

May 6, 2019

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A Public Hearing and the Regular Town Board meeting of the Town of Wheatfield was held May 6, 2019 at 7:00 p.m. 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, Town Clerk Kathleen Harrington-McDonell

The Sanborn Library gave an overview of services available at the Library at 7:00 p.m.

A Public Hearing regarding a Local Law amending Constable duties opened at 7:13 pm. Roger Thompson gave an overview of the proposed changes. There was discussion both for and against the proposed amendments. No action taken at this time.

Moved by Councilman Retzlaff and seconded by Councilman Doktor to close the Public Hearing at 7:23 pm.

The Regular Town Board Meeting opened at 7:23 p.m.

#### PUBLIC INPUT

Resident wanted to discuss a court issue

Moved by Councilman Helwig and seconded by Councilman Doktor to approve the minutes of April 15, 2019, 2019 as presented.

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

Moved by Councilman Doucet and seconded by Councilman Retzlaff to approve the May 6, 2019 bill payment for voucher #20190577 – 20190687 in the amount of \$163,604.87 as follows:

General Fund	\$56,491.29
Highway	\$22,620.58
Water/Sewer	\$23,097.70
Trust & Agency	\$30,950.25
Refuse	\$ 248.67
Pre-paid	\$30,950.25

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

Moved by Supervisor MacSwan and seconded by Councilman Helwig to authorize the Highway Superintendent to obtain prices to install security cameras for the Highway Department subject to review by the Town Board.

Security  
Cameras  
Hwy

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

Moved by Councilman Helwig and seconded by Councilman Doucet to schedule a public information meeting on Monday, May 20, 2019 at 7:15 pm to review the Town's Draft Stormwater Annual Report for 2018 and the Town's Stormwater Management Plan.

Stormwater  
Annual  
Report

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

Moved by Supervisor MacSwan and seconded by Councilman Doktor;  
**WHEREAS**, the Town of Wheatfield has proposed a major subdivision for their Town owned property on Witmer Road (SBL: 162.00-3-6.12), to be known as the Witmer Road Subdivision; and

Witmer Rd.  
Preliminary  
Plat

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**WHEREAS**, the subdivision would consist of 10-single family residential lots fronting on Witmer Road and a remaining parcel which will remain the property of the Town of Wheatfield; and

**WHEREAS**, the Wheatfield Town Board referred the Preliminary Plat to the Planning Board and received their input and recommendation (2/6/19), and the Planning Board meetings were open to the public to allow for input; and

**WHEREAS**, the Wheatfield Town Board issued a Negative Declaration on 2/11/19 in accordance with SEQR requirements; and

**WHEREAS** the Wheatfield Town Board held the required public hearing on 3/18/19 and received public comment; and

**WHEREAS** the Wheatfield Town Board approved the Preliminary Plat on 3/18/19; and

**WHEREAS**, the Wheatfield Town Board referred the Final Plat to the Planning Board and received their input and recommendation (5/1/19), and the Planning Board meetings were open to the public to allow for input;

**NOW, THEREFORE, BE IT RESOLVED**, that the Wheatfield Town Board approves the Final Plat and Construction Drawings for the Witmer Road Subdivision with the following conditions:

1. Rear yard drainage easements shall be added to the Final Plat and to the construction drawings.
2. Rear yard grading shall be modified to accommodate potential future rear yard drains.
3. All requirements of the SPDES General Permit must be complied with.  
**This motion was CARRIED: AYES 5 - NAYS 0.**

Moved by Supervisor MacSwan and seconded by Councilman Retzlaff;  
**WHEREAS**, the Town of Wheatfield has adopted a new law that addresses Small Cell Telecommunications Facilities; and

Small Cell Telecommunications
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**WHEREAS**, the Town Board sets fees for applications and no fees have been established for the installation of Small Cell Telecommunications Facilities; and

**WHEREAS**, the latest revision to the Federal Telecommunications Act and FCC rulings have limited the fees that municipalities can charge for these types of applications.

**NOW, THEREFORE, BE IT:**

**RESOLVED**, that the Wheatfield Town Board amends the Town's Fee Schedule to include the following application fees for small cell applications:

1. For each application made for installations on existing poles/structures in accordance with Wheatfield Town Code, up to five (5) small cell facilities, the application fee is \$500.00. For each additional small cell facility over five (5), and part of this application, an additional \$100.00 per cell will be paid.
2. For each new small cell facility application to be placed on a new pole or structure, as defined in Wheatfield Town Code, a fee of \$1,000.00 per new pole or structure will be paid.
3. \$270.00 per Small Wireless Facility per year, including possible right-of-way access fee and/or fee for attachment of Town owned structures in

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right-of-way.

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

Moved by Councilman Helwig and seconded by Councilman Doucet to approve an amendment to the 2019 Highway Fund budget to provide the estimated revenue and budget appropriation for the increase in the New York State CHIPS grant to be used for additional highway street repairs as follows:

Hwy Fund  
CHIPS  
Budget  
amendment

Highway Fund

Increase Estimated Revenues:

Account DA.0000.3501 State Aid - CHIPS \$ 19,601.07

Increase Appropriations:

Account DA.5110.0400 General Repairs Contr \$ 19,601.07

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

Moved by Supervisor MacSwan and seconded by Councilman Retzlaff to approve an amendment to the 2019 Highway Fund budget to provide the estimated revenue and budget appropriation for the grant from the Dormitory Authority State of New York (DASNY) to provide the funds for the purchase of a highway paver as follows:

Purchase  
highway paver  
DASNY Grant

Highway Fund

Increase Estimated Revenues:

Account DA.0000.3600 State Aid - Highway Equip \$399,195.00

Increase Appropriations:

Account DA.5130.0200 Highway Machinery Equip \$399,195.00

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

Moved by Councilman Doucet and seconded by Councilman Doktor to hire Mitch Hedlund and Payton Siegmann as summer seasonal help for the Water & Sewer Department at the rate of pay and terms pursuant to Job Specifications of the Water & Sewer Department's seasonal help and pending approval of Human Resources and a Niagara County criminal background check.

Hire summer  
help  
Water/Sewer  
Dept.

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

Moved by Councilman Doktor and seconded by Supervisor MacSwan to retroactively authorize and approve Town Supervisor, Don MacSwan, to execute Real Estate Listing and Sales Contracts with Jennifer Ranaletti, Licensed Real Estate salesperson at Hunt Real Estate in order to market and sell Town owned surplus ten (10) vacant lots commonly known as the Witmer Road Subdivision. Any potential sales contracts for said parcels will be brought to the Board for review and approval, and any necessary subsequent Motions will then be made.

Sell Witmer Rd.  
lots – approve  
Real Estate  
listings

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

Moved by Councilman Doucet and seconded by Councilman Doktor to accept and authorize the Wheatfield Town Supervisor, Don MacSwan, to execute a real estate Contract of Sale for Lot No. 10 of the Town's Witmer Road Subdivision, subject to certain conditions of sale requested by the Town Attorney and Wendel Engineers.

Sell lot 10  
Witmer Rd.

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

Moved by Councilman Helwig and seconded by Councilman Doucet to hire Joseph Conte as a seasonal summer helper to work with the grounds crew at the rate of pay and terms pursuant to Job Specifications of the Recreation Department's seasonal help, and subject to Human Resource Department approval

Hire summer  
help  
Recreation  
Dept.

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and a Niagara County criminal background check.

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

Moved by Councilman Retzlaff and seconded by Supervisor MacSwan to hire Grace Firzak, John Tober, Charles Clark and Anthony Casale to work as temporary Summer Camp Rec Aides at the rate of pay and terms pursuant to Job Specifications of the Recreation Department’s seasonal help, and subject to Human Resource Department approval and a Niagara County criminal background check.

Hire  
summer  
camp aides

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

Moved by Councilman Doucet and seconded by Councilman Helwig to authorize the Recreation Department to declare a 61” Ferris 1500 mower, S/N 2015497374 as surplus and allow the Recreation Department to place this item on Auctions International. This items needs work and is not worth the cost of repairing, so said item shall be auctioned it in “AS IS” condition. 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.

Sell Rec  
Ferris mower

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

Moved by Councilman Doktor and seconded by Councilman Helwig to authorize the Recreation Department to purchase a new Kubota Z725KH-2-60 mower for the price of \$8,263.90 on a Sourcewell Discount Bid (formerly NJPA) from Niagara Implement, Inc.

Rec  
purchase  
Kubota  
mower

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

Moved by Supervisor MacSwan and seconded by Councilman Doktor to hire Paul Valera as a Town Constable effective May 6, 2019 subject to Human Resource Department approval and a Niagara County criminal background check.

Hire  
Constable

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

Moved by Supervisor MacSwan and seconded by Councilman Doktor to hire Alexander Wagner as a Town Constable effective May 6, 2019 subject to Human Resource Department approval and a Niagara County criminal background check.

Hire  
Constable

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

Moved by Supervisor MacSwan and seconded by Councilman Doktor to hire Mark Antonio Jr. as a Town Constable effective May 6, 2019 subject to Human Resource Department approval and a Niagara County criminal background check.

Hire  
Constable

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

Moved by Councilman Doucet and seconded by Supervisor MacSwan to update the Adams Fire Co. roster as follows: REMOVE Nicholas DiCarlo.

update Adams  
Fire roster

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

The next Town Board meeting is scheduled for May 20, 2019 at 7:00 pm, Andy Klettke will speak about Bergholz 5k run, and at 6:45 pm a Proclamation for Richard Muscatello

**PUBLIC INPUT**

Seniors Group requested sign indicating location of Community/Sr. Center  
Resident asked about status of proposed Brewery on Niagara Road

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Moved by Supervisor MacSwan and seconded by Councilman Helwig to adjourn at 8:21 pm.

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

Respectfully submitted,

Kathleen Harrington-McDonell  
Town Clerk