

**AGENDA**

**July 10, 2023**

**6:45 pm Ed Pettitt from SAfE, Niagara County**

**7:00 pm Regular Town Board Meeting**

- Pledge of Allegiance**
- Opening Prayer**
- For the record, Board Members Present**
- Public Input**
  
- Approval of Minutes June 5, 2023 Town Board meeting** ( / )

**Approval of Bill payment of June 19, 2023**

**Voucher No. 20230905 – 20230989 TOTAL \$613,198.31**

Pre-Paid	\$ 36,575.43
General Fund	\$165,527.77
Highway	\$215,949.24
Water/Sewer	\$ 21,321.05
Fire	\$ 70,345.47
Refuse	\$103,426.86
Lighting	\$ 52.49

**Approval of Bill payment of July 10, 2023**

**Voucher No. 20230990 – 20231138 TOTAL \$631,923.03**

General Fund	\$ 88,536.75
Highway	\$242,105.86
Water/Sewer	\$257,003.48
Fire	\$ 619.00
Lighting	\$ 2,151.11
Pre-paid	\$ 41,506.83

- Highway – Paul Siegmann
- Water / Sewer – Mark Clark
- Recreation – Mike Ranalli
- Building Inspector – Mike Klock
- Assessor – Kelli Coughlin
- Constables
- Wendel – Tim Zuber
  
- Motions:** per list attached (Matthew Brooks)
  
- Board Member Items:**
  - Larry Helwig
  - Gil Doucet
  - Curt Doktor
  - Randy Retzlaff
  - Don MacSwan
  
- Public Input**
  
- Next Meeting: July 24, 2023 Bill Payment Only**  
**August 7, 2023 7:00 pm Regular Town Board Meeting**
  
- Request Motion to Adjourn:** ( / )

## MOTIONS

**From: Wendel**

Cannabis Law SEQR

**MOTION** by \_\_\_\_\_, **Seconded by** \_\_\_\_\_,

**WHEREAS**, the Marijuana Regulation and Taxation Act of 2021 legalized adult-use cannabis in New York State; and

**WHEREAS**, under the Marijuana Regulation and Taxation Act, municipalities could prohibit adult-use cannabis retail dispensaries and on-site consumption businesses by adopting a local law by December 31, 2021; and

**WHEREAS**, the Town of Wheatfield did not adopt such a law within the required timeframe; and

**WHEREAS**, municipalities are permitted to pass local laws and regulations governing the time, manner, and place of adult-use retail dispensaries and on-site consumption lounges; and

**WHEREAS**, the Code of the Town of Wheatfield contains and specifies the local laws, and ordinances of the Town of Wheatfield; and

**WHEREAS**, the Town's Planning Consultant drafted a new local law, which would amend Chapter 200 of the Code of the Town of Wheatfield, by adding a new Article entitled "Adult-Use Cannabis"; 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 a coordinated environmental review of this draft local law and has established itself as SEQR Lead Agency (no objections received); and

**WHEREAS**, a public hearing was held regarding the proposed law, and no adverse comments were received; and

**WHEREAS**, pursuant to Municipal Home Rule, the Town Board is proposing to adopt this adult-use cannabis local law.

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

The Wheatfield Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed adult-use cannabis local law 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 SEQRA Negative Declaration in accordance with Section 617.7 of the SEQRA regulations; and

**BE IT FURTHER RESOLVED**, that the Supervisor is authorized to sign the Full Environmental Assessment Form (FEAF Parts 1, 2 &3), which will act as the Negative Declaration, and that the required notifications be completed.

**From: Wendel**

Cannabis Law Adoption

**MOTION** by \_\_\_\_\_, **Seconded by** \_\_\_\_\_,

**WHEREAS**, the Marijuana Regulation and Taxation Act of 2021 legalized adult-use cannabis in New York State; and

**WHEREAS**, under the Marijuana Regulation and Taxation Act, municipalities could prohibit adult-use cannabis retail dispensaries and on-site consumption businesses by adopting a local law by December 31, 2021; and

**WHEREAS**, the Town of Wheatfield did not adopt such a law within the required timeframe; and

**WHEREAS**, municipalities are permitted to pass local laws and regulations governing the time, manner, and place of adult-use retail dispensaries and on-site consumption lounges; and

**WHEREAS**, the Code of the Town of Wheatfield contains and specifies the local laws, and ordinances of the Town of Wheatfield; 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 Town Code, Chapter 200 – Zoning, to add a new Article entitled “Adult-Use Cannabis,” as illustrated in the attached copy; and

**WHEREAS**, the Town also referred this local law to the Niagara County Planning Board in accordance with General Municipal Law §239-m; and

**WHEREAS**, a public hearing was held regarding the proposed law, and no adverse comments were received; and

**WHEREAS**, the Town Board, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, has issued a SEQR Negative Declaration.

**NOW THEREFORE BE IT RESOLVED**, that the Wheatfield Town Board amends the Code of the Town of Wheatfield, Chapter 200 – Zoning, to add a new Article entitled “Adult-Use Cannabis,” as referenced above and attached.

**From: Recreation Department**

**MOTION** by \_\_\_\_\_ **Seconded** by \_\_\_\_\_

**RESOLVED**, to hire Nolan Barker, Samantha Furan, Claire Firzak and Olivia Tober as summer seasonal help – Summer Camp staff, effective July 11, 2023, 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.

**From: Recreation Department**

**MOTION** by \_\_\_\_\_ **Seconded** by \_\_\_\_\_

**RESOLVED**, to hire Noah Brooks, as summer seasonal help – Park Guard, effective July 11, 2023, at a rate of pay and terms pursuant to Job Specifications of the Recreation Department’s seasonal help – Park Guard and pending approval of Human Resources and a Niagara County criminal background check.

**From: Budget Department**

**MOTION** by \_\_\_\_\_ **Seconded** by \_\_\_\_\_

**RESOLVED**, to authorize and approve the request of Ed Mongold, Budget Director, to hire Paul Valera as a part-time budget director to be paid at an hourly rate of \$27.31 effective as of August 20, 2023 on a probationary basis. The hourly rate is justified due to the professional nature of the job and also that he is a CPA. No Niagara County criminal background check is required as the employee is currently with the Town.

**From: Highway Department**

**MOTION** by \_\_\_\_\_ **Seconded** by \_\_\_\_\_

**RESOLVED**, to authorize and approve the request of Paul Siegmann, Highway Superintendent, to hire Levi Siegmann as summer seasonal help - Laborer for Highway Department, effective July 11, 2023, 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.

**From: Town Assessor and Town Attorney**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**

**RESOLVED**, to approve and authorize the Town Attorney to sign and execute the Stipulated Order in the Tax Assessment cases of MOOG, Inc. v. the Town of Wheatfield et.al., and Wheatfield Business Park II, LLC, and MOOG Inc., v. the Town of Wheatfield et.al., which does not reduce any past assessments but rather keeps them the same for the next 3 years.

**From: Water/Sewer Department**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**

**RESOLVED**, to authorize the request of Mark Clark, Water/Sewer Superintendent, to hire Timothy Kroening as a Laborer, starting July 11, 2023, at a rate of pay and terms pursuant to Job Specifications of the Water/Sewer Department’s Laborer position and pending approval of Human Resources and a Niagara County criminal background check.

**From: Water/Sewer Department**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**

**RESOLVED**, to authorize the request of Mark Clark, Water/Sewer Superintendent, to hire Michael Corey as a Laborer, starting July 11, 2023, at a rate of pay and terms pursuant to Job Specifications of the Water/Sewer Department’s Laborer position and pending approval of Human Resources and a Niagara County criminal background check.

**From: Water and Sewer Department**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**

**RESOLVED**, to authorize the request of Mark Clark, Water/Sewer Superintendent, to move Adam Lamb up from a Mechanic position to a MEO position effective July 11, 2023.

**From: Town Board**

**MOTION by \_\_\_\_\_ Seconded by \_\_\_\_\_**

**WHEREAS**, the Town of Wheatfield in conjunction with the New York State Department of Transportation, is currently progressing the project to build the New York State Scenic By-Ways Project Niagara River Waterfront, Multi-Use Trail (PIN 5760.75); and

**WHEREAS**, the New York State Department of Transportation requires the Town to agree to accept ownership of any property acquired by the State or rights therein to all involved property in connection with the project; and

**WHEREAS**, it is necessary for the Town of Wheatfield to commit to accepting the properties upon completion of the above-mentioned construction project; and

**WHEREAS**, the New York State Department of Transportation further requests that the Town of Wheatfield executes and files all documents necessary with the County Clerk, Town Assessor, and others in order to facilitate the transfer of the parcels;

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the Town of Wheatfield, New York that the Town of Wheatfield hereby agrees to accept all acquired property from the State or its agencies and to keep the property for the length of time required; and be it further

**RESOLVED**, by the Town of Wheatfield, New York that as certain Town of Wheatfield property is required to construct the Multi-Use trail that the Town of Wheatfield will provide Temporary Construction Easements (TE) at no cost to the State; and be it further

**RESOLVED**, that the Supervisor of the Town of Wheatfield, following the Town's Attorney's review, is authorized to execute any agreements or documents necessary to effectuate the purposes of this resolution.

**From: Town Board**

**MOTION** by \_\_\_\_\_ **Seconded** by \_\_\_\_\_

**RESOLVED**, to amend the Town of Wheatfield's April 3, 2023 resolution regarding the Greenway Trail Project No. 5760.75, NYS Scenic By-Ways Project, Multi-Use Trail, by removing comment paragraph 9 in its entirety regarding requiring indemnification from the State to the Town, such that environment indemnification is no longer a condition.