

The Regular Town Board Meeting for the Town of Wheatfield was held February 13, 2023 at 7:06 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 Doktor, Town Attorney Matthew Brooks and Town Clerk Kathleen Harrington-McDonell

PUBLIC INPUT - discussion about NYS liquor license request for 7 Gates Screampark LLC
Garden Club – Waterworks lowest bid received

Moved by Councilman Retzlaff and seconded by Councilman Doucet to accept the minutes dated January 23, 2023 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Helwig to approve the February 13, 2023 bill payment for voucher #20230001 – 20230172 in the amount of \$1,996,354.74

General Fund	\$ 105,224.46
Highway	\$ 41,490.84
Water/Sewer	\$ 195,113.67
Fire	\$1,484,766.51
Refuse	\$ 101,398.30
Pre-paid	\$ 68,360.96

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to authorize the purchase of an irrigation system for the Garden Club from Waterworks (lowest bid) in the amount of \$3,900.

This motion was CARRIED: AYES 5 – NAYS 0.

Garden Club purchase irrigation system

Moved by Councilman Helwig and seconded by Councilman Retzlaff to approve amendments to the 2023 General Fund and Fire Protection Districts Budget to provide the estimated revenues and budget appropriations for the use of a portion of the Town’s American Rescue Plan Act (ARPA) Grant to be paid to the Town of Wheatfield’s Fire Companies including Adams, Frontier, Bergholz, St. Johnsbury and Shawnee Fire Companies in the amount of \$10,000 each for a total of \$50,000 to help offset some of their revenue losses that resulted from the postponement of various fund raising and other revenue producing activities due to the Covid-19 pandemic as follows:

General Fund:

Increase Estimated Revenues:		
Account A.0000.4089	Fed Aid ARPA Covid-19	<u>\$50,000</u>

Increase Appropriations:		
Account A.9901.0901	Transfer to Other Funds	<u>\$50,000</u>

Fire Protection District:

Increase Estimated Revenues:		
Account SF.0000.5031	Interfund Transfers	<u>\$50,000</u>

Increase Appropriations:		
Account SF.3410.0430	Payments Fire Contracts-ARPA	<u>\$50,000</u>

This motion was CARRIED: AYES 5 - NAYS 0.

ARPA funds for Fire Companies

Moved by Councilman Doucet and seconded by Councilman Doktor to adopt an Order reciting that the Town of Wheatfield was presented with a Petition to create a lighting district for the Whistling Straits subdivision containing the boundaries of the proposed district, the lighting improvements proposed and the estimated cost of the proposed district to the typical property contained therein.

Schedule Public Hearing for Whistling Straits Lighting district

And further resolving the Town of Wheatfield to schedule a Public Hearing on the proposed lighting district for March 6, 2023 at 7:00 pm at the Wheatfield Town Hall, 2800 Church Road, North Tonawanda, New York, and authorizing the Town Clerk to properly publish and post Notice of said Public Hearing between 10 – 20 days before March 6, 2023.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Supervisor MacSwan to approve the agenda for the Wheatfield Veterans Memorial "Summer Event", July 1, 2023, presented by the Wheatfield Veterans Group, and to approve the holding of the event at the Town of Wheatfield Veterans Memorial on said date.

This motion was CARRIED: AYES 5 - NAYS 0.

Veteran's Memorial "Summer Event"

Moved by Councilman Doktor and seconded by Councilman Retzlaff to authorize the request of Mike Klock, Chief Building Inspector, to purchase a new 2022 Ford Escape SUV from Van Bortel Ford, on Onondaga Bid # 00 10808, Item 11, for \$27,688.20, to be paid from the Building Department's 2023 equipment budget.

This motion was CARRIED: AYES 5 - NAYS 0.

Bldg. Dept. purchase 2022 Ford Escape

Moved by Councilman Doucet and seconded by Councilman Doktor to accept, with regret, the retirement of Richard Donner, Superintendent of the Water/Sewer Department, effective at the end of day, March 25, 2023, and congratulate him for his years of service to the Town of Wheatfield.

This motion was CARRIED: AYES 5 – NAYS 0.

Richard Donner retirement

Moved by Councilman Helwig and seconded by Councilman Doktor to appoint Mark Clark as the new Superintendent of the Water/Sewer Department, effective March 26, 2023, and to appoint Matthew Siegmann as the new Deputy Superintendent of the Water/Sewer Department, effective March 26, 2023.

This motion was CARRIED: AYES 5 – NAYS 0.

Appointment of Water/Sewer Superintendent and Deputy

Moved by Councilman Doktor and seconded by Councilman Helwig;

WHEREAS, Governor Hochul's state-of-the-state address contained a proposal to "...end the sale of new fossil powered heating equipment by 2030 by calling for construction of - all new construction needs to be zero emission- starting in 2025 for small buildings and 2028 for large buildings,"; and

WHEREAS, President Biden and the White House have come out against any prohibition of gas stoves; and

WHEREAS, the Governor's ban is intended to help address climate change, but this government mandate is more a burden on our region's working-class residents; and

WHEREAS, a ban on natural gas appliances and water heaters is not feasible for Western New York with harsh winter weather and exposed electrical infrastructure. Appliances used to heat water and cook food need to work during power outages especially during times of inclement weather; and

WHEREAS, this past December saw a blizzard pass through the Western New York Area leaving tens of thousands of residents stuck in their home without power, many for several days. Gas appliances, fed by more resilient infrastructure, allowed those residents to heat their homes, boil water, and safely cook their food for the days needed to clear the roads and restore electricity. Nearly four dozen people died during this storm, many more would have suffered if they had to rely on our power grid for cooking and emergency heating; and

WHEREAS, what is more, current technology that is expected to replace gas appliances, like space heating, does not work well in our climate. This fact was noted in the recent Climate Action Council's report, which proposed requiring two heating sources for New York Residents who live in areas that are frequently too cold; and

WHEREAS, electrical appliances have more moving parts and are expensive to maintain and repair, mandating their purchase is an unnecessary burden we are placing on families across New York State at a time when the cost of living has significantly outpaced wage growth; and

WHEREAS, further, all electric appliances have been shown to be less efficient and therefore cost more to generate the same amount of heat than natural gas fed appliances. With the higher costs, energy bills will go through the roof for residents further exacerbating the recent price spikes in food, transportation, and general merchandise; and

WHEREAS, as we have seen with California's recent push to make everything electric, this government mandate will likely lead to an increased strain on our state's electrical grid leading to black outs and rationing, which is especially dangerous with the winter weather we routinely experience; and

WHEREAS, the infrastructure investment costs are not the sole responsibility of utility companies nor do they exist in a bubble. The investment costs to bury powerlines, increase

Town Board hereby opposes the Governor's plan to ban natural gas heating and appliances as not feasible or warranted for Niagara County

renewable energy infrastructure, and increase the capacity of transformers will be passed on directly to consumers in the form of increased energy costs. Further, individual homes, especially

those in older housing stock like Western New York, will be forced to conduct costs in-home electrical panel upgrades to accommodate the increased demand from their appliances.

NOW, THEREFORE, BE IT

RESOLVED, that the Wheatfield Town Board hereby opposes the Governor's plan to ban natural gas heating and appliances as not feasible or warranted for Niagara County and much of Western New York; and, be it further

RESOLVED, that the Wheatfield Town Board hereby urges Governor Hochul and the New York State Legislature to pause in their rush and to fully examine the real life impact their decisions will have for all New Yorkers, especially those least able to afford them; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Hochul's Office, the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to authorize the Building Department to declare a 2012 Ford Escape as surplus equipment, and to allow the Building Department to place said surplus equipment item on Auctions International for sale.

Bldg. Dept. 2012 Ford Escape surplus – sell on Auctions Intl.

This Resolution requires, upon receipt of any bid offers for the purchase of said surplus equipment item, the Town Board to review said bids and authorize the sale of said item. The eventual proceeds of said sale will be used towards the Building Department's purchase of new equipment.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Helwig to authorize the request of Paul Siegmann, Superintendent of the Highway Department, to purchase a Duramag service body to be installed on new pickup up already ordered, at a cost of \$15,900.00 piggybacked on Onondaga bid #0010808, to be paid from the Building Department's 2023 equipment budget.

Hwy. purchase Duramag

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Helwig to authorize the request of Paul Siegmann, Superintendent of the Highway Department, to create 4 addition MEO positions in his Department, and to promote the following current truck drivers to said position: Jon Stoelting, Jeff Devantier, Tim Steiner and Robert Feightner

Hwy. create MEO positions

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Retzlaff to authorize the request of Paul Siegmann, Superintendent of the Highway Department, for an emergency purchase of a new Sewer Jet for \$76,000.00, directly from the manufacturer, US Jetting, with a down payment of \$10,000.00, and a 12 week delivery. The current machine will not maintain pressure and is needed on occasions for immediate use to protect the health, safety, welfare and property of residents. Said emergency purchase avoids the requirement of competitive bidding as the equipment is needed by the Town of Wheatfield immediately and any unnecessary purchasing delay will endanger the Wheatfield residents and their property.

Hwy. emergency purchase Sewer Jet

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doktor to authorize the Town Attorney and Town Prosecutor's Office to obtain injunctive relief pursuant to Wheatfield Town Code section 69-15D., to enforce, a particular provision of the Uniform Code, the Energy Code, Town Code, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer, for a certain property in the Town of Wheatfield wherein a commercial business is being operated in violation of the Town's Zoning Ordinance.

Injunctive relief to enforce town code

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff;

RESOLVED, by the Wheatfield Town Board to set the required Public Hearing on proposed Local Law 1-2023, AMENDMENTS TO CHAPTER 69 - BUILDING CONSTRUCTION AND FIRE PREVENTION, for March 20, 2023 at 6:45 pm at the Wheatfield

Public Hearing for Local Law 1-2023

February 13, 2023

Town Hall, 2800 Church Road, North Tonawanda, New York, prior to the regularly scheduled Town Board meeting, and authorizing the Town Clerk to properly publish and post Notice of said Public Hearing between 10 – 20 days before March 20, 2023.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doktor;

BE IT RESOLVED:

To issue a Request for Proposals for window replacement at the Wheatfield Town Hall, based on the specifications on file with the Building Department, with said proposals due by March 6, 2023, 3:00 p.m. at the Office of the Town Clerk, Wheatfield Town Hall, 2800 Church Road, North Tonawanda, NY 14120, and to be opened on March 6, 2023, 6:50 p.m., before the Town Board meeting at the Wheatfield Town Hall, 2800 Church Road, North Tonawanda, NY 14120.

Request for proposal Town Hall window replacement

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Doktor to update Bergholz Fire Co. roster as follows: ADD Stephen Gorey as an active firefighter.

Update Bergholz Fire roster

This motion was CARRIED: AYES 5 - NAYS 0.

The next meeting is scheduled for March 6, 2023 at 7:00 pm.

Public Input: questions if a solar farm is going in on Shawnee/Slusaric, there was a submission to the Planning Board however nothing has been received since December 2021

Moved by Supervisor MacSwan and seconded by Councilman Helwig to adjourn at 7:56 pm.

This motion was CARRIED: AYES 5 - NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk