

March 21, 2022

The Regular Town Board meeting of the Town of Wheatfield was held March 21, 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

Supervisor MacSwan requested for a moment of silence for all of the people in Ukraine

Moved by Councilman Retzlaff and seconded by Councilman Doucet to accept the minutes dated March 7, 2022 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Helwig to approve the March 21, 2022 bill payment for voucher #20220266– 20220384 in the amount of \$1,772,170.76

General Fund	\$ 160,066.41
Highway	\$ 77,680.02
Water/Sewer	\$ 43,490.92
Refuse	\$ 101,481.33
Fire	\$1,360,176.83
Special Grant	\$ 8,881.13
Pre-paid	\$ 20,394.12

This motion was CARRIED: AYES 5 - NAYS 0.

PUBLIC INPUT - none

Moved by Supervisor MacSwan and seconded by Councilman Helwig;

WHEREAS, Forbes Capretto Homes proposes to construct a 73-lot, single family residential home subdivision running between Shawnee Road and Townline Road (north of Slusaric Road (SBL: 149.03-1-2.1); and

WHEREAS, the Wheatfield Town Board approved the Preliminary Plat on 9/14/20; and

WHEREAS, the Wheatfield Planning Board provided input and recommendation on 3/16/22, 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 Wheatfield Crossing Subdivision with the following conditions:

1. All requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001 or current version) must be complied with.
2. Highway Work Permits must be secured from NYSDOT for all utility and non-utility work within the Shawnee Road State Right-of-Way.
3. Access to the site during construction must be from Shawnee Road.
4. The installation of all subdivision signage (street signs and traffic control signs) must be coordinated with the Town and installed during the Town PIP process.
5. Proposed street lighting must be coordinated with the Town and installed during the Town PIP process. The costs of all lights, poles, conduit, and their installation must be paid for by the developer and a lighting district must be formed for the subdivision to cover operation and maintenance costs.
6. Individual lot grading plans for lots 1-9 and 72-73 will be required at the time of building permit application to demonstrate how positive drainage will be provided around the houses proposed on each lot.
7. The Developer, Forbes Capretto Homes, has provided written commitment to the Town (letter dated 2/15/22) to provide upgrades to Townline Road Pump Station TL-PS4.
8. As shown on the Plat Map, the 40-ft wide strip of land south of lot 72 will be conveyed to one of the adjacent lots fronting Slusaric Road (both reputed owners are Peter C. Misner). The strip will not remain as part of lot 72, nor will it be allowed to remain a separate parcel.
9. The developer/contractor must repair ten (10) defective residential sewer laterals (or combinations of other repairs as listed in the Erie County Sewer District's General I/I Source Flow Contribution table) in the Town of Wheatfield to satisfy requirements of the Niagara County Department of Health approval. A minimum of 292 gpm must be offset for this project. The Town will provide the applicant with locations and types of repairs. All work must be documented and inspected by the Town Water/Sewer Department. This work must be completed during Phase 1 construction as the Niagara County Health Department requires documentation of the completion of this work before they will issue

final approval of the installed utilities.

10. Prior to construction, one (1) copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the Town Building Department for the Stormwater Management Officer.
11. Prior to construction, three (3) complete sets of the final construction drawings must be submitted to the Building Department (one set each for the Stormwater Management Officer, Highway Superintendent, and the Water/Sewer Department).

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Supervisor MacSwan;

WHEREAS, Whistling Straits LLC proposes to construct a 41-lot, single family residential home subdivision running between Ward Road and Hoover Road (north of Lockport Road); and

WHEREAS, the Wheatfield Town Board approved the Final Plat and Construction Drawings on 10/3/11; and

WHEREAS, the Wheatfield Town Board approved updates to the Construction Drawings (to meet current Town Standards) on 2/10/20; and

WHEREAS, the applicant has made recent additional updates to the Construction Drawings;

NOW, THEREFORE, BE IT RESOLVED, that the Wheatfield Town Board approves the Revised Construction Drawings for the Whistling Straits Subdivision (revision date of 2/16/22) with the following conditions:

1. All applicable requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) must be complied with. Disturbance must be limited to less than 5-acres unless authorization is requested and received from the Town Stormwater Management Officer. Additional Stormwater Permit requirements will apply to this scenario.
2. A Conditional Letter of Map Revision based on Fill (CLOMR-F) was received from FEMA for removing from the floodplain a small portion of this property that is currently in the floodplain. Prior to final acceptance of PIP's, a final Letter of Map Revision based on Fill (LOMR-F) must be received from FEMA. This property must be filled properly, including compaction, as required by FEMA's Technical Bulletin 10-01. The developer/contractor must coordinate this filling operation with the Town of Wheatfield Building Inspector, who will be required to sign a Community Acknowledgement Form after the designated area has been filled and the fill has been certified.
3. A Highway Work Permit must be secured from NYSDOT prior to any utility and non-utility work within the State right-of-way (Ward Road - waterline bore, storm sewer, street light, street signs, etc.).
4. All work in the Town right-of-way (Hoover Road) must be coordinated with the Town Highway Superintendent.
5. Locations of all signs (street signs and traffic control signs) must be finalized and all sign installation fees must be paid prior to sign installation by the Town/final acceptance.
6. Proposed street lighting must be coordinated with the Town and installed under the Town PIP process. The cost of all lights, poles, conduit, and their installation must be paid for by the developer and a lighting district must be formed for the subdivision to cover operation and maintenance costs.
7. The previously negotiated and signed Memorandum of Understanding (MOU dated January 30, 2020) regarding escrowed funds towards potential future intersection improvements at Hoover Road and Lockport Road remains in effect. A copy is included with the letter.
8. Prior to submitting PIP Applications, four (4) sets of drawings must be provided; 1-set to Wendel, 1-set to the Stormwater Management Officer, 1-set to the Town Highway Superintendent, and 1-set to the Town Water/Sewer Superintendent. Digital copies of the plans, in AutoCAD and PDF format, must also be provided to Wendel.
9. Prior to submitting PIP Applications, two (2) copies of the updated Stormwater Pollution Prevention Plan (SWPPP) must be provided; 1-copy to Wendel and 1-copy to the Stormwater Management Officer.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Supervisor MacSwan to approve and authorize Town Supervisor MacSwan to execute a proposed Memorandum of Understanding

between the Town of Wheatfield and the Wheatfield Lakes Homeowners' Association regarding with the private parking lot, owned by the HOA, at the east end of Lakeside Drive in the Town,

which the Town on occasion uses said parking lot as turnaround for town services including highway use/snow plowing/refuse pick up, and due to such Town use possibly damaging said parking lot and surrounding areas, the Town agrees to widen the approach, repave said parking lot, and repair damages to the surrounding areas the in exchange for a license for the Town's equipment and services utilizing said private parking lot as referenced above.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet 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 New York State Grant for the Justice Court for the purchase of a copier as follows:

General Fund

Increase Estimated Revenues:

Account A.0000.3021	State Aid-Court Facilities	<u>\$10,400</u>
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Increase Appropriations:

Account A.1110.0200	Justices Equip	<u>\$10,400</u>
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This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Helwig to allow Highway Department Superintendent Siegmann and Deputy Superintendent Irving to attend the Cornell Highway School in Ithaca, June 5-8, 2022, and all the costs related to it, i.e.: registration and hotel.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Retzlaff and seconded by Councilman Doucet to authorize and allow Supervisor MacSwan to execute a two (2) year extension of the Town's refuse and recycling agreement with Modern Disposal, at the same terms and conditions as the original agreement dated December 10, 2018, and to be effective January 1, 2023 through December 31, 2025 with a cost increase not to exceed 2% annually.

This motion was CARRIED: AYES 5 - NAYS 0.

The next meeting is scheduled for April 4, 2022

6:30 pm Divide New York Presentation

6:50 pm Fair Housing Presentation

7:00 pm Regular Town Board Meeting

Moved by Councilman Retzlaff and seconded by Councilman Helwig to adjourn at 7:47 pm.

This motion was CARRIED: AYES 5 - NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk