

May 21, 2018

A Budget Work Session, Public Hearings, 2017 Draft Stormwater Annual Report, and the Regular Town Board meeting of the Town of Wheatfield were held May 21, 2018 at 6:30 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 Don MacSwan, Councilmen Larry Helwig, Gilbert Doucet, Randy Retzlaff, Curt Doktor, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.

The 2019 Budget Work Session opened at 6:30 pm, there was discussion and the meeting closed at 6:54.

The Public Hearing to discuss proposed changes to the Town Code relating to Off-street Parking opened at 6:56 pm. Tim Zuber gave an overview on behalf of the Planning Board. Moved by Supervisor MacSwan and seconded by Councilman Helwig to close the Public Hearing at 7:00 pm. **This motion was CARRIED: AYES 5 – NAYS 0.**

The Public Hearing regarding the granting of a Cable Television Franchise Agreement between the Town and Time Warner Cable Northeast opened at 7:00 pm. Town Attorney Matthew Brooks gave an overview. There was some discussion. Moved by Councilman Retzlaff and seconded by Councilman Helwig to adjourn at 7:18 pm.

This motion was CARRIED: AYES 5 - NAYS 0.

The 2017 Draft Stormwater Annual Report and Management Plan opened at 7:18 pm. Tim Zuber of Wendel gave report and the meeting closed at 7:23 pm.

The Regular Town Board Meeting opened at 7:23 pm.

PUBLIC INPUT - none

Moved by Councilman Retzlaff and seconded by Councilman Doktor to approve the minutes of May 7, 2018 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Doktor to approve the bill payment for voucher # 20180817 – 20180930 in the amount of \$283,212.45 as follows:

General Fund/Capital	\$	82,403.33
Highway	\$	45,669.78
Water/Sewer	\$	79,465.46
Trust & Agency	\$	1,653.30
Spec. Dist/Fire	\$	308.00
Refuse	\$	71,695.02
Pre-Paid	\$	1,987.56

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to authorize Wendel to provide professional design services for the Witmer Road Subdivision in accordance with their proposal letter dated May 17, 2018, for a total estimated fee of **\$12,500.**

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to appoint Councilman Helwig and Supervisor MacSwan as liaisons to the Planning Board.

This motion was CARRIED: AYES 5 – NAYS 0.

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Moved by Supervisor MacSwan 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 needs amending due to the need for procedural improvements for modification to parking requirements; and

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 May 21, 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 Councilman Retzlaff and seconded by Councilman Doktor as follows;

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 due to the need for procedural improvements for modification to parking requirements; and

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 May 21, 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 VIII – Off-Street Parking, Loading and Stacking,
Section 200-59 – Modification of Requirements

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– Amend Section 200-59, paragraph A as follows:

A. Variations. The Planning Board may vary the parking, stacking and loading requirements of this article when it finds that, due to the nature of the particular use, the enumerated requirements will not be adequate or where the strict application of the requirements will result in excess amount of facilities related to the particular use.

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 Doucet to authorize the Water & Sewer Department to create an additional MEO position for the Water & Sewer Department.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doktor to appoint Water & Sewer Department employee, Robert Feightner, to the newly-created MEO position within the Water & Sewer Department.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Doktor;

WHEREAS, due to the cost increases to the Water & Sewer Department for water meters, brass, copper, as well as the costs of increased labor and fuel costs, the Water & Sewer Department seeks to increase certain rates; and

WHEREAS, certain water fees have not been increased since 2014, and certain sewer fees have not been increased since 2007.

NOW, THEREFORE, BE IT:

RESOLVED, that the following Water & Sewer Department fees are increased as follows:

	<u>Meter Fees</u>		<u>New Fees</u>
	<u>Old Fees</u>		
¾”	\$200.00		\$230.00
1”	\$320.00		\$350.00
1 ½”	\$540.00		\$660.00
2”	\$675.00		\$860.00;

and it is further

RESOLVED, that the Town of Wheatfield water application fee is increased from currently \$175.00 to \$200.00, downspout and gutter inspection fees that are now currently \$25.00 to be increased to \$30.00; and it is further

RESOLVED, that Water/Sewer Compliance Inspections currently at \$30.00 be increased to \$50.00; and it is further

RESOLVED, that sewer tap fees are to be increased from the current amount of \$600.00 to \$750.00; and it is further

RESOLVED, that the cost of hydrant markers shall be increased from the current amount of \$25.00 to \$30.00.

This motion was CARRIED: AYES 5 – NAYS 0.

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Moved by Supervisor MacSwan and seconded by Councilman Doktor;

WHEREAS, an application has been duly made to the Board of the Town of Wheatfield, County of Niagara, New York, by Time Warner Cable Northeast LLC, I/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of the State of Delaware, doing business at 2604 Seneca Avenue, Niagara Falls, New York 14305, for the approval of a renewal agreement for Time Warner Cable's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission; and

WHEREAS, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Police Act of 1984, as amended, and certain Court rulings; and

WHEREAS, a Public Hearing was held in the Town of Wheatfield, New York, on May 21, 2018 at 7:00 p.m., and notice of the hearing was published in the Niagara Gazette and Niagara

Wheatfield Tribune on April 26, 2018.

NOW, THEREFORE, the Board of the Town of Wheatfield finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law;
2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

NOW, THEREFORE, BE IT:

RESOLVED, that the Board of the Town of Wheatfield hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the Town of Wheatfield for fifteen (15) years commencing with the date of approval by the Public Service Commission, and expiring fifteen (15) years hence; and be it further

RESOLVED, that the Board of the Town of Wheatfield hereby confirms acceptance of this Franchise Renewal Agreement.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Doucet to hire David Werley, Jr., as a seasonal employee with a start date of June 18, 2018, at a rate of pay and terms pursuant to Job Specifications of the Highway Department's seasonal help and pending approval of Human Resources and a Niagara County criminal background check.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to authorize the Town of Wheatfield to issue payment in the amount of \$500.00 to Ronald Hyland for damages sustained to his pickup truck on January 8, 2018. By making said payment, the Town does not acknowledge any liability in this matter and the issuance of said \$500.00 deductible payment is conditioned upon receipt by the Town of a General Release signed by Mr. Hyland of any further claims against the Town.

This motion was CARRIED: AYES 5 – NAYS 0.

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Moved by Councilman Helwig and seconded by Councilman Retzlaff;

BE IT RESOLVED, that this Town Board does hereby approve the following 2018 budget transfer for the General Fund as follows:

<u>Account No.:</u>	<u>Description</u>	<u>From</u>	<u>To</u>
A.3120.0200	Police & Constable Equip	\$3,000	
A.3120.0400	Police & Constable Contr		\$3,000

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Supervisor MacSwan to approve an amendment of the 2018 Sewer Fund budget to provide the estimated revenue and budget appropriation for the grant from the Dormitory Authority State of New York (DASNY) to provide funds to pay for a portion of the purchase and installation of generators at the sewer lift stations as follows:

Sewer Fund:

Increase Estimated Revenues:

Account G.0000.3990 State Aid-
Sewer Capital Project \$200,000

Increase Appropriations:

Account G.8120.0202 Lift Stations Generators \$200,000

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Retzlaff to authorize the Water & Sewer Department to correct a billing error on Account No. 8750-000. This adjustment is to correct an overcharge on said account that was created by a billing error, and as such, the bill needs to be adjusted downward in the amount of \$45,791.42. Accordingly, this Resolution authorizes the Water & Sewer Department to correct said billing error with a reduction to said account in the amount of \$45,791.42.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet to hire John Tover, Sydney Crangle, Kelsey Lachowski, LaMarr Rountree and Riley Muldoon, who are all new employees, as Summer Camp staff, at a rate of pay and terms pursuant to Job Specifications of the Recreation Department's seasonal help, and pending approval of Human Resources and Niagara County criminal background check.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Retzlaff to hire Michael Richbart as the Tennis Instructor for the Town's Tennis Camp that will run for the Summer of 2018. Mr. Richbart is a returning employee. Said hiring is subject to the wage and job specifications for said position, and said hiring is contingent upon final review by the Town's Human Resources Department and a Niagara County Sheriff's Department criminal background check.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Retzlaff to approve the purchase of one (1) rock climbing wall and two (2) "C" Spring Riders from Miracle Recreation Equipment Co. on the NASPO Value Point Master Contract #6485 Parks and Recreation Equipment and Related Services, New York State Contract PC67836 for a total of \$5,360.00. These three (3) pieces of equipment to be placed inside the playground area at Mario Park.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet to hire Jonah Krull as a Summer help grounds keep. Said hiring is subject to the rate of pay and terms pursuant to Job Specifications of the Recreation Department's seasonal help, and pending approval of Human

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Resources and Niagara County criminal background check.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Retzlaff to hire Noah Walker, as a seasonal employee with a Water & Sewer Department, at a rate of pay and terms pursuant to Job Specifications of the Water & Sewer Department's seasonal help and pending approval of Human Resources and a Niagara County criminal background check.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Helwig;

WHEREAS, the Town of Wheatfield applied for a Grant under the 2017 NYSDOT BridgeNY Program for rehabilitation of the Cayuga Drive Extension Bridge, and

WHEREAS, the Town of Wheatfield was approved for said Grant under project PIN 5762.16, and

WHEREAS, the Town of Wheatfield has reviewed this project as it relates to 6NYCRR Part 617 (SEQR) of the Environmental Conservation Law and has determined that the project meets the

criteria of a Type II Action as defined in Section 617.5 (c) (2), which states, “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site,...” .

NOW, THEREFORE, BE IT RESOLVED, that the Wheatfield Town Board determines that the proposed Cayuga Drive Extension Bridge project is a Type II action under SEQR and is therefore not subject to any further review under SEQR, and

BE IT FURTHER RESOLVED, that documentation of this Type II action determination be placed in the project file and provided to the Grant Agency.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Supervisor MacSwan to authorize Bergholz Fire Company to place flags along Niagara Road and use of the town's lift and manpower to place flags and the town will provide snow fence to contain areas as part of the 100th Anniversary Field Days.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to update the Adams Fire roster as follows: ADD Brandon Au, Robert Clontz, JJ Whipple, McKenna Witkowski, Philip Jaques, Brian O'Connor as new members.

This motion was CARRIED: AYES 5 – NAYS 0.

The next Town Board meeting is scheduled for June 4, 2018 at 7:00 pm.

PUBLIC INPUT - none

Moved by Councilman Retzlaff and seconded by Councilman Helwig to adjourn at 8:01 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk