

# AGENDA

September 14, 2020

## Pre-registration required to attend Town Board Meeting

6:30 pm Drescher & Malecki, presentation 2019 audit results  
Regular Town Board Meeting

- Pledge of Allegiance
- Opening Prayer
- Public Input (at start and end of meeting)
- For the record, Board Members Present
  
- Approval of Minutes August 3, 2020 Town Board Meeting (     /     )

### Approval of Bill payment of August 24, 2020

Voucher No. 20201292 – 20201495 **\$405,749.57**

PRE-PAID	\$ 39,380.54
GENERAL FUND	\$112,273.57
HIGHWAY	\$ 97,656.13
WATER/SEWER	\$ 48,254.04
SPEC DIST/FIRE	\$ 2,070.26
REFUSE	\$ 97,696.28
TRUST & AGENCY	\$ 8,376.00
LIGHTING	\$ 42.75

### Approval of Bill Payment of August 3, 2020

Voucher No. 20201263 – 20201359 **\$124,826.24**

PRE-PAID	\$ 8,150.18
GENERAL FUND	\$ 18,061.70
HIGHWAY	\$ 95,004.65
WATER/SEWER	\$ 3,296.97
REFUSE	\$ 312.74

### Departments

- Highway – Paul Siegmann
- Water / Sewer – Rich Donner
- Recreation – Mike Ranalli
- Building Inspector – Mike Klock
- Assessor – Kelli Coughlin
- Constables
- Seniors – Judy Blake
- Wendel – Tim Zuber

- Motions:** per list attached (Matthew Brooks)

### Board Member Items:

Larry Helwig  
Gil Doucet  
Curt Doktor  
Randy Retzlaff  
Don MacSwan

- Next Meeting: September 28, 2020 6:30 pm Public Hearing Wheatfield**

- Public Input**

- Request Motion to Adjourn:** (     /     )

**MOTIONS**

**From: Wendel**

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

**Whereas**, the Town of Wheatfield has received a subdivision application from DJC Land, Inc. to subdivide a 53-acre +/- parcel of land located between Shawnee Road and Townline Road, north of Slusaric Road (SBL: 149.03-1-2.1) into 73-single family residential lots; and

**Whereas**, the Town Board, acting as SEQR Lead Agency, in accordance with the New York SEQR law and the SEQR Regulations contained in 6 NYCRR Part 617, issued a Negative Declaration on July 6, 2020; and

**Whereas**, the Wheatfield Planning Board provided input and recommendation to the Town Board on July 15, 2020, and the Planning Board meetings were open to the public to allow for input; and

**Whereas**, the Wheatfield Town Board held the required Public Hearing on August 3, 2020, and received public comment.

**Now, Therefore, Be It Resolved**, that the Wheatfield Town Board approves the Preliminary Plat for the Wheatfield Crossing Subdivision.

**From: Water/Sewer Department**

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

to approve and authorize the request of Richard Donner, Water/Sewer Superintendent, to contract with Advanced Rehabilitation Technology for 8 manhole repairs as the Town’s 2020 I & I removal project, for a total cost of \$21,660.00, of which the NCSO #1 shall reimburse \$20,000.00, and the remainder be paid out of the Town’s 2020 sewer budget.

**From: Supervisor, Town Board and Town Attorney**

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

**WHEREAS**, the COVID-19 pandemic has severely impacted all municipal revenues and budgets, including those of the Town of Wheatfield; and

**WHEREAS**, the Contracts between the Town of Wheatfield and its five (5) local fire companies are scheduled to expire at the end of 2020; and

**WHEREAS**, the Town of Wheatfield and said fire companies have been in negotiations to extend the current fire contracts for one additional year (2021), at the same terms and same rates as in effect for 2020; and

**WHEREAS**, the Town of Wheatfield wishes to extend said contracts for one additional year (2021), at the same terms and same rates as in effect for 2020,

**NOW, THEREFORE, BE IT RESOLVED**

That, the Town of Wheatfield hereby authorizes a one-year extension for 2021, at the same terms and same rates as in effect for 2020, of the five (5) local fire company contracts that are scheduled to expire at the end of 2020. Said extensions shall be memorialized in Memorandums of Agreement entered into with said fire companies, subject to review by the Town Attorney.

**From: Town Board, Budget Director and Town Attorney**

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

**REFUNDING BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WHEATFIELD, NIAGARA COUNTY, NEW YORK (THE “TOWN”) AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,950,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

**WHEREAS**, the Town of Wheatfield, Niagara County, New York (the “Town”) heretofore issued its Public Improvement (Serial) Bonds, 2011, dated and issued on January 13, 2011, in the original aggregate principal amount of \$7,205,000 (the “Series 2011 Bonds”), pursuant to (i) four bond resolutions adopted by the Town Board of the Town (the “Town Board”) on December 12, 2005, each as amended and restated on December 10, 2007; (ii) a bond resolution adopted by the Town Board on April 16, 2007 and (iii) a bond resolution adopted by the Town Board January 26, 2009, for the specific class of objects or purposes identified in Exhibit A attached hereto, which bonds have an outstanding principal amount of \$2,830,000, and mature in the following respective years and principal amounts: \$470,000 in the year 2021, \$485,000 in the year 2022, \$495,000 in the year 2023, \$500,000 in the year 2024, \$440,000 in the year 2025, and \$440,000 in the year 2026 (collectively, the “Prior Bonds”); and

**WHEREAS**, the Town has the power and authority to issue refunding bonds of the Town for the purpose of refunding and thereby refinancing the outstanding Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.00 and/or Section 90.10 of the Local Finance Law of the State of New York (the “Local Finance Law”); and

**WHEREAS**, in order for the Town to realize the potential for substantial long-term debt service savings with respect to the Prior Bonds, the Town Board of the Town has determined, acting in consultation with the financial advisory and bond counsel firms retained by the Town, that it is advisable and prudent for the Town to consider the refunding of all or a portion of the outstanding Prior Bonds; and

**WHEREAS**, a Request for Proposals, dated July 2, 2020 (the “RFP”), was previously issued on behalf of the Town to certain underwriters requesting proposals for the refunding all or a portion of the outstanding Prior Bonds; and

**WHEREAS**, among the proposals submitted in response to the RFP, the Town received a refunding proposal from BNY Mellon Capital Markets, LLC containing a proposed refunding financial plan, a copy of which is attached hereto as Exhibit B (the “Refunding Financial Plan”), which proposal calls for the refunding of all of the outstanding Prior Bonds, which refunding would result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and; and

**WHEREAS**, based upon the proposals received in response to the RFP, the Town’s fiscal advisor, Municipal Solutions, Inc., has recommended that the Town retain BNY Mellon Capital Markets, LLC, as underwriter for purposes of refunding the Prior Bonds; and

**WHEREAS**, the Prior Bonds are, by their terms, subject to redemption prior to their stated maturity dates on any date occurring on or after February 1, 2018 at the option of the Town; and

**WHEREAS**, Sections 90.00 and 90.10 of the Local Finance Law requires that the Town adopt a refunding bond resolution that includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transaction; and

**WHEREAS**, the Town Board now intends to authorize the issuance of refunding bonds for the purpose of refunding all or a portion of the Prior Bonds in accordance with the Refunding Financial Plan.

**NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWN BOARD OF THE TOWN OF WHEATFIELD, NIAGARA COUNTY, NEW YORK (by the favorable vote of not less than two-thirds (2/3<sup>rd</sup>) of all the members of the Town Board) AS FOLLOWS:**

**SECTION 1.** Based on the recommendation of Municipal Solutions, Inc., the financial advisory firm retained by the Town, the Town Board hereby determines to undertake a refunding of the Prior Bonds, through the issuance of refunding bonds of the Town. The Town Board also hereby determines to retain the services of BNY Mellon Capital Markets, LLC, as underwriter (the “Underwriter”), in connection with the issuance of the Refunding Bonds.

**SECTION 2.** For the object or purpose of refunding the \$2,830,000 outstanding principal balance of the Prior Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Prior Bonds, (b) the aggregate amount of unmatured interest payable on the Prior Bonds to and including the date or dates on which the Prior Bonds which are optionally redeemable are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Prior Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the Underwriter, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, (as defined in Section 7 of this Resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of this Resolution), financial advisory fees, printing fees and legal fees and (e) the premium or premiums for any policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds as herein authorized, or any portion thereof, there are hereby authorized to be issued the “Public Improvement Refunding (Serial) Bonds, 2020” of the Town, in an aggregate principal amount not to exceed \$2,950,000 pursuant to the provisions of Sections 90.00 and/or 90.10 of the Local Finance Law (the “Refunding Bonds”), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$2,615,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the Town Supervisor of the Town (the “Supervisor”) pursuant to Section 6 hereof, and shall be of the

denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the Supervisor pursuant to Section 5 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Supervisor. Notwithstanding anything in this resolution to the contrary, the Refunding Bonds shall only be issued by the Town if the refunding of the Prior Bonds hereby will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

**SECTION 3.** The Supervisor, as the chief fiscal officer, is hereby delegated all powers of the Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

**SECTION 4.** The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon and attested to by the Town Clerk (the "Town Clerk"). The Refunding Bonds shall contain the recital required by Sections 90.00(g)(4) and 90.10(j)(4) of the Local Finance Law, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the Supervisor shall determine.

**SECTION 5.** It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Prior Bonds or, if applicable, the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier, for the objects or purposes for which the Prior Bonds were issued is as shown upon Exhibit A attached hereto.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds or each separate series of Refunding Bonds will mature not later than the expiration of the remaining period of probable usefulness for each object or purpose for which the Prior Bonds were issued, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of the Prior Bonds, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with all of the Prior Bonds, in each case computed from the date of issuance of the Prior Bonds, or the applicable series thereof, or from the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier.

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(b)(2) of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 6 hereof.

**SECTION 6.** The Refunding Financial Plan authorized by this resolution, showing the sources and amounts of all moneys required to accomplish such refunding and the estimated present value of the total debt service savings anticipated to result from the issuance of the Refunding Bonds computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law, is set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$2,615,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This Town Board recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds will likely be different from such assumptions and that the final Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Town Supervisor is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 2 of this resolution), the maturities and amount of the Prior Bonds to be refunded, the details as to the redemption of the Prior Bonds, including the date and amount of such redemption or redemptions in accordance with Section 12 hereof and the authorization and direction the Escrow Holder described in such Section 12 to cause notice of such redemption or redemptions to be given in the name of the Town, the weighted average remaining period of probable usefulness for the objects or purposes (or classes of objects or purposes) financed by the Prior Bonds, the dated date of the Refunding Bonds, and the date of issue, maturities and terms thereof, the rate or rates of interest to be borne thereby, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities pursuant to Section 168.00 of the Local Finance Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, whether the Refunding Bonds shall be sold in a private sale as authorized by Section 63.00 of the Local Finance Law, and to prepare, or cause to be

provided, a final refunding financial plan (the "Final Refunding Financial Plan") for the Refunding Bonds, and, pursuant to Sections 50.00 and 56.00 of the Local Finance

Law, all powers in connection therewith are hereby delegated to the Town Supervisor; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 or Section 90.10 of the Local Finance Law. The Town Supervisor shall file with the Town Clerk not later than the date of issuance of the Refunding Bonds, as herein provided, (a) a certificate determining the details of the Refunding Bonds and the Final Refunding Financial Plan and (b) unless the Refunding Bonds are sold in a private sale pursuant to Section 63.00 of the Local Finance Law and are issued in compliance with Section 90.00 of the Local Finance Law, a certificate setting forth the present value of the total debt service savings, as approved by a certificate of the State Comptroller, as required by Section 90.10(g) of the Local Finance Law.

**SECTION 7.** The Supervisor is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York (the "State") as the Supervisor shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Prior Bonds, as the escrow holder to perform the services described in Section 90.10(i)(1) of the Local Finance Law.

**SECTION 8.** The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. 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 as the same become due and payable.

**SECTION 9.**

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Prior Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Prior Bonds, the aggregate amount of unmatured interest on the Prior Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the Final Refunding Financial Plan prepared or caused to be prepared by the Supervisor in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Prior Bonds on such redemption dates (such amount being hereinafter referred to as the "Escrow Deposit Amount"), shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the Final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Prior Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Prior Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Prior Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall, immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Prior Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the Supervisor, as chief fiscal officer, or as the Supervisor may direct and be applied to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

**SECTION 10.** The Supervisor, as chief fiscal officer, 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 Refunding Bonds, 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, if applicable, to designate the bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

**SECTION 11.** The Town Board hereby determines that issuance of the Refunding Bonds 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 12.** In accordance with the provisions of Sections 53.00 and 90.10(h) of the Local Finance Law, the Town Board of the Town hereby elects to call in and redeem on November 23, 2020, or

such later date as may hereafter be determined by the Supervisor and provided for in the Final Refunding Financial Plan. The sum to be paid therefor on each such redemption date shall be the par value of the Prior Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon

to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the respective Prior Bonds being redeemed or in the certificates or documentation of the Town pursuant to which they were issued. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Prior Bonds that are subject to redemption at the option of the Town and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

**SECTION 13.** In connection with the issuance of the Refunding Bonds, the Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by this resolution, if required, 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 14.** In the absence or unavailability of the Supervisor, the Deputy Supervisor of the Town is hereby specifically authorized to exercise the powers delegated to the Supervisor in this resolution.

**SECTION 15.**

(a) Subject to compliance with the provisions of either Section 63.00 or Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at a private sale.

(b) The Supervisor is hereby authorized to negotiate the terms of such private sale with the Underwriter or such other investment banking firm as may be recommended by the Town's financial advisor and selected by the Supervisor to serve as underwriter for the issuance of the Refunding Bonds, consistent with the Refunding Financial Plan approved in Section 6 hereof and to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds; provided, however, that the sale of the Refunding Bonds pursuant to such bond purchase agreement shall be subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, unless the Refunding Bonds are sold in a private sale pursuant to Section 63.00 of the Local Finance Law, in which case such approval shall not be required. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor in accordance with said bond purchase agreement, upon the receipt by the Town of the applicable purchase price, including any premium or accrued interest, if any.

**SECTION 16.** The Supervisor, the Town Clerk, and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

**SECTION 17.** All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection therewith are hereby delegated to the Supervisor.

**SECTION 18.** The validity of the Refunding Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said 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 twenty days after the date of such publication; or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

**SECTION 19.** Upon this resolution taking effect, the Town Clerk is hereby authorized and directed to publish the same, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law.

**SECTION 20.** This resolution shall take effect immediately upon its adoption.

**From: Town Board and Water/Sewer Department**

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

**BE IT RESOLVED:**

To authorize an adjustment to a water and sewer bill to Shawnee Golf Course, Account No. 006472-000, which is to be reduced from the amount of \$3,440.60, to the Town water cost of \$1619.10, on the condition of prompt payment of said amount.

**From: TOWN BOARD**

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

**BE IT RESOLVED:**

To appoint Doug Kalota, as an alternate member of the Town of Wheatfield Planning Board for the remainder of 2020, to be paid at rate set by the Town Board, for each meeting in which his attendance is necessary to fill in for an absence of a regular Board member.

**From: TOWN BOARD**

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

**BE IT RESOLVED:**

**WHEREAS**, the COVID-19 pandemic has severely impacted all municipal revenues and budgets, including those of the Town of Wheatfield; and

**WHEREAS**, as a result of said financial burden the Town of Wheatfield has to re-examine its expenses and cut them where reasonable and equitable; and

**WHEREAS**, leaves of absence taken by employees and holders of appointed positions have been examined; and

**WHEREAS**, the appointed position of Bingo Inspector has been examined due to no Bingo occurring due to the COVID-19 pandemic;

**NOW, THEREFORE, BE IT RESOLVED:**

**THAT**, the Town of Wheatfield hereby resolves that any holders of appointed Board positions within the Town, that are not subject to the Town’s Personnel Manual and its regulations, that are deemed to be on a leave of absence (said leave of absence defined as the non-attendance from their respective Board’s meetings for four or more consecutive meetings for reasons of an excusable absence), shall not receive pay for the leave of absence period,

**AND, BE IT FURTHER RESOLVED:**

**THAT**, due to a lack of Bingo occurring and corresponding lack of other associated duties and work for the Bingo Inspector, that effective September 1, 2020, the regular pay for said Bingo Inspector shall be suspended until Bingo inspection duties resume with the commencement of Bingo in the Town of Wheatfield as allowed by regulations for the COVID-19 pandemic.

**From: TOWN BOARD**

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

**BE IT RESOLVED:**

To change the streetlight at 40 Sunset from a 48W LED to a 25W LED, due to a request from area residents. Said change will cost \$153.82 payable to National Grid.

**From: WATER and SEWER DEPARTMENT**

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

**BE IT RESOLVED:**

To authorize a correction to a water and sewer bill to 2536 Niagara Road, Account 008179-000, which is erroneous in the amount of \$838.75, to the correct amount of \$97.70.

**From: TOWN BOARD, BUDGET DIRECTOR and TOWN ATTORNEY**

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

**BE IT RESOLVED:**

to approve and authorize the Town Supervisor, Don MacSwan, sign and execute the attached contract with Municipal Solutions, Inc., for the proposed refunding of the Town's \$7,205,000 Public Improvement Serial Bonds, 2011, subject to approval by the Town Budget Director and Town Attorney.

**From: TOWN BOARD, TOWN ATTORNEY and WLDC**

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

**BE IT RESOLVED:**

**WHEREAS**, on January 30<sup>th</sup> 2020 the Town of Wheatfield was awarded Grant #1245ED945-20 by the New York State Office of Community Renewal for the purposes of providing loans to Barge Brewing Company and to compensate the Town for any administrative costs associated with the grant incurred by either the Town or the Wheatfield Development Corporation; and

**WHEREAS**, the Town has learned that the Barge Brewing project will not be moving forward, and the Town will not be requesting or disbursing any funds to the company; and

**WHEREAS**, the Wheatfield Local Development Corporation incurred legal, grant administration, and grant compliance costs in preparation of loan issuance and has requested the Town submit a request for funds to the State to compensate those costs; and

**WHEREAS**, the New York State Office of Community Renewal has notified the Town that said costs are eligible for reimbursement through Grant #1245ED945-20.

**NOW THEREFORE BE IT RESOLVED:**

**THAT**, upon receipt of documentation of expenditures from the Wheatfield Local Development Corporation for costs related to Barge Brewing Grant #1245ED945-20, the Town of Wheatfield will sign and submit a Request for Funds to the New York State Office of Community Renewal, not to exceed \$8,000, to reimburse the Wheatfield Local Development Corporation for eligible costs already incurred.