

WALES TOWN BOARD MEETING

Minutes of March 12, 2019

The 3rd meeting of the Wales Town Board was held on the 12th day of March, 2019 at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York.

The meeting was called to order by Supervisor Rickey Venditti at 7:09 pm EST

ROLL CALL: Taken at public hearing

Present: Supervisor Rickey Venditti
Councilman Donald Butcher
Councilman Gerald Klinck
Councilman Kyle Barry
Councilman Dan Driver

Absent: None

Also present: GHD Engineering, Building Inspector Dave Bender and (23) residents whose names are on file.

INVOCATION:

Led by Donald Butcher

PLEDGE OF ALLEGIANCE:

Led by Councilman Gerry Klinck

ADOPTION OF AGENDA:

MOTION # _____ moved by Councilman Donald Butcher, second Councilman Dan Driver, approving the agenda as presented. CARRIED

ACCEPTANCE OF MINUTES:

MOTION # _____ moved by Councilman Gerald Klinck, second Councilman Donald Butcher, approving the Town Clerk's minutes of February 12th, 2019 as presented. CARRIED

PUBLIC COMMENTS:

Karen Spencer-4249 Reiter Road-on our home page we have a Regional Comprehensive Plan that was adopted 2004. She believes the plan represents the town's values and is a critical piece for the board's decision making. If the Dollar General S.U.P. is approved please work with the developer to create a professional looking brick building so that when they leave another party would be interested in taking it over. Please consider in the S.U.P. we have limited lighting, noise restrictions, and landscaping.

Supervisor Rickey Venditti responded that the board is very aware of those concerns and lighting, noise restrictions are already in S.U.P.

Supervisor Rickey Venditti responded to the question of the Regional Comprehensive Plan. We strive to keep the Town of Wales rural. You cannot outlaw commercial property.

Dave Newman-Route 78- Submitted comments and petition

Jenna Driver-5227 Hunters Creek Road-is asking that the board listen to its resident's and not be bullied by a retailer that could lessen the rural ambiance of Wales that she and family embrace and hold dear.

Randy George-11069 Big Tree Rd-Does not feel it necessary to have a Dollar General in Wales since there is one in East Aurora and is concerned about the increase in traffic.

Supervisor Rickey Venditti responded that the D.O.T. would not do a traffic study and they do not think there would be an increase in traffic. Therefore would not be possible for the State to pay for a traffic light.

Merle Sly-11042 Big Tree Rd-Stated that the Dollar General choosing town of Wales as a building site is about profit. It disregards the residents. The water study report is in 2 weeks, is this going to be passed now and two weeks from now find out there are water restrictions.

Supervisor Rickey Venditti commented that the board is not voting on this tonight. There is no S.U.P. drawn up yet

William Leidich-11101 Big Tree Road-Attended the Public Hearing. He asked why the board is not listening to what the residents want. We do not want a Dollar General. It does not fit into the rural environment.

Supervisor Rickey Venditti commented that the board listens to its residents.

We have to operate by the law not by emotions.

Councilman Donald Butcher-expressed that we have been hurt by the process in dealing with the Dollar General

Lugene Bradly-Reiter Rd-Her uncle owned the land where Auctions

International is. It is of her opinion that Russ Scheerer is doing whatever he wants. Is the town going to let Dollar General do the same? We do not need another Dollar General when there is one in East Aurora and Varysburg. Our residents will continue to be vocal about this issue.

Dorie Carlone-5189 Hunters Creek Road-I am totally against Dollar General.

A lawsuit does not pertain to this. The only way to be heard is not to shop there and eventually they may close. Perhaps it could then be turned into a nice animal shelter.

OLD BUSINESS:

1. S.U.P. application received from The Broadway Group for proposed Dollar General Store on Big Tree Rd.

Supervisor Rickey Venditti asked if Councilman Dan Driver would like to ask is questions about the traffic study. David Stapleton attorney for Broadway Group asked if everybody has a copy of the report of Mr. Kreuz's response to Mr. Traver and his resume. Councilman Dan Driver asked why the flea market was not used in the traffic study. Dan Kreuz, representative, responded typical traffic studies are based on am and pm traffic Monday-Friday. The flea market open on Saturday and Sunday by standard protocol does not come into play.

Councilman Dan Driver commented if you look at the study the traffic is consistent. Knowing that this has an impact on the calculations and loss of service. Why wasn't the flea market weekend traffic included, what was the justification and who determined that? Dan Kreuz, representative, responded that this is fairly standard policy for the D.O.T. am and pm traffic Monday-Friday. Councilman Dan Driver commented that this is standard business policy.

Supervisor Rickey Venditti stated the closing statement having the DOT seeing no revisions being made for traffic does not give us any way for a traffic light. Both Supervisor Rickey Venditti and Councilman Dan Driver reiterated (what was in closing on the report) that if there were significant accidents then the D.O.T. would take action if deemed necessary for traffic improvements. Councilman Kyle Barry asked as a follow up on Councilman's Dan Driver's question have you ever taken into consideration the surrounding areas or going outside the guidelines. Dan Kreuz responded that it is a state road. Councilman Kyle Barry asked is there anything preventing Dan Kreuz from looking at weekend traffic from flea market. Dan Kreuz responded no. Councilman Kyle Barry then said you did not looking into surrounding areas on the study. Dan Kreuz said no, no on this study we analyzed only Dollar General traffic.

Councilman Dan Driver asked if Dan Kreuz could do a calculation including flea market traffic. Dan Kreuz responded that he does not have an actual category. David Stapleton stated that the total number of cars in and out of the Dollar General 260. Dan Kreuz stated that we were studying the effect of the Dollar General traffic not the flea market traffic. There is 11,000 give or take cars a day so the percentage of the cars that go into this is very small.

Councilman Dan Driver stated that the study says that the small majority of the cars aka pass-byers. The study would increase the cars on the road i.e. the Dollar General being the destination. David Stapleton stated no you were indicated that you had pass-byers.

Councilman Dan Driver stated that the pass-byers were on the road and decided to stop in to the Dollar General. Councilman Dan Driver posed a question do we want the study to include weekend traffic from the flea market? Dan Kreuz stated that new traffic is only 208 going in and going out. David Stapleton talked about the accidents indicated on the study that are 20% lower that the state average and that there were only three(3) accidents in this particular area. Councilman Dan Driver asked is that statistic regionalized or does it include New York City. Dan Kreuz responded that it is state-wide for that category. David Stapleton added that this category of accidents included when the flea market was open.

Mellissa Ballard representative of Dollar General pointed out in the rendering with the new updates Dollar General is willing to do. The sign will be a monument sign which matches the exterior of the building will look like hardwood with stone along the bottom. We have added fancy lighting on the exterior of the building. We have added a peak roof and shutters in the front and awnings. Supervisor Rickey Venditti passed around the rendering for the public to view. Councilman Donald Butcher stated that Dollar General is a "general store" with items

such as Tide and Bounty whereas Dollar General sells cheap items. Mellissa Ballard stated that the improvements will cost \$116,000.00. Councilman Daniel Driver stated that there would be no outside sales except an ice machine and propane tanks. Supervisor Rickey Vendetti stated there would be no merchandise, no equipment, or amplified music outside. He also stated that Town Attorney Ron Bennett always includes in S.U.P. that there be downward lighting outside. Supervisor Rickey Vendetti asked the board to supply Town Attorney Ron Bennett with any special conditions. As resident stated that she lives across where the Dollar General is and how she retrieves her mail. Supervisor Rickey Vendetti agreed with how the traffic has increased on 20A in the last 10 years. He also stated that is why Dollar General chose this location.

2. S.U.P. application from Reid Petroleum for proposed project to remodel /expand Crosby's Convenience Store at 11566 Big Tree Rd.

Supervisor Vendetti stated that Crosby's is remodeling and expanding within the existing structure. We spoke with Town Attorney, Ron Bennett, and there is no need to have a review with any of the other boards. They are basically occupying the building that is already there. A public hearing is not required. We are going to go ahead update and amend their current S.U.P. No external sales except ice machine and propane. The lighting reflected downward. There will be no amplified music or messages played outside We will ask Town Attorney, Ron Bennett to start drafting the amended S.U.P. Anna & David Latnan 11612 Big Tree Road, asked can you define expanding and does that include the parking that they have. Supervisor Rickey Vendetti responded they are expanding with the space they already have and no additional parking added. Supervisor Rickey Vendetti stated that upgrades to septic would have to go through county and state approvals and be in compliance with regarding restroom facilities. Councilman Donald Butcher stated that the footprint is not changing. They are changing the inside. Supervisor Rickey Vendetti asked the Building Inspector Dave Bender to look into the external lighting. Anna & David Latnan asked to look at a list of the changes. They can request that from the Town Clerk and Building Inspector.

3. Proposed Local Law Intro 1-2019 to regulate portable temporary storage units. RESOLUTION TO ADOPT LOCAL LAW INTRO. NO. 1-2019

WHEREAS, Local Law Intro. No. 1-2019 has been submitted amending the Zoning Code to provide for regulation of the use of portable temporary storage units, and

WHEREAS, the amendments to the Zoning Code set forth in the Local Law have been carefully considered by the Town, and

WHEREAS, Article XI of Chapter 200 of the Zoning Code provides for amendments to the Zoning Code, setting forth the procedure requiring a Public Hearing, and

WHEREAS, a Public Hearing was held on March 12, 2019, 2019 permitting public comments in regard to the proposed amendments, which included amendments to the Zoning Code,

NOW, THEREFORE, be it

RESOLVED, Local Law No. 1-2019 is hereby adopted and shall become effective upon filing of the Local Law with the New York Secretary of State, and be it further

RESOLVED, the Town Clerk is directed to file a copy of the Local Law with the New York State Department of State and forward a copy to General Code Publishers for the purpose of amending the Code Book of the Town of Wales.

MOTION # _____ moved by Councilman Gerald Klinck, second Councilman Donald Butcher, approving Local Law No. 1-2019 Article XI of Chapter 200 of the Zoning Code to provide for regulation of the use of portable temporary storage units, with amending the fee schedule at the April meeting.

CARRIED

4. Proposed Local Law Intro 2-2019 regarding the N.Y.S. D.E.C. National Flood Insurance Program.

Attorney Ronald Bennett is still waiting for approval from the DEC. The law contains new maps of the flood zones and in order to have FEMA involved that is why we have to adopt that local law. The areas have changed and require the DEC. As soon as the DEC deems the local law Attorney Ron Bennett presents acceptable. Supervisor Rickey Vendetti received a letter this week reflecting the NYS DEC National Flood Insurance Program

5. N.Y.S. required Municipal Workers Compensation Alliance safety training.

The Training will be tomorrow, March 13th at noon and 6pm, we have over 25 employees signed up.

6. Request from Town Historian to expend funds to purchase computer software

Councilman Gerald Klinck stated they are waiting for the rep. to come out and give presentation. Supervisor Rickey Venditti will move this office the agenda and handle this under committees

7. Town of Wales ground water study.

Steven Winkley from the state has done a report from a study 3 years ago. He will be at the board meeting April 9, 2019 to report on the ground water study.

8. Town of Wales Department Head Audit.

Dresher Malecki will conduct the audit. We are waiting for them to submit a 2019 Annual Agreement.

NEW BUSINESS:

1. Request to approve Supervisor's annual financial report for year ending 12/31/2018.

MOTION # _____ moved by Councilman Donald Butcher, second Councilman Gerald Klinck, approving the supervisor's annual financial report for 2019. CARRIED

ROLL CALL:

Supervisor Rickey Venditti aye
Councilman Donald Butcher aye
Councilman Gerald Klinck aye
Councilman Kyle Barry aye
Councilman Dan Driver aye

5 aye no 0

2. S.U.P. application received from 1 Way Flooring Covering & Renovation Inc. to operate at 11086 Big Tree Rd.

Supervisor Rickey Venditti said the application seems to be written to allow a container rather than written for the business. Please review it and see if we need to go back and ask them to re-word it or let it go as is. He asked the board to review and get back to him or Building Inspector Dave Bender at the workshop. Supervisor Rickey Venditti stated that the permit is not to allow the container, the permit is to allow the business. This is the way the permit should be directed. He talked to Dave Bender, Code Enforcement Officer on this.

3. Request from Wales Center Women's softball team to use Town Park facilities.

Annual request from mid-April to mid-August on Mondays and Wednesdays, 5:30-8:30pm. Also request the shelter and diamond for their league picnic on August 18. The town does require proof of insurance or signed waivers from the players.

MOTION # _____ moved by Councilman Donald Butcher, second Councilman Gerald Klinck, second Councilman Donald Butcher approving The Wales Center Women's softball using the town park with proof of insurance. CARRIED

COMMUNICATIONS

NONE

DEPT HEADS REPORTS

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

REPORTS OF COMMITTEES:

Councilman Gerald Klinck stated that the Zoning Committee will be meeting discussing possible additions to our code that covers aesthetics for businesses.

Councilman Dan Driver requested if the town would help fund the port-a-potty at the Butterfly Athletic Park. Supervisor Rickey Venditti said he does not know if legally we could use town funds. We would have to discuss that with the Town Attorney, Ron Bennett.

REPRESENTATIVES OF COMMUNITY ORGANIZATIONS:

Wales Company Gun Raffle is March 16th

East Aurora Legion-Orange County Choppers working on a bike for the veteran wall. They would like to get a piece of the veteran wall permanently at Knox Park.

SECOND INVITATION FOR PUBLIC COMMENT:

Randy George 11069 Big Tree Road-Would like to see 20a paved. Supervisor Rickey Venditti said our representative Joe Lorigo comes out and tours the county roads with us. Warner Hill Road saw some immediate action from that.

John Riechert-12651 Old Big Tree Road-Retired from the State D.O.T. They state only gives us so much money. Most of the time we can only apply “band aides” on the roads

Merle Sly-11042 Big Tree Road-Reinforce traffic laws.

Mr. Leidich-11101 Big Tree Road-Hard to get out of his driveway. Rudeness of drivers.

Karen Spencer-4249 Reiter Road-Would the Dollar General affect Crosby’s? Do we need a Dollar General?

Dori Carlone-5189 Hunters Creek-thank you for following up with the water study. The water supply is limited at the flea market and where Dollar General will be. Does not see 200 people going to Dollar General.

John Riechert-12651 Old Big Tree Road-near fatal accidents. Had a motorcycle accident on 20a. Every person that has to stop increases the chance of accidents.

Jenna Driver-5227 Hunters Creek-Request not to have items for sales outside? Is that a request or requirement? Supervisor Rickey Vendetti stated that is a requirement which will be in the S.U.P. If they do put out items the Building Inspector would issue an Order to Remedy.

REVIEW AND ACTION ON SUPERVISOR’S REPORT:

Not available at this time

REVIEW AND ACTION ON TOWN CLERK’S REPORT:

MOTION # _____ by Councilman Donald Butcher, second by Councilman Gerald Klink, approving the Town Clerk’s monthly report for January 2019 as presented.

CARRIED

GENERAL FUND BILLS:

MOTION # _____ by Councilman Donald Butcher, second by Councilman Gerald Klink approving payment of the 2019 General Abstract 002 , voucher #0012-0050 total amount \$29,195.04

CARRIED

HIGHWAY FUND BILLS:

MOTION # _____ by Councilman Donald Butcher, second by Councilman Gerald Klink approving payment of the 2019 Highway Abstract 002, voucher #018-031 total amount \$8,411.13

CARRIED

IN MEMORY OF: Jeffrey Heitman, Robert Spanenberg & Thomas Tomlinson

Motion duly made and seconded to adjourn the meeting at 8:30 p.m.

Respectfully submitted,
Mindy Eaton, Wales Town Clerk