

## WALES TOWN BOARD MEETING

### Minutes of March 10, 2020

The 3rd meeting of the Wales Town Board was held on the 10th day of March 2020 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:

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

Also present: GHD Engineering, Attorney Ronald Bennett. Building Inspector Dave Bender and (11) residents whose names are on file.

#### INVOCATION:

Led by Donald Butcher

#### PLEDGE OF ALLEGIANCE:

Led by Councilman Kyle Barry

#### 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 Dan Driver, second Councilman Donald Butcher, approving the Town Clerk's minutes of February 11<sup>th</sup>, 2020 as presented. CARRIED

#### PUBLIC COMMENTS:

Dorothy Carlone Hunters Creek Rd – Wondering if the minutes from the prior meeting would be available at the time of the meeting when they are approved? The Town Clerk said they would be available the next morning on the website. Mrs. Carlone would like to thank the town board for bring back Mr. Winkley to finish the water study.

#### OLD BUSINESS:

##### **1. Source water protection plan presentation by Steven Winkley.**

Supervisor Rickey Venditti introduced Steven Winkley from the New York Rural Water Association; he is also a Hydrogeologist. Mr. Winkley stated six years ago he started working with the Town of Wales, on a water protection plan. His goal was to preserve the drinking water and find potential threats and a plan to correct them. In 2014, he worked with the Wales water committee, took inventory of well data and they sent out surveys to the residents. We had over 358 surveys returned (which were confidential). Then an additional 57 online response. The objective was to learn about the water supply and water systems. The data was utilized by being inputted into a geographical information system (GIS). Mr. Winkley said 25 percent of wells surveyed were only yielding one gallon per minute. The NYS Health Department says a 4-bedroom house should yield five gallons per minute depending on how deep the well is. He also found that the town has two abandoned gas wells. The NYSDEC has a well plugging program to address abandoned wells. There is also a new program with the New York State Health Department that provides free testing of 15 to 20 wells for e coli and chloroform bacteria, lead, nitrate, arsenic, sodium, iron, manganese, and other contaminants. The results only go to the homeowner. The website is [www.health.ny.gov/privatewells](http://www.health.ny.gov/privatewells) Dorothy Carlone asked if wells near a cemetery posed a threat to homeowners? Mr. Winkley said, "Cemeteries were not included in his survey. The NYS Department of Health and DEC have developed their own recommendation and guideline. If you have a well within 200 feet of a cemetery, I would be worried.". Councilman Dan Driver asked if Mr. Winkley could create a list of residents within 200 feet of cemetery that could be tested. Mr. Winkley recommends we should address the abandoned gas wells and take advance of the free testing from NYS health Department for wells. The Town could request well information before new home construction from the NYSDEC well report. This plan should be periodically be reviewed by the town. The report full report is on the town website.

##### **14. Update from the Code Enforcement Officer on the current status of Auctions International S.U.P. compliance.**

Supervisor Rickey Venditti said the Building Inspector David Bender has an appointment, so he moved item #14 under old business.

David Bender is working with the Town Prosecutor, He is not in compliance with his Special Use Permit, It's in the town court process right now. Supervisor Rickey Venditti said other business in town are also not in compliance with their Special Use Permit too.

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

Supervisor Rickey Venditti the public hearing was held, the county reviewed the application also the Town Engineer determine that this SUP is considered an unlisted action under SEQR Type II project and the therefore is not required for this project.

**MOTION # \_\_\_\_\_** moved by Supervisor Rickey Vendiiti approving the Special Use permit as a SEQR Type II project with no significant adverse impact on the environment, second Councilman Donald Butcher. CARRIED

**RESOLUTION APPROVING APPLICATION FOR SPECIAL USE PERMIT**

WHEREAS, 1 Way Floor Covering & Renovation, Inc. has petitioned for a Special Use Permit for the business at premises located at 11086 Big Tree Road in the Town of Wales, and

WHEREAS, the application has been reviewed and approved by the Town Planning Board and Town Conservation Board, and

WHEREAS, a Public Hearing was held at which time interested parties had the opportunity to address the application of 1 Way Floor Covering & Renovation, Inc., and

WHEREAS, the Town has made a thorough review of all proceedings including the approval by the Planning and Conservation Boards of the Town and the application with all supporting documents submitted by 1 Way Floor Covering & Renovation, Inc., NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve the issuance of a Special Use Permit to 1 Way Floor Covering & Renovation, Inc., a copy of the Special Use Permit and addendums being attached hereto, and be it further

RESOLVED, that the Supervisor is authorized to sign the Special Use Permit on behalf of the Town, and be it further

RESOLVED, that the Special Use Permit shall become effective upon the signed approval of the applicant.

**MOTION # \_\_\_\_\_** moved by Councilman Dan Driver, second Councilman Donald Butcher, approving the Special Use Permit for 1 Way Flooring & Renovations Inc. with full compliance with all standards, requirements and special conditions. CARRIED

**3.Open Development Area permit request for vacant property located on Centerline Road.**

**RESOLUTION**

**APPROVING OPEN DEVELOPMENT AREA PLAN SBL# 189.00-1-10.11 TOWN OF WALES**

WHEREAS, Chapter 120 of the Codes of the Town of Wales establishes standards for landowners who wish to develop or subdivide land that lacks adequate public road frontage for standard lot development (known as “Open Development Area”); and

WHEREAS, the Applicant has filed an Open Development Area application for SBL 189.00-1-10.11 Centerline Road and seeks approval to use the property for recreational purposes; and

WHEREAS, this is considered an unlisted action under SEQR and the Town Board did review Part II of the SEAF and determined that the proposed action will not result in any significant adverse environmental impacts; and

WHEREAS, the Applicant has not applied for nor were any variances granted pertaining to this Open Development Area request; and

WHEREAS, the Town of Wales Planning Board has recommended that the Town Board approve the Open Development Area Application for SBL 189.00-1-10.11 Centerline Road.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wales hereby grants an Open Development Area Permit with full compliance with all standards, requirements and special conditions, and will further secure the objections of the standards for Open Development Area; and be it further

RESOLVED, that the approval of the Open Development Area Permit by the Wales Town Board and any future developments will be subject to the standards and requirements of Chapter 150 of the Codes of the Town of Wales without modification, variance or waiver; and be it further

RESOLVED, that the Open Development Area plan for a recreational building located at 189.00-1-10.11 Centerline Road is approved.

**MOTION # \_\_\_\_\_** moved by Councilman Dan Driver, second Councilman Donald Butcher, approving the Open Development Area Permit with full compliance with all standards, requirements and special conditions. CARRIED

**4.Local Law Intro. 6-2019 regarding amending section 200-6, Zoning Map, of the Codes for Wales.**

**RESOLUTION TO ADOPT LOCAL LAW INTRO. NO. 6-2019**

WHEREAS, Local Law 1-2020 has been submitted to amend Chapter 200 of the Zoning Code and Section 200-6 Zoning Map by amending the Zoning Classification for portions of Route 20A and Route 78 changing the classification from 200-29(b) – business to 200-28(a) - agriculture, and

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

WHEREAS, Chapter 184 of the Zoning Code provides for amendments to the Zoning Map, setting forth the procedure requiring a Public Hearing, and

WHEREAS, a Public Hearing was held on January 28, 2020 permitting public comments in regard to the proposed amendments, which included amendments to the Zoning Code and Zoning Map,

NOW, THEREFORE, be it

RESOLVED, Local Law No. 1-2020 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. 1-2020 Amending Chapter 200 of the Zoning Code and Section 200-6 Zoning Map.

CARRIED

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

Councilman Don Butcher is working on setting up training for the town employee's, the Town of Colden will be having Training on May 20<sup>th</sup> this would be good for the highway guys, because it includes the extra class for highway workers. East Aurora is having a class tomorrow, but too late to sign up. Will also be working on setting up online training, and future classes.

**NEW BUSINESS:**

**1. Request to approve Supervisor's annual financial report for year ending 12/31/2019.**

The Bookkeeper has completed the 2019 year-end report. The December report includes the transfers from page 2 to balance the year 2019.

**MOTION # \_\_\_\_\_** moved by Councilman Donald Butcher, second Councilman Dan Driver, approving the supervisor's annual financial report for 2019. CARRIED

**ROLL CALL:**

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

**4 aye absent 1**

**2. Amended Resolution for home-based business, Nemo's Arms LLC, to operate at 6680 Maple Hill**

Supervisor Rickey Venditti stated this Resolution was to amend and clarify the storage of ammunition on the subject premises. It states that the applicant can have ammunition on the property for his personal use not for sales.

**AMENDED RESOLUTION FOR APPROVAL OF HOME OCCUPATION**

WHEREAS, Brandon M. Daly d/b/a Nemo's Arms LLC located at 6680 Maple Hill Road in the Town of Wales has applied for a Firearms Licensing business, and

WHEREAS, a Home Occupation is a permitted accessory use in Section 200-28 of the Zoning Code of the Town of Wales, and

WHEREAS, in order to qualify as a Home Occupation, it must be an accessory use, of a service character conducted within a dwelling by the resident and which is secondary to the use of the dwelling, and

WHEREAS, it is incumbent upon the Town Board to determine whether the proposed use is a qualified Home Occupation, and

WHEREAS, the Town Board has reviewed in detail the attendant to the proposed occupation,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby determine that the proposed use is a qualified Home Occupation subject to certain terms and conditions as set forth in Exhibit A attached hereto, and be it further

RESOLVED, that the Town Clerk is directed to provide a certified copy of the Resolution to Brandon M. Daly d/b/a Nemo's Arms LLC with an acknowledgment by the licensee indicating full agreement for the terms required for the Home Occupation.

**MOTION # \_\_\_\_\_** moved by Councilman Dan Driver, second Councilman Donald Butcher, approving the home-based business, Nemo's Arms LLC, to operate at 6680 Maple Hill Rd. with an acknowledgment by the licensee indicating full agreement for the terms required for the Home Occupation. CARRIED

**3.S.U.P. application from The Broadway Group for proposed Dollar General Store at 6401 Olean Rd.**

Information only - the Broadway Group is in the process of a variance application, for the parking request.

The applicant is working with the building inspector, to fulfill the requirements needed for the variance.

**4. Request received for Natemeg Farm LLC. to operate a farm for N.Y.S. wine and craft beer at 6846 Olean Rd.**

Supervisor Venditti was notified from the Building Inspector that Lloyd Demario at 6846 Olean Road request to establish a farm for NYS Wine and Craft Beer, the request would require a Special Use Permit.

Mr. Demario is in the process of submitting all the required documents to the building inspector.

**5. Resolution in opposition of Governor Cuomo's budget amendment regarding "Accelerated renewable energy growth and community benefit act" and the negative impact it will have on Town's right to "Home**

**Resolution in opposition of Governor Cuomo's budget amendment entitled "Accelerated renewable energy growth and community benefit act"**

**Whereas:** On February 21, 2020, Governor Cuomo submitted a 30-day budget amendment entitled "Accelerated renewable energy growth and community benefit act" for the purposes of meeting the Governor's goals for renewable energy, and

**Whereas:** This amendment would establish a new system for permitting and siting renewable projects, setting aside the current "Article 10 Siting Board" process, and

**Whereas:** Permitting will now be under the jurisdiction of a new entity – Office of Renewable Energy Siting (ORES), and

**Whereas:** the powers assigned to ORES will totally usurp and diminish local home rule, local zoning codes, local planning and Local Waterfront Revitalization Plans when permitting and siting renewable energy projects, and

**Whereas:** ORES will now have the power to

- Make available to developers “build – ready” sites
- Develop “uniform permitting standards”
- “coordinate, approve, evaluate, issue, amend, transfer and enforce siting permits”
- Limit the ability of local governments to raise objections to proposed projects
- Direct local appeals to ORES decisions to litigation through the Article 78 process
- Prohibit local governments from requiring any additional approvals or permits

**Whereas:** By filling this action as a 30-day budget amendment, is ignoring and bypassing the legislative process of formulating policy through public input, public hearings and public debate in favor of a rushed and secretive process, and

**Whereas:** This amendment represents a blatant attempt to usurp local government’s historical and constitutionally power of home rule in the areas of planning, zoning and land use,

**Now therefore be it resolved** that the Town of Wales does hereby go on record strongly opposing this Governor’s attempt to dilute and usurp the roles and powers of local governments in New York State, and

**Further be it resolved** that Town of Wales urges State Legislators to oppose this amendment and have it removed from the final budget document and,

**Further be it resolved** that a copy of this resolution be transmitted to the Governor, Lieutenant Governor, Speaker of the Assembly and Majority Leader of the Senate.

**MOTION # \_\_\_\_\_** moved by Councilman Donald Butcher, second Councilman Dan Driver Approving the Resolution in opposition of Governor Cuomo’s budget amendment entitled “Accelerated renewable energy growth and community benefit act. CARRIED

**6. Highway Superintendent request to expend funds to procure replacement dump truck.**

**MOTION # \_\_\_\_\_** moved by Supervisor Rickey Venditti, second Councilman Donald Butcher, approving the purchase out state bid replacement dump truck from Joe Bail Chevrolet. The Chevrolet Silverado 5500 regular cab 4wd/ dump body package at a price of \$61,365.92. This was a budgeted item. CARRIED

**7. Request to contract with Dresher and Malecki LLP municipal accounting services for review, consulting and advice on Town financial practices and record keeping.**

The Supervisor and Bookkeeper are working Dresher an Malecki LL on a contract for 2020, for municipal accounting services, consulting and advise on practices and record keeping. It will also include the town departments yearly audits; this is a budgeted item. Dresher and Malecki LLP are in the process of creating an agreement for 2020, are soon as we receive it, we will forward on for review.

**8. 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 22nd. The town does require proof of insurance or signed waivers from the players.

**MOTION # \_\_\_\_\_** moved by Councilman Donald Butcher, second Councilman Kyle Barry second Councilman Donald Butcher approving The Wales Center Women’s softball using the town park. CARRIED

**9. Holland High School P.T.O. request for donation in support of the 2020 Post Prom Party.**

**MOTION # \_\_\_\_\_** moved by Councilman Donald Butcher, second Councilman Dan Driver approving a donation of \$100.00 for the post prom party, this is a yearly donation. CARRIED

**10. Request from Town of Wales Kiwanis Club to use Town Park facilities for the Annual Easter Egg on April 11<sup>th</sup> @ 11:00 AM.**

**MOTION # \_\_\_\_\_** moved by Councilman Donald Butcher, second Councilman Dan Driver approving a town park for the annual Easter egg, sponsored by the Kiwanis Club on April 11th. CARRIED

**11. Request from Town of Wales Kiwanis Club to use Town Park facilities for the Annual Community Night Awareness Night on June 25<sup>th</sup> from 5:00 to 8:00 PM.**

**MOTION # \_\_\_\_\_** moved by Councilman Donald Butcher, second Councilman Dan Driver approving the use of the park for the Kiwanis club annual community night on June 25<sup>th</sup>. CARRIED

**12. Request from Town of Wales Kiwanis Club for Town donation for their Annual Community Awareness Night.**

**MOTION # \_\_\_\_\_** moved by Councilman Donald Butcher, second Councilman Dan Driver approving a donation of \$600.00 for the annual community awareness night. CARRIED

**13. Replacement Planning Board and Zoning Board of Appeals Clerk.**

Supervisor Rickey Venditti was notified by the Building Inspector, that we do have applications coming up to be processed and in need of a Zoning and Planning board clerk. Councilman Kyle Barry said they will be interviewing the prior candidate and another new candidate.

## **COMMUNICATIONS**

NONE

## **DEPT HEADS REPORTS**

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

Rec'd & filed.

Town Clerk: Rec'd & filed

## **REPORTS OF COMMITTEES:**

Councilman Don Butcher working on employee training for N.Y.S. required Municipal Workers Compensation Alliance safety.

## **REPRESENTATIVES OF COMMUNITY ORGANIZATIONS:**

Wales Company Gun Raffle is March 21<sup>th</sup>

## **SECOND INVITATION FOR PUBLIC COMMENT:**

Dorothy Carlone 5189 Hunters Creek Rd - Would like the town to address the abandoned gas wells, I have been asking for 6 year about plugging those abandoned wells, the state offered a free program to do that. She also asks about the Dollar General in South Wales that is being proposing and the water issues it would have, but Councilman Don Butcher said it will be part of the East Aurora water district. Appreciated the board finished the water study but concerned that it's not addressing the threat of arsenic in the town cemeteries, Supervisor Rickey Venditti said, that Mr. Winkley stated that the NYS Health Dept. and DEC have developed their own water protection plan, with recommendations and guidelines. Would like the larger maps from the water study, Councilman Dan Driver will work with the committee and Mr. Winkley on getting the maps and the New York State Health Department on free testing of 15 to 20 wells near the cemeteries.

Brenna Gawronski 12732 Big Tree Rd - Question about the open development permit on Centerline Road is it vacant land? Supervisor Rickey Venditti said a small picnic shelter is on the property but no primary resident. Also Auctions International, he continually does whatever he wants, like running an antique mall Wednesday's through Sunday which is not even in his special use permit. When the next court date is, at his first court date it seems like he was not issued the right paperwork, can the town board do something or shut him down. Supervisor Rickey Venditti said the board decided to wait to see what the court decides, before they would consider taking any action.

## **REVIEW AND ACTION ON SUPERVISOR'S REPORT:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Kyle Barry approving the preliminary December financial statement and approving the January and February financial statements with transfers. CARRIED

## **REVIEW AND ACTION ON TOWN CLERK'S REPORT:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Dan Driver, approving the Town Clerk's monthly report for January 2020 as presented. CARRIED

## **GENERAL FUND BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Kyle Barry approving payment of the 2020 General Abstract 003, voucher #0012-0050 total amount \$29,195.04 CARRIED

## **HIGHWAY FUND BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Dan Driver approving payment of the 2020 Highway Abstract 003, voucher #018-031 total amount \$8,411.13 CARRIED

Informational - the April workshop meeting will be in South Wales Memorial Building because of the primary election on April 28th.

## **IN MEMORY OF: Suzanne Horschel**

Motion duly made by Supervisor Rickey Venditti and seconded by Dan Driver to adjourn the meeting at 8:17pm

Respectfully submitted,  
Mindy Eaton, Wales Town Clerk