

April 18, 2016

The Regular Town Board meeting of the Town of Wheatfield was held April 18, 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, Randy Retzlaff, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.
EXCUSED: Councilman Arthur Gerbec

Supervisor Cliffe noted remembrance of Woody Herman who recently passed away. Woody was a town employee for 46 years from 1960 to 2006.

PUBLIC INPUT

Mosquito spraying to will town spray this year
Town Center focus Group/Library survey
Senior Dances to who pays \$10 and why
Quasar to updates and any documents from the most recent spill

Moved by Councilman Retzlaff and seconded by Councilman Doucet to accept the minutes dated April 4, 2016 as presented.

This motion was CARRIED: AYES 3 – NAYS 0 – ABSTAIN 1 Councilman Helwig.

Moved by Councilman Doucet and seconded by Councilman Helwig to approve the bill payment for voucher # 201605216 20160651 in the amount of \$345,043.11 as follows:

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

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Retzlaff to schedule a public information meeting on Monday, May 2, 2016 at 7:15 pm to review the Town's Draft Stormwater Annual Report for 2015 and the Town's Stormwater Management Plan.

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet 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.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to authorize the following:

State Environmental Quality Review (SEQR)
Resolution to 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.

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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.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Helwig:

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.

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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 May 16, 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.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Helwig that;

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

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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.

This motion was CARRIED: AYES 3 – NAYS 1 Councilman Doucet.

Moved by Councilman Retzlaff and seconded by Councilman Doucet 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.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff 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.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Helwig to accept the top bids received to sell surplus from the Highway Department, to wit: (a) a 1994 Ford Salter for \$4,600.00; (b) a 1987 Autocar for \$5,250.00, and (c) a 1978 Freightliner for \$2,575.00, all being the top bids received for said items from the prior authorized postings on Auctions International.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to allow issuance of bid documents in connection with the Lemke and Errick Road Culvert Replacement Project, as prepared by GHD Engineers, and to establish a bid due date and bid opening date in connection with the Lemke and Errick Road Culvert Replacement Project, with said bids being due by 4:00 pm May 16, 2016, and said bids being publically opened and read aloud at the Regular Town Board meeting at 7:30 p.m. on May 16, 2016.

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to authorize the following:

Payment requested by St. Johnsbury Fire Company for traffic controlling at the Ward Road traffic light for fire and emergency services. The cost of the equipment is \$6,273.00.

This motion was CARRIED: AYES 4 - NAYS 0.

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Bids opened for Wheatfield Community Center Canopies

Niagara Construction - \$51,800	Canopy A \$34,034	Canopy B \$17,978
Mikelly Construction - \$52,500	Canopy A \$30,500	Canopy B \$22,000
Mulvey Construction - \$91,660	Canopy A \$69,598	Canopy B \$26,480
DR Chamberlain - \$62,310	Canopy A \$47,780	Canopy B \$25,830

No action taken ó information will be reviewed

Proposals opened for Professional Engineering Services

Rehabilitation of the Pump Station at Jagow Road and Rebecca Drive and the Clescent Drive Pump Station Generator

<u>Jagow/Rebecca</u>		<u>Clescent</u>	
GHD	\$17,100	GHD	\$29,900
Wendel	\$37,000	Wendel	\$14,200

No action taken ó information will be reviewed

Moved by Councilman Doucet and seconded by Councilman Retzlaff to update the First Volunteer Fire Co. of Bergholz roster as follows: ADD Jim Kish Jr.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to update the St. Johnsburg Volunteer Fire Co. roster as follows: ADD Mark Cole ó firefighter, Dylon Mlacker ó Jr. Firefighter. REMOVE Nick DiCarlo and John Golazewski.

This motion was CARRIED: AYES 4 – NAYS 0.

The next Town Board meeting is scheduled for May 2, 2016 at 7:30 pm with a Public Hearing at 7:00 pm to discuss Town Code Zoning/Conservation Cluster Subdivisions and at 7:15 the Town's Draft Stormwater Annual Report for 2015 and the management Plan.

PUBLIC INPUT

Niagara Road project status

Meals on Wheels needs volunteers to deliver ó there are currently 13 families in Wheatfield on a waiting list due to a lack of drivers to deliver the meals

Moved by Supervisor Cliffe and seconded by Councilman Helwig to adjourn at 9:07 pm.

This motion was CARRIED: AYES 4 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk