

November 26, 2018

A Public Information Meeting, Public Hearing and the Regular Town Board meeting of the Town of Wheatfield was held November 26, 2018 at 6:45 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, Councilman Larry Helwig, Gilbert Doucet, Randy Retzlaff, Curt Doktor, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.

A Public Information to discuss the temporary closure of Shawnee Road opened at 6:45 pm. Representatives from the DOT provided an overview of the project and proposed detour. The Town Board will review information and respond. The Public Information meeting closed at 7:05 pm.

The Public Hearing on proposed changes to street lighting requirements of Town code Chapter 169 opened at 7:06 pm. Tim Zuber of Wendel provided an overview of proposed changes.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to close the Public Hearing at 7:10 pm. No action taken at this time.

This motion was CARRIED: AYES 5 - NAYS 0.

PUBLIC INPUT – none

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

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to approve the November 26, 2018 bill payment for voucher #20182258 – 20182384 in the amount of \$254,654.72 as follows:

General Fund	\$ 71,074.14
Highway	\$ 31,721.15
Water/Sewer	\$ 34,661.43
Refuse	\$ 71,359.64
Trust & Agency	\$ 30,129.34
Fire	\$ 8,475.56
Capital/Niag Riverwalk	\$ 5,922.12
Pre-paid	\$ 1,311.34

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to authorize acceptance and the execution of necessary documents by Kathy Harrington-McDonell, Wheatfield Town Clerk, to change the Wheatfield Town Clerk's Tax Collection software to BAS. This program will allow for residents to look up tax bills on-line and make direct payments with credit, debit cards or e-checks. These payment options have been requested by many residents. The cost for this Tax Collection software shall be as follows:

- a. First year conversion - \$19,700.00 (which includes installation, conversion);
- b. 2019 Maintenance Agreement costing \$17,000.00.

Said amounts will be paid from the 2018 Budget, and the remaining balance of \$2,700.00 will be paid from the 2019 Budget. The cost of annual maintenance starting at January, 2020 is currently priced starting at \$3,900.00 per year. This Resolution authorizes the acceptance of the proposal from BAS for the Tax Collection software, and authorizes the execution of any necessary documents subject to Town and Attorney review.

November 26, 2018

Moved by Supervisor MacSwan and seconded by Councilman Doktor to schedule a Public Hearing at 7:00 pm on the 17th day of December, 2018, regarding a Local Law making modifications to the Town of Wheatfield Zoning Ordinance §200-18. C-1(A) and 200-18. C-1(C) *Commercial District*, as indicated below:

§200-18. C-1 Commercial District.

A. Permitted principal uses. Permitted principal uses shall be as follows:

- (1) Uses as permitted and regulated in the R-C District.
- (2) Retail sales within a completely enclosed building.
- (3) Personal service shops, e.g., barbershops, beauty salons, shoe repair.
- (4) Laundromats, dry-cleaning and laundry pickup stations.
- (5) Restaurants.
- (6) Hotels, motels.
- (7) Banks, drive-in banks.
- (8) Boat or marine sales and service.
- (9) Drive-in restaurants.
- (10) Laundry or dry-cleaning facilities.
- (11) Theaters, assembly halls, bowling alleys.
- (12) Custom shops, including electrical, heating, plumbing or woodworking shops.
- (13) Building materials supply, including incidental millwork.
- (14) Machine or tool sales, rental or service.
- (15) Job and newspaper printing.
- (16) Shopping centers or plazas.
- (17) Nurseries, greenhouses.
- (18) Mobile home courts.
- (19) Gold driving ranges.
- (20) Indoor gun ranges. [Amended 9-15-2008 by L.L. No. 8-2008]

C. Uses permitted upon issuance of a special use permit. The following uses shall be permitted upon issuance of a special use permit.

- (1) Uses as permitted in the R-C District.
- (2) Car washes.
- (3) Drive-in theaters.
- (4) Gasoline service stations.
- (5) Collision shops.
- (6) Commercial storage buildings.
- (7) New or used motor vehicle sales and/or service.
- (8) Kennels.
- (9) Assembly of previously prepared materials.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig;

WHEREAS, the Town issued a Sealed Bid for Refuse, Waste Collection and Disposal and Recyclables Collection and Marketing, generated within its municipal borders; and

WHEREAS, Modern submitted a Bid in response to the Town's request; and

WHEREAS, the Town evaluated the Bids it received in response to its request; and

WHEREAS, the Town Board of Wheatfield adopted a Resolution on September 24, 2018 to

November 26, 2018

award the contract for its solid waste and recyclables to Modern Disposal Services, Inc.; and

WHEREAS, the Town and Modern Disposal Services, Inc., wish to enter into an Agreement in accordance with the terms and conditions stated in the Bid and Modern's response to the Sealed Bid request.

NOW, THEREFORE, the Town of Wheatfield and Modern Disposal Services, Inc., are ready to enter into an Agreement binding each party with the terms and conditions stated in the Bid provided by Modern Disposal Services, Inc., in response to the Town of Wheatfield's Seal Bid request.

IT IS HEREBY,

RESOLVED, that the Town of Wheatfield approves and authorizes the Town Supervisor, Don MacSwan, to enter into and sign a Municipal Solid Waste Collection, Hauling and Disposal and Recycling Agreement on behalf of the Town with Modern Disposal Services, Inc., for said services for the period of 2019 through 2022 in which the Town shall have the option to renew said Agreement for two (2) successive two (2)-year periods. This Resolution authorizes the Town Supervisor to approve and execute said Refuse Agreement upon final approval of the Agreement's form and terms by the Wheatfield Town Attorney.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig;

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

<u>Account No.</u>	<u>Description</u>	<u>From</u>	<u>To</u>
A.1110.0100	Justices Pers	\$ 5,000	
A.1110.0120	Court Clerks Pers	2,500	
A.1110.0400	Justices Contr		\$ 7,500
A.3650.0200	Building Inspector Equip	2,000	
A.3650.0400	Building Inspector Contr		2,000
A.1990.0400	Contingency Acct Contr	8,000	
A.1010.0400	Town Board Contr		1,500
A.1480.0100	Census Pers		1,900
A.3120.0400	Police & Constable Contr		4,000
A.8025.0100	Task Force Pers		400
A.8040.0400	Assessment Board Contr		200
A.1990.0400	Contingency Acct Contr	17,000	
A.8090.0400	Environ Contr Contr		<u>17,000</u>
Total		<u>\$34,500</u>	<u>\$34,500</u>

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Retzlaff to approve an amendment to the 2018 Water Fund budget to provide the estimated revenue and budget appropriation for the 15 cent increase in the purchase of water from Niagara County that became effective as of January 1, 2018, but approved by Niagara County after the 2018 Town Budge was adopted by the Town Board as follows:

Water Fund

Increase Estimated Revenues	
Account F.0000.2140 Metered Water Sales	<u>\$130,000.00</u>
Increase Appropriations:	
Account F.8320.0400 Contractual Expenses	<u>\$130,000.00</u>

November 26, 2018

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Supervisor MacSwan to approve Firearms Discharge Permits for the following individuals: Robert Raffel Jr. and Keith Raffel.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Doktor to hire Christopher Cacciatore as a lifeguard for the Life Guard Program at Niagara Wheatfield beginning in January, at a rate of pay and job term pursuant to job specifications for the 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 Retzlaff and seconded by Councilman Helwig as amended* to authorize the Recreation Department to declare the following items as surplus equipment:

- a. Cub Cadet 26” Snow Blower, Model No. 317E653F100
- b. John Deere 26” Snow Blower, Model No. 826
- c. New Holland 906 Auger Head attachment with four (4) different size augers and holders
- d. Curtis 9’ Hitch-N-Run snow plus 30 degree angle, Model No. 27389
and
- e. Woods 90” desk rotary mower,
- *f. Crown Victory (Constable Department)

and to allow the Recreation Department to place said surplus equipment items on Auctions International for sale. This Resolution requires, upon receipt of any bid offers for the purchase of said surplus equipment items, the Town Board to review said bids and authorize the sales of said items.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig 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 streetlights in subdivisions; 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

WHEREAS, a public hearing was held regarding these Code amendments on 11/26/18 and comments were received, and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to adopt this 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,

November 26, 2018

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 Supervisor MacSwan 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 streetlights in subdivisions; and

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

WHEREAS, a public hearing was held regarding these Code amendments on 11/26/18 and comments were received, 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:

Subdivision of Land – Chapter 169

Article III - Procedures

- Amend Section 169-10 *Preliminary plat for major subdivision; fee; hearing; bond*; by amending paragraph I as follows:

Add the following sentence after the first sentence of the paragraph; **“The Town Board shall also state the need for the formation of any special districts necessary for the project (such as a Lighting District).”**

- Amend Section 169-12 *Required improvements; bonds, fees*; by adding a new paragraph G as follows:

G. Lighting Districts. For new Subdivisions (Subdivisions that have not received Final Plat approval as of the date of the filing of this amendment to the Local Law) requiring new roads and the installation of street lighting, the applicant shall support and pay for all costs associated with the Town of Wheatfield forming a Lighting District for the Subdivision. This District must be in place prior to Town Board approval of the Final Plat.

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.

November 26, 2018

Moved by Councilman Retzlaff and seconded by Councilman Doucet to post in paper the 2019 vacancies.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to accept and authorize Don MacSwan, Town Supervisor, to execute a Payment In Lieu Of Taxes (PILOT) Agreement between the Town of Wheatfield and LR Wheatfield Solar 1, LLC., (Borrego) to establish a (15) fifteen year payment in lieu of taxes agreement starting in year 2020 at \$20,000 with a 1.5% annual increase, terminating in 2035 with an estimated payment of \$25,004.64, relating to the premises at 2469 Lockport Road, Sanborn (SBL #: 133.00-1-3), in the Town of Wheatfield, Niagara County, New York. A copy of which is attached hereto.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to update Adams Fire Company roster as follows; ADD: Joseph McGuire, Robert E. House Jr. and Amy Orłowski as active members and REMOVE: Tony Steward and Brian O'Connor.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Doucet to update First Volunteer Fire Co. of Bergholz roster as follows; ADD Ellen Doyle, Rachel Hamilton, Emily Harrell, Steven Harris, Thomas Perry, Gavin Ritter, Larry St. Cyr, Harley Sposito, Heather Zuccari.

This motion was CARRIED: AYES 5 - NAYS 0.

The next meeting is scheduled for December 3, 2018 at 7:00 pm at Town Hall.

PUBLIC INPUT

M & T Bank is no longer accepting tax payments
Resident asked for status of NFB construction at Ward Road

Moved by Councilman Retzlaff and seconded by Councilman Doktor to adjourn at 7:58 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk