

June 20, 2016

A Public Hearing and the Regular Town Board meeting of the Town of Wheatfield was held June 20, 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 the Airport Overlay District opened at 7:00 pm. Drew Reilly gave an overview and stated the rules already exist this process is just putting them all in one place. Richard Muscatello provided additional information. They indicated a map was obtained from the airport and used for the zoning map. The Public Hearing concluded at 7:31 pm.

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

PUBLIC INPUT

Comments about the Quasar ruling, response from Ag & Markets and the DEC. Will the town appeal? Residents want health and safety protected.

Legislator David Godfrey provided information regarding Niagara County's fight against opioids.

Moved by Councilman Helwig and seconded by Councilman Doucet to accept the minutes dated June 6, 2016 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Gerbec to approve the bill payment for voucher # 20161016 ó 20161144 in the amount of \$761,157.90 as follows:

General Fund	\$170,495.28
Highway	\$ 93,877.82
Water/Sewer	\$ 59,181.11
Capital/Riverwalk	\$ 8,333.25
Capital/Fairmount Park	\$ 79,201.50
Refuse	\$ 71,468.90
Trust & Agency	\$ 25,699.75
Fire	\$212,264.04
Pre-paid	\$ 40,636.25

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Gerbec that in accordance with the SEQR requirements, the Town Board has reviewed Part 1 of the EAF and information submitted by the Project Sponsor (Wendel), completed Part 2, and evaluated the impacts in Part 3 and have determined that the Town project to install permanent generators at five pump station sites (NFB PS, TL PS1, TL PS2, TL PS3, and TL PS4) will not have a significant adverse impact on the environment and therefore issues a Negative Declaration (Parts 1, 2, and 3 of the EAF and backup material). The Town Board authorizes the Town Supervisor to sign the EAF.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Retzlaff to schedule a Public Hearing for the rezoning of SBL: 147.17-1-3 (R-2) and SBL's: 161.02-1-28.2 and 161.02-1-82 (both R-3) to C-1 on July 25, 2016, at 7:00 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Helwig to authorize a water/sewer refund to Northgate Healthcare Facility in the amount of \$399.50, representing a late fee which was previously waived by a prior Town Board Resolution on June 6, 2016.

This motion was CARRIED: AYES 5 – NAYS 0.

June 20, 2016

Moved by Councilman Retzlaff and seconded by Councilman Doucet approving the Construction Phase Services bid provided by GHD Consulting Services Inc. for the Lemke Drive and Errick Road Culvert Replacement Project. Said professional services include what is to be known as Task 3, Construction Contract Administration Services, in the lump sum amount of \$7,500.00, and what is to be known as Task 4, Resident Inspection Phase Services, for the not-to-exceed fee of \$32,400.00, based upon an anticipated construction duration of nine (9) weeks.

BE IT RESOLVED, that the Town of Wheatfield accepts said Construction Phase Services proposal pursuant to the terms included in said proposal of June 7, 2016, and hereby authorizes the Town Supervisor to sign and accept said professional services engineering proposal.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet to authorize and engage the Town's attorneys, Bond, Schenck & King, to consult with the Town's environmental experts, Matrix Environmental Technologies, to analyze the opinion letter from the Department of Agriculture & Markets of June 9, 2016 regarding Town laws and the application of bio-solids, and to work with the Town of Wheatfield to prepare a response following full review of said Department of Ag & Markets opinion letter and exhibits.

Supervisor Cliffe requested Executive Session to discuss this motion.

There will be an Executive Session to discuss potential litigation and contractual matters; will hold a motion until after Executive Session.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to declare the mixed fill located at the Highway Department complex that was deposited by the Department of Transportation as a result of Niagara Falls Boulevard reconstruction be declared as unnecessary and surplus to the Town, and said mixed fill is to be offered to the general public to be given away on a first come, first served basis.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to amend the previously awarded contract to MK Mikelly Construction by Resolution dated May 2, 2016 for Canopy A at the Wheatfield Community Center in the amount of \$30,500.00, by adding the addition of Canopy B to the project, with minor design modifications contingent upon approval by Wendel Engineers, all for a total contract price not to exceed \$34,995.00.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Doucet to authorize the Town of Wheatfield's approval and entering into an agreement with New Image Resurfacing for resurfacing of both tennis courts at Fairmount Park, which will include power washing, crack repair, resurfacing, two (2) coats of paint and restriping. The proposal by New Image Resurfacing is for the amount of \$12,900.00. This project received a total of three (3) quotes, and New Image Resurfacing in the amount of \$12,900.00 is the lowest, responsible bid and, therefore, is awarded thereto.

NOW, therefore, be it

RESOLVED, that the Town accepts and authorizes the Town Supervisor or his appropriate designee, to sign and enter into an agreement with New Image Resurfacing for resurfacing and restriping of the tennis courts at Fairmount Park in the amount of \$12,900.00.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Doucet to enter Executive Session at 8:20 pm to discuss potential litigation and contractual matters. Town Board, Town Clerk, Town Attorney to attend.

This motion was CARRIED: AYES 5- NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Gerbec to conclude Executive Session at 8:42 pm. Discussed contractual matters and possible litigation.

This motion was CARRIED: AYES 5- NAYS 0.

June 20, 2016

Moved by Councilman Helwig and seconded by Councilman Doucet to authorize and engage the Town's attorneys, Bond, Schenk & King, to consult with the Town's environmental experts, Matrix Environmental Technologies, to analyze the opinion letter from the Department of Agriculture & Markets of June 9, 2016 regarding Town laws and the application of bio-solids, and to work with the Town of Wheatfield to prepare a response following full review of said Department of Ag & Markets opinion letter and exhibits.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to update the First Volunteer Fire Company of Bergholz roster as follows: ADD Emma Carrier as an active member.

This motion was CARRIED: AYES 5 – NAYS 0.

The next Town Board meeting is scheduled for July 11, 2016 at 7:30 pm.

PUBLIC INPUT

location of generator

discussion about maintenance of playground at Adams Fire Company

Moved by Councilman Gerbec and seconded by Councilman Helwig to adjourn at 8:52 pm.

This motion was CARRIED: AYES 5- NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk