veteran’s Park Access Improvement Project (2021) – CFA Authorizing Resolution – Job # M-66-2021

Town Engineer Robert Westfall reported that the Veteran’s Park Access Improvement Project includes drainage and paved walking paths around the ball diamonds and soccer fields in the southern portion of the park near Bedell Road, and drainage for at least 3 of the baseball fields. The Town of Grand Island would be responsible for no less than 50% of the approved project cost if successful in obtaining the grant and executing a contract with NYSOPRHP.

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A motion was made by Councilman Digati, seconded by Councilman Madigan to adopt a resolution authorizing and directing the Town Supervisor to file an electronic Consolidated Funding Application for funds from the New York State Department of Parks, Recreation and Historic Preservation, in accordance with the endorsement standards set forth by the New York State Regional Economic Development Councils, in an amount no less than 50% of the approved funding and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Grand Island for the proposed Veterans Park Accessibility Improvement Project.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

RECREATION SUPERVISOR – JOSEPH MENTER:

Status Change/Rate of Pay Change

A motion was made by Councilman Bahleda, seconded by Councilman Digati to approve the status change of Lenzie Humphrey – Recreation Attendant – Yr. 2 Aide at the rate of pay \$14.85/hr., effective June 27, 2023.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

CODE ENFORCEMENT OFFICE:

Special Use Permit Renewal – Grand Island Sunrise LLC, 871 Whitehaven Road – Type 3 Solar Generation Project

A motion was made by Councilman Madigan, seconded by Councilman Bahleda to renew the Special Use Permit for Grand Island Sunrise LLC, 871 Whitehaven Road – Type 3 Solar Generation Project. The site has been inspected and it is currently under construction.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

Special Use Permit Renewal – Speedway #9881 Express, 1898 Whitehaven Road – Convenience Store & Fueling Station

A motion was made by Councilman Digati, seconded by Councilman Bahleda to renew the Special Use Permit for Speedway #9881 Express, 1898 Whitehaven Road – Convenience Store & Fueling Station. The site has been inspected and it is unchanged.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

PARKS MAINTENANCE CREW CHIEF – TOM CECERE:

New Hires

A motion was made by Councilman Digati, seconded by Councilman Bahleda to approve the following Parks hires, effective June 27, 2023, subject to the completion of the necessary pre-employment paperwork:

<u>Name</u>	<u>Title</u>	<u>Status</u>	<u>Rate of Pay</u>
Jake Lawley	Parks Sr Crew Chief	Seasonal	\$18.75

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Benjamin Steck Parks General Worker Seasonal \$15.90

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

PLANNING BOARD:

Long Road Distribution Facility, 2780 Long Road

For information only, no action by the Town Board.

Josephine Ciffa, 1966 Whitehaven Road – Site Plan Approval – Creation/Expansion of a Parking Lot – SEQR

Deputy Supervisor Peter Marston presented the SEQR – Short Form Environmental Assessment Forms for Josephine Ciffa, 1966 Whitehaven Road – Site Plan Approval – creation/expansion of a parking lot. Mr. Marston informed the Town Board that the proposed action will not result in any significant adverse environmental impact.

A motion was made by Councilman Digati, seconded by Councilman Madigan to issue a Negative Declaration for Josephine Ciffa, 1966 Whitehaven Road – Site Plan Approval – creation/expansion of a parking lot.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

A motion was made by Councilman Digati, seconded by Councilman Bahleda to accept the recommendation of the Planning Board and approve the Site Plan Josephine Ciffa, 1966 Whitehaven Road for the creation/expansion of a parking lot as presented.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

Cinderella Campground, 2789 Grand Island Boulevard – Site Plan Approval – Campground Redevelopment & Expansion

A. Correspondence – Code Enforcement Office

A motion was made by Councilman Digati, seconded by Councilman Madigan to table the Cinderella Campground, 2789 Grand Island Boulevard – Site Plan Approval – Campground Redevelopment & Expansion pending the County 239-M referral.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
 Noes 0

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to pay

Vouchers #142052 - #142248	
General	\$157,560.69
Highway	\$107,151.91
Sewer	\$ 62,857.94
Water	\$ 9,287.69
Capital	<u>\$648,893.58</u>
Total	\$985,751.81

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda

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Noes 0

UNFINISHED BUSINESS:

John Valenti, Alvin Road Incubator Building – Site Plan Approval – 14,000 S.F. One Story Multi-Unit Building

Remains Tabled.

Josh Soto, Bedell Road Storage, SBL #: 23.00-3-4.211 – Site Plan Approval – Proposed Mini-Self Storage Facility

Remains Tabled.

SUSPEND THE RULES:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to Suspend the Rules to consider Island Meadows – Road Dedication and Storm Drainage Easement.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda

Noes 0

Island Meadows – Road Dedication

A motion was made by Councilman Madigan, seconded by Councilman Digati to authorize the Town Board to adopt the following Resolution and Consent of the Town Board in the matter of the Laying Out of certain town highways in the Town of Grand Island, County of Erie and State of New York to be known as part of Old Carriage House Road, subject to the approval of the Town Attorney:

Upon submission of the annexed deed of dedication of Island Meadows, LLC, dedicating and releasing the necessary lands for a proposed town highway as set forth in the annexed legal description in the Town of Grand Island, County of Erie, State of New York, to be known as part of Old Carriage House Road; now therefore, it is

RESOLVED that, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent is given that the Highway Superintendent of the Town of Grand Island make an Order accepting and laying out the aforesaid town highway to be known as part of Old Carriage House Road, the Town highway to consist of the lands described in the deed of dedication, subject to the approvals of the Town Engineer and the attorneys for the Town, and it is further

RESOLVED that, subject to the approvals of the Town Engineer and the attorneys for the Town and the Order of the Highway Superintendent laying out the aforesaid town highway to be known part of Old Carriage House Road, the Town Board hereby accepts the annexed deed of dedication, provided it is filed by the attorney for Island Meadows, LLC, or its representative, in the Erie County Clerk's office and the attorneys for the Town are provided with a certified copy thereof documenting such satisfactory filing.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda

Noes 0

Island Meadows – Storm Drainage Easement

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A motion was made by Councilman Madigan, seconded by Councilman Digati to adopt the following resolution accepting Storm Drainage Easement for Island Meadows Subdivision:

WHEREAS, Island Meadows, LLC, has offered for dedication lands for a proposed town highway to be known as part of Old Carriage House Road; and

WHEREAS, the plans submitted by Island Meadows, LLC in connection with such proposed town highways includes a storm drainage easement in favor of the Town of Grand Island; and

WHEREAS, Island Meadows, LLC, has offered such easement to the Town of Grand Island;

NOW, THEREFORE, BE IT RESOLVED, subject to the approval of the attorneys for the Town, the Town Board does hereby accept from Island Meadows, LLC, the owner of Island Meadows Subdivision, the Storm Drainage Easement annexed hereto as Exhibit A, provided it is filed by the attorney for Island Meadows, LLC, or its representative, in the Erie County Clerk's office and the attorneys for the Town are provided with a certified copy thereof documenting such satisfactory filing;

AND BE IT FURTHER RESOLVED, that, subject to the approval of the attorneys for the Town, the Supervisor is authorized and directed to execute said easements.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

PUBLIC COMMENTS:

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

Speakers: Highway Superintendent Richard Crawford

FROM THE BOARD:

- Primary Election Day – June 27, 2023, 6:00a.m.-9:00p.m.
- Upcoming Fourth of July Festivities

ADJOURNMENT:

A motion was made by Councilman Digati, seconded by Councilman Bahleda to adjourn the meeting at 8:36p.m.

APPROVED Ayes 4 Madigan, Marston, Digati, Bahleda
Noes 0

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

James Nice, Jr.	Bruce Shaffer
Marek Usewicz	Anita DeGlopper
William Burk	Christopher Caruana
Donna Lee Baranyi	Deborah Smith

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Robert Kingston

Respectfully submitted,

Patricia Anderson Frentzel
Town Clerk

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