

October 3, 2022

A Public Hearing and the Regular Town Board Meeting for the Town of Wheatfield was held 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, Councilman Doktor, Town Attorney Matthew Brooks and Town Clerk Kathleen Harrington-McDonell

The Public Hearing to discuss proposed revisions to Town Code Chapter 200- Zoning 169-Subdivision and 198 Wind Energy Systems opened at 7:00 pm. Drew Reilly from Wendel gave an overview of the revisions.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to close the Public Hearing at 7:03 pm.

The Regular Town Board Meeting opened at 7:04 pm.

Town Clerk Kathleen Harrington-McDonell read the following statement:

The 2023 Tentative Budget was filed in the Town Clerk's office on September 30, 2022 and that copies of the 2023 Tentative Budget were placed in each of the Town Board member's mailbox on September 30, 2022 and is now being formally presented to the Town Board.

Supervisor Don MacSwan stated the budget includes a slight increase of 2.31% due mostly to increased costs with garbage/recycling and fire protection.

Moved by Councilman Retzlaff and seconded by Councilman Doktor to accept the minutes dated September 12, 2022 as presented.

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

Moved by Councilman Doucet and seconded by Councilman Helwig to approve the October 3, 2022 bill payment for voucher #20221338 – 20221614 in the amount of \$504,114.06

General Fund	\$146,913.14
Highway	\$277,681.16
Water/Sewer	\$ 74,075.48
Refuse	\$ 176.80
Fire	\$ 1,862.86
Lighting	\$ 2,364.27
Pre-paid	\$ 1,040.35

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

Moved by Supervisor MacSwan and seconded by Councilman Doucet to authorize the Recreation Director to place the Chevy Blazer for sale on Auctions International as "parts only".

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

Rec – sell  
Chevy  
Blazer

Moved by Supervisor MacSwan and seconded by Councilman Helwig to publish a Request for Bids for a 100kw generator for the Community Center. Bids must be received by noon on October 17, 2022 and will be opened at the Town Board meeting October 17, 2022 at 7:00 pm. Specifications can be obtained at the Town Clerk's Office.

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

Generator  
for  
Community  
Center

Moved by Councilman Doucet and seconded by Supervisor MacSwan to accept the completed PIP improvements for pavement and curb, storm sewer, sanitary sewer, and waterline for Phase 3A of the Brookfield Subdivision with the following conditions:

1. The lighting district for Phase 2 has been established and the Developer is in the process of adding the Phase 3A area to the district. The required light standards must be installed as soon as possible. The Developer is requested to provide an update on the status of all street light installations.
2. Per the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001), all disturbed areas of the site must be stabilized.

Brookfield  
PIP

3. The required asphalt pavement top course (Niagara County Regular Top Mix) was not installed at the temporary cul-de-sac. In lieu of installing this top course now, the Town Highway Superintendent will allow it to remain as just binder course provided that the Developer provides a \$20,000 security, in the form of a bond, escrow, or letter of credit to cover the cost of the Town installing this pavement section themselves in the future. If the next phase of development that continues this road does not have PIP construction approval within three (3) years from final acceptance of Phase 3A, the Town will use the bond, escrow, or letter of credit to install the top course to the cul-de-sac
4. It is our understanding that the check valve that is to be installed at the end of the 24" pipe outlet to the creek (southeast corner of lot 63) is scheduled to ship from the west coast in mid-October. This check valve must be installed as soon as possible after it is delivered to the site, but not later than November 18, 2022.
5. It is our understanding that the required reticuline grates for the curb box inlets have been on back-order and due to be delivered to the site at the end of September. These reticuline grates must be swapped out with the current grates as soon as possible after they are delivered to the site, and not later than November 18, 2022.
6. The Developer and their Attorney will be responsible for filing the Right-of-Way / Roadway Dedication and all easements, including the temporary turnaround easement, and must provide the Town Attorney with a filed copy of the documents prior to the issuance of any new building permits for Phase 3A lots.
7. In accordance with the conditions placed by the Town Board on final approval for this subdivision in 2008, the Developer must advise potential property owners in contract of sale agreements that the development will likely experience some overhead air traffic due to its proximity to the airport. The Town will consider any violation of this condition to be a violation of the Town's disclosure law.
8. The Developer must advise potential property owners of lots 30-35 in contract of sale agreements that construction of drainage improvements (retention ponds) for future phases of the subdivision will include disturbance on the southern sides of their property.
9. Deed restrictions must be placed on lots 30-35 making it clear that individual culverts/bridges across the creek (Brent Road Tributary to Bergholtz Creek) are not allowed.
10. The road profile east of section 30+00 was modified during construction. As a result of this change, the final grade at the 40-ft setback for Lot 62 has changed. The final grade at the proposed Lot 62 house must be coordinated with the Building Department and Town Engineer prior to construction on this lot.  
**This motion was CARRIED: AYES 5 – NAYS 0.**

Moved by Councilman Doktor and seconded by Councilman Helwig to accept the road dedication and easements associated with the Phase 3A of the Brookfield Subdivision.

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

Brookfield  
Subdivision road  
dedication

Moved by Councilman Retzlaff and seconded by Councilman Doucet to schedule a Public 2023 Tentative Budget Work Session for October 12, 2022 at 6:00 PM.

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

2023 Budget  
work session

Moved by Councilman Doucet and seconded by Councilman Helwig that the Town Board hereby approves and authorizes the use of a portion of the American Rescue Plan Act (ARPA) Grant to be used for replacement of the fuel filling station at the Highway Garage including the removal of the existing fuel filling station at a total estimated cost of \$400,000.

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

Replace Hwy  
fuel  
station/ARPA  
funds

Moved by Councilman Retzlaff and seconded by Councilman Helwig to approve an amendment to the 2022 General Fund budget to provide the estimated revenue and

budget appropriation for the use of a portion of the American Rescue Plan Act (ARPA) Grant to be used for replacement of the fuel filling station including the removal of the existing fuel filling station at the Highway Garage as follows:

General Fund:

Increase Estimated Revenues:

Account A.0000.4089	Fed Aid ARPA Covid-19	<u>\$400,000</u>
---------------------	-----------------------	------------------

Increase Appropriations:

Account A.5132.0230	Highway Garage Equip-ARPA	<u>\$400,000</u>
---------------------	---------------------------	------------------

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

Moved by Councilman Doktor and seconded by Councilman Doucet;

**Resolved,** The Town Board hereby approves and authorizes the use of a portion of the American Rescue Plan Act (ARPA) Grant to be used to repave the parking lot in Fairmount Park off of Nash Road next to the Recreation Administration building with the Town providing the materials and Ken Young Paving, Inc. providing the labor and equipment at a total estimated cost of \$50,000.

Repave parking lot Rec Dept./ARPA funds
--

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

Moved by Councilman Doktor and seconded by Councilman Helwig;

**Resolved,** to approve an amendment to the 2022 General Fund budget to provide the estimated revenue and budget appropriation for the use of a portion of the American Rescue Plan Act (ARPA) Grant to be used to repave the parking lot in Fairmount Park off of Nash Road next to the Recreation Administration building as follows:

General Fund:

Increase Estimated Revenues:

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

Increase Appropriations:

Account A.7110.0430	Parks Contr-ARPA	<u>\$50,000</u>
---------------------	------------------	-----------------

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

Moved by Councilman Retzlaff and seconded by Councilman Doucet to set Halloween 2022 trick-or-treat hours on October 31, 2022, from 4 p.m. to 8 p.m. Additionally, no one in the Town is required to participate. Residents who choose not to participate should turn off their porch light during trick-or-treat hours.

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

Moved by Councilman Doktor and seconded by Supervisor MacSwan to hire Barry Kobrin, Steve Padin, and James Murphy as part time Constables, at the rate of pay and terms pursuant to Job Specifications of a part time Town Constable and pending approval of Human Resources and a Niagara County criminal background check.

Constables Dept. new hires
-------------------------------

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

Moved by Councilman Retzlaff and seconded by Councilman Helwig to accept with regret the resignation of Walter Garrow from the Planning Board effective October 1, 2022.**This motion was CARRIED: AYES 5 - NAYS 0.**

Water Garrow resignation
-----------------------------

Moved by Councilman Doucet and seconded by Councilman Doktor to appoint Corey Wilson, as a member of the Town of Wheatfield Planning Board to fill the unexpired term of Walter Garrow.

Corey Wilson appointment to Planning Board
--

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

Moved by Councilman Helwig and seconded by Councilman Doucet to approve the request of Mike Ranalli, Director of the Recreation Department to hire Brock Kroening

as boys'/girls' basketball instructor, Noelle Routhier as a Recreation Aide at the Youth Center and Sophia Kancar as Life Guard for the Swim Program, at the rate of pay and terms pursuant to Job Specifications of said respective positions, subject to Human Resource Department Approval.

Hire Rec Aides  
at Youth Center

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

Moved by Councilman Doktor and seconded by Councilman Helwig to engage Ken Young Paving, Inc., to provide the labor and equipment for the repaving of the parking lot in Fairmount Park off of Nash Road next to the Recreation Administration building at the estimated cost of \$25,000.00, using a portion of the American Rescue Plan Act (ARPA) funds received by the Town. The costs of said paving are to be piggybacked off the Ken Young Paving, Inc., bid accepted and approved by the Town of Cambria.

Ken Young Paving  
hired for parking lot  
at Rec Center

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

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

Public Hearing for  
Brookfield subdivision  
to extend lighting  
district

And further resolving the Town of Wheatfield to schedule a Public Hearing on the proposed lighting district extension for November 7, 2022 at 6:50pm 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 November 7, 2022.

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

Moved by Councilman Helwig and seconded by Councilman Doucet;

WHEREAS, DePaul Properties, Inc., a not-for-profit corporation, on behalf of DePaul Wheatfield Housing Development Fund Corporation, a not-for-profit corporation formed pursuant to Art. XI of the Private Housing Financing Law, have acquired property and developed plans in furtherance of the proposed DePaul Granary Apartments development Project to be located on 2329 Lockport Road, Tax Map Parcel No. 133.00-1-37 in the Town of Wheatfield, County of Niagara and State of New York; and

WHEREAS, DePaul Properties, Inc., and DePaul Wheatfield Housing Development Fund Corporation has plans to construct a residential building Project consisting of 80 units of affordable housing for rent to low-income individuals and/or families on Lockport Road; and

WHEREAS, DePaul Properties, Inc., and DePaul Wheatfield Housing Development Fund Corporation, have submitted a request to the Town Board for its support of a custom Community Benefits Agreement for such development Project; and

WHEREAS, DePaul Properties, Inc., and DePaul Wheatfield Housing Development Fund Corporation, will acquire fee title to said Parcel in furtherance of the development of the Project; and

WHEREAS, the DePaul Properties, Inc., and DePaul Wheatfield Housing Development Fund Corporation's tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the plan for the development of low income-housing on said Parcel shall result in the qualification of the Project for a real property tax exemption in accord with provisions of §577 of the Private Housing Finance Law; and

WHEREAS, DePaul Properties, Inc., and DePaul Wheatfield Housing Development Fund Corporation, are willing to enter into a Community Benefits Agreement with the Town of Wheatfield whereby DePaul Properties, Inc., and DePaul Wheatfield Housing Development Fund Corporation, will make payments to the Town of Wheatfield as set forth in the Community Benefits Agreement presented to the Town Board for approval; and

WHEREAS, the Town has carefully reviewed the information provided by DePaul Properties, Inc., and DePaul Wheatfield Housing Development Fund Corporation

DePaul Tax  
Exemption  
Agreement

and considered the financial impact of the request upon the Town and its taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Wheatfield hereby consents to entering into a Community Benefits Agreement with DePaul Properties, Inc., and DePaul Wheatfield Housing Development Fund Corporation, in substantially the same form as is presented at this meeting, subject to final review by the Town Attorney and Town Assessor.

FURTHER RESOLVED that the Town Board hereby exempts the Project from real property taxes to the extent authorized by §577 of the Private Housing Finance Law and approves the Community Benefits Agreement in substantially the form presented, providing for payments of \$75,000 at ground breaking, \$25,000 with Certificate of Occupancy, and \$25,000 per year for thirty years with annual adjustment based on CPI, as set forth in such Community Benefits Agreement; and it is

FURTHER RESOLVED, that the Supervisor of the Town is hereby authorized to execute and deliver the foregoing Community Benefits Agreement on behalf of the Town.

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

Moved by Councilman Retzlaff and seconded by Councilman Doucet to approve and authorize the request of Paul Siegmann, Highway Superintendent, to purchase a 2024 Mack Granite tandem plow truck on Onondaga contract # 8996 from Conway Beam Mack/Valley Equipment. Chassis for \$172,500, Box plow equipment and salter for \$144,970, for a total amount of \$317,470, paid from fund balance.

Hwy to purchase  
2024 Mack  
tandem plow &  
salter

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

Moved by Councilman Retzlaff and seconded by Councilman Doktor to hire Abigail Potts as a Youth Center Aide, at the rate of pay and terms pursuant to Job Specifications of the Youth Center position Inspector and pending approval of Human Resources and a Niagara County criminal background check.

Hire Youth  
Center Aide

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

Moved by Councilman Doktor and seconded by Councilman Retzlaff to approve and authorize a request to National Grid to re-install a 25W LED light on Maple Road Pole 6938, where a light previously was installed but thereafter was removed.

National Grid to  
reinstall light on  
Maple Road

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

The next meeting is scheduled for October 17, 2022 at 6:45 pm a Public Hearing for an Excavation Permit for 6764 Errick Road for Chris Stafford and the Regular Town Board Meeting at 7:00 pm.

**PUBLIC INPUT** – none

Respectfully submitted,

Kathleen Harrington-McDonell  
Town Clerk