

AGENDA

MAY 7, 2018

7:00 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 16, 2018 Town Board Meeting (/)

- Bill Payment:**

Voucher No. 20180655 – 20180814	\$227,252.12
Pre-paid \$51,141.35	TOTAL \$278,393.47
GENERAL FUND	\$ 49,235.52
HIGHWAY	\$131,944.89
WATER/SEWER	\$ 12,850.16
TRUST & AGENCY	\$ 25,240.50
SPECIAL DISTRICT – lighting	\$ 158.55
REFUSE	\$ 7,822.50

- 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
 - Curt Doktor
 - Randy Retzlaff
 - Don MacSwan

- Next Meeting: May 21, 2018 6:45 pm Public Hearing** to discuss proposed change to
Town Code Chapter 200: Zoning/Off-Street Parking
7:00 pm Public Hearing for the approval of a Cable
TV Agreement between Time Warner and the Town
7:00 pm Regular Town Board Meeting

- Public Input**

- Request Motion to Adjourn:** (/)

MOTIONS

From: Wendel

MOTION by _____ **Seconded by** _____
to schedule a public information meeting on Monday, May 21, 2018 at _____ pm to review the Town's Draft Stormwater Annual Report for 2017 and the Town's Stormwater Management Plan.

MOTION by _____ **Seconded by** _____
to award the Pump Station Generator Project to **State Group Industrial USA Limited** for their low bid of **\$224,300.00**.

MOTION by _____ **Seconded by** _____
to authorize Wendel to provide services during construction for the Pump Station Generator Project in accordance with their proposal letter dated May 3, 2018, for a total estimated fee of **\$9,300.00**.

MOTION by _____ **Seconded by** _____

WHEREAS, the Town of Wheatfield is proposing to construct a multi-use trail along River Road from the intersection of 102nd Street to Witmer Road; and

WHEREAS, the Town of Wheatfield, through its consultants, have developed a draft plan for this trail; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Wheatfield Town Board with its consultants have conducted a thorough environmental review of this project.

NOW, THEREFORE BE IT RESOLVED, the Wheatfield Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues the attached SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations, and

BE IT FURTHER RESOLVED THAT, the Supervisor is authorized to sign the Environmental Assessment Form (EAF), which, with the attached supporting materials, will act as the SEQR Negative Declaration.

From Planning Board:

MOTION by _____ Seconded by _____

WHEREAS, the Town of Wheatfield has received a subdivision application from Robert Weaver to subdivide the property located at 3400 Niagara Falls Boulevard into 23-single family home lots, as depicted on the drawings prepared by Advanced Design Group; and

WHEREAS, the Wheatfield Planning Board has reviewed the project, and although they are not ready to make a recommendation on the subdivision, they have requested that the Town Board begin the SEQR process to receive input from other agencies; and

WHEREAS, the Wheatfield Town Board agrees that the project is not ready to proceed with preliminary subdivision, but agrees that, in accordance with the New York SEQR Regulations contained in 6 NYCRR Part 617, they would like to conduct a coordinated review under SEQR for this project and establish the Town Board as SEQR Lead Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Wheatfield Town Board hereby authorizes Wendel to start the SEQR coordinated review process, stating the Town Board's desire to be Lead Agency, and

BE IT FURTHER RESOLVED, that the Town Board refers the application back to the Planning Board for their continued review and potential resolution of issues and concerns with the project.

From: Town Attorney

MOTION by _____ Seconded by _____
to appoint the Wheatfield Town Clerk, Kathleen M. Harrington-McDonell, as the Fair Housing Officer for the Town of Wheatfield for 2018.

From: Town Attorney

MOTION by _____ Seconded by _____
to appoint the Wheatfield Town Attorney, Matthew E. Brooks, Esq., as the Americans With Disabilities Act Coordinator for the Town of Wheatfield for 2018.

From: Town Attorney

MOTION by _____ Seconded by _____
to authorize the Town of Wheatfield to adopt the following Notice Under the Americans With Disabilities Act for the Town of Wheatfield, as follows:

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans With Disabilities Act of 1990 (ADA), the Town of Wheatfield will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Employment: The Town of Wheatfield does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The Town of Wheatfield will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Town of Wheatfield programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Town of Wheatfield will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Town of Wheatfield offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Wheatfield, should contact the office of MATTHEW E. BROOKS, Esq. Town of Wheatfield Attorney, 2800 Church Road, North Tonawanda, New York 14120, Telephone No.: (716) 504-0494 as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Wheatfield to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Town of Wheatfield is not accessible to persons with disabilities should be directed to MATTHEW E. BROOKS, Esq., Town of Wheatfield Attorney, 2800 Church Road, North Tonawanda, New York 14120, Telephone No.: (716) 504-0494.

The Town of Wheatfield will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public, but are not accessible to persons who use wheelchairs, and to authorize its placement for posting in the Town Hall and other Town buildings.

From: Town Attorney

MOTION by _____ Seconded by _____
to authorize the Town of Wheatfield to approve and establish a Grievance Procedure Under the Americans With Disabilities Act for the Town of Wheatfield, as follows:

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Wheatfield. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the Human Resources Office of the Town of Wheatfield.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted, in writing, by the grievant and/or his/her designee, as soon as possible, but no later than 60 calendar days after the alleged violation to: MATTHEW E. BROOKS, Esq., Town of Wheatfield Attorney, 2800 Church Road, North Tonawanda, New York 14120, Telephone No.: (716) 694-6441.

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond, in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Wheatfield and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 days after receipt of the response to the agency head or his/her designee.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two (2) offices will be retained by the Town of Wheatfield for at least three (3) years and to authorize its placement for posting in the Town Hall and other Town buildings.

From: Water/Sewer Department Superintendent and Town Attorney

MOTION by _____ Seconded by _____
to hire Timothy Metzger as summer seasonal help at a rate of pay and terms pursuant to Job Specifications of the Water/Sewer Department's seasonal help and pending approval of Human Resources, and Niagara County criminal background check.

From: Recreation Department and Town Attorney

MOTION by _____ Seconded by _____
to hire Timothy Metzger as seasonal help at a rate of pay and terms pursuant to Job Specifications of the Recreation Department's seasonal help and pending approval of Human Resources, and Niagara County criminal background check.

From: Town Attorney

MOTION by _____ Seconded by _____
to establish the month of April, annually, as "Fair Housing Month" for the Town of Wheatfield.

From: Town Supervisor

MOTION by _____ Seconded by _____
to schedule a public Work Session regarding the Town of Wheatfield's Refuse and Recycling Contract, to be held on Monday, May 21, 2018 at 6:00 p.m., at the Town of Wheatfield Town Board Council Chambers, 2800 Church Road, North Tonawanda, New York 14120.

From: Town Supervisor

MOTION by _____ Seconded by _____
to schedule a public Work Session regarding the Town of Wheatfield's 2019 Town Budget, to be held on Monday, May 21, 2018 at 6:30 p.m., at the Town of Wheatfield Town Board Council Chambers, 2800 Church Road, North Tonawanda, New York 14120.

From: Town Board

MOTION by _____ Seconded by _____
to approve and authorize the temporary road closure and use of Inducon Drive West and Inducon Drive East at the Vantage International Point Office Park for bicycle racing as proposed by Jonathan Rosen for Criterium bicycle racing to occur at ten (10) weekly events during the Summer of 2018. Said approval is pursuant to the following criteria:

1. Certificate of Insurance naming the Town as an additional insured for a minimum of \$1,000,000.00 per claim, and \$5,000,000.00 aggregate;
2. Adequate insurance for racers, spectators and area businesses;
3. All race participants shall be required to sign a Waiver form, as approved by the Town, indicating racers waive any legal causes of action to sue the Town, including for any type of injury or liability for road conditions;
4. All appropriate licensing/permitting is secured by Mr. Rosen and presented to the Town; and
5. The bike racing sponsors to seek pro-active discussions with businesses

in Vantage International Point Office Park to minimize any impact on on-going businesses or prevent any business disruptions.

6. A parking lot area of adequate size must be obtained by the race organizer to stage said race off the public race course from a property-owner within the Vantage International Point Office Park, and the owner of said parking lot property is to be named as an additional insured upon the race organizer's policy of insurance.
7. The race organizer must also obtain porta-potty services for the parking lot staging area to be present at the event site for the day of said event.
8. That the race organizer shall be responsible for the expense of \$150.00 per event, for the Town of Wheatfield Constable services if utilized at the race event, which fee will be due and payable to the Town no later than the day following the event.
9. That in addition to the naming of the Town as an additional insured, the race organizer shall be agreeable to add any property parcels as an additional insured at the property parcel owner's request to the Certificate of Insurance for the events.
10. That the race organizer acknowledges that the Town of Wheatfield, nor any of the property owners at Vantage International Point Office Park shall be responsible for the condition of the roadway in question, and shall not be obligated to make any repairs or modifications to the road for said events.
11. The race organizer and its staff shall be responsible for all trash pickup and clean-up following the event.

From: Highway Department and Town Board

MOTION by _____ Seconded by _____
to authorize the Town of Wheatfield to re-state and re-promulgate its existing policy regarding driveway (commercial and residential) placement in relation to Town easements and undeveloped "paper" roads. It is hereby restated that it is Town policy to not allow driveway connections (commercial and residential) to temporary and/or permanent turn-around easements or undeveloped "paper" roads within the Town of Wheatfield. In the future, the Building Inspection Department is authorized to deny building permits for building plans that have such driveway connections or, if not properly indicated within the plans, to withdraw building permits, halt construction and/or deny Certificate of Occupancy for properties which connect driveways to turn arounds and non-dedicated streets within the Town of Wheatfield. Said non-dedicated streets include temporary and/or permanent turn-around easements, as well as undeveloped "paper" roads owned by the Town of Wheatfield.

