

February 8, 2016

The Regular Town Board meeting of the Town of Wheatfield was held February 8, 2016 at 7:30 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.

Ethan Davis, student at Colonial Village School led the pledge to the flag.

Supervisor Cliffe requested a moment of silence to honor former Supervisor Terry Kuehn who recently passed away.

PUBLIC INPUT

Proposed Library
Proposed Aldi's store
Dehydration Station/National Fuel
Quasar

Moved by Councilman Helwig and seconded by Councilman Doucet to accept the minutes dated January 25, 2016 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Retzlaff to approve the bill payment for voucher # 20160001– 20160099 in the amount of \$106,556.23 as follows:

General Fund	\$24,502.83
Highway	\$14,065.46
Water/Sewer	\$12,545.53
Trust & Agency	\$20,539.50
Special District/Fire	\$ 363.41
Refuse	\$ 253.54

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Supervisor Cliffe to authorize Wendel to provide stormwater management program assistance for the year 2016 in accordance with their proposal letter dated February 4, 2016, for a time and expense estimated fee of \$4,000.00.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to approve the 2016 Wheatfield Town Engineer and Planner Contract, and authorize the Town Supervisor to sign same.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Supervisor Cliffe to approve the 2016 grant writing contract with Rotella Grant Management, and authorize the Town Supervisor to sign same.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig to table the following motion and seconded by Councilman Gerbec to table the following motion:

To create a part-time position in the Building Department, entitled “Deputy Building Inspector, Part-Time”. Said position’s responsibilities would include building inspections and zoning compliance. This is a competitive position. This position would be subject to the Personnel Director’s final review.

This motion was TABLED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to accept the proposal of GHD Consulting Services Inc. for professional engineering services as proposed for Lemke Road and Errick Road Bridge/Culvert Replacement Project in the amount of \$32,000.00. Said proposal was the lowest cost proposal of the two (2) proposals received encompassing similar services, and as such, the lowest responsible bidder.

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In addition to acceptance of the proposal, this Motion authorizes the Town Supervisor to sign the Project Agreement. Said approval is subject to Town Attorney final review of the proposed Project Agreement for services.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Gerbec to adopt the attached resolution regarding reporting to the New York State Retirement System.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to approve the requested modification of parking requirements at 3939 Niagara Falls Boulevard, pursuant to Town Zoning Code sec. 200-59(A). This request is detailed in a letter and attachments from design engineer, Christopher V. Kamar, dated February 1, 2016, and the Town of Wheatfield Planning & Zoning Board Site Review Process Results dated January 6, 2016.

This resolution requests a “Variation” pursuant to the Zoning Code as opposed to a “Variance”. The term “Variance” has specific legal implications and Zoning Code sec. 200-59(A), although using the term “Variations” does not mean the Town Board confers a “Variance”, which is of an unlimited term and attaches forever with the subject property. This Zoning Code section is designed to allow the Town Board, after receiving a recommendation from the Planning Board, which it has in this case, to vary the Town’s parking requirements when it finds that, due to the nature of a particular use, the strict application of the parking requirements will result in an excess amount of parking. Said criteria enunciated by sec. 200-59(A) is not the same criteria to be demonstrated to obtain a Variance before the Zoning Board of Appeals, which is the Town body charged with reviewing and issuing Variances, and as such only a limited modification of parking requirements with conditions is granted herein.

Accordingly for the reasons listed in the aforementioned letter and attachments from design engineer, Christopher V. Kamar, dated February 1, 2016, and the Town of Wheatfield Planning & Zoning Board Site Review Process Results dated January 6, 2016, the Town Board approves the requested modification of parking requirements at 3939 Niagara Falls Boulevard, pursuant to Town Zoning Code sec. 200-59(A). This modification allows for a reduction of 81 parking spaces as required by other sections of the Town’s Zoning ordinance, from 179 spaces to 98 spaces. Said modification is not a “Variance”, but rather a modification of requirements with the following conditions:

1. Said modification only applies for as long as the current owner, or its business entity, owns the entire premises in its current state at the time the modification is approved.
2. Said modification only applies for as long as the current owner, or its business entity, operates the Aldi food store in the current manner as set forth in its modification application and relied upon by the Town in granting this modification.
3. Said modification only applies for as long as the above uses on the subject premises actual parking needs do not exceed the parking allowed by said modification, to be periodically reviewed by the Building Department.
4. Said modification only applies for the current Aldi Food Store, and may not be transferred or extended to any other use, store, tenant, office or business in said location.
5. Any change of use from the Aldi food store use as proposed and described in both its application and by its agent’s written/verbal descriptions before both the Planning Board and Town Board, shall require the reversion to the regular parking requirements under the Zoning Code.
6. Any lapse of use by the Aldi food store exceeding one year shall cause this modification to revert to the regular parking requirements under the Zoning Code.
7. Any transfer of the subject premises resulting in a use of other than the proposed Aldi food store shall cause this modification to revert to the regular parking requirements under the Zoning Code.
8. Any violations of the above criteria that results in this modification of parking requirements to terminate, may cause the building uses that require additional parking to cease, as required by Code, and the possible revocation of any certificates of occupancy.

This motion was CARRIED: AYES 5 – NAYS 0.

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Moved by Councilman Retzlaff and seconded by Councilman Doucet to amend and adopt personnel manual changes regarding pre-employment physicals and testing.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Helwig to amend and adopt personnel manual changes regarding standards of conduct.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to accept a recommendation from the Director of Personnel to hire two (2) part-time Constables; Ms. Sionette Jones and Mr. Kevin Schrader. (letters should be sent to all applicants that applied)

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Gerbec to update the First Bergholz Fire Co. roster as follows: **ADD** Nick Tavano, Kelsey Wielgosz, and John Golaszewski.

This motion was CARRIED: AYES 5 – NAYS 0.

The next meeting is scheduled for February 22, 2016 at 7:30 pm.

PUBLIC INPUT

Quasar

Proposed library survey

Moved by Councilman Gerbec and seconded by Councilman Doucet to enter Executive Session at 8:39 pm to discuss personnel issues. Town Board, Town Attorney, and Town Clerk.

Moved by Councilman Helwig and seconded by Councilman Doucet to conclude Executive Session and return to the Regular meeting at 8:50. There was no action taken.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to adjourn at 8:51 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk