

July 25, 2016

Public Hearings and the Regular Town Board meeting of the Town of Wheatfield was held July 25, 2016 at 7:00 pm at Wheatfield Town Hall, 2800 Church Road, North Tonawanda, County of Niagara and State of New York to audit bills and to conduct any other business coming before the Town Board.

PRESENT: Supervisor Robert Cliffe, Councilmen Larry Helwig, Gilbert Doucet, Arthur Gerbec, Randy Retzlaff, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.

A Public Hearing to discuss the rezoning of SBL #147.17-1-3, 161.02-1-28.2, and 161.02-1-82 opened at 7:00 pm. Supervisor Robert Cliffe gave an overview. Jim DeVantier requested the zoning on his property located adjacent be changed as well. There was some discussion and the Public Hearing closed at 7:12 pm.

A Public Hearing to discuss the Lift Station at Jagow Road opened at 7:12 pm. Water Superintendent, Rich Donner, gave an overview and the Public Hearing closed at 7:15 pm.

A Public Hearing to discuss the Generator at Clescent Drive opened at 7:20 pm. Water Superintendent, Rich Donner, and Tim Zuber of Wendel gave an overview and the Public Hearing closed at 7:24 pm.

The Regular Town Board meeting opened at 7:30 pm.

PUBLIC INPUT

None

Moved by Councilman Gerbec and seconded by Councilman Helwig to accept the minutes dated July 11, 2016 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to approve the bill payment for voucher # 20161328 ó 20161444 in the amount of \$397,038.88 as follows:

General Fund	\$ 44,202.71
Highway	\$ 14,858.15
Water/Sewer	\$ 38,349.41
Fire	\$ 9,702.45
Refuse	\$ 71,115.38
Trust & Agency	\$ 44,644.72
Capital/Fairmount Park	\$161,896.51

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Retzlaff to approve the proposal from Hoppy's Tree Service to remove 49 trees at a cost of \$12,500.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Retzlaff;

In accordance with the SEQR requirements, the Town Board has reviewed Part 1 of the EAF and supporting information, completed Part 2, and evaluated the impacts in Part 3 and have determined that the proposed rezoning of SBL: 147.17-1-3 (R-2), SBL: 161.02-1-28.2 (R-3) and SBL: 161.02-1-82 (R-3) to all C-1 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.

This motion was CARRIED: AYES 5 - NAYS 0.

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Moved by Councilman Gerbec and seconded by Councilman Helwig;

WHEREAS, the Town of Wheatfield received a request from J. Ronald and Marilyn H. Cicero to rezone land located on the south side of the intersection of Cayuga Drive and Cayuga Drive Extension from part R-2 (Residential 2) and part R-3 (Residential 3) to C-1 (Commercial), and

WHEREAS, the Wheatfield Planning Board recommended approval of this request at their June 15, 2016 meeting; and

Whereas, the Wheatfield Town Board held the required public hearing on this proposed rezoning on July 25, 2016; and

Whereas, the Wheatfield Town Board has determined that the proposed rezoning will not result in any significant negative effect on the environment and has issued a Negative Declaration; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law which proposes to amend the Town's Zoning Map as follows:

Be it enacted by the Town Board of the Town of Wheatfield, New York, that the Wheatfield Town Board amends the Town Zoning map as follows:

Rezone the parcels of land identified as SBL # 147.17-1-3 (R-2), SBL # 161.02-1-28.2 (R-3), and SBL # 161.02-1-82 (R-3) to Commercial (C-1).

Now, Therefore, Be It Resolved, that the Zoning Code of the Town of Wheatfield be amended as follows:

To amend Local Law 1-1988 of the Code of the Town of Wheatfield Chapter 200 entitled "Zoning" to provide for a change in the boundary of the Zoning Map whereby the Zoning is changed from R-2 (SBL # 147.17-1-3) and R-3 (SBL # 161.02-1-28.2 and SBL # 161.02-1-82) to all C-1.

This motion was CARRIED: AYES 5- NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Retzlaff;

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WHEATFIELD, NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN OF WHEATFIELD SEWER DISTRICT CONSISTING OF THE REPLACEMENT OF A GENERATOR AT THE CLESCENT ROAD LIFT STATION

WHEREAS, the Town Board of the Town of Wheatfield, Niagara County, New York (the "Town") is considering whether to authorize certain improvements to the Town of Wheatfield Sewer District (the "District") consisting of the replacement of a generator at the existing Clescent Drive Pump Station generator building, including the demolition and removal of the existing generator building and concrete foundation and the existing generator therein, the construction of a new pre-engineered concrete building and the installation therein of a new 50kw diesel generator, related switches and meters, and site improvements and all ancillary and related work required in connection therewith (collectively, the "Project"); and

WHEREAS, the Town's engineers have estimated that the maximum cost of the Project is \$225,000.00; and

WHEREAS, by Resolution adopted on July 11, 2016, at a regular meeting of the Town Board held on such date, the Town Board directed that a Public Hearing be held on whether to authorize the Project, and to hear all persons interested in the subject thereof concerning the same on July 25, 2016 at 7:20 p.m. at the Town Hall, 2800 Church Road, Wheatfield, New York 14120; and

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WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the Niagara Gazette, the official newspaper of the Town, on July 14, 2016 and a copy of such notice was posted on July 12, 2016 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said Public Hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW, THEREFORE, the Town Board of the Town of Wheatfield, Niagara County, New York, hereby resolves as follows:

Upon the advice of the Town's engineer and attorney, the Town Board hereby determines, pursuant to the State Environmental Quality Review Act, and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA"), that the Project constitutes a "Type II" action within the meaning of SEQRA and, therefore, no further action need be taken by the Town Board under SEQRA in connection with the Project or as a pre-condition to the adoption of this Resolution.

Based upon the evidence given at the aforesaid Public Hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the maximum cost of \$225,000.00. The Project is hereby approved.

The Town Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be duly recorded in the office of the County Clerk of Niagara County, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

This Resolution shall take effect immediately.

This motion was CARRIED: AYES 5- NAYS 0.

Moved by Councilman Doucet and seconded by Supervisor Cliffe;

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WHEATFIELD, NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN OF WHEATFIELD SEWER DISTRICT CONSISTING OF THE REPLACEMENT OF THE LIFT STATION AT JAGOW ROAD

WHEREAS, the Town Board of the Town of Wheatfield, Niagara County, New York (the "Town") is considering whether to authorize certain improvements to the Town of Wheatfield Sewer District (the "District") consisting of the rehabilitation of the existing sanitary sewer pump station located at Jagow Road and Rebecca Drive consisting of the installation of a replacement duplex, recessed wet well mounted pump station with related level instrumentation, electrical controls, and new polyethylene liner to line the existing wet well chamber, related switches and meters, and site improvements and all ancillary and related work required in connection therewith (collectively, the "Project"); and

WHEREAS, the Town's engineers have estimated that the maximum cost of the Project is \$375,000.00; and

WHEREAS, by Resolution adopted on July 11, 2016, at a regular meeting of the Town Board held on such date, the Town Board directed that a Public Hearing be held on whether to authorize the Project, and to hear all persons interested in the subject thereof concerning the same on July 25, 2016 at 7:10 p.m. at the Town Hall, 2800 Church Road, Wheatfield, New York 14120; and

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WHEREAS, notice of said Public Hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the Niagara Gazette, the official newspaper of the Town, on July 14, 2016 and a copy of such notice was posted on July 12, 2016 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said Public Hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW, THEREFORE, the Town Board of the Town of Wheatfield, Niagara County, New York, hereby resolves as follows:

Upon the advice of the Town's engineer and attorney, the Town Board hereby determines, pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA"), that the Project constitutes a "Type II" action within the meaning of SEQRA and, therefore, no further action need be taken by the Town Board under SEQRA in connection with the Project or as a pre-condition to the adoption of this resolution.

Based upon the evidence given at the aforesaid Public Hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the maximum cost of \$375,000. The Project is hereby approved.

The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk of Niagara County, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

This Resolution shall take effect immediately.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Helwig;

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WHEATFIELD, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$225,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN OF WHEATFIELD SEWER DISTRICT CONSISTING OF THE REPLACEMENT OF A GENERATOR AT THE CLESCENT ROAD LIFT STATION

WHEREAS, pursuant to proceedings undertaken by the Town Board (the "Town Board") of the Town of Wheatfield, Niagara County, New York (the "Town") under Section 202-b of the Town Law, including in particular a Resolution adopted on July 25, 2016 immediately prior to the consideration of this Resolution (the "Approval Resolution"), the Town Board approved, and determined it was in the public interest to undertake, improvements to the Town of Wheatfield Sewer District (the "District") consisting of the replacement of a generator at the existing Clescent Drive Pump Station generator building, including the demolition and removal of the existing generator building and concrete foundation and the existing generator therein, the construction of a new pre-engineered concrete building and the installation therein of a new 50kw diesel generator, related switches and meters, and site improvements and all ancillary and related work required in connection therewith (collectively, the "Project"), at an estimated maximum cost of \$225,000; and

WHEREAS, by the Approval Resolution, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (collectively, "SEQRA"), that the Project constitutes a "Type II" action within the meaning of the SEQRA and therefore no further action under SEQRA with respect to the Project need be taken by the Town Board; and

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WHEREAS, the Town Board now wishes to authorize the issuance of the Town's Serial Bonds and of Bond Anticipation Notes in anticipation thereof in order to finance the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Wheatfield, Niagara County, New York (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 Project as hereinabove described and issue up to \$225,000.00 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$225,000.00, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$225,000.00 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. 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 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

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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, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. 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 10. 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 11. 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 affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. 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 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published,

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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.

This motion was CARRIED: AYES 5 - ANYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff;

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WHEATFIELD, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$375,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN OF WHEATFIELD SEWER DISTRICT CONSISTING OF THE REPLACEMENT OF THE LIFT STATION AT JAGOW ROAD

WHEREAS, pursuant to proceedings undertaken by the Town Board (the "Town Board") of the Town of Wheatfield, Niagara County, New York (the "Town") under Section 202-b of the Town Law, including in particular a resolution adopted on July 25, 2016 immediately prior to the consideration of this resolution (the "Approval Resolution"), the Town Board approved, and determined it was in the public interest to undertake, improvements to the Town of Wheatfield Sewer District (the "District") consisting of the rehabilitation of the existing sanitary sewer pump station located at Jagow Road and Rebecca Drive consisting of the installation of a replacement duplex, recessed wet well mounted pump station with related level instrumentation, electrical controls, and new polyethylene liner to line the existing wet well chamber, related switches and meters, and site improvements and all ancillary and related work required in connection therewith (collectively, the "Project"), at an estimated maximum cost of \$375,000; and

WHEREAS, by the Approval Resolution, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (collectively, "SEQRA"), that the Project constitutes a "Type II" action within the meaning of the SEQRA and therefore no further action under SEQRA with respect to the Project need be taken by the Town Board; and

WHEREAS, the Town Board now wishes to authorize the issuance of the Town's serial Bonds and of bond anticipation notes in anticipation thereof in order to finance the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Wheatfield, Niagara County, New York (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 Project as hereinabove described and issue up to \$375,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$375,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$375,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

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SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. 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 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, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. 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

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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 10. 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 11. 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 affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. 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 13. This Resolution shall take effect immediately, and 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.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Gerbec;

WHEREAS, the Town of Wheatfield is proposing to rehabilitate the existing Jagow Road Pump Station owned by the Town; and

WHEREAS, after comparing the thresholds in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed project is a Type 2 action as it involves the repair or replacement of existing facilities in kind and does not require substantial changes in the design of facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Wheatfield Town Board declares itself Lead Agency for purposes of SEQRA; and be it further

RESOLVED, that the proposed project has been determined not to have a significant impact on the environment and is not subject to further review under SEQRA.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to advertise the Jagow Road Pump Station Rehabilitation Project in the official Town newspaper. Bids will be received prior to a Regular Town Board meeting, and at the following Regular Town Board meeting the bids will be publically opened and read aloud. Date of bid opening to be established by the office of the

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Town Clerk . Bid opening August 22, 2016.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet to approve advertising for bids for the Clescent Drive Pump Station Generator Rehabilitation Project. Bids are due by and will be opened at 4:00 p.m. on August 16, 2016 at the Wheatfield Town Clerk's Office.

This motion was CARRIED: AYES 5- NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Gerbec;

WHEREAS, the Town of Wheatfield has previously resolved to move forward in the process with regard to a New York State Community Development Block Grant in the amount of \$100,000.00 for the purpose of providing funding to Jacob's Ladder, LLC for a project that would promote economic development in the Town of Wheatfield; and

WHEREAS, the Town of Wheatfield has requested the Wheatfield Local Development Corporation to administer the grant on its behalf as a sub-recipient; and

WHEREAS, the Wheatfield Local Development Corporation has prepared a Sub-Recipient Agreement for the administration of said grant on behalf of the Town; and

WHEREAS, the Wheatfield Town Attorney has had an opportunity to review said Sub-Recipient Agreement, and approve the form of said Sub-Recipient Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wheatfield approves said Sub-Recipient Agreement to allow the Wheatfield Local Development Corporation to administer the aforementioned grant on the Town's behalf as a sub-recipient and authorizes the Town Supervisor to enter into said Sub-Recipient Agreement on behalf of the Town in order to promote economic development in the Town, subject to the development and employment goals previously set forth in the Community Development Block Grant Application.

This motion was CARRIED: AYES 3 - NAYS 0 – ABSTAIN Supervisor Cliffe, Councilman Helwig.

Moved by Councilman Gerbec and seconded by Councilman Doucet;

WHEREAS, the Town of Wheatfield, as a continuing policy, has entered into agreements with the Adams Fire Company, Inc., to agree for the Town to lease from Adams Fire Company, Inc., certain recreational areas on the Fire Company's premises, together with adjoining parking areas for recreation purposes for the Town of Wheatfield; and

WHEREAS, in consideration of the covenants set forth in the Recreation Lease, the Town agrees for the right to utilize the premises for park and recreational purposes, the Town will make improvements upon the property as both the Town and Adams Fire Company, Inc. shall agree.

NOW, THEREFORE, BE IT

RESOLVED, that the Town shall enter into a new Recreational Lease with the Adams Fire Company, Inc., beginning in July, 2016, continuing for a term of ten (10) years until July 31, 2026, pursuant to the terms of said Recreational Lease, and pursuant to final approval as to form by the Town Attorney, and the Town Supervisor is authorized to enter into and sign said Recreational Lease. Subject to the changes made by Attorney Matthew Brooks.

This motion was CARRIED: AYES 5 ó NAYS 0.

July 25, 2016

Moved by Councilman Doucet and seconded by Councilman Helwig to update the St. Johnsbury Volunteer Fire Co. roster as follows; ADD: James Ellsworth as firefighter.

This motion was CARRIED: AYES 5 – NAYS 0.

The next Town Board meeting is scheduled for August 8, 2016 at 7:30 pm with a Public Hearing at 7:15 pm to discuss RR Residential District amending Town Code.

PUBLIC INPUT

Discussion about ash trees

Moved by Councilman Gerbec and seconded by Councilman Helwig to adjourn at 8:28 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk