

June 6, 2022

A Bid Opening and the Regular Town Board meeting of the Town of Wheatfield was held June 6, 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, Councilman Randy Retzlaff, Town Attorney Matthew Brooks and Town Clerk Kathleen Harrington-McDonell
Excused: Councilman Curt Doktor

Bid Opening for Removal of the Outer Layer of Old Water Tank was opened. A bid from Empire Dismantlement in the amount of \$39,800 was received. There were no other bids.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to accept the minutes dated May 16, 2022 as presented.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Doucet to approve the June 6, 2022 bill payment for voucher #20220752 – 20220879 in the amount of \$249,320.50

General Fund	\$107,888.45
Highway	\$ 56,922.97
Water/Sewer	\$ 21,854.52
Refuse	\$ 201.50
Fire	\$ 6,108.00
Lighting	\$ 96.82
Pre-paid	\$ 56,248.24

This motion was CARRIED: AYES 4 - NAYS 0.

PUBLIC INPUT – none

Moved by Supervisor MacSwan and seconded by Councilman Helwig to accept the bid from Empire Dismantlement in the amount of \$39,800 for Removal of the Outer Layer of the Old Water Tank subject to the Water Superintendents review.

Water Tank bids

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff;

WHEREAS, the Code of the Town of Wheatfield contains and specifies the local laws, and ordinances of the Town of Wheatfield; and

WHEREAS, the Town of Wheatfield does not have a local law that regulates Battery Energy Storage Systems (BESS) in the Town, and

WHEREAS, the Town formed a committee to work with its Planning Consultant and they have drafted a Battery Energy Storage System Law and that draft law was presented to the Town Board, and

Battery Energy Storage Systems

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Wheatfield Town Board has conducted a coordinated environmental review of this Code Amendment and has established itself as SEQRA Lead Agency (no objections received); and

WHEREAS, a public hearing was held regarding this Code amendment, and comments were received; and

WHEREAS, pursuant to Municipal Home Rule, the Town Board is proposing to adopt these revisions by enacting text amendments to the Code of the Town of Wheatfield.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

The Wheatfield Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed amendment to the Zoning Code (new BESS law, see attached copy) of the Town of Wheatfield Code of Ordinances, will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic considerations and, therefore, issues the attached SEQRA Negative Declaration in accordance with Section 617.7 of the SEQRA regulations; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the Full Environmental Assessment Form (FEAF Parts 1, 2 &3), which will act as the Negative Declaration, and that the required notifications be completed.

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff;

WHEREAS, the Code of the Town of Wheatfield contains and specifies the local laws, and ordinances of the Town of Wheatfield; and

WHEREAS, the Town of Wheatfield does not have a local law that regulates Battery Energy Storage Systems (BESS) in the Town, and

WHEREAS, the Town formed a committee to work with its Planning Consultant and utilizing the NYSERDA Model law, they have drafted a Battery Energy Storage System Law and that draft law was presented to the Town Board, and

Battery Energy Storage System amendment to Town Code

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law 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 Law, Chapter 200 of the Code of the Town of Wheatfield by adding a new Article entitled, "Battery Energy Storage Systems" as illustrated in the attached copy; and

WHEREAS, the Town also referred this zoning law and map revision to the Niagara County Planning Board and received their comments; and

WHEREAS, the Wheatfield Town Board held a Public Hearing on this proposed zoning code amendment; and

WHEREAS, the Town Board, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, has issued a SEQR Negative Declaration.

NOW THEREFORE BE IT RESOLVED, that the Wheatfield Town Board amends the Code of the Town of Wheatfield Chapter 200 entitled "Zoning" to provide for the revision of the Town Code as referenced above and attached.

This motion was CARRIED: AYES - 4 NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff;

Pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA), it is the intent of the Town of Wheatfield Town Board to establish itself as SEQR Lead Agency and conduct a coordinated review of proposed revisions to the Town Code, Chapter 200 – Zoning, Chapter 169 – Subdivision, and Chapter 198 Wind Energy Systems. The Wheatfield Town Board authorizes Wendel to provide assistance in completing this coordinated review process.

AYES 4 – NAYS 0. This motion was then WITHDRAWN at this time.

Wind Energy System revision to Town Code

Moved by Councilman Helwig and seconded by Councilman Doucet to hire Elijah Brooks and Chase Kendzia, as summer seasonal help - grounds keepers at a rate of pay and terms pursuant to Job Specifications of the Recreation Department's seasonal help and pending approval of Human Resources and a Niagara County criminal background check.

This motion was CARRIED: AYES 4 – NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Doucet to retroactively authorize, the Highway Department, to pave the Town Hall 1360 feet x 10 feet walking path with binder at an approximate cost of \$13,692.50.

This motion was CARRIED: AYES 4 - NAYS 0.

Pave Town Hall walking path

Moved by Supervisor MacSwan and seconded by Councilman Helwig to authorize the Town of Wheatfield to piggy back off of the Town of Cambria's bid estimates for paving and paving equipment rental for Wheatfield projects in 2022.

This motion was CARRIED: AYES 4 - NAYS 0.

Paving piggy back Town of Cambria;s bid estimate

Moved by Supervisor MacSwan and seconded by Councilman Doucet granting permission to hold the Bergholz 5k Fun Run in the hamlet of Bergholz to promote health and wellness and Holy Ghost facilities and operations on Saturday, September 24th, 2022 at 10:00 am., wherein the Bergholz Fire Company will handle all traffic control. Additionally, the Town Highway Superintendent has no issues with this event and supports it. Contact information of the organizer/coordinator is Andrew Klettke, and who can be reached at ajklettke@gmail.com. The Town will accept no responsibility or liability for injury or damage caused by this event and requires to be named as an alternate insured party on the organizer's insurance for the event.

This motion was CARRIED: AYES 4 – NAYS 0.

June 6, 2022

Moved by Councilman Retzlaff and seconded by Councilman Helwig to approve and authorize the Recreation Department to purchase a playground with a climber wall, climber tower, curved slide, curved balance beam and breakaways (base 4x) for the amount of \$23,664.37. Said purchase is piggybacked off of New York State contract #PC67836. To be paid from the Department's 2022 Budget.

Purchase
playground
equipment

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Doucet to authorize the scheduling of a Public Hearing on July 11, 2022, at 6:45 pm, at the Wheatfield Town Hall, 2800 Church Street, North Tonawanda, NY 14120, for an Excavation Permit for Steven Cholewa at 6452 Shawnee Road, for a proposed pond of 200 feet x 145 feet, pursuant to Wheatfield Town Code Chapter 92 requiring a public hearing and permit authorization by the Town Board.

Pond 6452
Shawnee Rd.

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to pay the annual maintenance fee to Transwave for wireless communication antennas at Highway, Water, Recreation and Town Hall Buildings in the amount of \$4,100.

Transwave
maintenance fee

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Helwig to hire Abigail DiRienzo as a Park Guard, at a rate of pay and terms pursuant to Job Specifications of the Recreation Department's seasonal help and pending approval of Human Resources and a Niagara County criminal background check.

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to authorize Wendel to provide assistance with completing the Town's MS4 annual inspections for the 2022 reporting period in accordance with their proposal letter dated June 6, 2022, for a time and expense estimated fee of \$31,000.

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to update the First Volunteer Fire Co. of Bergholz roster as follows: ADD Ryan Shanor and Shannon Martineau as active Firefighters.

This motion was CARRIED: AYES 4 - NAYS 0.

PUBLIC INPUT - none

The next meeting is scheduled for July 11, 2022 at 7:00 pm. There will be a Bill Payment on June 20, 2022.

Moved by Supervisor MacSwan and seconded by Councilman Doucet to enter Executive Session at 7:46 pm to discuss an infrastructure issue, potential litigation, and a personnel issue.

This motion was CARRIED: AYES 4- NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to come out of Executive Session at 8:32 pm. No action was taken.

This motion was CARRIED: AYES 4 - NAYS 0.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to adjourn at 8:35 pm.

This motion was CARRIED: AYES 4 - NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk