

March 20, 2017

A Public Hearing and the Regular Town Board meeting of the Town of Wheatfield was held March 20, 2017 at 7:15 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 rezoning at 2946 Niagara Falls Blvd. opened at 7:15 pm. Tim Arlington from Apex representing Custom Covers gave an overview and discussed proposed changes. There was no action taken at this time and the Public Hearing closed at 7:22 pm.

PUBLIC INPUT

Quasar
Niagara Sanitation Landfill

Moved by Councilman Gerbec and seconded by Councilman Retzlaff to accept the minutes from March 6, 2017 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Gerbec and seconded by Councilman Helwig to approve the bill payment for voucher # 20170289 ó 20170388 in the amount of \$190,709.06 as follows:

General Fund	\$ 23,180.19
Highway	\$ 28,450.51
Water/Sewer	\$ 4,959.22
Capital/Riverwalk	\$ 2,133.75
Capital/Clescent Pump	\$ 3,775.84
Fire	\$ 2,719.67
Refuse	\$ 71,115.38
Trust & Agency	\$ 18,486.00

Hold voucher #20170295 - \$857.31

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Gerbec that; In accordance with the SEQR requirements, the Town Board has reviewed Part 1 of the EAF and supporting information, completed Part 2, and evaluated the impacts in Part 3 and have determined that the proposed rezoning of 2946 Niagara Falls Boulevard, SBL:162.16-1-21, from part C-1 and part R-1 to all C-1 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;

Whereas, the Town of Wheatfield received a request from Richard Winstanley to rezone land located at 2946 Niagara Falls Boulevard, SBL:162.16-1-21, from part C-1 and part R-1 to all C-1, and

Whereas, the Wheatfield Planning Board recommended approval of this request at their February 27, 2017 meeting; and

Whereas, the Wheatfield Town Board held the required public hearing on this proposed rezoning on March 20, 2017; and

Whereas, the Wheatfield Town Board has determined that the proposed rezoning will not result in any significant negative effect on the environment and has issued a Negative Declaration; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law which proposes to amend the Town's Zoning Map as follows:

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Be it enacted by the Town Board of the Town of Wheatfield, New York, that the Wheatfield Town Board amends the Town Zoning map as follows: Rezone the parcel of land identified as SBL: 162.16-1-21 from part C-1 and part R-1 to all C-1.

Now, Therefore, Be It Resolved, that the Zoning Code of the Town of Wheatfield be amended as follows: To amend Local Law 1-1988 of the Code of the Town of Wheatfield Chapter 200 entitled "Zoning" to provide for a change in the boundary of the Zoning Map whereby the Zoning is changed from part C-1 and part R-1 to all C-1.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Supervisor Cliffe to authorize Wendel to provide stormwater management program assistance for the year 2017 and respond to the 2016 NYSDEC Audit in accordance with their proposal letter dated March 16, 2017, for a time and expense estimated fee of \$8,000.00.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Gerbec to authorize Wendel to provide additional services for the Veterans Memorial project in accordance with their proposal letter dated March 16, 2017, for a Lump Sum fee of \$2,200.00.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Doucet to approve the Building Department fee structure for Solar Installations pursuant to the Town of Wheatfield's Solar Installation Law. Said fee structure is as follows:

**BUILDING DEPARTMENT FEE STRUCTURE FOR SOLAR INSTALLATIONS
(03/20/17)**

- | | | |
|----|---|---|
| 1. | Roof Mounted Installations | \$150.00 |
| | a. Initial review | |
| | b. (2) site visits for inspection, including basement meter | |
| 2. | Ground-mounted structures (up to 500 sq ft) | \$200.00 |
| | a. Initial review | |
| | b. (2) site visits, including meter and external connection | |
| | c. Site Plan Approval (if required) | |
| 3. | Utility Grade Systems ó special use permit | \$750.00 or \$50.00
Per acre (higher of) |
| | a. Planning Board Approval | plus site plan fees. |
| | b. Initial site plan review by Building Inspection | plus bldg. permit fee |
| | c. Several site visits during construction | |
| | d. Walk through field to review panels, connections | |
| | Subsequent years for utility grade installations | \$25.00 per acre* |

- "per acre" means approximate area of total area covered by panels, including work and maintenance areas.

This motion was CARRIED: AYES – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet to declare approximately 2.5 acres of Town-owned vacant land identified as SBL No. 177.01-3-112, on Ontario Drive in the Town of Wheatfield as surplus. The Town has no proposed nor necessary uses for the real property, present or future, Said real property was previously acquired by the Town and has remained of no utility for public purposes of any kind. Said real property has been a great expense to the Town for maintenance, and said property is draining Town resources and is an unnecessary expense and liability to the Town.

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NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the 2.5 acre lot on Ontario Drive, Town of Wheatfield, SBL No. 177.01-3-112, owned by the Town of Wheatfield, is hereby declared unnecessary to the Town and surplus, and the Town Supervisor is hereby authorized to proceed forward to divest the Town of ownership of said property by either public sale or auction in order to realize the fair market return of value to the Town of Wheatfield.

This motion was CARRIED: AYES 4 – NAYS 1 Supervisor Cliffe.

Moved by Supervisor Cliffe and seconded by Councilman Gerbec to authorize the Town of Wheatfield and its department heads and employees, to review the County-wide shared services property tax savings plan initiatives, correspondence and template form provided from the County of Niagara, and to authorize the Town of Wheatfield officers, department heads and employees to assist the Office of the Supervisor to complete said form with any suggestions they may have regarding County-wide shared services.

After some discussion the motion was TABLED.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to authorize the Town Highway Department to accept the sales quote of Garden State Highway Products, Inc. in the amount of \$5,000.53 for signage supplies. Said expenditure will be made from the Highway Department's 2017 Budget.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Gerbec to allow the Recreation Department to create the position of Program Aide for 13 year old children, allowing them to attend the Recreation Department's Summer Camp program at a discounted rate, wherein said older children would be able to assist Youth Center Staff with the daily rotations. The fee structure for said Program Aides would be as follows:

Resident: \$25 on MWF, \$35 on T and Th, or \$120 per week.
Non Resident: \$35 on MWF, \$45 on T and Th, or \$160 per week.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor Cliffe and seconded by Councilman Retzlaff to approve the Recreation Department request to accept applications for the following Seasonal positions and post on the Town's website: Grounds Keepers, Park Guards, and Summer Camp.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Gerbec to update First Volunteer Fire Co. of Bergholz as follows: ADD Gavin Ritter.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to update Adams Fire Company roster as follows: ADD Maxwell Lowwerre, New Social Member - Michael Ostolski, Change status from active to social - David A. Derion.

This motion was CARRIED: AYES 5 – NAYS 0.

There will be Executive Session to discuss pending litigation after Public Input.

PUBLIC INPUT

Comment regarding Driftwood Hotel's no curb appeal; apartment vs. hotel?

Moved by Councilman Gerbec and seconded by Councilman Helwig to enter Executive Session at 8:38 pm. Town Board, Town Attorney, and Town Clerk.

Moved by Councilman Helwig and seconded by Councilman Gerbec to conclude Executive Session at 9:03 pm. Pending litigation discussed, no action taken.

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Moved by Councilman Gerbec and seconded by Councilman Helwig to adjourn at 9:04 pm.
This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk