

March 19, 2018

A Work Session, Public Hearing and the Regular Town Board meeting of the Town of Wheatfield was held March 19, 2018 at 6:30 and 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, Councilmen Larry Helwig, Gilbert Doucet, Randy Retzlaff, Curt Doktor, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.

The Work Session opened at 6:30 p.m. to discuss a Special Use Permit for Moog Inc. at the Wheatfield Business Park

The Public Hearing to discuss a Special Use Permit for Moog, Inc. at the Wheatfield Business Park opened at 7:03 p.m... No action was taken and the Public Hearing closed at 7:06 p.m.

The Regular Town Board Meeting opened at 7:06 p.m.

PUBLIC INPUT

Keith Potter, First Assistant Chief of Bergholz Volunteer Fire Co. and member of the town's Fire Advisory Board stated they support the Moog Special Use Permit

Legislator Dave Godfrey gave an update on Broad band in Niagara County

Moved by Councilman Retzlaff and seconded by Councilman Doucet to approve the minutes of February 26, 2018 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doktor to approve the minutes of March 5, 2018 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to approve the bill payment for voucher # 20180254 – 20180301 in the amount of \$63,650.37 as follows:

General Fund	\$	19,302.03
Highway	\$	9,875.32
Water/Sewer	\$	5,089.07
Trust & Agency	\$	14,002.00
Lighting	\$	425.55
Pre-Paid	\$	14,956.40

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet;

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specifies the local laws, and ordinances of the Town of Wheatfield, and it has been determined that the Town Code is outdated and does not properly address issues concerning Subdivision Signage; and

WHEREAS, the Town has prepared draft language to revise the Town Code, Chapter 169, Subdivision of Land; 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

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WHEREAS, a public hearing was held regarding these Code amendments on 2/26/18 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 169 Subdivision of Land, 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 Doktor;

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 is outdated and does not properly address issues concerning Subdivision signage; and

WHEREAS, the Town has prepared draft language to revise the existing sections of the Subdivision of Land Chapter of the Wheatfield Town Code; and

WHEREAS, the Town Board held the required public hearing on 2/26/18 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:

1. Subdivision of Land – Chapter 169

- Article IV Design Standards
 - Amend Section 169-19 *Street Design*, by adding a new paragraph Q. as follows:

Q. Signage. The type (size, shape, style) of street name sign shall be in accordance with Town standards. All new streets shall also require the appropriate traffic control signage in accordance with the National Manual of Uniform Traffic Control Devices (MUTCD – current edition) including the New York State Supplement (current edition) and/or as requested by the Town. All signage types and locations must be shown on the construction drawings. For existing approved subdivision phases, signage types and locations shall be determined by the Town Highway Superintendent and Town Engineer during the PIP process. Street name signage and traffic control signage will be provided by and installed by the Town of Wheatfield at the cost of the developer/applicant. These costs shall be based on an approved sign fee schedule and the total cost to the developer/applicant will be finalized by the Town during the PIP process. These costs must be paid to the Town prior to sign installation and installation must be complete prior to final acceptance of the PIP.

- Article V. Documents Submitted

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- Amend Section 169-29 *Major subdivision final plat and accompanying data*, by amending Section 169-29(B)(14) as follows:

(14) Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, **street signs, traffic control signs**, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities. The construction drawings shall also include elevation contours for surrounding properties for a distance satisfactory to the Town Engineer with intervals of one foot or less

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 169 entitled “Subdivision of Land” to provide for the revision of the Town Code as referenced above.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to authorize Wendel to finalize bid documents and advertise for bids for the Wheatfield Pump Station Generator Project.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to approve the PIP applications for Phase VI of the Timber Lakes Subdivision. This subdivision phase will provide a total of 15-single family residential lots (lots 17-25, and 91-96). This approval is made with the following conditions:

1. The Public Improvements must be constructed to current Town Details and Standards.
2. Prior to construction, the Developer must submit a drainage plan acceptable to the Town Engineer and the Town Drainage Committee. The Developer must maintain drainage on and around subdivision properties throughout construction.
3. All requirements of the New York State SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) must be complied with for this project.
4. Access to the site from Shawnee Road will be limited to Knottingwood Drive only. A Road Bond for \$100,000.00 must be provided to cover potential damage to the road during construction and the bond must specifically reference Knottingwood Drive.
5. All required Town fees (connection fees and phase fees) must be paid prior to construction commencement.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Supervisor MacSwan to approve general revisions to the Town Standard Specifications and Details. Specification Sections 02200-Earthwork, 02510-Asphalt Concrete Paving, 02520-Portland Cement Concrete Gutter and Curbs, and 02700-Site Drainage have been revised along with Standard Details RD-1, RD-2, ST-1, ST-2, ST-3, ST-4, ST-6, and ST7.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Supervisor MacSwan to accept, with regret, the resignation of Jerry Canada effective March 6, 2018 from the Zoning Board of Appeals, pursuant to his resignation letter.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Supervisor MacSwan to authorize the issuance of a Town of Wheatfield Proclamation recognizing Jerry Canada’s 17 years of consistent and diligent public service as a member of the Zoning Board of Appeals and as its Secretary.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to appoint Matthew

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Klettke as a regular Zoning Board of Appeals member to fill the vacancy left by the resignation of Jerry Canada, for the remainder of his term ending on December 31, 2020. Effective April 1, 2018.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doktor to schedule a Public Hearing to be held at the Wheatfield Town Hall on April 2, 2018 at 7:00 p.m. in Town Council Chambers, regarding the appropriateness of allowing and authorizing the temporary road closure and use of Inducon Drive West and Inducon Drive East at the Vantage International Point Office Park for bicycle racing as proposed by Jonathan Rosen for Criterium bicycle racing to occur at ten (10) events during the summer of 2018.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Doktor to appoint David Heim, Esq., to the position of Town Justice effective March 20, 2018 to fill the vacated position of the late Town Justice John Mattio. Said appointment shall begin March 20, 2018 and run through the remainder of the 2018 calendar year.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to appoint Matthew Mosher, Esq., to the position of Town Prosecutor effective March 25, 2018, for the remainder of the calendar year 2018, to fill the position vacated by David Heim, Esq., by his appointment to Town Justice. Said Town Prosecutor position will be supervised directly by Town Attorney and Town Prosecutor, Matthew E. Brooks, Esq.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Supervisor MacSwan to approve and authorize the Town Supervisor and Councilmen to sign the 2018 Highway Law §284 Agreement for the expenditure of highway monies within the Town of Wheatfield as presented at the March 19, 2018 Town Board meeting.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Doktor to approve and authorize the Town of Wheatfield Zoning Board of Appeals to conduct interviews for ZBA secretary, (non-member), position from the pool of those applicants who have previously submitted letter of interest, from the Town's internal posting, and to give recommendations to Town Board regarding hiring of same.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Doucet to appoint Justin Higner and Zakery Carr to the Board of Assessment Review.

This motion was CARRIED: AYES 5 – NAYS 0.

The next Town Board Meeting is scheduled for April 2, 2018 with a Public Hearing at 7:00 pm to discuss authorizing the temporary road closure and use of Inducon Drive East and West at the Vantage International Point Office Park for Criterium bicycle racing for ten events during the summer of 2018.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to adjourn at 7:59 p.m.

This motion was CARRIED: AYES 5- NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk