

## February 14, 2022

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A Public Hearing and the Regular Town Board meeting of the Town of Wheatfield was held February 14, 2022 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, Councilman Gilbert Doucet, Curt Doktor, Randy Retzlaff, Town Attorney Matthew Brooks and Town Clerk Kathleen Harrington-McDonell

The Public Hearing to discuss Local Law 1-2022 amending Section 185-33 Sched. I: Stop Intersections opened at 7:00 pm. Town Attorney Matthew Brooks gave an overview. He stated a schedule of all Stop Intersections will be included with the Local Law.

Moved by Supervisor MacSwan and seconded by Councilman Retzlaff to close the Public Hearing at 7:04 pm. No action was taken.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Retzlaff to accept the minutes dated January 24, 2022 as presented.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Doucet and seconded by Councilman Helwig to approve the February 14, 2022 bill payment for voucher #20220005 – 20220117 in the amount of \$416,559.85

General Fund	\$200,111.73
Highway	\$ 46,883.08
Water/Sewer	\$ 44,420.98
Refuse	\$101,398.30
Fire	\$ 4,688.83
Pre-paid	\$ 19,056.93

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Helwig and seconded by Councilman Doktor to approve payment of invoice #11607 in the amount of \$2590 from Lynx.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Supervisor MacSwan and seconded by Councilman Doucet to authorize the Highway Superintendent to purchase a Flat Deck Tilt Trailer from George & Swede for an amount of \$13,852.60 off Soucewell Contract#121918-MNR. This was budgeted for in the 2022 Budget out of the drainage account. This will be used to haul the mini excavator.

Hwy. purchase  
Flat Deck Tilt  
Trailer

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Helwig and seconded by Councilman Doktor to approve the PIP applications for construction of waterline, sanitary sewers, storm sewers, and pavement and curbs for Phase VII of the Timber Lakes Subdivision. This final phase will provide a total of 16-single family residential lots (lots 26-36 and lots 86-90) This approval is made with the following conditions:

Timber Lakes  
subdivision PIP

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-0-20-001) must be complied with.
4. Access to the site from Shawnee Road will be limited to Knottingwood Drive and Berkshire Drive only.
5. All required Town fees (connection fees and phase fees) must be paid prior to construction commencement.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Retzlaff and seconded by Supervisor MacSwan to authorize Wendel to provide Stormwater Management Program assistance for the year 2022, in accordance with their proposal letter dated February 10, 2022, for a time and expense estimated fee of \$9,800.00.

**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Doucet and seconded by Councilman Helwig to authorize the Town Court to hire Tammy Magiera to the Court Clerk night position for (4) fours weekly, to

Hire Court Clerk

replace the vacancies of the (2) two prior Court Clerk night positions who have recently retired.

Said hiring is pursuant to the Court Clerk night position job specifications and rate of pay of \$19.69, as delineated in the 2022 Town Court budget. Said hiring is subject to a Niagara County Sheriff's Department background check.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Retzlaff to hire Emily Quider and Braden Muldoon as Permanent Part-Time Recreation Aides for the Youth Center, at a rate of pay and jobs term pursuant to job specifications for the Recreation Department, subject to Human Resource Department approval and a Niagara County Criminal background check.

Hire Recreation Aides

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doucet and seconded by Councilman Retzlaff to appoint Planning Board member Susan Agnello-Eberwein, to the position of Planning Board Chairperson effective March 1, 2022, for the remainder of the vacated term of resigning former Chairman Walter Garrow.

Appoint Susan Agnello-Eberwein Planning Board Chair

**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Retzlaff to approve an amendment to the 2022 General Fund budget to provide the estimated revenue and budget appropriation for the Town's share of the New York State Department of Transportation Betterment Project at Niagara Falls Boulevard and Ward Road for the construction of a decorative landscape wall, etc. as follows:

General Fund

Increase Estimated Revenues:

Account A.0000.1120 Sales Tax \$67,844

NYSDOT NFB/Ward Rd. Project

Increase Appropriations:

Account A.8510.0200 Comm Beautification Equip \$67,844

**This motion was CARRIED: AYES 5- NAYS 0.**

Moved by Councilman Retzlaff and seconded by Councilman Doktor; **Authorizing the implementation and funding of a State "Marchiselli" Program-aid eligible transportation federal-aid project, to fully fund the local share of federal – and state-aid eligible and ineligible project costs and appropriating funds therefore.**

**WHEREAS**, a Project for the Betterment Project Agreement, Comptroller's Contract No. D040458, P.I.N 5308.37 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne with Federal funds and non-federal funds; and

**WHEREAS**, the Town of Wheatfield desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of \$67,844.00 work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement; and it is further

**NOW, THEREFORE**, the Wheatfield Town Board, duly convened does hereby

**RESOLVE**, that the Wheatfield Town Board hereby approves the Project; and it is hereby further

**RESOLVED**, that the Wheatfield Town Board hereby authorizes the Town of Wheatfield to pay in the first instance the full non-federal share of the cost of \$67,844.00 work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$67,844.00 is hereby appropriated from the Town of Wheatfield and made available to cover the cost of participation in the above phase of the Project; and it is further

**RESOLVED**, that in the event the non-federal share of the costs of the project exceed the amount appropriated above, the Town of Wheatfield shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

**RESOLVED**, that the Supervisor of the Town of Wheatfield, be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal Aid and/or Marchiselli Aid on behalf of the Town of Wheatfield with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project cost

and all Project costs within appropriations therefore that are not so eligible, and it is further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. and it is further

**BE IT FURTHER RESOLVED**, that this Town Board does hereby approve a voucher to be prepared payable to the “Comptroller State of New York” in the amount of \$67,844.00 (+/- 15%) for this Betterment Project so that the check can be immediately processed.

**RESOLVED**, this Resolution shall take effect immediately.  
**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Doucet to authorize the Building Department to hire Jason Thompson, as Deputy Building Inspector, effective February 14, 2022., at a rate of pay and terms pursuant to Job Specifications of the Building Department’s Deputy Building Inspector position, subject to employment probation and pending approval of Human Resources and a Niagara County criminal background check.

**This motion was CARRIED: AYES 5 - NAYS 0.**

Hire Deputy Building Inspector Jason Thompson
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The next meeting is scheduled for March 7, 2022 at 7:00 pm.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to adjourn at 7:50 pm.

**This motion was CARRIED: AYES 5- NAYS 0.**

Respectfully submitted,

Kathleen Harrington-McDonell  
Town Clerk