

Town of Grand Island – Regular Meeting #18

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 3rd of October, 2011.

Present:	Peter A. McMahon	Supervisor
	Mary S. Cooke	Councilwoman
	Richard W. Crawford	Councilman
	Gary G. Roesch	Councilman
	Raymond A. Billica	Councilman
	Karen M. Cooney	Deputy Town Clerk
	Peter C. Godfrey	Town Attorney

Supervisor Peter McMahon called the meeting to order at 8:00p.m.

Elder Frank Williams from Bible Presbyterian Church gave the Invocation.

Councilman Gary Roesch 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: None

PUBLIC HEARING:

Bond Resolution – \$80,645 – Park Place/Whitehaven Farms Sewer Improvement Area

A Public Hearing was held at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to a Bond Resolution in the amount of \$80,645 for Park Place/Whitehaven Farms Sewer Improvement Area.

Speakers in Favor: None

Speakers in Opposition: None

Supervisor McMahon declared the Public Hearing closed.

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to adopt the following resolution establishing the Park Place/Whitehaven Farms Sewer Improvement Area in the Town:

RESOLUTION ESTABLISHING THE PARK PLACE/ WHITEHAVEN FARMS SEWER IMPROVEMENT AREA IN THE TOWN, APPROVING THE CONSTRUCTION OF SEWER IMPROVEMENTS WITHIN SUCH BENEFITTED AREA AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH.

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, Metzger Civil Engineering, PLLC (the “Engineer”), competent engineers licensed in New York, has, pursuant to Article 12-C of the Town Law, prepared a preliminary map, plan and report for the construction of sewer improvements which will be constructed and known as the Park Place/Whitehaven Farms Sewer Improvement Area (the “Improvement Area”) and which will benefit the District; and

WHEREAS, such sewer improvements will generally consist of the installation of approximately 1,235 lineal feet of 18-inch gravity sanitary sewer along Whitehaven Road, the replacement of the existing manhole at the intersection of Whitehaven Road and Harvey Road, the routing of the existing 12-inch force main into

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the first manhole at Bonnywoods Crossing, and the abandonment of the existing force main, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the “Improvement”); and

WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

WHEREAS, the proposed Improvement will benefit the entire proposed Park Place/Whitehaven Farms Sewer Improvement Area, which area is outside of any incorporated villages and is 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. 72 & 73, of the Grand Island Survey, and bounded and described as follows:

BEGINNING at the intersection of the northerly highway boundary of Whitehaven Road (66 feet wide) said point being 1206.73 feet westerly from the easterly line of Lot 72 as measured along the northerly highway boundary of Whitehaven Road;

Thence westerly along the said northerly highway boundary of Whitehaven Road, at a bearing of

S 90°0'0" W, a distance of 291.51 feet to a point;

Thence northerly at a bearing of N 00°0'0" W, a distance of 300.00 feet to a point;

Thence westerly at a bearing of S 90°0'0" W, a distance of 250.00 feet to a point;

Thence southerly at a bearing of S 00°0'0" E, a distance of 300.00 feet to a point in the said northerly highway boundary of Whitehaven Road;

Thence westerly along the said northerly highway boundary of Whitehaven Road, at a bearing of

S 90°0'0" W, a distance of 150.00 feet to a point;

Thence northerly at a bearing of N 00°0'0" W, a distance of 317.00 feet to a point;

Thence westerly at a bearing of S 90°0'0" W, a distance of 200.42 feet to a point in the westerly line of deed filed in the Erie County Clerk's Office in Liber 9416 Deeds page 400;

Thence northerly at a bearing of N 00°0'0" W, and along the westerly line of deed filed in the Erie County Clerk's Office in Liber 9416 Deeds page 400, a distance of 1378.04 feet to a point;

Thence easterly at a bearing of N 90°0'0" E, a distance of 2100.02 feet to a point;

Thence southeasterly at a bearing of S 50°10'01" E, a distance of 106.07 feet to a point;

Thence southwesterly at a bearing of S 39°49'59" W, a distance of 401.85 feet to a point;

Thence southwesterly at a bearing of S 3°55'21" W, a distance of 70.04 feet to a point;

Thence southeasterly at a bearing of S 38°26'28" E, a distance of 56.81 feet to a point;

Thence southwesterly at a bearing of S 51°33'32" W, a distance of 80.00 feet to a point;

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Thence southwesterly at a bearing of S 35°36'48" W, a distance of 72.80 feet to a point;

Thence southwesterly at a bearing of S 51°33'32" W, a distance of 70.00 feet to a point;

Thence southwesterly at a bearing of S 59°34'39" W, a distance of 78.15 feet to a point;

Thence southwesterly at a bearing of S 49°57'11" W, a distance of 137.75 feet to a point;

Thence southwesterly at a bearing of S 90°0'0" W, a distance of 571.88 feet to a point;

Thence southeasterly at a bearing of S 0°0'0" E, a distance of 323.49 feet to a point;

Thence southwesterly at a bearing of S 31°49'10" W, a distance of 176.53 feet to a point;

Thence southeasterly at a bearing of S 0°0'0" E, a distance of 433.00 feet to a point on the present northerly highway boundary of Whitehaven Road (as a 100 foot wide road);

Thence westerly along the said northerly highway boundary of Whitehaven Road, at a bearing of

S 90°0'0" W, a distance of 65.00 feet to a point;

Thence southerly at a bearing of S 0°0'0" E, a distance of 17.00 feet to the Point and Place of Beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie, State of New York, being part of Lot 52 of the Grand Island Survey, and being more particularly described as follows:

BEGINNING at the point of intersection of the south line of Whitehaven Road (100 feet wide) with the east line of Map Cover No. 2499 as recorded in the Erie County Clerk's Office, said point being the southwesterly corner of parcel No. 161 of lands of the County of Erie as shown on Map SK 211-161 prepared by the Erie County Department of Public Works-Division of Highways; thence easterly along the said south line of Whitehaven Road, a distance of 815.82 feet to a point; thence southerly at an exterior angle of 89-48-07 a distance of 507.20 feet to a point; thence southwesterly at an interior angle of 157-56-40, a distance of 189.87 feet to a point in the north line of Map Cover No. 3054, as recorded in the Erie County Clerk's Office; thence westerly along the north line of said Map Cover No. 3054, a distance of 8.70 feet to the northwesterly corner of said Map Cover No. 3054; thence southerly along the westerly line of said Map Cover No. 3054, a distance of 840 feet more or less to the centerline of Spicer Creek; thence southwesterly along the centerline of Spicer Creek, a distance of 591 feet more or less to a point in a line parallel with Harvey Road, at a distance of 419.00 feet east of the east line of Harvey Road as an 83 foot wide right of way, as measured along a line parallel with the south line of Lot 52; thence southerly along said line parallel with Harvey Road, a distance of 40 feet more or less to a point in a line parallel with the south line of Lot 52, at a distance of 147.76 feet south of the southwest corner of Sublot 2 of Map Cover No. 2773 as recorded in the Erie County Clerk's Office, as measured along the said east line of Harvey road as an 83 foot right of way; thence westerly along said line parallel with the south line of Lot 52, a distance of 419.00 feet to a point in the said east line of Harvey Road as an 83

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foot wide right of way; thence northerly along the said west line of Harvey Road, a distance of 147.76 feet to the southwest corner of said Sublot 2 of Map Cover No. 2773; thence easterly along the south line of said Sublot 2 of Map Cover No. 2773, a distance of 200.00 feet to the southeast corner of said Sublot 2 of Map Cover No. 2773; thence northerly along the east line of Sublots 1 & 2 of said Map Cover No. 2773, and the east line of said Map Cover No. 2499, a distance of 1622.31 feet to the point or place of beginning, containing 29.8 acres more or less.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island, County of Erie, State of New York, being part of Lot 52 of the Grand Island Survey, and being more particularly described as follows:

BEGINNING at a point being the northeast corner of subplot 100 of the Park Place Subdivision - Phase I, as filed in the Erie County Clerk's Office under Cover No. 3054, said point also being in the east line of the Forest Creek Subdivision as filed in the Erie County Clerk's Office under Cover No. 2641; thence northerly along the westerly line of said Forest Creek Subdivision, a distance of 681.48 feet to a point in the south line of Whitehaven Road (100 feet wide); thence westerly at an interior angle of 90-11-53 with the previously described line, a distance of 490.00 feet to a point; thence southerly at an interior angle of 89-48-07, a distance of 507.20 feet to a point; thence southwesterly at an exterior angle of 157-56-40, a distance of 189.87 feet to a point in the north line of subplot 97 of said Park Place Subdivision Phase I; thence easterly along the north line of said Park Place Subdivision Phase I, at an interior angle of 67-56-40, a distance of 561.30 to the point or place of beginning containing, 7.82 acres more or less.

WHEREAS, the Engineer has estimated the maximum aggregate cost of the Improvement to be \$181,129; said cost to be financed by (1) the issuance of \$80,645 serial bonds of the Town (to be issued on behalf of the proposed Park Place/Whitehaven Farms Sewer Improvement Area) pursuant to this proceeding and (2) the issuance of \$100,484 serial bonds of the Town (to be issued on behalf of the District); and

WHEREAS, that the expense apportioned to the Park Place/Whitehaven Farms Sewer Improvement Area for such establishment of the Park Place/Whitehaven Farms Sewer Improvement Area shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$80,645, said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or charges, the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, 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

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Improvement Area may have on the environment and on the basis of such consideration, the Town Board found that no substantial adverse environmental impact will be caused thereby; and

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WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, which has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board issued an Order at its September 19, 2011 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on October 3, 2011 at 8:00 o'clock P.M. (prevailing Time), to consider the establishment of the Improvement Area and the construction and installation of improvements therein, and to hear all persons interested in the subject thereof, 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, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law, 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, as follows:

DETERMINED, that it is in the public interest to establish the Improvement Area as hereinabove described and referred to at the estimated maximum aggregate cost of \$181,129 (\$80,645 being attributable to the Improvement Area), and it is hereby

DETERMINED, that the parcels and lots of the Improvement Area shall be benefited by the establishment of the Improvement Area; and it is hereby

DETERMINED, that the estimated expense to the Town of such improvement will not exceed one-tenth of one per centum of the full valuation of the taxable real property in the area of the Town outside of the Village; therefore, permission of the State Comptroller is not required, and it is hereby

ORDERED, that the Improvement Area shall be established and that the Engineer and the Town shall prepare plans and specifications and make a careful estimate of the expense for said establishment of the Improvement Area, 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 apportioned to the Park Place/Whitehaven Farms Sewer Improvement Area for such establishment of the Park Place/Whitehaven Farms Sewer Improvement Area shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$80,645, said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or charges, the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, 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

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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 the Town Board may establish sewer rents as provided in paragraph (l) of subdivision one of Town Law Section 198.

FURTHER ORDERED, that this resolution shall take effect immediately; and it is hereby

FURTHER ORDERED, that the Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the office of the clerk of Erie County within ten (10) days after the adoption of this Resolution.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to adopt the following authorizing the Bond Resolution in the amount of \$80,645:
A BOND RESOLUTION, DATED OCTOBER 3, 2011, 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 PARK PLACE/WHITEHAVEN FARMS SEWER IMPROVEMENT AREA, AT AN ESTIMATED MAXIMUM COST OF \$181,129 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$80,645, 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 determined to proceed with a certain capital improvements project within the Town of Grand Island Park Place/Whitehaven Farms Sewer Improvement Area (the "Improvement Area"); and

WHEREAS, Metzger Civil Engineering, PLLC (the "Engineer"), competent engineers licensed in New York, has, pursuant to Article 12-C of the Town Law, prepared a preliminary map, plan and report for the construction of sewer improvements which will be constructed and known as the Park Place/Whitehaven Farms Sewer Improvement Area and which will benefit the District; and

WHEREAS, such sewer improvements will generally consist of the installation of approximately 1,235 lineal feet of 18-inch gravity sanitary sewer along Whitehaven Road, the replacement of the existing manhole at the intersection of Whitehaven Road and Harvey Road, the routing of the existing 12-inch force main into the first manhole at Bonnywoods Crossing, and the abandonment of the existing force main, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "Improvement"); and

WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project: (a) received maps, plans and boundaries descriptions for the Improvement Area and the Project, (b) held a public hearing with respect to the Project, (c) determined that the Project would not have an significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined

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that the requirements of Article 12-C of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Improvement; and

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 specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is a capital improvements project within the Improvement Area consisting of the installation of approximately 1,235 lineal feet of 18-inch gravity sanitary sewer along Whitehaven Road, the replacement of the existing manhole at the intersection of Whitehaven Road and Harvey Road, the routing of the existing 12-inch force main into the first manhole at Bonnywoods Crossing, and the abandonment of the existing force main, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto.

SECTION 2: The Engineer has estimated the maximum aggregate cost of the Improvement to be \$181,129; said cost to be financed by (1) the issuance of \$80,645 serial bonds of the Town (to be issued on behalf of the Park Place/Whitehaven Farms Sewer Improvement Area) and (2) the issuance of \$100,484 serial bonds of the Town (to be issued on behalf of the District) pursuant to this resolution. The Town plans to finance the expense apportioned to the Improvement Area by the issuance of serial bonds in an amount not to exceed \$80,645 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, 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 Improvement Area, 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.

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

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

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

SECTION 6: The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area 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

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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 said 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, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 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 as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer 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 date hereof) 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 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 to 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)(B)(i) 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 in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12: 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:

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

(b) if 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 twenty days after the date of such publication; or

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

SECTION 13: 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 hereby designated as the official newspaper of the Town for such publication.

SECTION 14: This Resolution is effective immediately.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Bond Resolution – \$100,484 – Increase and Improvements of Facilities of the Consolidated Sewer District

A Public Hearing was held at 8:00p.m. for the purpose of hearing anyone who wants to comment in favor or in opposition to a Bond Resolution in the amount of \$100,484 for the increase and improvements of facilities of the Consolidated Sewer District.

Speakers in Favor: None

Speakers in Opposition: None

Supervisor McMahon declared the Public Hearing closed.

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to adopt the following resolution approving the increase and improvement of facilities of the Consolidated Sewer District:

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

WHEREAS, Metzger Civil Engineering, PLLC (the "Engineer"), competent engineers licensed in New York, has, pursuant to Article 12-C of the Town Law, prepared a preliminary map, plan and report for the construction of sewer improvements which will be constructed and known as the Park Place/Whitehaven Farms Sewer Improvement Area and which will benefit the District; and

WHEREAS, such sewer improvements will generally consist of the installation of approximately 1,235 lineal feet of 18-inch gravity sanitary sewer along Whitehaven Road, the replacement of the existing manhole at the intersection of Whitehaven Road and Harvey Road, the routing of the existing 12-inch force main into the first manhole at Bonnywoods Crossing, and the abandonment of the existing force main, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "Improvement"); and

WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

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WHEREAS, the Engineer has estimated the maximum aggregate cost of the Improvement to be \$181,129; said cost to be financed by (1) the issuance of \$80,645 serial bonds of the Town (to be issued on behalf of the proposed Park Place/Whitehaven Farms Sewer Improvement Area) and (2) the issuance of \$100,484 serial bonds of the Town (to be issued on behalf of the District) pursuant to this proceeding; and

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

WHEREAS, the Town Board issued an Order at its September 19, 2011 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on October 3, 2011 at 8:00 o'clock P.M. (prevailing time) 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 (10) nor more than twenty (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 aggregate cost of \$181,129; 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 apportioned to the District for such increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$100,484, said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or

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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 (10) days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to adopt the following Bond Resolution in the amount of \$101,484.00:
A BOND RESOLUTION, DATED OCTOBER 3, 2011, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF GRAND ISLAND CONSOLIDATED SEWER DISTRICT AT AN ESTIMATED MAXIMUM cost OF \$181,129, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$100,484 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 determined to proceed with a certain capital improvements project within the Town of Grand Island Consolidated Sewer District (the "District"); and

WHEREAS, Metzger Civil Engineering, PLLC (the "Engineer"), competent engineers licensed in New York, has, pursuant to Article 12-C of the Town Law, prepared a preliminary map, plan and report for the construction of sewer improvements which will be constructed and known as the Park Place/Whitehaven Farms Sewer Improvement Area and which will benefit the District; and

WHEREAS, such sewer improvements will generally consist of the installation of approximately 1,235 lineal feet of 18-inch gravity sanitary sewer along Whitehaven Road, the replacement of the existing manhole at the intersection of Whitehaven Road and Harvey Road, the routing of the existing 12-inch force main into the first manhole at Bonnywoods Crossing, and the abandonment of the existing force main, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the "Improvement"); and

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

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 specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is a capital improvements project within the District consisting of the installation of approximately 1,235 lineal feet of 18-inch gravity sanitary sewer along Whitehaven Road, the replacement of the existing manhole at the intersection of Whitehaven Road and Harvey Road, the routing of the existing 12-inch

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force main into the first manhole at Bonnywoods Crossing, and the abandonment of the existing force main, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto.

SECTION 2: The Engineer has estimated the maximum aggregate cost of the Improvement to be \$181,129; said cost to be financed by (1) the issuance of \$80,645 serial bonds of the Town (to be issued on behalf of the Park Place/Whitehaven Farms Sewer Improvement Area) and (2) the issuance of \$100,484 serial bonds of the Town (to be issued on behalf of the District) pursuant to this resolution. The Town plans to finance the expense apportioned to the District by the issuance of serial bonds in an amount not to exceed \$100,484 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, 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.

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

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

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

SECTION 6: The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall be 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 said 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, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 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 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.

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

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

SECTION 12: 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 said Town is not authorized to expend money, or

(b) if 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 twenty 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 13: This Resolution is effective immediately.

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 said Town and designated as the official newspaper of said Town for such publication.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

APPROVAL OF MINUTES:

A motion was made by Councilman Billica, seconded by Councilman Roesch to approve Minutes of Workshop Meeting #66, September 19, 2011, Minutes of Regular Meeting #17, September 19, 2011, and Minutes of Workshop Meeting #67, September 20, 2011.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

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CONSENT AGENDA:

1. Meeting Minutes – Board of Architectural Review – August 16, 2011
2. New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources – Freshwater Wetland Map Amendment Notice – Addition of Wetland TW-30

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

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

COMMUNICATIONS – TOWN BOARD:

SUPERVISOR McMAHON:

Monthly Supervisor's Report – August 2011

The Supervisor reported a cash balance of \$479,795 on August 1, 2011

Total Receipts of \$959,870

Total Disbursements of \$1,015,285

Operating A/C Interest \$44

Operating A/C Balance \$416,424

Investment Interest \$2,790

Investment Balance \$8,338,163

Total Cash Balance as of August 31, 2011 \$8,754,587

No action required by Town Board.

Appointment – Water Treatment Plant Operator – Assistant

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to appoint Cody Clarke as Water Plant Operator Assistant at a start rate of \$19.14 per hour, effective September 27, 2011. This is a change in pay rate only and is subject to the remainder of the 6 month probationary period.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Expiration of Building Permit – Parkland Enterprises, Inc., Ransom & Stony Point Roads – Service Station & Convenience Store

A motion was made by Councilman Billica, seconded by Councilman Crawford to authorize the CEO to issue a building permit for Parkland Enterprises, Inc. – Ransom & Stony Point Roads for a service station and convenience store.

APPROVED Ayes 4 Cooke, Crawford, Billica, McMahon
Noes 1 Roesch

Authorize Supervisor to Advertise for Position – Zoning Inspector – Part-time

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to authorize the Supervisor to advertise for a Part-time Zoning Inspector.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

COMMUNICATIONS – OTHER TOWN OFFICIALS:

TOWN ATTORNEY – PETER GODFREY:

Authorize Supervisor to Sign Agreement – Removal of Gas Streetlamps

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to authorize the Supervisor to sign an agreement with National Fuel for the removal of gas streetlamps.

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APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

DEPARTMENT OF ENGINEERING & WATER RESOURCES – JOHN WHITNEY:

Site/Plan Grading Permit – 1879 Whitehaven Road

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to accept the recommendation of the Town Engineer and approve the Site Plan/Grading Permit for 1879 Whitehaven Road.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Detailed Plan – Whitehaven Farms PDD, Whitehaven Road – Set Public Hearing

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to set a Public Hearing for Monday, October 17, 2011 at 8:00p.m. for the purpose of hearing from anyone who wants to comment in favor or in opposition to the Detailed Plan for Whitehaven Farms PDD, Whitehaven Road.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

TOWN ACCOUNTANT – PAM BARTON:

Budget Amendment – NYS Local Government Records Management

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to approve the following budget amendment for the entire balance of the 2010-2011 NYS Local Government Records Management Improvement Fund (LGRMIF) Grant obtained for the GIS Pilot Project for the purchase of software, hardware and professional services in the amount of \$39,481:

Increase Revenue a/c	001.0001.3007	NYS Grants	\$19,741
Increase Appropriation	001.0001.9999	Appropriated Fund Balance	\$19,740
Increase Appropriation	001.1440.0109	Engineering-Prof. Services	\$39,481

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Budget Amendment – Office of Court Administration (OCA) NYS Grant

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to approve the following budget amendment for an Office of Court Administration (OCA) NYS Grant for the court office area and security in the amount of \$14,099:

Increase	001.0001.3007	NYS Grants	\$14,099
Increase	001.1110.0200	Justice Court – Equipment	\$14,099

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

ZONING OFFICE:

Special Use Permit Renewal – John R. Ventry, 3440 Stony Point Road – Keeping of 1 Agricultural Animal

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to renew the Special Use Permit for John R. Ventry, 3440 Stony Point Road for keeping of one agricultural animal on 2 + acres. The site has been inspected and it is unchanged.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon

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Noes 0

Special Use Permit Renewal – Joseph Higgins, 900 Ransom Road – Keeping of 3 Agricultural Animals

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to renew the Special Use Permit for Joseph Higgins, 900 Ransom Road for keeping of three agricultural animals on 4.35 acres. The site has been inspected and it is unchanged.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Tower Permit Renewal – Upstate Cellular Network (Verizon) , 423 Ransom Road

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to renew the Tower Permit for Upstate Cellular Network (Verizon) for 423 Ransom Road. The site has been inspected and it is unchanged.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

COMMUNICATIONS – GENERAL:

Grand Island Fire Company, Inc. – Approve Closure of Baseline Road – October 14, 2011

A motion was made by Councilman Billica, seconded by Councilman Roesch to authorize the closing of Baseline Road from 5:00p.m – 8:00p.m. between Grand Island Blvd. and Whitehaven Road on October 14, 2011 for the annual Fire Prevention Open House.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Retirement – Senior Water Plant Operator

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to accept the resignation of Brian Pettitt as Senior Water Plant Operator, effective October 31, 2011 with regret. A certificate of appreciation will be sent to Mr. Pettitt.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

REPORT OF THE AUDIT COMMITTEE:

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to pay Vouchers #102421 – 102524

General	\$ 30,048.68
Highway	\$ 25,812.02
Sewer	\$ 38,535.02
Water	\$ 14,123.65
Capital	<u>\$ 98,404.35</u>
Total	\$206,923.72

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

UNFINISHED BUSINESS:

Internet Service & Wireless Options – Nike Base Location – Revised

Remains Tabled

Turner’s Port of Call, 997 East River Road – Site Plan Approval – Parking Lot

Remains Tabled

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PUBLIC COMMENTS:

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

Speakers: None

SUSPEND THE RULES:

A motion was made by Councilman Roesch, seconded by Councilwoman Cooke to Suspend the Rules to consider setting Public Hearings for Local Law Intro #3/2011 – Sex Offender Residency Law and Community Development Block Grants for 2012; authorize Supervisor to settle the small claim regarding the Frontier Chemical Superfund Site in an amount up to \$2,500.00 and authorize Supervisor to renew the Town's 2012 Comprehensive Insurance Coverage.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Local Law Intro #3/2011 – Sex Offender Residency Law – Set Public Hearing

A motion was made by Councilwoman Cooke, seconded by Councilman Roesch to set a Public Hearing for Monday, October 17, 2011 at 8:00p.m. for the purpose of hearing from anyone who wants to comment in favor or in opposition to Local Law Intro #3/2011 – Sex Offender Residency Law.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Community Development Block Grants – 2012 – Set Public Hearing

A motion was made by Councilman Crawford, seconded by Councilman Billica to set a Public Hearing for Monday, October 17, 2011 at 8:00p.m. for the purpose of hearing from anyone who wants to suggest ideas for a qualifying Community Development Block Grant project on Grand Island for 2012.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Authorize Supervisor to Settle the Small Claim Regarding the Frontier Chemical Superfund Site – Amount up to \$2,500.00

A motion was made by Councilman Crawford, seconded by Councilwoman Cooke to Authorize Supervisor to settle the small claim regarding the Frontier Chemical Superfund Site in an amount up to \$2,500.00.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

Authorize Supervisor to Renew Town's 2012 Comprehensive Insurance Coverage

A motion was made by Councilman Billica, seconded by Councilman Crawford to authorize the Supervisor to renew the Town's 2012 Comprehensive Insurance Coverage.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

FROM THE TOWN BOARD:

Councilwoman Cooke: Fire Company Open House – Friday, Sept. 14th from 5:00-8:00p.m.

Councilman Billica: "Go Pink" – Breast Cancer Awareness Month

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Supervisor McMahon: Legislator Kevin Hardwick to hold Outreach Meetings – Oct. 4th ; VFW Chili Cook-Off – Oct 8th ; Columbus Day – October 10th ; Island Goes Pink – Monday, Oct. 17th

ADJOURNMENT:

A motion was made by Councilwoman Cooke, seconded by Councilman Billica to adjourn the meeting at 8:27p.m.

APPROVED Ayes 5 Cooke, Crawford, Roesch, Billica, McMahon
Noes 0

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

Petra Avery-Brown	Lillian Pagliei
Orphia Casper	Lewis "Vince" Phillips
Dennis Moran	Susan Kupiec

Respectfully submitted in the absence of the Town Clerk,

Karen M. Cooney
Deputy Town Clerk

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