

January 28, 2019

The Regular Town Board meeting of the Town of Wheatfield was held January 28, 2019 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, Councilman Larry Helwig, Gilbert Doucet, Randy Retzlaff, Curt Doktor, Town Attorney Matthew Brooks, and Town Clerk Kathleen Harrington-McDonell.

PUBLIC INPUT – none

Moved by Councilman Helwig and seconded by Councilman Doucet to approve the minutes of January 7, 2019 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to approve the January 28, 2019 bill payment for voucher #20182671 – 20182785 in the amount of \$1,691,677.55 as follows:

| | |
|----------------|----------------|
| General Fund | \$ 80,132.98 |
| Highway | \$ 29,942.15 |
| Water/Sewer | \$ 204,275.22 |
| Trust & Agency | \$ 18,617.00 |
| Fire | \$1,259,055.56 |
| Refuse | \$ 96,412.91 |
| Pre-paid | \$ 15,674.43 |

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet to authorize Wendel to provide GIS support services during 2019. In accordance with Wendel's proposal dated January 15, 2019, a Lump Sum fee of \$4,950.00 will be paid for WMA Site Hosting and ArcGIS Data Collector Application Subscription, and a Time and Expense budget (not-to-exceed) of \$5,050.00 will be established for GIS/GPS Support and Training tasks described in the proposal. Total authorization is for \$10,000.00.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Retzlaff to authorize Wendel to provide stormwater management program assistance for the year 2019 in accordance with their proposal letter dated January 24, 2019, for a time and expense estimated fee of \$6,000.00.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to authorize the Highway Superintendent, Paul Siegmann to attend the 2019 "Local Roads Matter" Advocacy Day in Albany, New York on March 5th through March 6th, and the ensuing expenses for one (1) nights of accommodations, transportation and other miscellaneous allowed expenses.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Supervisor MacSwan to appoint Connie D. Miner of Connie D. Miner & Co. Grant Consultants for the year 2019, and effective February 1, 2019, pursuant a Professional Services Contract to be completed and approved by the Town Attorney.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Supervisor MacSwan to approve and

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authorize the Town Supervisor, Don MacSwan, to sign an Agreement with Drescher & Malecki

LLP, Certified Public Accountants, dated December 4, 2018, requesting that they audit the financial statements of governmental activities, each major fund, and the aggregate remaining fund information of the Town of Wheatfield as of December 31, 2018, and for the year then ended. Said services are estimated to be \$18,252.00 for said audits.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to approve and authorize the Town Supervisor, Don MacSwan, to sign the proposed contract with Municipal Solutions, Inc., dated October 1, 2018 to provide financial services related to the issuance of Bond Anticipation Notes and Serial Bonds, if appropriate, along with other general financial services, including continuing disclosure filings related to debt issuance for the calendar year 2019.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig;

WHEREAS, the Governmental Accounting Standards Board ("GASB") issued Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions ("OPEB") which now requires an actuarial valuation of OPEB effective for the Town for the calendar year ending December 31, 2018; and

WHEREAS, the Town's OPEB valuation has been calculated in the past under the Alternative Measurement Method as permitted by GASB Statement No. 45 which did not require an actuarial valuation.

NOW, THEREFORE, BE IT:

RESOLVED, that the Town of Wheatfield is hereby authorized to issue a request for proposal (RFP) for an Actuarial Valuation of the Governmental Accounting Standard Board ("GASB") Statement No. 75. Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions ("OPEB") as required to be reported in the Town's audit report for the year ending December 31, 2018.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to approve and authorize Town Supervisor, Don MacSwan, to execute and enter into a Contract with Wendel Engineers to provide certain agreed upon engineering services to the Town of Wheatfield for the year of 2019.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to approve and authorize Don MacSwan, the Town Supervisor, to enter into and execute the tentative Agreement between the Town of Wheatfield and the International Brotherhood of Teamsters Local #264 for the years of 2019 through 2022, with the understanding that the current version of this Agreement in paragraph number 5 has been amended with regard to overtime requests regarding Sewer Department pump stations. This approval is also conditioned upon attorney approval of the tentative Agreement and any final modifications.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Doktor to authorize and formally create an Emergency Services Department for the Town of Wheatfield. This said department is herein established to have a Director to serve on a volunteer basis. The current Emergency Services Focus Group is hereby assigned to act as consultants to the newly formed

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Emergency Services Department. Furthermore, this Motion authorizes the appointment of Michael Zarbo as the Director of the newly established Emergency Services Department for 2019 to serve on

a volunteer basis without pay. Said appointment will be created for a term of each calendar year and shall be subject to appointment on an annual basis at the Town's yearly Reorganizational Meeting.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to authorize and approve Town Supervisor, Don MacSwan, to issue a letter expressing the Town of Wheatfield's disgust, dismay and frustration with Gov. Andrew Cuomo's proposal to gut Aid and Incentives to Municipalities for the 2020 State Budget. This proposal of Gov. Andrew Cuomo will cause the Town of Wheatfield to lost \$55,227.00 in current State funding, as well as cutting similar funding to over 90% of the State's Towns and Villages. Despite these anticipated cuts from the State to our local Town Budget, the State still moves forward numerous other additional local mandates which will result in additional expense to the Town of Wheatfield. This Motion also encourages other local Municipalities in the State of New York to register similar complaints with their local officials in order to prevent this proposal from becoming law.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to appoint Supervisor Don MacSwan as delegate and Councilman/Deputy Supervisor Larry Helwig as alternate delegate to the New York State Association of Towns annual business meeting for 2019.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Helwig;

WHEREAS, the Town has a Subdivision Sign Replacement Policy, which authorizes that when a sign is located within a Town right-of-way and designating a subdivision is damaged or destroyed by natural causes, or if it cannot be determined who is responsible for the damage, the Town of Wheatfield is authorized to contribute in the repair or replacement of the sign of up to a 30% contribution not to exceed \$2,500.00; and

WHEREAS, the residents of the Meadowbrook Acres in the Town of Wheatfield have met the requirements of the Town's Subdivision Replacement Policy and have presented a reasonable invoice of \$3,750.00 for sign replacement; and

WHEREAS, the Town's 30% contribution not to exceed \$2,500.00 is \$1,125.00.

NOW, THEREFORE, BE IT:

RESOLVED, that the Town of Wheatfield authorizes the issuance of payment for its 30% contribution to the Meadowbrook Acres subdivision sign replacement in the amount of \$1,125.00.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Doktor to authorize the approval of Auction International bids as follows:

- a. 2012 New Holland post hold auger in the amount of \$1,075.00;
- b. 9' 2-way Curtis snow plow in the amount of \$860.00;
- c. 26" 2009 John Deere snow blower in the amount of \$230.00; and
- d. 2006 Woods rotary deck mower in the amount of \$630.00.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Helwig;

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WHEREAS, the Town Board of the Town of Wheatfield, New York, has expressed its opposition to New York State's infringement on an individual's 2nd Amendment "right of the people to keep and bear arms"; and

WHEREAS, this Wheatfield Town Board will continue to oppose any infringement on the 2nd Amendment such as, but not limited to, long-gun registration, social media and search engine history background checks and/or requiring gun owners to purchase insurance for each gun legally owned; and

WHEREAS, any new state legislation responding to firearm violence should focus on increasing penalties for criminals who use firearms to harm and threaten law abiding citizens and address the issues of mental illness related to violence.

NOW, THEREFORE, BE IT, RESOLVED, that the Town Board of Wheatfield goes on record reaffirming our support of the 2nd Amendment which states:

"A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and Bear Arms, shall not be infringed."

AND, BE IT FURTHER, RESOLVED, that the Clerk shall forward certified copies of this Resolution to the Governor of the State of New York, Andrew Cuomo, Senate Majority Leader, John Flanagan, Senator Robert Ort, Speaker of the New York State Assembly, Carl Heastie, Assembly Minority Leader, Brian M. Kolb, Assemblyman, Angelo J. Morinello, the Clerk of the Niagara County Legislature (for distribution), Legislators David Godfrey, Rebecca Wydysh and Jessie Gooch, and others as deemed necessary and proper.

This motion was CARRIED: AYES 5 – NAYS 0.

The next Town Board meeting is scheduled for February 11, 2019 at 7:00 pm.

PUBLIC INPUT

Residents from Meadowbrook Acres thanked the town for assistance with the subdivision sign

Moved by Councilman Retzlaff and seconded by Councilman Doktor to enter Executive Session at 7:51 pm to discuss potential litigation. Attendees: Town Board, Town Attorney, Town Clerk, Assessor.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Supervisor MacSwan to come out of Executive Session at 8:43 pm. Discussed potential litigation, no action taken at this time.

This motion was CARRIED: AYES 5 - NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk