

July 11, 2016

The Regular Town Board meeting of the Town of Wheatfield was held July 11, 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.

The Public Hearing to discuss and amendment to Article III District Regulations/RR Town Code section 200-13 to be re-scheduled.

7:25 pm Matt Montalbo from Drescher & Malecki made a short presentation of the results of the 2015 audit.

The Regular Town Board meeting opened at 7:38 pm.

PUBLIC INPUT

Resident requesting soil testing for all new building permits

Moved by Councilman Helwig and seconded by Councilman Gerbec to accept the minutes dated June 20, 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 # 20161145 ó 20161326 in the amount of \$688,025.36 as follows:

General Fund	\$ 81,606.55
Highway	\$331,438.83
Water/Sewer	\$187,197.30
Fire	\$ 1,226.00
Refuse	\$ 225.22
Trust & Agency	\$ 19,494.50
Special District Lighting	\$ 94.36

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Gerbec to approve the purchase of pipe for the Klemer drainage in the amount of \$5,100 plus collars for a total of \$6,000.00.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by to approve the drainage design changes and revised drainage easement configuration at the west retention pond for Phase 4 of the Parkside Estates Subdivision as shown on the drawing titled "Pre-treatment structure installation and forebay removal plan" as prepared by Advanced Design Group and most recently revised on June 14, 2016.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Retzlaff to authorize the Town to enter into the proposed agreement with Mr. William Johnson for technical assistance, as requested by the Planning Board, in reviewing the application for the proposed Horvath Cell Tower to be located at 6571 Shawnee Road. The cost of this review will be covered by the applicant. If the retainer falls below \$500 consultant will hold further work until additional retainer is paid. Initial retainer is \$5,000.00.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Gerbec to approve settlement of The Wheatfield Homeowner's Association Article 7 Tax Assessment case for five (5) parcels within the Wheatfield Lakes subdivision by establishing a full value of \$51,034.00 equalized to \$32,150.00 assessed value.

This motion was CARRIED: AYES 5 – NAYS 0.

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Moved by Councilman Doucet and seconded by Councilman Gerbec that;

WHEREAS, the Town Board desires the acquisition of grant funding to complete the Town of Wheatfield's project for the installation of a security fence at the Nash Road Landfill;

WHEREAS, the Town Board desires to apply for financial assistance through the State and Municipal Facilities Program (SAM) administered through the Dormitory Authority State of New York (DASNY) in the form of grant funding;

WHEREAS, the Town Board commits to providing up to a total of \$152,000.00 in municipal funds to insure the timely implementation and completion of the proposed project;

THEREFORE, BE IT RESOLVED, that the Town Board authorizes the submission of an application to the State & Municipality Facilities Program administered through Dormitory Authority State of New York (DASNY) in the amount of \$75,000.00 in grant funding, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the Dormitory Authority State of New York (DASNY)'s contract when received and reviewed by the Town Board;

RESOLVED, that the Town of Wheatfield will provide the funds required to implement and complete the project as submitted to the Dormitory Authority State of New York (DASNY) and execute a project agreement for such financial assistance to the Town of Wheatfield for the proposed security fencing on Nash Road.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff that;

WHEREAS, the Town board desires the acquisition of grand funding to complete the Town of Wheatfield's project for the Purchase & Installation of Generators at Sewer Lift Stations at Niagara Falls Boulevard (NFB PS) and Townline Road (TL PS1; TL PS2; TL PS4 & TL PS4);

WHEREAS, the Town Board desires to apply for financial assistance through the State and Municipal Facilities Program (SAM) administered through the Dormitory Authority of the State of New York (DASNY) in the form of grant funding;

WHEREAS, the Town Board commits to providing up to a total of \$266,750.00 in municipal funds to insure the timely implementation and completion of the proposed project;

THEREFORE, BE IT RESOLVED, that the Town Board authorizes the submission of an application to the State & Municipality Facilities Program administered through the Dormitory Authority of the State of New York (DASNY) in the amount of \$200,000.00 in grant funding;

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the Dormitory Authority of the State of New York (DASNY)'s contract when received and reviewed by the Town Board.

RESOLVED, that the Town of Wheatfield will provide the funds required to implement and complete the projected as submitted to the Dormitory Authority of the State of New York (DASNY) and execute a Project Agreement for such financial assistance to the purchase and installation of generators at sewer lift stations at Niagara Falls Boulevard (NFB PS) and Townline Road (TL PS1; TL PS2; TL PS3 & TL PS4).

This motion was CARRIED: AYES 5 – NAYS 0.

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Moved by Supervisor Cliffe and seconded by Councilman Helwig as follows;

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WHEATFIELD, NEW YORK CALLING FOR A PUBLIC HEARING IN ACCORDANCE TO SECTION 202-b OF THE TOWN LAW TO CONSIDER AUTHORIZING IMPROVEMENTS TO THE TOWN OF WHEATFIELD SEWER DISTRICT CONSISTING OF THE REPLACEMENT OF THE LIFT STATION AT JAGOW ROAD

WHEREAS, the Town Board (the "Town Board") of the Town of Wheatfield (the "Town") is considering authorizing certain improvements to the Town of Wheatfield Sewer District (the "District") consisting of the rehabilitation of the existing sanitary sewer pump station located at Jagow Road and Rebecca Drive consisting of the installation of a replacement duplex, recessed wet well mounted pump station with related level instrumentation, electrical controls, and new polyethylene liner to line the existing wet well chamber, related switches and meters, and site improvements and all ancillary and related work required in connection therewith (collectively, the "Project"); and

WHEREAS, the Town's engineers have estimated that the maximum cost of undertaking the Project is \$375,000; and

WHEREAS, the Town Board now intends to conduct a public hearing in accordance with Section 202-b of the Town Law with respect to undertaking the Project at such estimated maximum cost.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby calls for a public hearing to be held at the public meeting of the Town Board to be held on July 25, 2016 at 7:10 p.m. at the Town of Wheatfield Town Hall, 2800 Church Road, Wheatfield, New York 14120, to consider if it is in the public interest to undertake the Project at a maximum cost of \$375,000 and to hear all persons interested in the subject thereof; and it is

FURTHER RESOLVED, that the Town Clerk is hereby directed to cause notice of such public hearing to be published and posted in the manner prescribed by law.

This resolution shall take effect immediately.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Retzlaff as follows:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WHEATFIELD, NEW YORK CALLING FOR A PUBLIC HEARING IN ACCORDANCE TO SECTION 202-b OF THE TOWN LAW TO CONSIDER AUTHORIZING IMPROVEMENTS TO THE TOWN OF WHEATFIELD SEWER DISTRICT CONSISTING OF THE REPLACEMENT OF A GENERATOR AT THE CLESCENT ROAD LIFT STATION

WHEREAS, the Town Board (the "Town Board") of the Town of Wheatfield (the "Town") is considering authorizing certain improvements to the Town of Wheatfield Sewer District (the "District") consisting of the replacement of a generator at the existing Clescent Drive Pump Station generator building, including the demolition and removal of the existing generator building and concrete foundation and the existing generator therein, the construction of a new pre-engineered concrete building and the installation therein of a new 50kw diesel generator, related switches and meters, and site improvements and all ancillary and related work required in connection therewith (collectively, the "Project"); and

WHEREAS, the Town's engineers have estimated that the maximum cost of undertaking the Project is \$225,000; and

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WHEREAS, the Town Board now intends to conduct a public hearing in accordance with Section 202-b of the Town Law with respect to undertaking the Project at such estimated maximum cost.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby calls for a public hearing to be held at the public meeting of the Town Board to be held on July 25, 2016 at 7:20 p.m. at the Town of Wheatfield Town Hall, 2800 Church Road, Wheatfield, New York 14120, to consider if it is in the public interest to undertake the Project at a maximum cost of \$225,000 and to hear all persons interested in the subject thereof; and it is

FURTHER RESOLVED, that the Town Clerk is hereby directed to cause notice of such public hearing to be published and posted in the manner prescribed by law.

This resolution shall take effect immediately.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Helwig that;

WHEREAS, the Town of Wheatfield has engaged Wendel Engineers with regard to the Clescent Drive pump station generator project; and

WHEREAS, the Town Board is planning to schedule a Public Hearing regarding the amounts necessary to complete the project and possible bonding at the Town Board meeting scheduled for July 25, 2016; and

WHEREAS, Town Engineers have indicated that if the current protocol of opening bids at Town Board meetings would not be at an appropriate time in order to expedite the construction schedule. This means that the award of any contract could not happen until September, at the earliest, and, therefore, delay the project by at least three (3) weeks. Said delay would cause the project construction schedule being pushed back and result in construction being forced to occur in mid to late December, where weather could be a significant factor, interfering with construction,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wheatfield hereby waives any requirement to its established policy of opening bids at a regularly scheduled Town Board meeting with regard to contractor bids for the Clescent Drive pump station generator rehab project due to the express reason that if said protocol was to be followed in this case, commencement of said project would be significantly delayed and possibly result in construction related weather issues.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Retzlaff that;

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 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

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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; and

WHEREAS, the Board at its June 6, 2016 meeting, previously scheduled a Public Hearing on this matter for July 11, 2016 at 7:00 pm; and

WHEREAS, proper Public Hearing notice was not able to be effectuated;

NOW, THEREFORE, BE IT:

RESOLVED, that the Wheatfield Town Board reschedules the required Public Hearing on this proposed Local Law for August 8, 2016 at 7:15 pm in the Wheatfield Town Hall to receive public comment.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Supervisor Cliffe to approve the hiring of Vincent Sandonato as the Director of Personnel for the Town of Wheatfield as a qualified candidate from the Civil Service Eligibility List. Mr. Sandonato currently occupies the position on a provisional appointment. This appointment would be permanent and in accordance with Civil Service Rules, according the same terms of employment and rate of pay as Mr. Sandonato has received under the provisional appointment.

This motion was CARRIED: AYES 5 – NAYS 0.

The next Town Board meeting is scheduled for July 25, 2016 at 7:30 pm with Public Hearings at 7:00 pm to discuss rezoning for SBL #s 147.17-1-3, 161.02-1-28.2, and 161.02-1-82, at 7:10 pm the replacement of the Lift Station ó Jagow Road, and 7:20 pm the generator at Clescent Drive Lift Station.

Moved by Supervisor Cliffe and seconded by Councilman Gerbec to proclaim the month of September, 2016 as Hydrocephalus Awareness Month and more specifically, September 10, 2016 as Hydrocephalus Awareness Day in the Town of Wheatfield.

This motion was CARRIED: AYES 5 - NAYS 0.

PUBLIC INPUT

Discussion regarding speed limit on River Road; resident would like to obtain accident information

Comment regarding rabies ó there seems to be a lot of skunks and raccoons ó Niagara County Resident asked if Niagara County dropped any bait

Moved by Councilman Gerbec and seconded by Councilman Helwig to adjourn at 9:03 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk