

AGENDA APRIL 18, 2016

7:30 PM – 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**
April 4, 2016 Town Board Meeting (/)

 - Bill Payment:**

Voucher No. 20160521 - 20160651	\$309,103.35
Pre-paid \$35,939.76	TOTAL \$345,043.11
GENERAL FUND	\$ 30,110.38
HIGHWAY	\$ 21,765.18
WATER/SEWER	\$147,246.11
FIRE	\$ 6,539.00
REFUSE	\$ 71,115.38
TRUST & AGENCY	\$ 32,327.30

 - Departments**
 - Highway – Paul Siegmann
 - Water / Sewer – Rich Donner
 - Recreation – Mike Ranalli
 - Building Inspector – Mike Klock
 - Assessor – Brigitte Grawe
 - Seniors - Arlene Mante
 - Wendel – Tim Zuber

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

 - Board Member Items:**
 - Larry Helwig
 - Gil Doucet
 - Art Gerbec
 - Randy Retzlaff
 - Bob Cliffe

 - Next Meeting: May 2, 2016 – 7:00 pm** Public Hearing to discuss Town Code –
Zoning-Conservation/Cluster Subdivisions
- 7:30 pm** Regular Town Board Meeting
- Public Input**
 - Request Motion to Adjourn:** (/)

MOTIONS

APRIL 18, 2016

From: Wendel

Motion By _____ Seconded by _____
to schedule a public information meeting on Monday, May 2, 2016 at _____ pm to
review the Town’s Draft Stormwater Annual Report for 2015 and the Town’s Stormwater
Management Plan.

From: Town Supervisor

MOTION by _____ Seconded by _____

to pay *Wild Kritters* for wildlife control services rendered in 2015 and for the upcoming
year of 2016, at the agreed price of \$1,000.00 per year, per past practice.

From: Town Engineers and Town Attorney

MOTION by _____ Seconded by _____

State Environmental Quality Review (SEQR)
Resolution – Negative Declaration

Name of Action: **Culvert Replacement Project – Lemke Drive and Errick Road**

WHEREAS, the Town of Wheatfield is proposing to replace existing drainage
structures on Lemke Drive and Errick Road (the “Project”); and

WHEREAS, the Town of Wheatfield Town Board (the “Board”) has declared
Lead Agency status with respect to the Project; and

WHEREAS, the Board has reviewed the Project, including the Environmental
Assessment Form (“EAF”), engineering analysis and all other materials submitted in
connection with this proposed action; and

WHEREAS, the Board has taken a “hard look” at all potentially adverse
environmental impacts pursuant to SEQR.

NOW, THEREFORE, be it

RESOLVED, by the Board, that based on the Board’s thorough and careful
review of the Project, the Board hereby determines that the Project will not result in any
significant environmental impacts, and hereby issues a Negative Declaration for the
Project pursuant to SEQR. The reasons supporting this determination are documented
on Part 3 of the Short Environmental Assessment Form; and it is further

RESOLVED, that the Town Supervisor, on behalf of the Town, is authorized to sign and execute the Part 3 determination of significant Environmental Assessment Form indicating said Negative Declaration.

From: Wendel Engineers and Town Attorney

MOTION by _____ Seconded by _____

WHEREAS, the Town of Wheatfield regulates land uses through various sections of the Code of the Town of Wheatfield; and

WHEREAS, the Town of Wheatfield does not have regulations for the installation of ground mounted solar panels and solar arrays/ farms; and

WHEREAS, the Town of Wheatfield's Comprehensive Planning Implementation Task Force ("Task Force") and the new Energy Application Focus Group have begun reviewing various possible amendments to the existing regulations to address these uses; and

WHEREAS, the Energy Application Focus Group has been delegated by the Task Force the responsibility of preparing draft amendments or new codes associated with these solar installations; and

WHEREAS, the Energy Application Focus Group needs time to update these regulations, and with the Task Force, is recommending that the Town of Wheatfield adopt a Moratorium while these codes are being developed and updated; and

WHEREAS, the Town has introduced a proposed Local Law entitled "Amendment to the Code of the Town of Wheatfield Placing a Six Month Moratorium on Ground Mounted Solar Panel and Solar Farm Installations Within the Town" and presented a copy to each member of the Board; and

WHEREAS, the Town Board of the Town of Wheatfield, New York, would like to adopt a Local Law entitled "Amendment to the Code of the Town of Wheatfield Placing a Six Month Moratorium on Ground Mounted Solar Panel and Solar Farm Installations within the Town", as follows:

SECTION 1. TITLE

This law shall be known as Local Law No. 2 of the Year 2016 entitled "Amendment to the Code of the Town of Wheatfield Placing a Six Month Moratorium on Ground Mounted Solar Panel and Solar Farm Installations within the Town".

SECTION 2. PURPOSE

The purpose of this Local Law is to amend the Code to place a six (6) month moratorium on the processing, permitting and/or construction of ground mounted solar panels and solar farms within the Town to allow time for the drafting and adoption of amendments to the Code of the Town of Wheatfield affecting these types of uses. These amendments, among other things, will amend the location where ground mounted solar panels and solar farms may be allowed, set design requirements and such other regulations as may be necessary to promote and preserve the health, safety

and welfare of the Town of Wheatfield and its citizens.

SECTION 3. AMENDMENT OF PRIOR LAW

1. The Code of the Town of Wheatfield is further amended as follows:

“For the period commencing on the effective date of this Local Law No. 2 of the Year 2016, and for six (6) months thereafter, there shall be a moratorium on the processing, approval, and/or construction of ground mounted solar panels and solar farms within the Town of Wheatfield. During this Moratorium, the Energy Application Focus Group, assisted by the Comprehensive Planning Implementation Task Force and the Town’s consultant, will draft these new regulations for presentation to the Town Board for potential adoption, and periodic reports on the drafting of these regulations will be given to the Town Board to illustrate progress and to receive input from the Town Board”

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State. On enactment of this Local Law, the Moratorium shall remain in place for a six (6) month time period commencing with its effective date. This six (6) month time period may be extended by the Town Board by adoption of a Resolution for this purpose.

SECTION 6. GRANDFATHER CLAUSE

The enactment of this Moratorium, will affect any new application received on or after April 18, 2016. Any application received prior to this date will be “grandfathered” from this Moratorium and will be processed under the existing regulations. Any application received on or after this date will not be processed, and no approvals or permits will be issued.

This Moratorium will not affect the installation of roof mounted systems and will not affect or eliminate the requirement for any necessary repairs needed to be made to any existing ground mounted solar panels. However, existing ground mounted solar panels that need to be modified in such a way that would require a permit and/or approval from the Town, will be included under this Moratorium.

NOW, THEREFORE, BE IT:

RESOLVED, that the Wheatfield Town Board sets the required public hearing on this proposed Local Law for _____, 2016 at 7:00 pm in the Wheatfield Town Hall to receive public comment; and

BE IT FURTHER,

RESOLVED, that the Town Board authorize the completion of the required referral to Niagara County, and that they have determined that this action is a Type 2 action under SEQR, not requiring a SEQR determination.

From: Town Attorney

MOTION by _____ **Seconded by** _____

WHEREAS, Vincent Properties, Inc., 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, 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, Vincent Properties, Inc., by virtue of the proposed P.I.L.O.T. Agreement has indicated that all special district assessments will be paid in addition to the P.I.L.O.T. Program, and Vincent Properties, Inc., in response to the Town Board's request for additional monies to be allocated for fire protection, the agrees that the original P.I.L.O.T. will be modified to increase the first year amount from \$12,000.00 to \$14,000.00, increasing annually at the previously agreed to two (2%) percent annual increase; 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, together with the increased first year amount of \$14,000.00 and increasing at two (2%) percent annually thereafter, and attached to this Resolution as Exhibit "A", subject to final review by the Town Attorney and Town Assessor.

From: Parks and Recreation Department Superintendent and Town Attorney

MOTION by _____ Seconded by _____

to hire the following individuals: (a) John Mulcahy, (b) Alex Haake, (c) Jaclyn Smolen, (d) Lisa Demler, (e) Kirsten Klettke, (f) Nicholas DiCarlo, (g) Alexis Eustice, (h) Jamie Hagerty, (i) Anthony Casale, (j) Tess Walter, and (k) Meredith Lance, 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 subject to approval of Human Resource Department, and a Niagara County criminal background check.

From: Town Attorney

MOTION by _____ Seconded by _____

To approve the Environmental Forms, Designation of Certifying Officer Forms and Checklist Forms for the NYS CDBG Grant Program and to authorize the Town Supervisor to execute same in furtherance of the previously approved NYS CDBG grant application in favor of Jacobs Ladder, LLC.