

Wales Town Board
Public Hearing
Tuesday November 26, 2019 @ 7:09 p.m.
Public Hearing for Proposed Local Law Intro5-2019

The Public Hearing was called to order at 7:09 p.m. at the Wales Community Center, 12345 Big Tree Road, Wales Center, NY.

ROLL CALL: Taken prior public hearing

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

Also Present: Ronald Bennett Town Attorney, GHD Engineering, (5) Residents whose names are on file.

This Public Hearing is for the Town of Wales Residents to provide their input to the Town Board on the proposed local law for 5-2019

Town Clerk, Melinda Eaton read Notice of Public Hearing as Published.

Overview of the proposed Local Law intro 5-2019

Attorney Ron Bennett stated as the town attorney his position and advising the town board, that the confusion was about chapter 7 in the town code from 1971 that called for a special election by July 1, 1971 to retain elected Assessors. What we are talking about tonight is section 328 of the Real Property Tax Law, that provides for the board to appoint as sole assessor that was done already with Local Law 4-2019. For the reason, we amended it. The local law tonight will amend that and put that in placed as it should be because that is what it reads now. In regard to the chapter 328, what we have here is a situation which we look at what happened. Here is a home rule law where we look at what has been referenced which is almost the bible for attorneys who practice municipal law. It has been there since 1963. In 1984 the law was amended with the section of 328. Section 328 states that the board has the authority to establish local law which it for an elected official. The law specifically states that the town board has the authority to adopt a local law of that nature without a town official. I speak to that at the subsequent time of 1963. The legislative body, the town board, with discretion pursuant to the section 328 that is the discretion the board chosen that and so the local law become effective. This particular section also references the sections of the municipal home law. It acknowledged that there was a law back in 1963 and chose to have a referendum. It would have 45 days to the adoption. They would have to power to proceed to the adoption. We have a local law tonight which now takes local law that is already been adopted and puts it in the code without any ambiguity. It is perfectly legal. The discretion has been exercised and now the local law is there. It really is a confusion with the interpretation of the law

Invitation for Resident's input to the Town Board.

Dave Newman 12645 Rt 78 - Prepared a letter to the Town Board that will be attached to the minutes. I have been a staunch individual on this issue. I posted a pole question I posted on 10/21/19 on the neighbor-to-neighbor site that asked "how would you like you Wales assessors position filled? 47 people took the poll. 85% said they would like an elected officer. 10% an appointed office with mandatory referendum. 2% appointed office with a permissive referendum, and 2% with an appointed office no referendum. It appears that the Town of Wales's residents wants an elected assessor's office. The proposed amendment to Chapter 7 would change from 3 elected assessors to 1 appointed assessor. The proposed law goes against the wishes of the town. It demonstrates to me that the town does not care what the people say. The town

did not necessarily say that but it gives that perception. According to the recent East Aurora Advertiser article “Councilman Member Donald Butcher that this will be discussed at the workshop at the next workshop, it is not a done deal”. I hope this means that the board will reconsider this proposal and adopt a law per the wishes of the town.

MOTION#____By Kyle Barry and second by Councilman Dan Driver approving adjournment with no further business at hand, to adjourn the meeting at 7:15p.m.

CARRIED

Submitted by Melinda Eaton, Wales Town Clerk