



**MOTIONS**

**MAY 2, 2016**

**From: Wendel**

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

In accordance with the SEQR requirements, the Town Board has reviewed Part 1 of the EAF and information submitted by the Project Sponsor (Wendel), completed Part 2, and evaluated the impacts in Part 3 and have determined that the Project will not have a significant adverse impact on the environment and therefore issues a Negative Declaration (Parts 1, 2, and 3 of the EAF and backup material). The Town Board authorizes the Town Supervisor to sign the EAF.

**From: Wendel**

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ to award construction of \_\_\_\_\_ at the Wheatfield Community Center to \_\_\_\_\_ for the Lump Sum Fee of \_\_\_\_\_.

**From: Bond Counsel and Town Attorney**

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WHEATFIELD, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE RECONSTRUCTION AND/OR REPLACEMENT OF BOX CULVERTS ON LEMKE DRIVE AND ON ERRICK ROAD; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$600,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$600,000.00 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION**

MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_

**WHEREAS**, the Town Board (the "Board") of the Town of Wheatfield, Niagara County (the "Town") proposes to authorize the issuance of \$600,000 in serial bonds of the Town to finance the estimated cost of the reconstruction and/or replacement of box culverts on Lemke Drive and on Errick Road, including the replacement and installation of new culvert piping, walls, related site improvements, and costs incidental to the financing of the foregoing (collectively, the "Project"); and

**WHEREAS**, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance said appropriation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board (the “Town Board”) of the Town of Wheatfield, Niagara County, New York (the “Issuer” or the “Town”) (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Town is hereby authorized to undertake the financing of the estimated cost of the reconstruction and/or replacement of box culverts on Lemke Drive and on Errick Road, including the replacement and installation of new culvert piping, walls, related site improvements, and costs incidental to the financing of the foregoing (collectively, the “Project”). The estimated maximum cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$600,000 and said amount is hereby appropriated therefor. The plan for the financing thereof shall consist of (i) the issuance of \$600,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 2. Serial bonds of the Town in the principal amount of \$600,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance said appropriation.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision 3. of paragraph a. of Section 11.00 of the Law.

SECTION 4. 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 Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town subject to applicable statutory limits, if any. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the

amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town (the "Town Supervisor"). Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby 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, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes 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 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 11. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA is required with respect to the Project or the financing thereof.

SECTION 12. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 13. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(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 the publication of such resolution are not substantially complied with,

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

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 15. Upon this resolution becoming effective, the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk substantially the form provided in Section 81.00 of the Law.

**From: Water and Sewer Department and Town Attorney**

MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_

To award the engineering contract for professional engineering services for the replacement of the Town's sewer lift station at Jagow Road at the corner of Rebecca Drive to GHD for \$17,100.00 in full through bidding process.

**From: Water and Sewer Department and Town Attorney**

MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_  
To award the engineering contract for professional engineering services for the replacement of the generator at the Clescent Road lift station to Wendel for \$14,200.00 in full through bidding process.

**From: Highway Superintendent and Town Attorney**

MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_  
to authorize the Town of Wheatfield to contract with Strenkowski Brothers, Inc., for the repair of various catch basins throughout the Town of Wheatfield, at a price of \$975.00 per catch basin. Said price is the same as contracted for the past three (3) years with the same contractor. This Motion also authorizes the Town Supervisor and/or his agents, to enter into said Repair Agreement.

**From: Recreation Department**

MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_  
to hire the following individuals: (a) Crystal Prouty (Youth Center, returning employee), (b) Anthony Oliveri (Grounds Crew, returning employee), and (c) Olivia Tober (Youth Center/Summer Camp, new employee) as summer seasonal help for the Parks & Recreation Department at a rate of pay and job terms pursuant to the Job Specifications for Parks & Recreation Department Seasonal Help, and approval of Human Resource Department, and a Niagara County criminal background check.

**From: Board Member Doucet and Recreation Department**

MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_  
to set fees for Senior dances as follows: free for residents of the Town of Wheatfield, and \$10.00 for non-residents of the Town of Wheatfield for admission to the Senior dances.

**From: Recreation Department**

MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_  
to recommend and allow the purchase of an appropriate grinder pump for the new bathhouse being installed at Fairmount Park as part of the Park Improvement Project. Said grinder pump is necessary according to the Water and Sewer Department Superintendent, Richard Donner, and it appears that the grinder pump was mistakenly left off the engineering plans. Said grinder pump is expected to cost approximately \$\_\_\_\_\_ and the Town will be required to waive the formal quote and/or bidding process, as the purchase is time sensitive and emergency in nature.

