

January 7, 2019

The Regular Town Board meeting of the Town of Wheatfield was held January 7, 2019 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 Don MacSwan, Councilman Larry Helwig, Gilbert Doucet, Randy Retzlaff, Curt Doktor, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.

PUBLIC INPUT – none

Moved by Councilman Doktor and seconded by Councilman Helwig to approve the minutes of December 17, 2018 as presented.

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

Moved by Councilman Helwig and seconded by Councilman Retzlaff to approve the Re-organization minutes of January 2, 2019 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to approve the January 7, 2019 bill payment for voucher #20182509 – 20182666 in the amount of \$154,732.17 as follows:

General Fund	\$57,991.97
Highway	\$33,201.35
Water/Sewer	\$28,444.99
Trust & Agency	\$18,233.00
Fire	\$ 995.83
Spec Dist/Lighting	\$ 190.60
Pre-paid	\$15,674.43

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to authorize the Town of Wheatfield Highway Department to purchase a 2019 Ford F-350 from VanBortel Ford on the Onondaga Bid 7974 2019 for the cost of \$38,842.50, as approved for in the 2019 Highway Department Equipment Budget.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Doktor to send a formal request to National Grid to install an LED street light at the intersection of Forest Parkway and Townline Road, and authorizing Supervisor Don MacSwan to enter into an Agreement with National Grid for said light installation and cost thereof.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet to authorize the approval of an Auctions International bid on a Cub Cadet 26 inch snowblower, Model #317E653F100, for the price of \$220.00.

This motion was CARRIED: AYES 5 - NAYS 0.

FOR LOCAL LAW 1-2019

Moved by Supervisor MacSwan and seconded by Councilman Doktor

SEQR Resolution

WHEREAS, the Wheatfield Town Code contains and specifies the local laws, and ordinances of the Town of Wheatfield, and it has been determined that the Town Code needs amending.

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WHEREAS, the Town has prepared draft language to amend the Town Code, Chapter 200, Zoning; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Wheatfield Town Board has conducted an environmental review of this revised Code, 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 these Code amendments on December 17, 2018, and comments were received, and

WHEREAS, pursuant to 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 the Town Code, Chapter 200, Zoning, 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 Supervisor MacSwan and seconded by Councilman Helwig;

Adoption Resolution

WHEREAS, the Wheatfield Town Code contains and specifies the local laws, and ordinances of the Town of Wheatfield, and it has been determined that the Town Code needs amending.

WHEREAS, the Town has prepared draft language to amend the existing section of the Zoning Chapter of the Wheatfield Town Code; and

WHEREAS, the Town Board held the required public hearing on December 17, 2018, and received public comment; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law, as follows:

Be it enacted by the Town Board of the Town of Wheatfield, New York, that the Wheatfield Town Board amends the Wheatfield Town Code as follows:

Chapter 200: Zoning,

Article III: District Regulations,

Section 200-18: C-1 Commercial Zoning.

Section 200-18(A) Permitted Principle Uses. Permitted principle uses shall be as follows:

~~200-18(A)(17) Assembly of previously prepared materials where not more than 5 persons are engaged in such assembly at any one time.~~

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Section 200-18(C) Uses permitted upon issuance of a special use permit. The following uses shall be permitted upon issuance of a special use permit:

ADD 200-18(C)(9) Assembly of previously prepared materials.

WHEREAS, the Town Board has issued a Negative Declaration in accordance with SEQR requirements.

NOW THEREFORE BE IT RESOLVED, that the Wheatfield Town Board amends the Code of the Town of Wheatfield Chapter 200 entitled "Zoning" to provide for the revision of the Town Code as referenced above.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Doktor;

Whereas, the Town of Wheatfield has received a subdivision application from DJC Land, Inc. to subdivide a 53-acre +/- parcel of land located between Shawnee Road and Townline Road, north of Slusaric Road (SBL: 149.03-1-2.1) into 73-single family residential lots, as depicted on the drawings prepared by Greenman-Pedersen, Inc.; and

Whereas, the Wheatfield Planning Board has reviewed the project, and although they are not ready to make a recommendation on the subdivision, they have requested that the Town Board begin the SEQR process to receive input from other agencies; and

Whereas, the Wheatfield Town Board agrees that the project is not ready to proceed with preliminary subdivision, but agrees that in accordance with the New York SEQR Regulations contained in 6 NYCRR Part 617, they would like to conduct a Coordinated Review under SEQR for this project and establish the Town Board as SEQR Lead Agency.

Now, Therefore, Be It Resolved, that the Wheatfield Town Board hereby authorizes Wendel to start the SEQR coordinated review process, stating the Town Board's desire to be Lead Agency, and

Be It Further Resolved, that the Town Board refers the application back to the Planning Board for their continued review and potential resolution of issues and concerns with the project.

This motion was CARRIED: AYES 5 - NAYS 0.

The next Town Board meeting is scheduled for January 28, 2019 at 7:00 pm.

PUBLIC INPUT – none

Moved by Supervisor MacSwan and seconded by Councilman Doucet to enter Executive Session at 7:28 pm to discuss potential litigation matters. Town Board, Town Attorney, Niagara County Legislators David Godfrey and Jesse Gooch, and Town Clerk.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doktor to come out of Executive Session. Discussed potential litigation matters and a potential course of action if required. No formal action taken at this time.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to adjourn at 8:15 pm.

This motion was CARRIED: AYES 5- NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk

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