

WALES TOWN BOARD MEETING

Minutes of April 14, 2015

The 4th meeting of the Wales Town Board was held on the 14th<sup>th</sup> day of April 2015 at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York.

The meeting was called to order by Supervisor Rickey Venditti at 7:00 pm EST

**ROLL CALL:**

Supervisor Rickey Venditti  
Councilman Donald Butcher  
Councilman Gerald Klinck  
Councilman Michael Simon  
Councilwoman Jude Hartrich

Also present: Attorney Ronald Bennett, CRA Engineering, and Highway Superintendent Michael Zywar (6) residents whose names are on file. Reporters Pat McDonnell and John Hopkins.

**INVOCATION:**

led by Councilman Donald Butcher

**PLEDGE OF ALLEGIANCE:**

led by Councilman Michael Simon

**ADOPTION OF AGENDA:**

**MOTION # \_\_\_\_\_** by Councilman Donal Butcher, second by Councilman Michael Simon, approving the agenda as presented. **CARRIED**

**ACCEPTANCE OF MINUTES:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Gerald Klinck, approving the Town Clerk's minutes of March 10, 2015 Town Board meeting and Public Hearing. **CARRIED**

**PUBLIC COMMENTS:**

NONE

**OLD BUSINESS:**

**1 RESOLUTION TO APPROVE TIME WARNER CONTRACT RENEWAL**

**RESOLUTION APPROVING CONTRACT WITH  
TIME WARNER CABLE NORTHEAST, LLC**

WHEREAS, Time Warner Cable Northeast, LLC, a partnership organized under the laws of the State of New York, doing business at 2604 Seneca Avenue, Niagara Falls, New York 14305, has made an application to the Town Board of the Town of Wales, Erie County, New York, for approval of an agreement to renew Time Warner's cable television franchise for an additional ten (10) years, and

WHEREAS, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings, and

WHEREAS, the Town is desirous of entering into such a Franchise Renewal Agreement, and

WHEREAS, a public hearing in regard to the proposed Franchise Renewal Agreement was held on the 10<sup>th</sup> day of March, 2015 at 7:00 p.m. for comment by the public, and

NOW, THEREFORE, the Town Board of the Town of Wales finds that:

Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law.

The quality of the Time Warner service, including signal quality, response to customer complaints and billing practices has been in light of community needs.

Time Warner has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and

Time Warner can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interest, and be it further

RESOLVED that the Town Board of the Town of Wales hereby renews the cable television franchise of Time Warner in the Town of Wales for ten (10) years commencing on the date of approval by the Public Service Commission, and be it further

RESOLVED, that the Town Board of the Town of Wales hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on October 6, 2004, and be it further

RESOLVED, that the Supervisor is authorized to execute the Agreement on behalf of the Town of Wales, and be it further

RESOLVED, the Town Clerk is requested to submit three (3) signed copies to Time Warner Cable Northeast, LLC for its approval and signing.

**MOTION # \_\_\_\_\_** by Supervisor Rickey Venditti, second by Councilman Donald Butcher, approving the Time Warner contract for 10 years. CARRIED

**ROLL CALL:**

Supervisor Rickey Venditti AYE Councilman Michael Simon AYE  
Councilwoman Jude Hartrich AYE Councilman Donald Butcher AYE  
Councilman Gerald Klinck AYE

**NEW BUSINESS**

**1RESOLUTION TO SET PUBLIC HEARING ON LOCAL LAW INTRO 1-2015 TO ESTABLISH A MORTORIUM ON THE USE OF "SEWAGE SLUDGE"**

**RESOLUTION TO SET A PUBLIC HEARING**

WHEREAS, Local Law Intro. No. 1-2015 has been introduced to the Town Board on Tuesday, March 24, 2015, and

WHEREAS, Municipal Home Rule Law Section 20(5) requires a public hearing upon five (5) days' notice, and

WHEREAS, Municipal Home Rule Law Section 20(4) provides that no such local law shall be passed until it sits upon the desks or table of the members at least seven (7) calendar days, exclusive of Sunday, prior to its final passage or mailed to each of them in post-paid properly addressed and secured closed envelopes or wrappers in a post box of a post office of the United States Post Office Department within the local government at least ten (10) calendar days, exclusive of Sunday, prior to its passage,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Wales does hereby set the 28th day of April, 2015 at 7:00 p.m. at the Wales Town Hall, 12345 Big Tree Road, Wales, New York, for the purpose of conducting a public hearing on the proposed Local Law to establish a moratorium on the storage and spreading of anaerobically digested sewage sludge within the Town of Wales, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish a notice of said public hearing in the East Aurora Advertiser.

**2SPECIAL USE PERMIT AMENDMENT REQUEST RECEIVED FROM PROMISED LAND INC.**

Supervisor Rickey Venditti referred to Attorney Ronald Bennett who stated that according to the town code, it is not similar in nature to any of the listed permitted uses. He would recommend the town board refer this to the planning board for their recommendation.

**MOTION # \_\_\_\_\_** by Supervisor Rickey Venditti, second by Councilman Donald Butcher to forward the application to the Planning Board for their recommendation.

CARRIED

**3SPECIAL USE PERMIT REQUEST RECEIVED FROM VERIZON FOR CONTRUCTION OF A CELL TOWER**

The Town received a request to construct a 184ft monopole tower at 12860 Big Tree Road property that is owned by Fine-Line Collision. The Supervisor had asked Town Attorney Ronald Bennett to review the SUP application, he feels the application doesn't meet the zoning codes. Attorney Ronald Bennett is preparing a letter to the applicant, that the tower doesn't conform with town zoning codes, chapter 100 - Telecommunications Facilities.

**4TOWN OF WALES KIWANIS CLUB REQUEST FOR FINANCIAL SUPPORT IN HOSTING A WALES COMMUNITY NIGHT OUT**

**MOTION # \_\_\_\_\_** by Councilman Michael Simon, second by Councilwoman Jude approving the donation of \$500.00 in support of the Kiwanis clubs, community night out on July 8, 2015. CARRIED

**5ZONIG BOARD OF APPEALS CHAIRMAN REQUEST FOR THE APPOINTMENT OF A NEW CLERK**

**MOTION # \_\_\_\_\_** by Supervisor Rickey Venditti, second by Councilman Donald Butcher, approving Kim Stawicki as the new ZBA clerk. CARRIED

**6RESIDENT REQUEST FOR SPEED LIMIT REDUCTION ON HUNTERS CREEK ROAD**

**MOTION# \_\_\_\_\_** by Supervisor Rickey Venditti, second by Councilman Gerald Klinck for the Town Clerk to forward a T9-study to the County for speed reduction on Hunters Creek Rd. CARRIED

**7ANNAUL REVIEW OF DEPT. HEAD'S FISCAL RECORDS**

Councilman Michael Simon is still waiting on a few items from the town bookkeeper, the report will be done by the next town board meeting.

**8 WALES CENTER AND SOUTH WALES FIRE DEPT REQUEST TO JOIN IN HOLDING CPR/FIRST AID COURSE FOR RESIDENTS**

**MOTION # \_\_\_\_\_** by Supervisor Rickey Venditti, second by Councilman Gerald Klinck, approving to co-sponsor this event and donation \$250.00 to each fire dept. for advertising and other costs involved in holding this event. CARRIED

**9 HIGHWAY SUPERINTENDENT REQUEST TO ATTEND ANNUAL TRAINING SCHOOL**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Gerald Klinck, approving the Highway Superintendent to attend training school on June 1-3, not exceed \$600.00 this is a budget item. CARRIED

**10 REQUEST TO APPROVE TOWN PARK PORT A LET CONTRACT**

**ROLL CALL:**

**MOTION # \_\_\_\_\_** by Councilman Michael Simon, second by Councilwoman Jude Hartrich, approving Royal Flush at a cost of \$60.00 per unit a month. CARRIED

**COMMUNICATIONS:**

Letter from Wales Center Hotel regarding their liquor license renewal

**COMMITTEES**

Councilwoman Jude Hartrich waiting on date from Steve Winkley for water study meeting  
Councilman Donald Butcher Memorial Day parade 25<sup>th</sup> line up 11:30pm

**REPORTS OF DEPARTMENT HEADS:**

Town Attorney: Rec'd & filed  
Bldg. Inspector: Rec'd & filed  
Highway Dept.: Rec'd & filed.  
Tax Collector & Town Clerk: Rec'd & filed

**REPRESENTATIVES OF COMMUNITY ORGANIZATIONS:**

Kiwanis:  
Historical Society Monday April 20 with Kiwanis 100<sup>th</sup> anniversary dinner  
Wales Center Fire Co. New Truck  
S. Wales Fire Co. May 18 chicken BBQ

**SECOND INVITATION FOR PUBLIC COMMENTS:**

NONE

**VIEW AND ACTION ON TOWN CLERK'S REPORT:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Michael Simon, approving the Town Clerk's monthly report for March 2015 as presented. CARRIED

**GENERAL FUND BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Michael Simon, approving payment of the 2015 General Abstract # 003, voucher #0091-0141 total amount \$ 58,691.64. CARRIED

**HIGHWAY FUND BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Michael Simon, approving payment of the 2015 Highway Abstract # 003, voucher #0135-0148 total amount \$15250.26 CARRIED

**ADJOURNMENT:**

Motion duly made and seconded to adjourn the meeting at 7:36pm  
IN MEMORY OF: Mary J Hauser, David Lafferty, William E Blinston  
Respectfully submitted,

Melinda Eaton  
Wales Town Clerk