

## September 10, 2018

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The Regular Town Board meeting of the Town of Wheatfield was held September 10, 2018 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, Councilmen Larry Helwig, Gilbert Doucet, Randy Retzlaff, Curt Doktor, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.

The meeting opened at 7:00 pm. Bill Wagner of the Niagara Military Affairs Council provided an update and presentation. Presentation closed at 7:13 pm.

Bill Wagner presented information from the Wheatfield Local Development Corp. (WLDC) that included a status of the required annual report/audit and the proposed Pellicano's Marketplace Project. Presentation closed at 7:19pm

### **PUBLIC INPUT - none**

Moved by Councilman Helwig and seconded by Councilman Retzlaff to approve the minutes of August 6, 2018 as presented.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Helwig and seconded by Councilman Doucet to approve the minutes from the August 20, 2018 Public Hearing with corrections. (Cliffe, \$266,000)

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Retzlaff and seconded by Councilman Doucet to approve the September 10, 2018 bill payment for voucher #20181725 – 20181841 in the amount of \$343,336.50 as follows:

General Fund	\$ 37,583.29
Highway	\$ 65,667.68
Water/Sewer	\$ 39,946.38
Trust & Agency	\$ 8,148.24
Pre-paid	\$191,990.91

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Helwig to approve the August 27, 2018 bill payment in the amount of \$495,876.46 as follows:

General Fund	\$ 82,432.59
Highway	\$ 258,573.95
Water/Sewer	\$ 44,946.44
Trust & Agency	\$ 33,576.75
Fire	\$ 1,193.98
Refuse	\$ 71,115.36
Capital/Riverwalk	\$ 3,948.09
Special District/Lighting	\$ 89.30
Pre-Paid	\$

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Helwig and seconded by Councilman Retzlaff to authorize three Highway Department employees to attend Local Roads training at Cornell September 27<sup>th</sup> at a cost of \$60 per person.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Helwig and seconded by Councilman Retzlaff to encourage and authorize Deer Search of WNY following all DEC guidelines.

**This motion was CARRIED: AYES 5 - NAYS 0.**

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Moved by Supervisor MacSwan and seconded by Councilman Doucet to approve the following Firearms Discharge Permits: Greg Lloyd, Zachary Litwinski, Bob Sniadecki, Joseph Brands, Stephen Herbeck, Michael Pawlow, and Mark Tripi.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Helwig to authorize the Noah Walker (summer help employee) to work until November 1, 2018.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Supervisor MacSwan and seconded by Councilman Retzlaff to approve Wendel's additional authorization for the Witmer Road Subdivision project in accordance with their proposal letter dated September 6, 2018, for a Lump Sum fee of **\$4,076.00**.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Retzlaff to schedule a Public Hearing for a proposed change to the Town Code (as requested by the Town Planning Board); Chapter 200: Zoning, Article XIV: Administration and Enforcement, Section 200-94: Zoning Board of Appeals Procedures: Paragraph A, on October 15, 2018 at 7:00 pm.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Helwig and seconded by Councilman Doucet to approve and authorize the Town Highway Department to purchase a quick connector and thumb from Milton Caterpillar for a total cost of \$11,900.00, with a trade-in credit of \$6,600.00 for the Town's old thumb, which is being replaced. The reason for this trade-in and purchase is the Highway Department indicates this quick connector will greatly increase the efficiency and safety while changing buckets and will save significant time to allow the equipment to be operational. This purchase will be paid for from the Highway Department's 2018 budget.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Doktor and seconded by Supervisor MacSwan to authorize and request the installation of a street light by National Grid at corner Lot #32 at 3317 Colleen Terrace, pursuant to the diagram provided by Rosal Homes. Said street light is necessitated by being on the corner of Colleen Terrace now that the road extension for Phase II of the Eagle Chase subdivision has been completed. (Said street light will be requested of National Grid to be LED light).

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Supervisor MacSwan and seconded by Councilman Retzlaff to authorize the increase of certain fees for engineering review within the Town of Wheatfield. As follows, is the updated fee schedule:

**FEES FOR ENGINEERING REVIEW**

SITE PLAN

\$500 FOR LESS THAN 1-ACRE  
PLUS \$150 FOR EACH ADDITIONAL ACRE OVER 1  
(COVERS INITIAL REVIEW AND 1 SUBSEQUENT REVIEW)  
AFTER 2<sup>ND</sup> REVIEW, AN ADDITIONAL REVIEW FEE OF ½ OF THE INITIAL REVIEW FEE WILL BE CHARGED FOR EACH ADDITIONAL REVIEW.

SUBDIVISIONS

SUBDIVISIONS OF 20 LOTS OR LESS..... \$75 PER LOT  
SUBDIVISIONS OF OVER 20 LOTS..... \$1,500 PLUS \$50 PER LOT OVER 20  
(COVERS INITIAL REVIEW AND 1 SUBSEQUENT REVIEW)  
AFTER 2<sup>ND</sup> REVIEW, AN ADDITIONAL REVIEW FEE OF ½ OF THE INITIAL REVIEW FEE WILL BE CHARGED FOR EACH ADDITIONAL REVIEW.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REVIEW

NOTE: THESE FEES ARE IN ADDITION TO THE SITE PLAN OR SUBDIVISION REVIEW FEES.

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FOR SINGLE PHASE RESIDENTIAL AND COMMERCIAL DEVELOPMENT PROJECTS

IF DESIGN IS IN CONFORMANCE WITH NEW YORK STATE DESIGN MANUAL:

<u>AREA</u>	<u>SWPPP REVIEW</u>	<u>CONSTRUCTION INSPECTION</u>
<5AC	\$350	\$550
5AC TO 10AC	\$500	\$750
OVER 10AC	\$500 + \$100/5AC OR PORTION THEREOF	\$750 + \$200/5AC OR PORTION THEREOF

IF DESIGN IS NOT IN CONFORMANCE WITH NEW YORK STATE DESIGN MANUAL:

<u>AREA</u>	<u>SWPPP REVIEW</u>	<u>CONSTRUCTION INSPECTION</u>
<5AC	\$650	\$550
5AC TO 10AC	\$800	\$750
OVER 10AC	\$800 + \$100/5AC OR PORTION THEREOF	\$750 + \$200/5AC OR PORTION THEREOF

FOR MULTI-PHASE RESIDENTIAL AND COMMERCIAL DEVELOPMENT PROJECTS

1. WHEN THE ENTIRE PROJECT IS FIRST BEING REVIEWED AND APPROVED BY THE MUNICIPALITY, USE THE SINGLE PHASE RESIDENTIAL AND COMMERCIAL DEVELOPMENT PROJECT SCHEDULE ABOVE TO DETERMINE THE INITIAL FEE BASED ON THE ENTIRE ACREAGE OF THE PROJECT.

2. ADD \$550 FOR EACH SUBSEQUENT PHASE AFTER THE 1<sup>ST</sup> INITIAL PHASE, TO BE COLLECTED AT THE BEGINNING OF THE DEVELOPMENT OF EACH SUBSEQUENT PHASE. THIS ADDITIONAL \$550 IS TO BE USED FOR CONSTRUCTION INSPECTION ASSUMING THAT THE SWPPP AND DESIGN PLANS DO NOT CHANGE.

**PUBLIC IMPROVEMENT PROGRAM (PIP)**

ENGINEERING CONSTRUCTION ADMINISTRATION FEE.....\$6,500  
ENGINEERING INSPECTION FEE - TIME AND EXPENSE ESTIMATE BASED ON FULL TIME INSPECTION (TOTAL # OF CONSTRUCTION HRS\*\$95/HR). ADDITIONAL FEE WILL BE CHARGED IF ACTUAL CONSTRUCTION HOURS EXCEED ESTIMATED HOURS. BALANCE WILL BE REFUNDED IF ACTUAL HOURS ARE LESS THAN ESTIMATED HOURS.  
TOWN ADMINISTRATION FEE  
UP TO 20-LOTS.....6.0% OF COMBINED TOTAL OF ENG. ADMIN. FEE PLUS INSPECTION FEE  
MORE THAN 20-LOTS....7.5% OF COMBINED TOTAL OF ENG. ADMIN. FEE PLUS INSPECTION FEE

This revised fee schedule shall take effect immediately upon approval by the Town Board.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Supervisor MacSwan and seconded by Councilman Helwig to authorize and create the position of a Road Maintenance Foreman pursuant to the Job Description prepared by the Highway Department at a rate of pay of \$24.71 assigned to it for the calendar year of 2019.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Retzlaff and seconded by Councilman Helwig;

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING**

**WHEREAS**, Steaks of Buffalo, Inc., d/b/a Pellicano’s Marketplace (the “Company”) plans to construct a new 8,335 square foot market in the Town of Wheatfield (the “Project”); and

**WHEREAS**, The Company has requested that the Town apply for funding, on its behalf, from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the cost of equipment to support the Project; and

**WHEREAS**, the Wheatfield Local Development Corporation (the “WLDC”) is assisting in the facilitation of the Project, and has requested that the Town provide the OCR funding to the WLDC as a grant for the purpose of making a deferred loan and a term loan to the Company; and

**WHEREAS**, the Project will result in substantial benefit to the Town of Wheatfield in the form of an estimated 18 new employment positions; and

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**WHEREAS**, the Town has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the Project;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Supervisor is hereby authorized to submit a grant application on behalf of the Town of Wheatfield in the approximate amount of \$266,000.00 to the OCR to support the Project; and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to execute a Grant Agreement between the Town and the OCR and all related documents associated with the OCR grant, including entering into a Grant Agreement with the WLDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the Town Attorney; and be it further

**RESOLVED**, that the Town Supervisor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doucet and seconded by Councilman Doktor to hire Karin Rafter as the Ladies' Exercise Instructor for the Recreation Department at a rate of pay and jobs term pursuant to job specifications for Parks and Recreation Department, subject to Human Resource Department approval and a Niagara County criminal background check.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Supervisor MacSwan and seconded by Councilman Doktor to hire Jeff Haseley as the Boys' Basketball Instructor for the Recreation Department at a rate of pay and jobs term pursuant to job specifications for Parks and Recreation Department, subject to Human Resource Department approval and a Niagara County criminal background check.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Doucet to authorize the request of Mike Ranalli, Director of the Recreation Department, to declare five (5) couches at the Youth Center, all of which are over ten (10) years old and original to the building, surplus and junk, such that they may be allowed to be disposed of as garbage.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doucet and seconded by Councilman Doktor to authorize Mike Ranalli, Director of the Recreation Department, to purchase five (5) couches for the Youth Center from Raymour & Flanigan for the total price of \$2,099.70. Said couches are to replace the original couches, which were authorized to be disposed of as they are no longer serviceable. This purchase will be paid for from the Recreation Department's 2018 Budget.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Helwig to approve and authorize the creation of a Recreation and Youth Center Facebook and/or Instagram page(s) for informational purposes for the Recreation and Youth Center.

**WHEREAS**, it is well known that social media can be a useful tool to be used for free advertising and to relay program changes as they are made: and

**WHEREAS**, Town of Wheatfield residents, through such social media, can receive alerts when a game is canceled due to inclement weather or there are schedule modifications; and

**WHEREAS**, the Recreation Department's goal is stated to keep the content professional and transparent, so such information can be delivered as a communication tool; and

**WHEREAS**, the Facebook and/or Instagram page(s) will be set up as a one-way communication

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tool, where the contents of the posts are made only by the Administrator of the page(s);

**NOW, THEREFORE, BE IT,**

**RESOLVED**, that this Motion authorizes the creation of said social media web pages, with control and posting only allowed by the Recreation Department.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Helwig and seconded by Supervisor MacSwan to hire Roger Middleton and the Girls Basketball instructor subject to Human Resource Department approval and a Niagara County criminal background check.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Retzlaff and seconded by Councilman Doktor to authorize the increase of Building Department fees and Planning and Zoning fees within the Town of Wheatfield. The amended fees are as follows:

1. The renewal of a Building Permit (extension of one (1) year) – 50% of original cost, \$30.00 minimum;
2. Fence Permit - Residential - \$30.00; Commercial - \$35.00;
3. Swimming Pools – Above-ground - \$35.00; Inground - \$75.00;
4. Annual cell tower inspection fee - \$1,000.00; and
5. Application for Site Plan Review - \$200.00. \*\* For each review after second review - \$150.00.

This revised fee schedule shall take effect immediately upon approval by the Town Board.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Retzlaff and seconded by Councilman Helwig to accept the high bid of \$3,750.00 for the 1987 GMC dump truck, accept the high bid of \$3,850.00 for the 1995 Ford dump truck, on Auctions International, and to authorize the Highway Superintendent to counter the highest received bid of \$5,300.00 for the 1971 Grader with lowest acceptable bid of \$6,500.00, and if that counter is not accepted, to re-submit to Auctions International for the spring construction season.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Doucet and seconded by Councilman Doktor to update the First Volunteer Fire Co. of Bergholz roster as follows: ADD Harley Spósito as a member.

**This motion was CARRIED: AYES 5 – NAYS 0.**

**The next meeting is scheduled for September 24, 2018 at 7:00 pm.**

**PUBLIC INPUT**

Comments about high grass in town right of ways –

Moved by Supervisor MacSwan and seconded by Councilman Helwig to adjourn at 8:06 pm.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Respectfully submitted,

Kathleen Harrington-McDonell  
Town Clerk

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