

Public Hearings and the Regular Town Board Meeting for the Town of Wheatfield was held at 6:45, 6:50, and 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 Curt Doktor, Town Attorney Matthew Brooks and Town Clerk Kathleen Harrington-McDonell

6:45 pm The Public Hearing on the 2023 Preliminary Budget opened. Attorney Matthew Brooks read the following statement on behalf of Supervisor MacSwan.

Although there are concerns about the high inflation rate that the country is currently facing, I am pleased to report that the Town of Wheatfield will be providing the same services that the Town has been providing in the past. However, because our costs of providing these services are increasing, the 2023 Preliminary Budget does include a slight property tax increase of \$12.25 from \$531.01 in 2022 to \$543.26 in 2023 for a typical homeowner in the Town of Wheatfield with an assessed valuation of \$125,000 or a market value of around \$270,00. This represents an increase of 2.31% and is due primarily to the increase in fire protection and garbage pickup and recycling. The cost of garbage pickup and recycling have increase by over \$348,000 since 2019.

The total budget appropriations for 2023 have been increased by slightly over \$955,000 and estimated revenues have been increased by slightly over \$845,000. The total tax levy for 2023 is increasing \$111,852 from \$3,911,258 to \$4,023,110 or 2.86% which is substantially less than the Town’s property tax cap of 4.17%.

Moved by Supervisor MacSwan and seconded by Councilman Helwig to close the Public Hearing at 6:49 pm.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Helwig to approve the 2023 Budget as presented.

This motion was CARRIED: AYES 5 - NAYS 0.

6:50 pm The Public Hearing the proposed lighting district extension for Brookfield subdivision opened. Town Attorney Matthew Brooks gave an overview. No comments.

Moved by Councilman Helwig and seconded by Councilman Doktor to close the Public Hearing at 6:53 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Andrea Klyczek from the Niagara County IDA gave information on the Restore NY Communities Initiative Grant Program to develop the former Bell Aerospace Facility.

The Regular Town Board Meeting opened at 7:01 pm

Moved by Councilman Retzlaff and seconded by Councilman Doucet to accept the minutes dated October 17, 2022 as presented.

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Doktor and seconded by Councilman Helwig to approve the November 7, 2022 bill payment for voucher #20221721 – 20221876 in the amount of \$417,658.97

General Fund	\$158,440.34
Highway	\$ 45,417.12
Water/Sewer	\$ 52,302.73
Refuse	\$ 247.94
Fire	\$104,115.33
Pre-paid	\$ 57,135.51

This motion was CARRIED: AYES 5 - NAYS 0.

Timber Lakes Subdivision, Phase VII, Final Acceptance

Moved by Councilman Retzlaff and seconded by Councilman Doucetto accept the completed PIP improvements for pavement and curb, storm sewer, sanitary sewer, and waterline for Phase VII of the Timber Lakes Subdivision with the following conditions:

1. Per the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001), all disturbed areas of the site must be stabilized.
2. The Developer and their Attorney will be responsible for filing the Right-of-Way / Roadway Dedication and all easements, including the temporary turnaround easements and releases, and must provide the Town Attorney with a filed copy of the documents prior to the issuance of any new building permits for Phase VII lots.
3. At such time that construction of the last house in the subdivision is completed and all disturbed areas have reached final stabilization, the Developer must work with their Engineer to complete a Notice of Termination (NOT), acquire signature from the Town Stormwater Management Officer or Town Engineer on the NOT, and submit the NOT directly to NYSDEC in Albany to formally terminate SPDES Permit coverage for the Project.

Timberlake
Subdivision

This motion was CARRIED: AYES 5 – NAYS 0.

Moved by Councilman Helwig and seconded by Councilman Retzlaff to accept the road dedication, drainage easements, temporary turnaround easement (and temporary turnaround easement releases) associated with Phase VII of the Timber Lakes Subdivision.

Timberlake road dedication

This motion was CARRIED: AYES 5 - NAYS 0.

2022 Code Revisions SEQR

Moved by Councilman Retzlaff and seconded by Councilman Doktor;

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 has identified various sections of the Code that need to be updated, clarified, and/or modernized, and

Code revisions SEQR

WHEREAS, the Town formed a committee to work with its Planning Consultant and they have drafted various revisions to the Codes of the Town of Wheatfield and drafts of these Code revisions were presented to the Town Board, and

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 these Code Amendments and has established itself as SEQR Lead Agency (no objections received); and

WHEREAS, a public hearing was held regarding this Code amendment, and no adverse 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 amendments to the Codes of the Town of Wheatfield 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 5 – NAYS 0.

2022 Code Revisions Adoption

Moved by Councilman Doktor 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 has identified various sections of the Code that need to be updated, clarified, and/or modernized, and

Adopt code revisions

WHEREAS, the Town formed a committee to work with its Planning Consultant and they have drafted various revisions to the Codes of the Town of Wheatfield and drafts of these Code revisions were presented to the Town Board, and

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 Code, Chapter 200 – Zoning, Chapter 169 – Subdivision, and Chapter 198 Wind Energy Systems, as illustrated in the attached copy; and

WHEREAS, the Town also referred these Code Amendments to the Niagara County Planning Board and received their approval; and

WHEREAS, the Wheatfield Town Board held a Public Hearing on these proposed Code Amendments; 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 – Zoning, Chapter 169 – Subdivision, and Chapter 198 Wind Energy Systems to provide for the revision of the Town Code as referenced above and attached.

This motion was CARRIED: AYES 5 – NAYS 0.

2022 Code Revisions Supplemental Authorization

Moved by Councilman Doktor and seconded by Councilman Doucet to approve the requested supplemental authorization of **\$1,496.33** for the Town of Wheatfield Code Update project in accordance with Wendel’s supplemental authorization request letter dated November 3, 2022. **This motion was CARRIED: AYES 5 – NAYS 0.**

Wendel - Code update expense

Moved by Councilman Retzlaff and seconded by Councilman Doktor;

RESOLVED, to approve the request of Mike Ranalli, Director of the Recreation Department to hire Lila Mansour as a Lifeguard for the Swim Program at the Niagara Wheatfield High School, at the rate of pay and terms pursuant to Job Specifications of said position, subject to Human Resource Department Approval and a Niagara County Criminal background check.

This motion was CARRIED: AYES 5- NAYS 0.

Rec – hire lifeguard

Moved by Councilman Doktor and seconded by Councilman Helwig to approve Firearms Discharge permits and/or renewals for the following individuals: Brandon Mack, Kevin DeVantier, Joseph Eddy, Jason Stine, Collin Stine, Joseph Brands, Terry Hoover, Paul Hanson.

This motion was CARRIED: AYES 5 – NAYS 0.

Firearms discharge permits

Moved by Councilman Helwig and seconded by Councilman Doucet to authorize the Building Department to hire William Youngman, as Deputy Building Inspector, effective November 8, 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

Moved by Councilman Doktor and seconded by Supervisor MacSwan to authorize the Town of Wheatfield to enter into a three (3) year agreement with the North Tonawanda Public Library for library funding for the years of 2023, 2024 and 2025, beginning in 2023 at the amount of \$115,00.00, and thereafter, increasing by \$5,000 each year for the following two (2) years. The execution of said agreement is hereby approved subject to Town Attorney approval of the final version of said agreement.

This motion was CARRIED: AYES 5 - NAYS 0.

Library contract

Moved by Councilman Retzlaff and seconded by Councilman Doktor to adopt a resolution pursuant to NYS Town Law sec. 194 to adopt an Order approving and extending the Brookfield Lighting District and reciting that the Town of Wheatfield was presented by Natale Building Corp., with a Petition to extend the lighting district for the Brookfield subdivision containing the boundaries of the proposed extended district, the lighting improvements proposed for the extended district and the estimated cost of the proposed district extension to the typical property contained therein. And further reciting that a Public Hearing on the proposed lighting district extension was held on November 7, 2022 at 6:50pm. And further reciting:

- a. The extension petition was signed and acknowledged as required by law and is otherwise sufficient,
- b. All property owners within the proposed lighting district extension are benefited,
- c. All property and all property owners benefited by the proposed district extension are included within the limits of the district, and
- d. It is in the public interest to grant the relief requested and to extend the district.

This motion was CARRIED: AYES 5 - NAYS 0.

Extend lighting district Brookfield subdivision

Moved by Supervisor MacSwan and seconded by Councilman Helwig;

WHEREAS, the Town of Wheatfield has an interest in revitalizing and stabilizing areas;
and

November 7, 2022

Restore NY Grant
Program for former
Bell Aerospace

WHEREAS, the Town of Wheatfield recognizes that the renewal of the industrial sites throughout the County will strengthen the local economy and increase quality of life for residents; and

WHEREAS, the Town of Wheatfield desires to apply to the New York State Empire State Development Corporation, Restore NY Communities Initiative Municipal Grant Program to redevelop the former Bell Aerospace Facility, now commonly known as Wheatfield Business Park, located at 2221 Niagara Falls Boulevard, Wheatfield, NY 14304; and

WHEREAS, Wheatfield Business Park 11, LLC and affiliate of Industrial Realty Group will be making a significant investment at the Wheatfield facility, and

WHEREAS, part of the site work will include the demolition and reconstruction of buildings, and

WHEREAS, the improvements to these structures will allow for additional space inside the main facility, and

WHEREAS, the Niagara County Department of Economic and Development, in partnership with the Town of Wheatfield, wishes to support the removal of the dilapidated structures for the improvement of the area, and

WHEREAS, this project is consistent with all existing local plans, the proposed financing is appropriate for the project, the project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities in Niagara County, and

WHEREAS, the Wheatfield Town Board, supports an application submission for the 2022 Restore NY Communities Initiative Municipal Grant Program; and,

WHEREAS, the administration of the RESTORE NY grant will be completed by the Department of Economic Development and Planning; and

WHEREAS, the Wheatfield Business Park 11, LLC an affiliate of Industrial Realty Group will provide the 10% equity match for the grant that is required per grant regulations, in addition to the \$1000 application fee that is required, and, therefore be it,

RESOLVED, that Town of Wheatfield shall conduct a public hearing whereas all interested parties shall be heard regarding the Restore NY Communities Initiative Municipal Grant Program application, and the County's community needs at the Wheatfield Town Hall, 2800 Church Road, North Tonawanda, NY 14120, on the 5th day of December 2022, at 6:50 p.m.; and be it further,

RESOLVED that the Clerk of the Town of Wheatfield, at least eight days in advance of such hearing, shall post a notice upon the bulletin boards in the Wheatfield Town Hall at 2800 Church Road, North Tonawanda, NY 14120, and shall publish such notice once in the Town's newspaper of record.

This motion was CARRIED: AYES 5 - NAYS 0.

Moved by Councilman Doucet and seconded by Councilman Retzlaff to update the Adams Fire Co. roster as follows: ADD Sarah Pitts as a new member.

Update Adams
Fire Co. roster

This motion was CARRIED: AYES 5 – NAYS 0.

PUBLIC INPUT – none

The next meeting is scheduled for November 14, 2022 at 7:00 pm

Moved by Supervisor MacSwan and seconded by Councilman Helwig to adjourn at 7:40 pm.

This motion was CARRIED: AYES 5 – NAYS 0.

Respectfully submitted,

Kathleen Harrington-McDonell
Town Clerk