



## MOTIONS

April 4, 2016

**From: Town Attorney**

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

WHEREAS, Vincent Properties, Inc., (the "Owner"), a not-for-profit corporation and tax exempt charitable organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, is planning to acquire property and develop plans in furtherance of the proposed approximately 60 units of senior housing on Forest Parkway, being part of Tax Map Parcel No. 177.03-1-81.1 in the Town of Wheatfield, County of Niagara and State of New York; and

WHEREAS, the Owner has identified said property located on Forest Parkway, Town of Wheatfield, County of Niagara, State of New York (tax map parcel number 177.03-1-81.1) (the "Parcel") for the construction on the Parcel of an apartment complex for senior citizens with memory care issues (the "Project"). Said Project to consist of: (i) the acquisition of the Parcel and (ii) the construction thereon of sixty (60) units of housing for senior citizens, to be known as Wheatfield Commons; and

WHEREAS, the Owner will acquire fee title to the Parcel in furtherance of the development of the Project; and

WHEREAS, the Owner's tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the plan for the development of senior housing on the Parcel shall result in the qualification of the Project for a real property tax exemption in accord with provisions of §420-a of the New York Real Property Tax Law; and

WHEREAS, despite the Owner's as-of-right exemption from real property taxes for the Project, as a sign of good faith to the Town of Wheatfield, the Owner desires to provide payments in lieu of real property taxes for the Project to the Town of Wheatfield; and

WHEREAS, the Owner is willing to enter into a PILOT with the Town of Wheatfield whereby the Owner will make payments in lieu of taxes to the Town of Wheatfield as set forth in the PILOT presented to the Town Board for approval.

WHEREAS, Vincent Properties, Inc., has submitted a request to the Town Board for its support of a custom payment in lieu of taxes (P.I.L.O.T. Agreement) for such development; and

WHEREAS, the Town Board has carefully reviewed the information provided by Vincent Properties, Inc., and considered the financial impact of the request upon the Town and its taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Wheatfield hereby consents to entering into a Payment in Lieu of Tax Agreement with Vincent Properties, Inc., in substantially the same form as is presented at this meeting and attached to this Resolution as Exhibit "A", subject to final review by the Town Attorney and Town Assessor.

FURTHER RESOLVED that the Town Board hereby exempts the Project from real property taxes to the extent authorized by Section 420-a of the New York Real Property Tax Law and approves the PILOT in substantially the form presented, providing for annual payments as set forth in such PILOT; and it is

FURTHER RESOLVED, that the Supervisor of the Town is hereby authorized to execute and deliver the foregoing PILOT on behalf of the Town.

**From: Town Attorney**

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

WHEREAS, Aero Apartments, L.P., a New York State Limited Partnership, and Aero Apartments Housing Development Fund Co., Inc., a New York not-for-profit corporation, have acquired property and developed plans in furtherance of the proposed Aero Apartments development to be located on Williams Road, Tax Map Parcel No. 161.00-1-9.112 in the Town of Wheatfield, County of Niagara and State of New York; and

WHEREAS, Aero Apartments, L.P., has plans to construct a residential building consisting of 60 units of affordable housing for rent to low-income individuals and/or families on Williams Road, upon which it being anticipated that 20 units will be targeted towards special needs tenants; and

WHEREAS, Aero Apartments, L.P., and Aero Apartments Housing Development Fund Co., Inc., have submitted a request to the Town Board for its support of a custom Payment In Lieu of Taxes (P.I.L.O.T.) Agreement for such development; and

WHEREAS, the Town has carefully reviewed the information provided by Aero Apartments, L.P., and Aero Apartments Housing Development Fund Co., Inc., and considered the financial impact of the request upon the Town and its taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Wheatfield hereby consents to a Payment In Lieu of Taxes (P.I.L.O.T.) Agreement with Aero Apartments, L.P., and Aero Apartments Housing Development Fund Co., Inc., in substantially the same form as presented at this meeting and which is attached to this Resolution as Exhibit "A", subject to final approval by the Town Attorney and Town Assessor.

**From: Town Attorney and Agriculture Focus Group**

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

Resolution for the Town Board Issuance of the SEQR Negative Declaration for the Agricultural and Farmland Protection Plan

WHEREAS, the Town of Wheatfield has prepared a draft Agricultural and Farmland Protection Plan, which was prepared in accordance with the recommendations of the Town of Wheatfield Comprehensive Plan; and

WHEREAS, the draft Agricultural and Farmland Protection Plan was prepared under the review and guidance of the Town of Wheatfield Agriculture Focus Group, with planning consultation assistance provided by WWS Planning; and

WHEREAS, in accordance with Part 617 of the Implementing Regulations of Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), the Wheatfield Town Board was designated as the Lead Agency for the SEQR review and prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the Town of Wheatfield Agricultural and Farmland Protection Plan; and

WHEREAS, the Town Board, as SEQR Lead Agency, conducted a coordinated review of the draft Town of Wheatfield Agricultural and Farmland Protection Plan and has appropriately acknowledged and addressed all comments received from interested and involved agencies, including the Niagara County Agricultural and Farmland Protection Board; and

WHEREAS, the findings of the environmental review indicate that the adoption of the Town of Wheatfield Agricultural and Farmland Protection Plan, will not adversely affect the

natural resources of the State and/or the health, safety and welfare of the public, and is consistent with all associated social and economic considerations.

NOW, THEREFORE BE IT

RESOLVED, that the Wheatfield Town Board, acting as the lead government entity for this action, has determined that the adoption of the Town of Wheatfield Agricultural and Farmland Protection Plan is not anticipated to result in any significant adverse impacts on the environment, and that a Negative Declaration is hereby issued based on the findings set forth in the Negative Declaration Notice of Determination of Non-Significance; and BE IT FURTHER

RESOLVED, that a certified copy of this Resolution be provided to the Town's Planning Consultant for required distribution and filing.

**From: Town Attorney and Agriculture Focus Group**

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

RESOLUTION FOR ADOPTION OF THE TOWN OF WHEATFIELD AGRICULTURAL AND FARMLAND PROTECTION PLAN

WHEREAS, the Town of Wheatfield has prepared a draft Agricultural and Farmland Protection Plan, which was prepared in accordance with the recommendations of the Town of Wheatfield Comprehensive Plan; and

WHEREAS, the draft Agricultural and Farmland Protection Plan was prepared under the review and guidance of the Town of Wheatfield Agriculture Focus Group, with planning consultation assistance provided by WWS Planning, and oversight provided by the Wheatfield Comprehensive Plan Task Force; and

WHEREAS, the Town Board held a Public Hearing on April 4, 2016 to solicit final input and comments from the community on the draft Town of Wheatfield Agricultural and Farmland Protection Plan; and

WHEREAS, the draft Agricultural and Farmland Protection Plan was reviewed and approved by the Niagara County Agricultural and Farmland Protection Board; and

WHEREAS, the Wheatfield Town Board, as Lead Agency, conducted a coordinated review in accordance with the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 of the Implementing Regulations of Article 8 of the New York State Environmental Conservation Law, and has issued a Negative Declaration based on their determination that the adoption of the Wheatfield Agricultural and Farmland Protection Plan will not have a significant effect on the environment.

NOW, THEREFORE BE IT:

RESOLVED, that the Wheatfield Town Board hereby adopts the Wheatfield Agricultural and Farmland Protection Plan; and be it further

RESOLVED, that a copy of the Wheatfield Agricultural and Farmland Protection Plan be filed in the office of the Wheatfield Town Clerk and made available on the Town's website; and be it further

RESOLVED, that the Wheatfield Agricultural and Farmland Protection Plan, as duly adopted, be submitted to the New York State Department of Agriculture and Markets for approval.

**From: Highway Superintendent**

MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_ to hire the following individuals: (a) Nicolas Loffredo and (b) Brandon Sokol, as summer seasonal help for the Highway Department at the rate of pay and job terms pursuant to the Job Specifications

for Highway Department Seasonal Help and pending Civil Service and Town HR approval.

**From: Water/Sewer Department Superintendent**

MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_ to hire part-time summer seasonal help for the Water/Sewer Department, the following individuals: (a) Victoria Spring, (b) John Domaradzki, (c) Jonathan Emmons, (d) Brandon Mack, and (e) William Nalbene, at the rate of pay and terms pursuant to Job Specifications of Water/Sewer Department's Seasonal Help and pending Civil Service and Town HR approval.

**From: Budget Director**

Motion: Moved By \_\_\_\_\_ Seconded by \_\_\_\_\_  
Be It Resolved that this Town Board does hereby approve the following 2015 year-end budget transfers in order to balance out appropriation expense accounts at year-end.

<u>Account No.</u>	<u>Description</u>	<u>From</u>	<u>To</u>
A.1110.0120	Court Clerks Pers	\$ 210	
A.1110.0100	Justices Pers		\$ 210
A.1220.0400	Supervisor Contr	140	
A.1220.0100	Supervisor Pers		140
A.1345.0400	Purchasing Contr	110	
A.1345.0100	Purchasing Pers		110
A.1381.0400	Fiscal Agent Fee Contr	990	
A.1355.0100	Assessors Pers		990
A.1430.0100	Human Resources Pers	5,000	
A.1430.0400	Human Resources Contr	7,270	
A.1420.0100	Attorney Pers		12,270
A.4068.0400	Insect Control Contr	2,000	
A.5182.0400	Street Lighting Contr	15,000	
A.1440.0400	Engineer Contr		17,000
A.1950.0400	Property Taxes & Assessment	640	
A.1680.0100	Central Data Process Pers		620
A.4020.0100	Registrar of Vital Stat Pers		20
A.3650.0400	Building Inspector Contr	110	
A.3620.0100	Fire Inspection Pers		110
A.5010.0200	Supt of Highways Equip	2,120	
A.5010.0100	Supt of Highways Pers		1,920
A.5010.0400	Supt of Highways Contr		200
A.7110.0200	Parks Equip	4,000	
A.7110.0400	Parks Contr	8,300	
A.7110.0100	Parks Pers		12,300
A.7020.0200	Recreation Admin Equip	1,760	
A.7020.0400	Recreation Admin Contr	2,790	
A.7140.0100	Playgrounds & Rec Cntrs Pers	1,250	
A.7310.0100	Teen Center Pers		5,800
A.7510.0400	Historian Contr	10	
A.7510.0100	Historian Pers		10
A.7550.0400	Celebrations Contr	1,300	

A.7620.0100	Community Center Pers		1,300
A.7310.0400	Teen Center Contr	1,910	
A.7620.0400	Community Center Contr		1,910
A.8090.0400	Environment Control Contr	4,310	
A.8020.0100	Planning Pers		610
A.8020.0400	Planning Contr		3,700
A.8510.0400	Community Beautification	1,630	
A.8160.0400	Witmer Rd Remedial Maint		1,630
F.8310.0101	Water Special Dist. Alloc	900	
F.8310.0100	Water Administration Pers		900
F.8340.0400	Transmission & Dist Contr	9,340	
F.8340.0200	Transmission & Dist Equip		9,340
G.8110.0101	Sewer Special Dist. Alloc	43,220	
G.8110.0100	Sewer Administration Pers		520
G.8120.0100	Sewage Collect Sys Pers		34,540
G.8540.0100	Drainage Pers		6,400
G.9030.0800	Social Security		1,760
G.8120.0200	Sewage Collect Sys Equip	46,910	
G.8540.0400	Drainage Contr		46,910
SL.5182.0401	Lighting Dist #1 Bergholz	110	
SL.5182.0403	Lighting Dist #3 Ashwood	<u>          </u>	<u>      110</u>
	Totals	<u>\$161,330</u>	<u>\$161,330</u>

**From: Budget Director**

Motion: Moved By \_\_\_\_\_ Seconded by \_\_\_\_\_

Be It Resolved that this Town Board does hereby approve the following 2016 budget transfers for the General Fund as follows:

<u>Account No.</u>	<u>Description</u>	<u>From</u>	<u>To</u>
A.1380.0400	Grant Services	\$ 9,600	
A.8030.0400	Grant Services		\$ 9,600
A.1420.0400	Attorney Contr	45,000	
A.1420.0100	Attorney Pers		45,000
A.1990.0400	Contingency Acct Contr	7,500	
A.1930.0400	Judgments & Claims	<u>          </u>	<u>      7,500</u>
	Totals	<u>\$ 62,100</u>	<u>\$ 62,100</u>