

January 23, 2017

Public Hearings and the Regular Town Board meeting of the Town of Wheatfield were held January 23, 2017 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, Randy Retzlaff, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.

EXCUSED: Councilman Arthur Gerbec

The Public Hearing to discuss the Community Development Block Grant Program opened at 7:00 pm. Chuck Bell of H. Sicherman & Co., discussed the program and provided an update on the Jacobs Ladder project and potential for the proposed Brewery and restaurant at the Summit Mall location. John Robinson gave an overview of the proposed Big Thunder Brewery Company which includes a 20 barrel brewery, a teaching facility, a tasting room, and a sports bar/restaurant. Mr. Robinson also provided an update on the sports domes project which is anticipated for October 2017.

The Public Hearing closed at 7:11 pm.

The Public Hearing to discuss the amended Solar Law opened at 7:15 pm. Supervisor Cliffe gave an overview. Dave Sayles who is a member of the Solar Focus Group stated the law is ready to adopt. Discussion included the fact that any changes to the law would require a public hearing and an amendment to the law. Fees associated with the Solar Law still need to be discussed. Residents asked questions about setbacks and impact on neighboring properties that install solar panels. The Public Hearing closed at 7:30 pm.

PUBLIC INPUT

Town Master Plan/sidewalks
Nash Road Landfill and Notice of Claims
Quasar update
Safety of non-motorized users of the road
Veterans Memorial Park update

Moved by Councilman Retzlaff and seconded by Councilman Doucet to accept the Re-organizational minutes from January 5, 2017 as presented.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to accept the minutes from the January 5, 2017 Town Board meeting as presented.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to approve the bill payment for voucher # 20162678 & 20162824 in the amount of \$1,593,938.05 as follows:

General Fund	\$ 76,452.97
Highway	\$ 25,814.14
Water/Sewer	\$ 147,168.28
Fire	\$1,178,132.17
Refuse	\$ 71,293.54
Capital/Clescent Pump	\$ 77,787.00
Capital/Niagara Riverwalk	\$ 1,400.00
Capital/Fairmount Park Imp	\$ 12,350.00
Pre-Paid	\$ 3,539.95

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to authorize Wendel to provide GIS support services during 2017 per [Option A / Option B]. In accordance with Wendel's

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proposal dated January 19, 2017, a Lump Sum fee of [~~\$3,150.00-Option A~~ / \$4,950.00-Option B] will be paid for WMA Site Hosting and ArcGIS Data Collector Application Subscription and a Time and Expense budget (not-to-exceed) of [~~\$6,850.00-Option A~~ / \$5,050.00-Option B] will be established for GIS/GPS Support and Training tasks described in the proposal. Total authorization is for \$10,000.00.

This motion was CARRIED: AYES 4 – NAYS 0.

No motion was made for the following;

WHEREAS, it is understood by the Town Board of Wheatfield that the State of New York does not allow private sewer lines to service multiple property owners; and

WHEREAS, property owners along Williams Road in the Town of Wheatfield are served by a private sewer line that eventually connects with a Town Sewer main; and

WHEREAS, along with the current private landowners who are served by this private sewer line, there is additional property adjacent to the properties which, in the future, would seek development in the Town of Wheatfield, and, therefore, be required to hook into a sewer line, and this private sewer line being the most accessible; and

WHEREAS, for the Town to facilitate development of these current properties and the other associated undeveloped properties, municipal sewer service is required; and

WHEREAS, the Town has the option of constructing its own, new and independent sewer line to hook up to these properties, or the Town could accept dedication of the private sewer line, with certain conditions, including the line being brought up to code, and the offer of a Perpetual Maintenance Agreement by the property owners to be serviced.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorizes the Town Engineer and Town Attorney to move forward with regard to the sanitary sewer line dedication process, easement process and the preparation of a Perpetual Maintenance Agreement of the property owners, and upon the completion of said Agreement to the satisfaction of the Town Attorney, Town Engineer and Town Board, the Town Board is prepared to move forward with the ultimate acceptance and dedication of said sewer line, together with necessary easements and required Perpetual Maintenance Agreement.

NO ACTION TAKEN.

Moved by Councilman Doucet and seconded by Councilman Helwig to allow the Town Highway Department to dispose, as refuse, the following items:

1. a 2002 MITA Copier Model DC1860 SNQH37019731H; and
2. Wheatfield inventory #0035 Adler Royal typewriter.

Both of these items are broken and not in working order, as they are not repairable and of no value.

This motion was CARRIED: AYES 4 - NAYS 0.

The following motion was held; to approve and authorize the Town Supervisor and Councilmen to sign the 2017 Highway Law §284 Agreement for the expenditure of highway monies within the Town of Wheatfield as presented at the January 23, 2017 Town Board meeting.

NO ACTION TAKEN.

Moved by Supervisor Cliffe and seconded by Councilman Doucet to schedule a Public Hearing on Monday, February 27, 2017 at 7:15 p.m. at the Wheatfield Town Hall prior to a regularly scheduled Board meeting with regard to a proposed Local Law granting a partial tax exemption for seniors with limited income. The proposed Local Law is as follows:

RESOLVED, to increase the income amounts for a partial exemption from taxation to the

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extent of 50% of the assessed value of real property, which is owned by certain persons with limited income who are sixty-five (65) years of age or older meeting the requirements set forth in Section 467 of the Real Property Tax Law, amending Wheatfield Town Law Section 173-5. is hereby granted as follows:

The exemption is:	If the income is:
50%	Less than \$21,000.00
45%	\$21,000.00 to \$21,999.99
40%	\$22,000.00 to \$22,999.99
35%	\$23,000.00 to \$23,999.99
30%	\$24,000.00 to \$24,899.99
25%	\$24,900.00 to \$25,799.99
20%	\$25,800.00 to \$26,699.99
15%	\$26,700.00 to \$27,599.99
10%	\$27,600.00 to \$28,499.99

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to declare the old plate tamper belonging to the Town Highway Department, as surplus due to the fact that the Highway Superintendent has indicated this item is in poor condition and are being replaced, and/or are not compatible for the Town Highway Department work.

Upon declaration of this item being surplus and unnecessary to the Town, the Superintendent of the Highway Department is authorized to place said item for auction and to receive bids on Auctions International. Upon closing of the auction procedure, the high bids, thereafter, will be reviewed by the Town Board at a future Board meeting, and a determination will be made as to authorize the sale of said surplus item for the high bid price.

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff as follows;

WHEREAS, the Town has determined that in the creation of new residential subdivisions within the Town, it has become an onerous burden on the Town and its taxpayers to install certain amenities which equitably should be the requirement of the developer and the residents of said new subdivision; and

WHEREAS, it has become common practice by developers that upon the completion of a residential subdivision, that they request the Town to install street lights and street identification signs in said subdivisions they have created; and

WHEREAS, when these subdivisions are initially planned, it is evident in the planning stages that at certain required locations, street lights and street identification signs will be required; and

WHEREAS, it is currently required by Town Code and policy that upon the planning stage of said new subdivisions, certain amenities are already required of a certain specification, to wit: streets, curbing, water, sewer, storm sewer drainage, electrical service, fire hydrant service, etcí ; and

WHEREAS, that inadvertently omitted from this list of required infrastructure services and amenities, it appears the requirement for necessary street lights and street identification signs have been not previously codified; and

WHEREAS, the burden of installation of said street lights and street identification signs has, thereafter, become the burden of Town wide residents and taxpayers, rather than that of the developers and new residents of said subdivisions.

NOW, THEREFORE, BE IT

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RESOLVED, that the Town Board requires developers to include in all site development plans for residential subdivisions that require street lighting and street identification as per already existing Town Code and Regulation, and to include in their site plans and PIP Plans for the inclusion of any necessary street lighting and street identification signage to be installed by the developer at the developer's expense, all with any other required PIP requirements, including roads and infrastructure; it is also hereby

RESOLVED, that the cost of these infrastructure improvements should be borne by the developer and/or the residents of the new subdivision as opposed to being borne Town wide, in that the Town expects new subdivision development to be complete as to infrastructure and not omitting these necessary items of street lighting and street identification signage; and be it also

RESOLVED, that the Town Board directs the Town Planning Board, the Town Attorney and the Town Engineer to require street lighting and required street identification signage to be a part of any site plans to be approved or recommended for approval, whose initial residential subdivision permitting is subsequent to this Resolution; and be it also

RESOLVED, that the Town Board requests the Town Planning Board, Town Attorney and Town Engineer to amend and develop new laws and regulations according with any State Environmental Quality Review (SEQR) to officially effectuate these new requirements and include in the Town Code.

This motion was CARRIED: AYES 4- NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Retzlaff to approve the Firearms Discharge Permits and Renewals for the following individuals; John Spendio and Robert Fleischman as submitted by the Firearms Review Permit Review Board of December 21, 2016.

This motion was CARRIED: AYES 4 – NAYS 0.

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

WHEREAS, the Code of the Town of Wheatfield contains and specifies the local laws and ordinances of the Town of Wheatfield; and

WHEREAS, the Town has developed draft language for a new Solar Energy Systems law to be added to the Zoning Chapter of the Code of the Town of Wheatfield, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act or SEQRA) of the Environmental Conservation Law, the Wheatfield Town Board has conducted an environmental review of this new Code (Solar Energy Systems), 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 December 5, 2016, and a second public hearing was held on January 23, 2017 and comments from the public were received and noted, and

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

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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 XX**, Solar Energy Systems, 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 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 4 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to approve the Wendel 2017 Wheatfield Town Engineer and Planner Contract WP No.2956-00-17.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Doucet and seconded by Supervisor Cliffe to update the Adams Fire Company roster as follows: ADD Jeremiah Hussey as a member.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Doucet and seconded by Supervisor Cliffe to update the Adams Fire Company roster as follows: REMOVE Nick Gonnella from the roster.

This motion was CARRIED: AYES 4 - NAYS 0.

The next Town Board meeting is scheduled for February 6, 2017 at 7:30 pm at Wheatfield Town Hall.

PUBLIC INPUT

Discussion/update regarding Mapleton/Shawnee Road intersection-DOT making some changes to signage

Moved by Supervisor Cliffe and seconded by Councilman Helwig to adjourn at 8:50 pm and a moment of silence in memory of Gloria Lariccia, who had passed.

This motion was CARRIED: AYES 4 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk