

June 6, 2016

The Regular Town Board meeting of the Town of Wheatfield was held June 6, 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.

PUBLIC INPUT

Speed limit on River Road should be changed to 45 mph

NT Library ó status of negotiations and who; Larry Helwig, Vince Sandonato, and Richard Muscatello

Speed limit sign on both sides of Krueger and request for Sheriff to write tickets

Moved by Councilman Doucet and seconded by Councilman Helwig to accept the minutes dated May 16, 2016 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to approve the bill payment for voucher # 20160873 ó 20161012 in the amount of \$340,994.14 as follows:

General Fund	\$ 59,361.45
Highway	\$205,633.38
Water/Sewer	\$ 13,781.31
Special Dist./Lighting	\$ 2,097.47
Refuse	\$ 296.28
Trust & Agency	\$ 1040.00

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to authorize the town hall parking lot to be striped for an estimated cost of \$650.00.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Supervisor Cliffe as follows:

RESOLUTION – (SEQR CONSERVATION/CLUSTER SUBDIVISIONS)

WHEREAS, the Code of the Town of Wheatfield contains and specifies the Local Laws and Ordinances of the Town of Wheatfield; and

WHEREAS, the Wheatfield Task Force, in conjunction with its Greenspace Focus Group, have evaluated these regulations in relation to Cluster Developments and Conservation Subdivisions; and

WHEREAS, the Focus Group, with input from the Task Force and others, has prepared draft language for a new Conservation Subdivision Law to replace the current Cluster Development Law, and has recommended them to the Town Board; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act ó SEQRA) of the Environmental Conservation Law, the Wheatfield Town Board has conducted an environmental review of this new Code (new Conservation/Cluster Subdivisions); and

WHEREAS, the Town has identified that there are no other permitting or approval agencies for this action; and

WHEREAS, a Public Hearing was held regarding this Code amendment on May 2, 2016, and comments were received; and

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WHEREAS, pursuant to the Municipal Home Rule Law, the Town Board is proposing to adopt this Zoning Code amendment by enacting a Local Law.

NOW, THEREFORE, be it

RESOLVED, the Wheatfield Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed amendment of Chapter 200, *Zoning*, by adding a new Article VI, Conservation/Cluster Subdivisions, 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 will act as the Negative Declaration.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Gerbec to authorize the Town to request of the New York State Department of Transportation, an (select one) easement/partial premises/complete premises of the Department of Transportation's surplus property Case No. 05-III-2484, LaSalle Expressway, Section II, Map 1403, portion of parcel 1404, Property Location: Liberty Drive, Town of Wheatfield, Niagara County, and to request the Department of Transportation to refrain from public auction of the portion of the premises that the Town is interested in, and to move forward.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Gerbec upon review and advice by Project Engineers, GHD Consulting Services, Inc., the Town of Wheatfield acknowledges that on Tuesday, May 17, 2016 at 4:00 p.m. local time, the Town of Wheatfield received three (3) bids for the Lemke Drive and Errick Road Culvert Replacement Project. Said bids were reviewed by the Town, the Highway Department and GHD Consultant Services, Inc. Upon said review, there was a recommendation from all parties that the bid proposal received from the low bidder for the above-mentioned project, Yarussi Construction, Inc., and it was determined that they had performed similar work acceptably.

NOW, THEREFORE, BE IT

RESOLVED that the award of the Lemke Drive and Errick Road Culvert Replacement Project is awarded to Yarussi Construction, Inc., in the total bid amount (base + alternate) is \$371,340.00, contingent upon the availability of project funding and review by the Town Attorney, as Yarussi Construction, Inc. has been determined to be the lowest responsible bidder for said project.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by to authorize the Town Attorney to sign, on behalf of the Town of Wheatfield, an agreement between Niagara County and the Town providing for Niagara County Information Technology to assist the Town of Wheatfield with computer and IT services at an expense as delineated in said Agreement. The Agreement is for the period of June 22, 2016 through June 21, 2017.

This motion was CARRIED: AYES 4 – NAYS 0 – ABSTAIN 1 Councilman Helwig.

Moved by Councilman Retzlaff and seconded by Councilman Gerbec;

WHEREAS, the Town of Wheatfield regulates land uses through various sections of the Code of the Town of Wheatfield; and

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WHEREAS, the Town of Wheatfield has noted that Agricultural uses are not an allowed use in the R-R Rural Residential zoning district; and

WHEREAS, the Town of Wheatfield's Comprehensive Plan and Agricultural Protection Plan identify Agriculture as an important component of the Town and have specifically noted that most of the northern portion of the Town (including many areas zoned R-R Rural Residential) should be encouraged for the continuation of agricultural uses; and

WHEREAS, the Town's Agricultural Focus Group and the Town's Comprehensive Planning Implementation Task Force have both supported and recommended amendments to the R-R Rural Residential Zoning District to allow for Agricultural uses; and

WHEREAS, the Town has introduced a proposed Local Law to amend the R-R Rural Residential Zoning District 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** to amend the R-R Rural Residential District, as follows:

Amend Article III District Regulations, as follows:

Amend Section 200-13 R-R Rural Residential District, Paragraph A. Permitted principal uses, by adding a new item (1) as follows:

(1): General agricultural land uses, buildings and activities, such as the growing of field, truck and tree crops, dairying, livestock raising, poultry farming, fur farming, hog raising, fish farming, but excluding rendering plants, subject to the following:

(a) The building or structure used for the stabling of livestock (including but not limited to horses, cows, sheep or fowl or other animals) shall be located at least 100 feet from any property line.

(b) The use of temporary buildings or trailers for the stabling of livestock in excess of 30 days is prohibited.

(c) Any pen, corral, track or other such enclosure within which livestock are kept shall be no closer than 15 feet to any property line abutting any district other than an A-R District and a minimum of 100 feet from any street line in all districts other than an A-R District.

(d) Stables shall be built and maintained so as not to create offensive odors, fly breeding or other nuisances. Manure shall not create a health hazard from an air and/or water pollution standpoint to persons inhabiting or using surrounding acreage and it shall be stored or disposed of in a manner that no obnoxious odor, fly breeding or other nuisance is created.

(e) A stable, barn or other such structure shall be maintained for the keeping of livestock in such manner that they may be completely enclosed and protected.

(f) Such livestock shall not be allowed to create a nuisance or health hazard.

(g) A roadside stand or other structure, not exceeding 500 square feet of enclosed space, for the display and sale of farm or nursery products related to farming and as a seasonal convenience to the owner/owners of the land. The majority of the products sold at such stand shall be, or be derived from, products produced on the farm on which the roadside stand is located. Any such stand shall be located a minimum of 30 feet from the street line in such a manner as to permit safe access and egress for automobiles and parking off the highway right-of-way.

(h) Minimum land area for horses shall be five (5) acres for one (1) horse and an additional acre for each additional horse.

Current Item (1) becomes item (2) and re-number the remaining items in paragraph A.

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NOW, THEREFORE, BE IT:

RESOLVED, that the Wheatfield Town Board sets the required Public Hearing on this proposed Local Law for July 11, 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 the completion of the required SEQR documentation.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Doucet to hire Michael Richbart as the Tennis Instructor for the Town's Tennis Camp that will run from July 11, 2016 through July 16, 2016. Mr. Richbart is a returning employee. Said hiring is subject to the wage and job specifications for said position, and said hiring is contingent upon final review by the Town's Human Resources Department and a Niagara County Sheriff's Department criminal record check.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet for the Town of Wheatfield to host the firework display at Oppenheim Park on Monday, July 4, 2016. Said display is to be performed by Skylihter's with a cost of \$10,000.00. Approval of performing the display would be contingent upon them being in compliance with all necessary rules, regulations and them having all proper Federal and State certifications. Additionally, said approval of performance by Skylihter's is conditioned upon them having proper insurance required by the Town naming the Town as an additional insured. Furthermore, it is authorized for Recreation Department Director, Mike Rinalli, to voucher this amount so that upon successful completion of the display, payment can be made.

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

Moved by Councilman Retzlaff and seconded by Supervisor Cliffe that the Town of Wheatfield wishes to continue to Phase 2 of the Niagara County Health Insurance Consortium. This includes being a partner in the 10% matching contribution for the \$250,000 grant obtained by the Town of Somerset for development of the consortium.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Retzlaff to approve the request from Northgate Health Care Facility to waive the late fee in the amount of \$399.50 for Northgate Health Care Facility's water bill. This was due to Northgate processing the new water billing format.

This motion was CARRIED: AYES 5 – NAYS 0.

The next Town Board meeting is scheduled for June 20, 2016, 7:00 a Public Hearing to discuss the Airport Overlay District and the regular meeting at 7:30 pm at Town Hall.

PUBLIC INPUT

Status of Quasar lawsuit

Moved by Councilman Gerbec and seconded by Councilman Helwig to adjourn at 8:32 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk