

AGENDA

AUGUST 5, 2019

6:45 pm PRESENTATION - PEOPLE'S INC.

7:00 pm PUBLIC HEARING – request to rezone 2872 Lockport Rd.

7:05 pm PUBLIC HEARING – request to rezone 2424 and 2434 Lockport Rd.

REGULAR TOWN BOARD MEETING DRESCHER & MALECKI REPORT

- Pledge of Allegiance**
 - Opening Prayer**
 - Public Input** (at start and end of meeting)
 - For the record, Board Members Present**

 - Approval of Minutes** July 15, 2019 Town Board Meeting (/)

 - Bill Payment of August 5, 2019**
 - Voucher No. 20191270 – 20191404 \$273,154.89
 - Pre-paid \$642.17 **TOTAL \$273,797.06**

GENERAL FUND	\$59,699.81
HIGHWAY	\$55,187.27
WATER/SEWER	\$32,413.57
FIRE	\$68,262.06
REFUSE	\$ 328.98
TRUST & AGENCY	\$57,263.20
-
- Departments**
 - Highway – Paul Siegmann
 - Water / Sewer – Rich Donner
 - Recreation – Mike Ranalli
 - Building Inspector – Mike Klock
 - Assessor – Brigette Grawe
 - Constables
 - Seniors – Arlene Mante
 - Wendel – Tim Zuber
-
- Motions:** per list attached (Matthew Brooks)
-
- Board Member Items:**
 - Larry Helwig
 - Gil Doucet
 - Curt Doktor
 - Randy Retzlaff
 - Don MacSwan
-
- Next Meeting: September 9, 2019 7:00 pm - Regular Town Board Meeting**
-
- Public Input**
-
- Request Motion to Adjourn:** (/)

MOTIONS

From: Wendel

MOTION by _____ Seconded by _____
to schedule a Public Hearing on Monday, September 9, 2019 at _____ pm for the potential rezoning of 2181 Lockport Road from part Industrial-2 (M-2), part Commercial (C-1), and part Residential-2 (R-2) to all Industrial-2 (M-2).

From: Wendel

MOTION by _____ Seconded by _____
to approve the updated construction plans for Storm Sewer and Pavement and Curb at the Brookfield Subdivision. This approval is made with the conditions noted in Wendel's approval letter dated August 1, 2019.

Motion By _____ Seconded By _____
to approve the PIP applications for construction of Storm Sewer and Pavement and Curb improvements for Phase 2 of the Brookfield Subdivision. This phase will provide a total of 27-single family residential lots (lots 11-26, 36-44, and 82-84). This approval is made with the following conditions:

1. The Public Improvements must be constructed to current Town Standards and Details.
2. Prior to construction, the Developer must submit a drainage plan acceptable to the Town Engineer and the Town Drainage Committee. The Developer must maintain drainage on and around subdivision properties throughout construction.
3. All applicable requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) must be complied with.
4. The additional Performance Bond must be reviewed and approved by the Town Attorney.
5. The calculated PIP fee must be submitted.
6. All conditions of Wendel's August 1, 2019 Storm Sewer and Pavement and Curb approval recommendation letter apply to this PIP approval recommendation.

From: Wendel

MOTION by _____ Seconded by _____
In accordance with the SEQR requirements, the Town Board has reviewed Part 1 of the EAF and supporting information, completed Part 2, and evaluated the impacts in Part 3 and have determined that the proposed rezoning of 2872 Lockport Road (SBL: 133.20-1-65) from Residential-1 (R-1) to Restricted Commercial (R-C) will not have a significant adverse impact on the environment and therefore issues a Negative Declaration (Parts 1, 2, and 3 of the EAF and backup material). The Town Board authorizes the Town Supervisor to sign the EAF which will act as the Negative Declaration.

From: Wendel

MOTION by _____ Seconded by _____

WHEREAS, the Town of Wheatfield received a request from Janette Suchecki to rezone land located at 2872 Lockport Road (SBL: 133.20-1-65) from Residential-1 (R-1) to Restricted Commercial (R-C), and

WHEREAS, the Wheatfield Planning Board recommended approval of this request at their June 19, 2019 meeting; and

Whereas, the Wheatfield Town Board held the required public hearing on this proposed rezoning on August 5, 2019; and

Whereas, the Wheatfield Town Board has determined that the proposed rezoning will not result in any significant negative effect on the environment and has issued a Negative Declaration; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law which proposes to amend the Town’s Zoning Map as follows:

Be it enacted by the Town Board of the Town of Wheatfield, New York, that the Wheatfield Town Board amends the Town Zoning map as follows:

Rezone the parcel of land identified as SBL # 133.20-1-65 to Restricted Commercial (R-C).

Now, Therefore, Be It Resolved, that the Zoning Code of the Town of Wheatfield be amended as follows:

To amend Local Law 1-1988 of the Code of the Town of Wheatfield Chapter 200 entitled “Zoning” to provide for a change in the boundary of the Zoning Map whereby the Zoning of the parcel of land identified as SBL # 133.20-1-65 is changed from Residential-1 (R-1) to Restricted Commercial (R-C).

From: Wendel

MOTION by _____ Seconded by _____

In accordance with the SEQR requirements, the Town Board has reviewed Part 1 of the EAF and supporting information, completed Part 2, and evaluated the impacts in Part 3 and have determined that the proposed rezoning of 2434 Lockport Road (SBL: 147.00-1-4.11) from Industrial-1 (M-1) to Agricultural Residential (A-R) will not have a significant adverse impact on the environment and therefore issues a Negative Declaration (Parts 1, 2, and 3 of the EAF and backup material). The Town Board authorizes the Town Supervisor to sign the EAF which will act as the Negative Declaration.

From: Wendel

MOTION by _____ Seconded by _____

WHEREAS, the Town of Wheatfield received a request from Robert Walck and Cheryl Hayes to rezone land located at 2434 Lockport Road (SBL: 147.00-1-4.11) from Industrial-1 (M-1) to Agricultural Residential (A-R), and

WHEREAS, the Wheatfield Planning Board recommended approval of this request at their July 3, 2019 meeting; and

Whereas, the Wheatfield Town Board held the required public hearing on this proposed rezoning on August 5, 2019; and

Whereas, the Wheatfield Town Board has determined that the proposed rezoning will not result in any significant negative effect on the environment and has issued a Negative Declaration; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law which proposes to amend the Town’s Zoning Map as follows:

Be it enacted by the Town Board of the Town of Wheatfield, New York, that the Wheatfield Town Board amends the Town Zoning map as follows:
Rezone the parcel of land identified as SBL # 147.00-1-4.11 to Agricultural Residential (A-R).

Now, Therefore, Be It Resolved, that the Zoning Code of the Town of Wheatfield be amended as follows:

To amend Local Law 1-1988 of the Code of the Town of Wheatfield Chapter 200 entitled “Zoning” to provide for a change in the boundary of the Zoning Map whereby the Zoning of the parcel of land identified as SBL # 147.00-1-4.11 is changed from Industrial-1 (M-1) to Agricultural Residential (A-R).

From: Highway Department

MOTION by _____ Seconded by _____

to authorize the Highway Department to declare a 1990 Gradall and spare buckets as surplus equipment, and to allow the Highway 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. The eventual proceeds of said sales will be used towards the Highway Department’s purchase of new equipment.

From: Town Supervisor, Town Attorney and Wheatfield Local Development Corporation

MOTION by _____ Seconded by _____

WHEREAS, the Town of Wheatfield has previously resolved to move forward in the process with regard to a New York State Community Development Block Grant in the amount of

\$266,000.00 for the purpose of providing funding to Steaks of Buffalo, Inc., doing business as Pellicano's Marketplace for a project that would promote economic development in the Town of Wheatfield; and

WHEREAS, the Town of Wheatfield has requested the Wheatfield Local Development Corporation to administer the grant on its behalf; and

WHEREAS, the Wheatfield Local Development Corporation has prepared a Grant Agreement for the administration of said grant on behalf of the Town; and

WHEREAS, the Wheatfield Town Attorney has had an opportunity to review said Grant Agreement, and approve the form of said Grant Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wheatfield approves said Grant Agreement to allow the Wheatfield Local Development Corporation to administer the aforementioned grant on the Town's behalf and authorizes the Town Supervisor to enter into said Grant Agreement on behalf of the Town in order to promote economic development in the Town, subject to the development and employment goals previously set forth in the Community Development Block Grant Application.

From: Town Board

MOTION by _____ Seconded by _____

AUTHORIZATION TO ACCEPT CONVEYANCE OF CERTAIN TAX SALE PROPERTY TO THE TOWN OF WHEATFIELD (Property commonly known as 2839 Thornwoods Drive, Town of Wheatfield)

WHEREAS, the County of Niagara, by foreclosure of tax liens under Article 11, Title 3 of the Real Property Tax Law of the State of New York (the "Proceeding") has acquired jurisdiction, by filing a verified Petition (commenced in Niagara County Supreme Court under Clerk's Index No. 157229) against property assessed under SBL No. 147.16-2-4, commonly known as 2839 Thornwoods Drive in the Town of Wheatfield, New York (the "Property"), owned by Samuel D. Messina - Elayne M.; and

WHEREAS, the Judgment of Foreclosure granted July 26, 2017 by Daniel J. Furlong Supreme Court Justice, in the Proceeding, Kyle R. Andrews, Niagara County Treasurer (as the "Tax Enforcing Officer") awarded possession of the Property and, among other things, authorized the Niagara County Treasurer/Tax Enforcing Officer to execute and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances; and

WHEREAS, the Town of Wheatfield has notified the County of Niagara of its desire to accept ownership of the Property from the Tax Enforcing Officer in the Proceeding, in consideration of said transfer, the Town of Wheatfield will execute a Hold Harmless and Indemnity Agreement; and

WHEREAS, the Niagara County Legislature has determined that the Property is not needed for a County municipal purpose; and

WHEREAS, conveyance of the Property by the Tax Enforcing Officer to the Town of Wheatfield is in the best interests of both the County of Niagara and the Town of Wheatfield in that it will foster real property development; and

WHEREAS, the terms and conditions under which the Property is to be accepted by the Town of Wheatfield is subject to final review and approval by the Town of Wheatfield Attorney, wherein the Town of Wheatfield will hold harmless and indemnify the County of Niagara from any liability, damage, claims, or judgments arising from the condition or use of the Property, including the condition and use of the Property by the Town of Wheatfield.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Wheatfield shall accept the conveyance from the County of Niagara, the tax sale property commonly known as 2839 Thornwoods Drive, Town of Wheatfield, subject to review by the Town of Wheatfield attorney, including terms and conditions consistent with the findings and conditions set forth in this Resolution.