

# AGENDA

## OCTOBER 17, 2016

7:15 pm – Public Hearing to discuss extending Solar Moratorium

7:30 pm – Regular Town Board Meeting

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- Pledge of Allegiance**
  - Opening Prayer**
  - Public Input** (at start and end of meeting)
  - For the record, Board Members Present**
  - Approval of Minutes** October 3, 2016 Town Board Meeting (       /       )
  
  - Bill Payment:**

Voucher No. 20161972- 20162104	\$709,569.93
Pre-paid \$17,675.48	<b>TOTAL \$727,245.41</b>
GENERAL FUND	\$ 63,183.20
HIGHWAY	\$ 60,376.25
WATER/SEWER	\$218,439.82
TRUST & AGENCY	\$ 19,091.00
CAPITAL/Lemke & Errick Culverts	\$274,684.28
CAPITAL/Clescent Pump Sta	\$ 2,680.00
REFUSE	\$ 71,115.38
  
  - 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: November 7, 2016** **7:00 pm** Public Hearing on Preliminary Budget  
**7:30 pm** Regular Town Board Meeting
  
  - Public Input**
  
  - Request Motion to Adjourn:** (       /       )

## MOTIONS

**From: Wendel**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_** to award the 2016 Sanitary Sewer Rehabilitation Project (relining of the Moyer Road pump station wet well and a sanitary sewer manhole on Plaza Drive) to **Pipe Eye Sewer Services, Inc.** based on their low price quote of **\$16,939.00**.

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_** to authorize the Supervisor to sign the Encroachment Agreement required by National Fuel to install the security fence within the National Fuel right-of-way at the Niagara Sanitation Landfill. The Town Attorney has reviewed the agreement language and has no objections.

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_** to change the past practice of requiring a Stormwater security for an indefinite time period to requiring a Stormwater security for just two (2) years from the approximate date of issuance of a Certificate of Occupancy. This only applies to private developments that are required to provide post-construction stormwater management practices.

**From: Recreation Department and Town Attorney**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_** to approve the recommendation of the Recreation Department to appoint Amber Carls as a lifeguard for the Town Swim Program beginning in January, 2017. Said appointment will be pursuant to pay grade and job requirements pursuant to the job specifications. Said approval is subject to Human Resources approval and Niagara County Sheriff's Department background check.

**From: Recreation Department and Town Attorney**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_** to award Fiddler Roofing, Inc. the proposal contract to fix the gutters of the Youth Center Building for a total cost of \$6,720.00. Said expense is from the Recreation Department's 2016 Budget.

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

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_** to approve the proposed contract from Municipal Solutions, Inc., and authorize the Town Supervisor to execute said contract engaging Municipal Solutions, Inc., to file, on behalf of the Town of Wheatfield, the following forms: Limited Disclosure, Material Event Notice, and Full Disclosure, which is required due to the fact that the Town has issued certain bonds and notes, and said filings are a continued requirement of the issuance of certain bonds and notes.

**From: 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 extend the Local Law No. 1-2016 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", as follows:

## **SECTION 1. TITLE**

This law shall be known as Local Law No. 5 of the Year 2016 entitled "Amendment to the Code of the Town of Wheatfield Placing a Three Month Extension to the 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 an additional three (3) month extension on the 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. 5 of the Year 2016, and for three (3) 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 the six (6) month termination date of the moratorium created by Local Law No. 1 of the year 2016 or upon its filing in the office of the Secretary of State. On enactment of this Local Law, the Moratorium extension shall remain in place for a three (3) month time period commencing with its effective date. This three (3) 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.

**WHEREAS**, that the Wheatfield Town Board has held the required public hearing on this proposed Local Law for October 17, 2016 at 7:15 pm in the Wheatfield Town Hall and received public comment; and

**WHEREAS**, the Town Board has authorized 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.

**NOW, THEREFORE, BE IT:**

**RESOLVED**, that Local Law No. 5 of the year 2016, entitled *Amendment to the Code of the Town of Wheatfield*, placing a Three (3) Month Extension to the Six (6) Month Moratorium on Ground-Mounted Solar Panel and Solar Farm Installations with the Town, is hereby approved, and direct the Town Attorney and Town Clerk to file said Local Law in the office of the New York Secretary of State.

**From: Town Clerk**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**  
to authorize the purchase of a Toshiba e-Studio 3005AC copy machine at a cost of \$4,775.00, per Budget Director, Ed Mongold's recommendation of purchasing over leasing based on cost of said machine).

**From: Budget Director and Town Attorney**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**  
to pass a resolution by the Town to designate KeyBank as an official depository for the Town as a result of the purchase of First Niagara Bank by KeyBank.

**From: Budget Director**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**  
to approve changes to the 2017 Tentative Budget for the General Fund, Highway Fund, Water Fund and Sewer Fund increasing and/or decreasing budget appropriations and estimated revenues for various accounts as set forth in the schedule before you.

<u>Account No.</u>	<u>Description</u>	<u>Change</u>	<u>From</u>	<u>To</u>
<u>General Fund</u>				
Increase (Decrease) in Appropriations				
A.1110.0120	Court Clerks Pers	\$ (2,697)	\$ 76,697	\$ 74,000
A.1220.0100	Supervisor Pers	(114)	\$ 69,590	\$ 69,476
A.1355.0100	Assessors Pers	(87)	\$ 83,948	\$ 83,861
A.1410.0100	Town Clerk Pers	(317)	\$ 149,837	\$ 149,520
A.1420.0100	Attorney Pers	(38)	\$ 88,382	\$ 88,344
A.1430.0100	Personnel Pers	(38)	\$ 53,275	\$ 53,237
A.1680.0100	Central Data Proces Pers	(87)	\$ 22,887	\$ 22,800
A.3620.0100	Fire Inspection Pers	(95)	\$ 25,360	\$ 25,265
A.3650.0100	Building Inspector Pers	(269)	\$ 147,883	\$ 147,614
A.5010.0100	Supt. of Highways	(174)	\$ 116,216	\$ 116,042
A.7020.0100	Recreation Admin Pers	(174)	\$ 111,244	\$ 111,070
A.7110.0100	Parks Pers	(468)	\$ 168,690	\$ 168,222
A.7140.0100	Playgrds/Rec Cntrs Pers	(2,000)	\$ 40,000	\$ 38,000

A.7410.0400	Library Contr	(500)	\$ 177,000	\$ 176,500
A.7620.0100	Community Center Pers	(48)	\$ 31,310	\$ 31,262
A.8020.0100	Planning Pers	(1,085)	\$ 19,240	\$ 18,155
A.9030.0800	Social Security	<u>(600)</u>	\$ 119,800	\$ 119,200
Total Decrease in Appropriations			<u>\$ (8,791)</u>	

Increase (Decrease) in Estimated Revenues

A.0000.1120	Sales Tax - General	<u>\$ (8,791)</u>	\$2,605,015	\$2,596,224
Total Decrease in Estimated Revenues			<u>\$ (8,791)</u>	

Highway Fund

Increase (Decrease) in Appropriations

DA.5110.0100	General Repairs Pers	\$ (6,542)	\$ 636,284	\$ 629,742
DA.5110.0414	Tree Maint Ash Borer	(5,000)	\$ 25,000	\$ 20,000
DA.5130.0200	Machinery Equip	41,000	\$ 95,640	\$ 136,640
DA.5130.0400	Machinery Contr	(5,000)	\$ 310,000	\$ 305,000
DA.5130.0406	Machinery Fuel	(20,000)	\$ 140,000	\$ 120,000
DA.5142.0400	Snow Removal Contr	(15,000)	\$ 165,000	\$ 150,000
DA.9030.0800	Social Security	<u>(500)</u>	\$ 53,300	\$ 52,800
Total Decrease in Appropriations			<u>\$(11,042)</u>	

Increase (Decrease) in Estimated Revenues

DA.0000.1120	Sales Tax - Highway	\$ (1,042)	\$2,028,169	\$2,027,127
DA.0000.2300	Fuel Reimbursement	(5,000)	\$ 40,000	\$ 35,000
DA.0000.2301	Fuel Reimb-Other Depts	<u>(5,000)</u>	\$ 30,000	\$ 25,000
Total Decrease in Estimated Revenues			<u>\$(11,042)</u>	

Water Fund

Increase (Decrease) in Appropriations

F.8310.0100	Water Admin Pers	\$ (134)	\$ 74,979	\$ 74,845
F.8340.0100	Transmission/Dist Pers	<u>(553)</u>	\$ 170,373	\$ 169,820
Total Decrease in Appropriations			<u>\$ (687)</u>	

Increase (Decrease) in Estimated Revenues

F.0000.2140	Metered Water Sales	<u>\$ (687)</u>	\$1,239,410	\$1,238,723
Total Decrease in Estimated Revenues			<u>\$ (687)</u>	

Sewer Fund

Increase (Decrease) in Appropriations

G.8110.0100	Sewer Admin Pers	\$ (134)	\$ 74,979	\$ 74,845	
G.8120.0100	Sewage Coll Sys Pers	(930)	\$ 298,715	\$ 297,785	
G.8540.0100	Drainage Pers	(364)	\$ 96,392	\$ 96,028	
G.8540.0400	Drainage Contr	(38,000)	\$ 95,000	\$ 57,000	
G.9030.0800	Social Security	(100)	\$ 36,000	\$ 35,900	
G.9785.0600	Install Pur Debt Prin		32,500	\$ 0	\$ 32,500
G.9785.0700	Install Pur Debt Int	<u>5,500</u>	\$ 0	\$ 5,500	
Total Decrease in Appropriations			<u>\$ (1,528)</u>		

Increase (Decrease) in Tax Levy

G.0000.1001	Property Tax-Sewer	<u>\$ (1,528)</u>	\$1,065,683	\$1,064,155
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Totals

Appropriations Decrease	\$(22,048)
Estimated Revenues Decrease	<u>(20,520)</u>
Tax Levy Decrease	<u>\$ (1,528)</u>

**From: Firearms Review Permit Review Board and Town Attorney**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**  
to approve the Firearms Discharge Permits and Renewals for the individuals as shown on the attached list that was submitted by the Firearms Review Permit Review Board of October 13, 2016.

**From: Town Assessor**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**  
to allow the Town Assessor to re-levy the unpaid water/sewer/town charges on the 2016 Tax Roll in order to collect said charges through property tax collections.