

June 5, 2023

A Public Hearing and the Regular Town Board Meeting for the Town of Wheatfield was held June 5, 2023 at 6:45 pm 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, Councilman Gilbert Doucet, Councilman Randy Retzlaff, Councilman Curt Doktor, Town Attorney Matthew Brooks and Town Clerk Kathleen Harrington-McDonell

The Public Hearing on proposed revisions to Town code, Chapter 200-Zoning adding regulations for Adult Use Cannabis opened at 6:45 pm. Tim Zuber of Wendel gave an overview of proposed updates and stated the town had added provisions to limit where sales could take place. He indicated that the Niagara County Planning Board did not vote in favor of the proposed revision.

Moved by Supervisor MacSwan and seconded by Councilman Retzlaff to close the Public Hearing at 6:58 pm. No action was taken.

This motion was CARRIED: AYES 5 - NAYS 0.

PUBLIC INPUT – Don Lauer of Adam Fire Company expressed the need for Volunteer Fire Fighters at all Fire Companies. They will be holding meetings in various communities in town asking for new members. They are also trying to get approval for tax exemptions or other incentives for volunteer firefighters.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to accept the minutes dated May 15, 2023 as presented.

This motion was CARRIED: AYES 4 – NAYS 0 – ABSTAIN 1 Councilman Doktor.

Moved by Councilman Helwig and seconded by Councilman Doktor to approve the June 5, 2023 bill payment for voucher #20230790 – 20230896 in the amount of \$409,446.50

General Fund	\$315,799.53
Highway	\$ 29,428.05
Water/Sewer	\$ 9,465.19
Fire	\$ 294.00
Lighting	\$ 64.90
Pre-paid	\$ 54,393.93

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to accept the completed PIP improvements for pavement and curb, storm sewer, sanitary sewer, and waterline for the Whistling Straits Subdivision with the following conditions:

1. All applicable requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) must be complied with. Weekly inspections and prompt correction of identified deficient items are required while lots are being developed. All disturbed areas of the site must be stabilized. If temporary stabilization fails to germinate and grow, additional seeding will be required to fully stabilize the site. Individual house construction must follow the requirements outlined in the New York State Standards and Specifications for Erosion and Sediment Control, Appendix D – Erosion Control for Small Residential Sites.
2. The Developer and their Attorney will be responsible for filing the Right-of-Way / Roadway Dedication and all easements (drainage and sanitary sewer) and must provide the Town Attorney with a filed copy of the documents prior to the issuance of any new building permits.
3. The Maintenance Bond must be reviewed and approved by both the Town Engineer and the Town Attorney.
4. The required lighting district has been finalized but the six (6) light standards have not yet been installed. The Developer must work with National Grid to get these lights installed as soon as possible, but by August 31, 2023, at the latest. If installation is not completed by this date, the Town may suspend the issuance of any new Building Permits until the light standards are installed.
5. Rear yard swales for lots 15-20 and 21-31 have been installed to final grade and have been seeded. B.Y. RCVRs have been cut to final grade and require no further modification. Future construction of houses on these lots must not disturb the invert and side slopes of these swales.
6. B.Y. RCVRs for lots 34-41 have been left extending above grade. Each riser is marked with a length to be cut to achieve final grade during home construction. Cut info is marked on each riser.
7. Final grading of each lot along the lot lines must correspond with proposed final grade of each adjacent lot. This proposed final grade will, in most cases, be different than existing grade.

Whistling Straits
Accept PIP

8. Per Town Specifications and as discussed at the pre-construction meeting, the Project must provide two (2) hydrant operating wrenches, one (1) 6-ft valve box operating wrench key, and two (2) curb stop operating keys to the Town Water/Sewer Department.
 9. At the swale entry to the pond (northwest corner of pond near lot 6 and 7 common lot line), there has been erosion of sediment into the retention pond. The Developer/Contractor must excavate the material that has deposited along the edge of the pond, reshape the swale from top of bank to pond surface, and install medium stone fill (rip rap) in the swale, as shown on the plans, to prevent erosion in this area.
 10. Mail Custer Box Units are not allowed in the Town Right-of-Way. No building permits will be issued until the mail delivery system is resolved to the satisfaction of the Town and the curb and gutter sections that have been cut to accommodate the cluster box units are restored to the satisfaction of the Town Highway Department.
- This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Doktor and seconded by Supervisor MacSwan to accept the road dedication, drainage easements, and sanitary sewer easements associated with the Whistling Straits Subdivision.

Road Dedication
Whistling Straits

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to authorize the request of Mark Clark, Water/Sewer Superintendent, to hire Kyle Kabel as a MEO for the Water/Sewer Department, being an internal transfer from the Highway Department, to start at Water/Sewer on June 5, 2023, with a 30-day trial period. Said hire is at a rate of pay and terms pursuant to Job Specifications of the Water/Sewer Department's MEO and pending approval of Human Resources. No Niagara County criminal background check is required as the employee is currently with the Town.

Hire Kyle
Kabel
Water/Sewer

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to approve and authorize the request from the Wheatfield Enhancement Volunteers, to authorize and approve the ordering and purchase of a. round logos for Ward wall (Cooper Sign): \$1,665, b. X-1 flat-cut aluminum letters for Witmer wall (Cooper Sign): \$4,145 all for the "Walls in Wheatfield" project at Ward and Witmer Roads, to be paid from the WEV 2023 budget.

Purchase logos
for Ward &
Witmer signs

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to hire Addison Homsy as summer seasonal help – Tennis Camp, July 10 – July 15, at a rate of pay and terms pursuant to Job Specifications of the Recreation Department's seasonal help – summer camp staff and pending approval of Human Resources and a Niagara County criminal background check.

Hire summer
help Rec

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to approve and authorize the Town Attorney to sign and execute the Stipulated Order in the Tax Assessment case of Welltower Group OM LLC. v. the Town of Wheatfield, et. al.

Tax Assessment
Welltower Group

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to authorize and approve the request of Paul Siegmann, Highway Superintendent, to hire Nicole Ritter as an Account Clerk for Highway Department, taken from the Niagara County Civil Service list, with a start date yet to be determined, at a rate of pay and terms pursuant to Job Specifications of the Account Clerk for Highway Department and pending approval of Human Resources and a Niagara County criminal background check.

Hire Nicole
Ritter Hwy.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Helwig to authorize and approve the request of Paul Siegmann, Highway Superintendent, to hire Jacob Stoelting as summer seasonal help - Laborer for Highway Department, at a rate of pay and terms pursuant to Job Specifications of summer seasonal help – Laborer, for Highway Department and pending approval of Human Resources and a Niagara County criminal background check.

Hire summer help Hwy.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet to authorize the request of Mark Clark, Water/Sewer Superintendent, to hire seasonal help of Brandon Mack, starting June 8, 2023, 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.

Hire summer help Water/Sewer

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doktor to authorize the request of Mark Clark, Water/Sewer Superintendent, to move Noah Walker up from a Water/Sewer 1 position to a Water/Sewer 2 position effective June 6th, 2023.

Promote Noah Walker Water/Sewer

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to accept the high bids received for the following surplus on Auctions International: 1. 2005 GMC Sierra 3500 4x4 dump truck with plow for the amount of \$8,300, 2. 4 tow behind Onan Generators for the amount of \$3,850.

Accept bids Auctions Intl. 2005 GMC truck & generators

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Supervisor MacSwan to authorize the purchase of an ID Card System, to be used for all Town Employees that require photo ID, from Linstar. The cost of System is \$1,670.

Purchase ID System

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to update the First Volunteer Fire Co. of Bergholz as follows: ADD Cooper Boyle as an active firefighter.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Doktor to authorize town employees from the Highway Department to complete a one time clean up at the Lions Club pond to remove debris under shared service agreement.

Clean up Lions Club – shared service

This motion was CARRIED: AYES 5 - NAYS 0.

PUBLIC INPUT – Legislator David Godfrey state Niagara Count passed a resolution to prohibit ATV’s on any public road/space and the Niagara County Sheriff will enforce

There will be a Bill Payment June 19, 2023. The next Regular Town Board meeting is scheduled for July 10, 2023 at 7:00 pm.

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

This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk

June 5, 2023
