

## Minutes of May 14th, 2019

The 5<sup>TH</sup> meeting of the Wales Town Board was held on the 14<sup>th</sup> day of May, 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 7:04 pm EST

### **ROLL CALL: taken at public hearing**

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

Also present: Attorney Ronald Bennett, GHD Engineering, and Building Inspector (13)  
Residents whose names are on file.

### **INVOCATION:**

led by Councilman Donald Butcher

### **PLEDGE OF ALLEGIANCE:**

led by Councilman Gerald Klinck

**ADOPTION OF AGENDA:** with the addition of item#9 under new business to add a resolution for engagement of council. **MOTION # \_\_\_\_\_** by Councilman Dan Driver, second by Councilman Gerald Klinck, approving the agenda. **CARRIED**

### **CARRIED ACCEPTANCE OF MINUTES:**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Donald Butcher, approving the Town Clerk's minutes of April 9th, 2019 **CARRIED**

**Karl Simmeth the Community Liaison for Assembly David DiPietro, said he would be available after the meeting if anyone had questions.**

### **PUBLIC COMMENTS:**

David Newman Rt 78 Update to the online petition against Dollar General total of 64 signature's. I did a foil request with the Town Clerk on the number of Special Use Permits in the past 5 years which was 28. Of the 28 special use permit's 25 were approved, 2 were denied and 3 are still in progress. After researching the town code, I applaud the Town Board for adding this very powerful piece of legislation into law code 162-4 Rights of town residents to natural environment. I hope Dollar General and other businesses use of a well, don't prevent maintaining sustainable, use, consumption and preservation of water drawn from residents in the area.

### **OLD BUSINESS:**

#### **1. SUP APPLICATION FOR THE BROADWAY GROUP'S PROPOSED DOLLAR GENERAL STORE ON BIG TREE ROAD.**

The board started working in this SUP since February 2018, the board has been concerns, along with many residents. The Board has addressed to the applicant areas of concerns, Drainage - was approved by the town engineer. Fencing – some of the fencing has been removed for more plants and trees. Traffic – the applicant did have a traffic study done with no impact and the NYSDOT felt the same, with no impact on the community. Signage and building design was upgraded to fit in with the rural community. Water impact the same as a two person household. We have had a public hearing, variance for parking was approved. The Town Engineer has completed part #2 and #3 of the SEQR. It has been determined that there will be no significant impact on the environment in all categories.

#### **RESOLUTION**

This project will result in no significant adverse impact on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, and second by Councilman Gerald Klinck approve this negative declaration. **CARRIED**

Ron Bennett had a few changes to the special conditions changes, the date changed from April 8, 2019 to April 11, 2019 for the Site development plans, excavation shall be no more than 5,000. cubic yards.

Rickey Venditti made a statement, Town Board has struggled with this special use permit, we must base our decision on the town Code and laws, not our feelings or emotions. The Applicant has worked with the town on the building design sand landscaping to minimize their impact. They are in compliant with our town codes.

**RESOLUTION TO ADOPT A SPECIAL USE PERMIT**

WHEREAS, The Broadway Group, LLC has applied for a Special Use Permit, and WHEREAS, the plans for the use of the facility have been submitted, NOW, THEREFORE, be it

RESOLVED, that the Board does approve the Special Use Permit with attached Special Conditions, a copy being incorporated by reference, and be it further RESOLVED, that the Special Use Permit shall become effective upon the written approval of the representative of The Broadway Group, LLC and acknowledgment approval by the Supervisor of the Town of Wales.

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, and second by Councilman Gerald Klinck approving the SUP application for The Broadway Group, LLC. **CARRIED**

**ROLL CALL VOTE:**

Supervisor Rickey Venditti Yes  
Councilman Kyle Barry Yes  
Councilman Daniel Driver Yes  
Councilman Gerald Klinck Yes  
Councilman Donald Butcher Yes

Yes 5 NO 0

**CARRIED**

**2. SUP APPLICATION FOR REID PETROLEUM’S PROPOSED PROJECT TO REMODEL/EXPAND CROSBY’S CONVENIENCE STORE AT 11566 BIG TREE ROAD.**

**RESOLUTION TO ADOPT AN AMENDED SPECIAL USE PERMIT**

WHEREAS, Reid Petroleum Corporation has applied to amend a prior Special Use Permit adopted on October 20, 1999, and submitted to expand the present use of the facility, WHEREAS, the plans for the expansion of the use of the present facility has been NOW, THEREFORE, be it

RESOLVED, that the Board does approve the Amended Special Use Permit with attached Special Conditions, a copy being incorporated by reference, and be it further RESOLVED, that the Special Use Permit shall become effective upon the written approval of the representative of Reid Petroleum Corporation and acknowledgment approval by the Supervisor of the Town of Wales.

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, and second by Councilman Gerald Klinck approving the Amended SUP application for the remodel/expand the Crosby’s Convenience Store.

**CARRIED**

**3. SUP APPLICATION RECEIVED FROM 1 WAY FLOORING COVERING & RENOVATION INC. TO OPERATE AT 11086 BIG TREE RD**

This application is now ready to process, the code violation has been resolved

**MOTION # \_\_\_\_\_** by Supervisor Rickey Venditti, and second by Councilman Gerald Klinck approving the requests the town clerk to forward the special use permit to all the applicable boards and agencies.

**CARRIED**

**4. LOCAL LAW 3-2019 FOR THE AMENDMENT TO REVISE THE ORDER OF CONTENT ONLY IN REGARD TO PORTABLE TEMPORARY STORAGE UNITS.**

**RESOLUTION TO ADOPT LOCAL LAW INTRO. NO. 3-2019**

WHEREAS, Local Law Intro. No.3-2019 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 May 14th, 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. 3-2019 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 Dan Driver, second Councilman Donald Butcher, approving Local Law No. 3-2019 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 Town Board Meeting.

**CARRIED**

**NEW BUSINESS:**

**1. REQUEST TO APPROVE THE TOWN OF WALES ANNUAL INSURANCE RENEWAL.**

Geoff Gunner - of Badger and Gunner represented the town’s property and liability insurance cost for the new policy for this year Selective Insurance \$19,059 HCC Public Risk \$22,094 and Spriska \$24,313 and Public Employee Fidelity Bond renewal is \$512.00 With no increase.

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving the renewal of the town's property and liability insurance cost for the new policy for this year Selective Insurance \$19,059 and Public Employee Fidelity Bond renewal is \$512.00 With no increase. **CARRIED**

**2. BUILDING INSPECTOR/CEO REQUEST FOR RENEWAL OF ANNUAL WILLIAMSON LAW BOOKS.**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving the renewal of the Williamson Law Book software at a cost of \$624.00. This is a budget item. **CARRIED**

**3. HIGHWAY SUPERINTENDENT REQUEST TO REQUEST TO EXPEND FUNDS TO REPLACE GARAGE DOORS PANELS.**

Highway Superintendent Mike Zywar received 3 bids Rupp Overhead Door at \$2936.60, National Overhead Door \$2032.46 and Hamburg overhead Door \$2806.00.

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving National Overhead Door at a cost of \$2806.00 to replace garage doors panels. **CARRIED**

**4. HIGHWAY SUPERINTENDENT REQUEST TO EXPENDS FUNDS TO UPDATE TOWN HALL WATER SYSTEM**

Highway Superintendent Mike Zywar received 3 bids Culligan Water, Strykersville Hardware, Water Cure USA \$6,200.00

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving Watercure USA with new reverse osmosis system for water system at \$6,200. **CARRIED**

**5. TOWN JUSTICE'S REQUEST TO EXPEND FUNDS TO INSTALL AIR CONDITIONING IN SOUTH WALES COMMUNITY BUILDING**

Highway Superintendent Mike Zywar will work on bids for next month's meeting.

**6. SUPERVISOR REQUEST TO EXPAND FUNDS TO REPLACE COMPUTER**

Nick Fodero from Network Services recommended Supervisor Rickey Venditti replace his computer because of all its items plus it will not support the new windows update in 2020. Nick received the state bid from Dell to replace the computer for \$1,557.44.

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving \$1557.44 to replace the new Dell computer off state bid. **CARRIED**

**7. REQUEST TO CONTRACT WITH DRESHER AND MALECKI LLP MUNICIAPL ACCOUNTING SERVICES FOR REVIEW, CONSULTING AND ADVISE ON TOWN FINANCIAL PRACTICES AND RECORD KEEPING.**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving the Contract for 2018 department head audits for Town Clerk and Tax Collector, Bookkeeper and Justice Courts. Total of 4 audits would not exceed \$7,600. **CARRIED**

**8. STATUS OF AUCTIONS INTERNATIONAL SUP COMPLIANCE**

Building Inspector had informed the board at the last meeting of a few items that have not been completed. The current also has items that are out of compliance. Dave said he is working getting the storage containers removed but need top also work on the fence.

**9. RESOLUTION FOR ENGAGEMENT OF COUNCIL**

**RESOLUTION FOR ENGAGEMENT OF COUNSEL**

WHEREAS, there is a matter of personnel which requires the engagement of Special Counsel, and

WHEREAS, David M. DiMatteo, Esq. has submitted a proposal to provide legal counsel in the matter of personnel, and

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve engagement of David M. DiMatteo, Esq., as Special Counsel as set forth in the attached letter of retainer.

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving David DiMatteo as special council. **CARRIED**

**COMMUNICATIONS:**

Historian Dee Zeigel is working on the plans for Memorial Day

Letter form resident regarding water drainage

**REPORTS OF DEPARTMENT HEADS:** Highway, Building Inspector and Town Clerk

**REPRESENTATIVES OF COMMUNITY ORGANIZATIONS:**

South Wales Fire chicken BBQ will be May 19<sup>th</sup> at 11:00 am until sold out

**COMMITTES**

Water Study protection plan – Councilman Dan Driver is waiting to hear back from Mr. Winkley

Town Building and Personnel Safety Committee meeting. Mike Zywar and Dee Zeigel are meeting tomorrow May 15, 2019 with the person from Compliance Alliance. She will be doing a walk through of the Town Hall. Councilman Don Butcher stated at the next workshop he would like to discuss the town's security system

**SECOND PUBLIC COMMENTS:**

Bradley Lathan, 11612 Big Tree Rd, asked if Crosby’s is in compliance with their lighting system. Supervisor Venditti they are in compliance with the lighting. The Code Enforcement Officer, Dave Bender did a check to reaffirm. Bradley Lathan stated that the Mobile sign shines into his son’s bedroom at night. Mr. Lathan had a question if fencing is part of the S.U.P. Councilman Butcher asked Mr. Lathan if they turn off the sign when they closed. He replied no. Mr. Lathan asked when the S.U.P. is approved how long do they have to put up the fencing? Supervisor Rickey Venditti stated that the Code Enforcement Officer would work with them on that item. Mr. Lathan asked how high the fence would be? Supervisor Venditti responded whatever is in the permit. Supervisor Venditti told Mr. Lathan, once the S.U.P. is approved, you may get a copy.

**REVIEW AND ACTION ON SUPERVISOR’S REPORT:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Gerald Klinck, approving the Supervisor’s reports for April, 2019 as presented. **CARRIED**

**REVIEW AND ACTION ON TOWN CLERK’S REPORT:**

**MOTION # \_\_\_\_\_** by Councilman second Gerald Klinck, Councilman Kyle Barry, approving the Town Clerk’s monthly report for April, 2019 as presented. **CARRIED**

**GENERAL FUND BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving payment of the 2019 General Fund Abstract # 004 voucher # 138172 total of \$ 97,548.46 **CARRIED**

**HIGHWAY FUND BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Dan Driver, second by Councilman Gerald Klinck, approving payment of the 2019 Highway Abstract # 004 voucher #047-056 total amount \$ 86,527.41 **CARRIED**

**ADJOURNMENT:**

Motion duly made and seconded to adjourn the meeting at 7:50 pm

**IN MEMORY OF: Thomas Holmes, William Keating Jr. & Ronald Penny**

Respectfully submitted,

Melinda Eaton, Wales Town Clerk