

May 16, 2016

A Public Hearing and the Regular Town Board meeting of the Town of Wheatfield was held May 16, 2016 at 7:00 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.

A Public Hearing to discuss proposed Local Law 2-2016 to amend Town Code adding a six month moratorium on ground mounted solar panels and solar farms opened at 7:00 pm. Drew Reilly of Wendel gave an overview. There was some discussion and the Public Hearing closed at 7:25 pm.

Bid opening for the Lemke Drive Errick Road Culvert Replacement Project

	<u>Lemke (Base)</u>	<u>Errick(Alt A)</u>	<u>Base & Alt A</u>
Mark Cerrone	\$212,000	\$184,991	\$396,991
Yarussi Const.	\$191,595	\$179,745	\$371,340
Occhino Corp.	\$249,981.46	\$246,947.46	\$496,928.92

The bids will be reviewed and awarded after review.

The Regular Town Board meeting opened at 7:31 pm.

Supervisor Cliffe congratulated and recognized Deputy Joe Tortorella, Niagara County Sheriff's Department, who was awarded The Public Safety Officer Medal of Valor by President Obama at the White House today, Monday, May 16, 2016 at 11:00 am.

PUBLIC INPUT

Discussion about the house on Shawnee Road to be used for training purposes by the fire companies

Quasar's decision received from Judge Caruso (information available on website)

Moved by Councilman Helwig and seconded by Councilman Gerbec to accept the minutes dated May 2, 2016 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to approve the bill payment for voucher # 20160743 and 20160871 in the amount of \$367,908.81 as follows:

General Fund	\$182,810.03
Highway	\$ 22,196.45
Water/Sewer	\$ 15,495.48
Capital/Riverwalk	\$ 16,433.25
Refuse	\$ 71,677.43
Trust & Agency	\$ 30,054.00

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Gerbec to approve and authorize the Town Supervisor and Councilmen to sign the 2016 Highway Law §284 Agreement for the expenditure of highway monies within the Town of Wheatfield as presented at the May 16, 2016 Town Board meeting.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to accept and authorize the Highway Department's drainage improvement and repair project between Milleville Circle and Hoover Roads, subject to the affected residents paying for the pipe and materials in the form of an estimated retainer to be paid in full prior to the commencement of the work.

This motion was CARRIED: AYES 5 – NAYS 0.

May 16, 2016

Moved by Supervisor Cliffe and seconded by Councilman Doucet to accept and authorize the purchase of an Old Dominion Brush Co. Inc., leaf collector. Said leaf collecting being a trailer-mounted, vacuum debris collector Model SCL800TM14 pursuant to the NJPA awarded contract No. 060612-ODB at a total cost of \$39,621.00 to be paid for from the Highway Department's 2016 budget. Said purchase from said NJPA awarded contract No. 060612-ODB avoids the need for the Town conduct its own formal bidding process. Subject to approval by Ed Mongold, Budget Director.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Gerbec to authorize the Recreation Department to purchase a new 4x2 Gator off of the NYS Contract at a price of \$6,537.05. Said Gator is intended to be an addition to the fleet. Said purchase will be paid out of the Recreation Department's 2016 budget.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to approve the Recreation Department purchase of an attachment for the Smithco machine for grooming ball fields at the price of \$2,460.00. Said purchase is to be paid from the Recreation Department's 2016 budget.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to authorize crack sealing and slurry sealing to be done at the Town Hall parking lot. The estimated costs are \$2,870.00 for the crack seal and \$8,789.15 for the slurry seal, for a total of \$11,659.15.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to authorize a modification of the Fairmount Park Improvement Project to move the pathway from the parking area that is south of the current concrete barriers to the lawn area that is north of the concrete barriers. The cost of this proposed job modification has been quoted by the contractor at \$7,416.50.

This motion was CARRIED: AYES 4 – NAYS 1 Councilman Gerbec.

Moved by Councilman Gerbec and seconded by Councilman Retzlaff to proceed with emergency rehabilitation repairs to the Walmore Road Bridge due to a failure of part of the bridge headwall, resulting in the closing of the crossing down to one lane, so as to keep traffic in the center away from the edges where the failure occurred.

WHEREAS, as this rehabilitation project is required by virtue of a public emergency arising out of the unforeseen occurrence of a headwall failure, the Town of Wheatfield does not have to comply with competitive bidding requirements pursuant to General Municipal Law sec. 103(4), and

WHEREAS, said headwall failure is in a location at which there is no easily accessible detour, and said bridge is located in a highly traveled area of the general public; and

WHEREAS, the immediate repair of the bridge is necessary for the health, safety and welfare of the general public; and

WHEREAS, without an immediate repairs and rehabilitation, said bridge will deteriorate quickly, rendering it unrepairable and dangerous to public travel,

NOW, THEREFORE, BE IT RESOLVED, to authorize the Town of Wheatfield to begin and complete the immediate repair and rehabilitation of the Walmore Road Bridge and to contract for labor and materials at terms seen fit by the Town, without the need for compliance with competitive bidding requirements, as this rehabilitation project is required by virtue of a public emergency, pursuant to General Municipal Law sec. 103(4).

This motion was CARRIED: AYES 5 – NAYS 0.

May 16, 2016

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 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 assigned 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 Wheatfield Town Board held the required public hearing on the proposed local law on May 16, 2016 and received comments from the public, and

WHEREAS, the Town has completed the required referral to Niagara County, and has determined that this action is a Type 2 action under SEQR; not requiring a SEQR determination.

NOW, THEREFORE BE IT ENACTED by the Town Board of the Town of Wheatfield, New York, **Local Law # 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", 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 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 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"

May 16, 2016

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof 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.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to update the Adams Fire Company membership roster as follows: status change: Jim Mihalko from active to exempt and status change: Joseph Kogo from exempt to active.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Supervisor Cliffe to schedule a Public Hearing to discuss the Airport Overlay District for 7:00 pm June 6, 2016.

This motion was CARRIED: AYES 5 – NAYS 0.

The next Town Board meeting is scheduled for June 6, 2016 at 7:30 pm and a Public Hearing at 7:00 pm to discuss the Airport Overlay District.

PUBLIC INPUT

Discussed repair to bridges that need work

Moved by Councilman Gerbec and seconded by Councilman Helwig to adjourn at 8:36 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,
Kathleen Harrington-McDonell
Town Clerk

May 16, 2016
