

## WALES TOWN BOARD MEETING

### Minutes of October 13th, 2020

The 11<sup>th</sup> meeting of the Wales Town Board was held on the 13th day of October 2020 at the Wales Community Center, 12345 Big Tree Road, Wales Center, NY.

The meeting was called to order at 7:10 pm by Supervisor Rickey Venditti.

**ROLL CALL:** Roll call was taken at the Public Hearing.

Councilman Kyle Barry

Councilman Dan Driver

Supervisor Rickey Venditti

Councilman Gerald Klinck

Councilman Donald Butcher absent

present were: Attorney Ronald Bennett, Town Engineer GHD, (10) residents whose names are on file.

**INVOCATION:** led by Supervisor Rickey Venditti

**PLEDGE OF ALLEGIANCE:** led by Councilman Gerald Klinck

**ADOPTION OF AGENDA:**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver approving the agenda as presented. **CARRIED**

**ACCEPTANCE OF MINUTES:**

**MOTION # \_\_\_\_\_** moved by Councilman Gerald Klinck, second by Councilman Kyle Barry, approving the Town Clerk's minutes of September 11<sup>th</sup> and 22<sup>nd</sup>, Public Hearings as presented. **CARRIED**

**INVITATION FOR PUBLIC COMMENTS:**

Brenna Gawronski-12732 Big Tree Road - commented on employee health benefits, I have the health insurance rates from the last five years and done some research. County employees aren't offered that good of plan, why does the town have plan instead of the Gold plan that is the no cost plan to employee's but decided to go with the platinum plan and it's costing the town money. I feel if they want the platinum plan, they should pay the total difference. The way things are going with the state, who knows how financially stable we I think we should cut back on spending. Rickey, you and the board have done a wonderful job with keeping cost down and a good surplus of funds.

Mr. Ritter-attorney for 13014 Big Tree Road-Consider clarifying the Local law that was decided earlier. Based on the ambiguity that was discussed by myself and a couple other residents, that the town board defer on that and consider clarifying the local law and make it clear that previously authorized or preexisting uses for a property are allowed to be continued. If the property owner applies for a building permit, special use permit, or some other permit or authorization that their use not be disrupted.

Kathleen Sainsbury-6384 Olean Rd. I see we have a special use application for the dollar General on Olean Road. I strongly object to this store being build there, due to the safety and traffic, I wanted a DOT evaluation of that area. I want this on the record that I strongly object a store being built there. They might be putting a turn around at the end of the route 400, the traffic is terrible in that area, I have a hard time even getting out of my driveway. The D.O.T. study that was done on Route 20a was done during off-peak hours. Supervisor Venditti said we just received this special use application, and a DOT study will be done, just like we did for the other store.

Victoria Montagu 1853 Olean Rd. My residence is kitty-corner to where the proposed site of the Dollar General will be located. There was a public hearing on June 24<sup>th</sup> about the parking lot. There was a public meeting in July. The Broadway group did not go to this meeting. I had foil requested the traffic study and environmental impact, and the study for the SEQ. The town clerk responded that at this point, they had not submitted their SUP and when it occurs, she will send me the records I requested.

Supervisor Rickey Venditti responded that we just received it today.

Victoria Montagu then stated that on September 8<sup>th</sup>. Jake Balon presented the original copies of petitions that we signed by immediate residents that this pertains to. (petition attached ) 42 signatures along with a letter from the Gow School. I went through the minutes on-line from July 28, 2020 up until present. Questioned why the August minutes were not posted. Town clerk said it was an over-sight.

Samantha Grandquist 5527 East Creek Rd I'm the one that put in the letter of grievance for the building inspector. We had our contractor start the building and we did all that was excepted for the permit. The Building inspector never came to look at our site to make sure everything was placed ok. All we know is that we had to be at least 20 feet from the road and 20 feet from the property line. Dave let us know when he shut down the project, that we are supposed to be in-line with the house which we had no idea about, because he gave us a building permit without checking the site. We had the contractor come and start building and the building inspector stopped the contractor one day before he would have been finished framing the building, with a violation which we had no idea. We asked if the builder could

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finish the last day of building and if a variance would be approved. We did hand in the variance application earlier today, so you probably haven't had a chance to look at it yet. We are wondering if approved if we can finish with the last day of building? Supervisor Venditti said we don't even see the variances, that goes through the Zoning Board of Appeals. It's my understanding from Dave the building inspector, that the building was in-line with the house, you moved it up about 20 feet closer to the road, which doesn't meet the minimum setback. Samantha said we had it marked out for the last month for Dave to come look at. Supervisor Venditti said the site plan you gave the building inspector is between you and him, and from what the building inspector said it showed it was in-line with the house. You will need to work with Dave and the Variance Board, with your variance application.

**OLD BUSINESS:**

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

Supervisor Venditti stated the application has been reviewed by all the applicable board and agencies, by the town attorney and a public hearing was held. Supervisor Venditti said the application fits the standards of the town code sections 200-36 with conformity with the Master Plan, Conformity with existing zoning regulations, effect on adjacent property values, Aesthetic impact, ecological impact, traffic and parking limitations and presence of odors, dust, smoke, refuse, vibration, noise, outside lighting, safety hazards or other environmental factors incidental to the comfort, peace, enjoyment health or safety of the surrounding area. A SEQR was not required, as per the town attorney.

**RESOLUTION FOR APPROVAL OF AN AMENDED SPECIAL USE PERMIT**

WHEREAS, Natemeg Farm, LLC has applied for an Amended Special Use Permit to establish a farm for NYS Wine and Craft Beer located at 6846 Olean Road, South Wales New York, and

WHEREAS, the Town Planning Board and Environmental Board have reviewed and recommended approval of the Amended Special Use Permit, and

WHEREAS, the Town Board has carefully reviewed the application and the reference recommendations, it finds that the application qualifies for the issuance of a Special Use Permit, and

WHEREAS, the Town Board has reviewed and approved the Special Conditions attached to the Special Use Permit, and

THEREFORE, be it

RESOLVED, the Town Board approves the Special Use Permit for Natemeg Farm, LLC located at 6846 Olean Road, South Wales New York

RESOLVED, that the Town Clerk shall prepare a certified copy of the Special Use Permit to be acknowledged by the applicant and the Town.

**MOTION # \_\_\_\_\_** moved by Supervisor Rickey Venditti, second by Councilman Gerald Klinck approving the Special Use Permit for Natemeg Farms LLC, to operate a farm for NYS Wine & Craft Beer located a 6846 Olean Road, in South Wales. **CARRIED**

**2. S.U.P. application from Centerline Communication for proposed cell tower at 12721 Warner Hill Road.**

The application was forwarded to all the applicable boards and agencies. The Planning and Conservation boards are pending approval of the application till the issues regarding wetlands and what the decimal levels of the generator. Supervisor Rickey Venditti requested the board to set a public hearing prior to the workshop meeting on October 27<sup>th</sup>.

**MOTION # \_\_\_\_\_** moved by Councilman Gerald Klinck, second by Councilman Kyle Barry approving the public hearing to be held on October 27<sup>th</sup> at the South Wales Memorial Building on Emery Road prior to the Town Board Workshop Meeting. **CARRIED**

**3. S.U.P. application from Thunder Hill Storage amend their current permit at 13014 Big Tree Road.**

Supervisor Venditti stated the application has been reviewed by all the applicable board and agencies and by the town attorney. We held the public hearing on September 22nd. This amended special use permit fits the standards of the town code sections 200-36 with conformity with the Master Plan, Conformity with existing zoning regulations, effect on adjacent property values, Aesthetic impact, ecological impact, traffic and parking limitations and presence of odors, dust, smoke, refuse, vibration, noise, outside lighting, safety hazards or other environmental factors incidental to the comfort, peace, enjoyment health or safety of the surrounding area. Also the town attorney said that a SEQR was not required, the amendment was to add one additional storage unit.

**RESOLUTION FOR APPROVAL OF AN AMENDED SPECIAL USE PERMIT**

WHEREAS, THILL13014, LLC d/b/a Thunderhill Self Storage has applied for an Amended Special Use Permit to construct an additional building for self-storage, and

WHEREAS, the Town Planning Board and Environmental Board have reviewed and

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recommended approval of the Amended Special Use Permit, and

WHEREAS, the Town Board has carefully reviewed the Petition to amend the Special Use Permit providing for an additional self-storage building, and

WHEREAS, the Amended Special Use Permit incorporates the provisions of the original Special Use Permit granted on November 16, 1999, and

WHEREAS, it has determined the Special Conditions set forth in the Amended Special Use Permit, and

WHEREAS, the Town Board has determined that the proposed action is a Type II action resulting in no required environmental assessment determination,

NOW, THEREFORE, be it

RESOLVED, the Town Board approves the Amended Special Use Permit subject to the written acknowledgment by the applicant in regard to the terms of the Special Use Permit, and be it further

RESOLVED, that the Town Clerk shall prepare a certified copy of the Amended Special Use Permit to be acknowledged by the applicant and the Town.

MOTION # \_\_\_\_\_ moved by Councilman Gerald Klinck, second by Councilman Dan Driver approving the Amended Special Use Permit for Thunder Hill Storage at 1304 Big Tree Road. **CARRIED**

**4. Town of Wales 2021 Tentative Budget.**

The tentative budget was presented to the Board at the last meeting on September 22nd. It is still under New York State’s tax cap. There is no general tax for the 11<sup>th</sup> consecutive year. There is also a slight decrease in the Highway tax. Salaries raised 2% across the board keeping with the union contract. Unsigned general fund balance \$100,000.00, which is used to reduce the highway taxes. The Town still has no debt and no interest expense. We do not have the numbers for the South Wales Fire District numbers. Reduction on sales tax income is around 12% this year. There are no major expenditures. Supervisor Rickey Venditti asked board if anyone had any questions, Councilman Gerald Klinck would also like to employee’s for doing their best to keep costs down.

MOTION # \_\_\_\_\_ by Supervisor Rickey Venditti,, second by Councilman Gerald Klinck approving the Town of Wales 2021 Tentative Budget as the Town of Wales 2021 Preliminary budget. **CARRIED**

**ROLL CALL:**

Councilman Kyle Barry Aye                      Supervisor Rickey Venditti Aye

Councilman Gerald Klinck Aye              Councilman Dan Driver Aye

Councilman Donald Butcher absent

Ayes -4- Nays -0- Absent -1- **CARRIED**

**NEW BUSINESS**

**1. Request to approve the Town of Wales 2021 Tentative Budget as the Town of Wales 2021 Preliminary Budget.**

Supervisor Rickey Venditti made a request that the board move the 2021 Town of Wales Tentative budget to the Town of Wales 2021 Preliminary Budget.

MOTION # \_\_\_\_\_ by Supervisor Rickey Venditti, second by Councilman Gerald Klinck approving the Town of Wales 2021 Tentative Budget as the Town of Wales 2021 Preliminary budget.

The Preliminary Budget will be available to the public on October 19<sup>th</sup> and the public hearing for the preliminary budget will be Tuesday, October 27<sup>th</sup> prior to the workshop.

**2. Request to set public hearing for Town of Wales 2021 Preliminary Budget on October 27th, 2020 @ 7:00 pm.**

MOTION# \_\_\_\_\_ by Councilman Dan Driver and second by Councilman Gerald Klinck approving the 2021 Town Preliminary Budget Public Hearing to be on October 27<sup>th</sup>, 2020 at 7:00pm in South Wales at the Memorial Building on Emery Road, prior to the town workshop meeting. **CARRIED**

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

We just received the special use permit application today, the board hasn’t even had a chance to review the application, we do hear the resident concerns and comments. We will do our due diligence as best we can. Supervisor would like the board to review and we will, talk about at the workshop. Supervisor Venditti asked the town attorney Ronald Bennett about the parking variance that was already held, he said we will need to redo the variance at that time, there was no special use permit. The attorney for the Broadway Group has provided a digital copy of the special use permit, the Town Clerk will put it on the town website. A resident asked Supervisor Rickey Venditti if the Broadway Group can get a variance down to 30 parking spaces? Attorney Ronald Bennett stated there is no documentation filed for a special use permit. Attorney Mark Romanowski representing the Broadway Group stated he put together a

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package which contains the special use permit application, site plan application, and as well as an application for the parking variance. This package represents all the potential approvals that are necessary. Also consistent with the board’s previously, we provided a full environmental assessment form. A coordinated review for D.O.T., DEC. All that information necessary to conduct that is in this package.

**4. Resolution to approve Local Law Intro 3 -2020 to amend Section 200-9 of the Zoning Code of the Town of Wales.**

Supervisor Rickey Venditti stated that the Public Hearing was held earlier with public discussion. I would like to ask the town attorney if he feels that possibility, it needs to have more wording added. Or, do you feel the way it stands it is covered. Ron Bennett town attorney responded; I think the key to this, is that is issue is all required permits. In other words, if their developing more they will have to get more permits. This does not negate use of the property as it set there. Where it states “not permitted to the issuance of all required permits. In other words, if you are going to proceed with development after the place is there, you must get the required permits. It is only the required permits what is now proposed. Supervisor Rickey Venditti asked town attorney Ron Bennett the required permits for the changes.

Ron Bennett, town attorney responded correct. The building permits, special use permits and any permits that were already previous issued are not required anymore.

**RESOLUTION APPROVING AMENDMENT TO ZONING CODE**

WHEREAS, Section 200-9 of the Zoning Code of the Town of Wales sets forth various provisions for compliance with the Zoning Code, and

WHEREAS, Section 200-9(B) requires an amendment for compliance with required permits prior to building, site development or other activities relating to the use, occupation of property and the improvement thereof, and

WHEREAS, the proposed amendment clearly defines the requirement for obtaining required permits prior to any type of building, site development or other activities relating to the use, occupation and improvement, and

WHEREAS, a Public Hearing was held on October 13, 2020 permitting public comments regarding the proposed amendments, which included amendments to the Zoning Code and Zoning Map,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve Local Law No. 3 requiring compliance with regulations, and be it further

RESOLVED, the Town Clerk is directed to forward a certified copy of the amended law to General Publishers.

**ROLL CALL VOTE:** Councilman Kyle Barry Aye Councilman Gerald Klinck Aye

Councilman Dan Driver Aye Supervisor Rickey Venditti Aye

Councilman Donald Butcher Absent Ayes -4- Nays -0- Absent -1- **CARRIED**

**5. Resolution to request E. C. Community Development Block Grant funding for support of Rural Transit Service Inc.**

**AUTHORIZING RESOLUTION - COMMUNITY DEVELOPMENT BLOCK GRANT**

**2021 – 2022**

At a meeting of the Town Board of the Town Wales, Erie County, New York, held on October 13<sup>th</sup>, 2020, the following Resolution was adopted.

BE IT RESOLVED that Supervisor Rickey A. Venditti of the Town of Wales, New York, is hereby authorized to sign, submit and execute a contract with the Erie County Community Development Block Grant ( ECCDBG ) program for the following project, upon the approval of the ECCDBG funding committee.

PROJECT RANKING #1:

RURAL TRANSIT SERVICES VAN IN COOPERATION WITH THE TOWNS OF ELMA, MARILLA, AND AURORA FOR THE YEAR 2021 – 2022.

**MOTION#\_\_\_\_\_** by Councilman Gerald Klinck and second by Councilman Kyle Barry approving the resolution in supporting Rural Transit Service with transportation for the handicapped and low-moderate income residents, in conjunction with Elma, Marilla and Aurora. **CARRIED**

**ROLL CALL VOTE:**

Councilman Dan Driver Aye Councilman Kyle Barry Aye  
Councilman Gerald Klinck Aye Supervisor Rickey Venditti Aye  
Councilman Donald Butcher Absent Ayes -4- Nays -0- Absent -1- **CARRIED**

**6. Request to contract with Vaspian to update and replace the Town of Wales telephone system**

Gene Rossano from Vaspian, was at the last workshop and explained what the new phone can do and all the new features it would have. The current phone system is about 14 years old, it's time to upgrade. The monthly service cost would be low, the only cost is to replace the phones at \$200 each. Total of \$2355. Vaspain works with a lot of the other towns, and Nick our computer rep from WNY Net Works highly recommended them.

**MOTION#** \_\_\_ by Councilman Gerald Klinck and second by Councilman Kyle Barry approving Vaspain to replace the Town of Wales telephone system at a cost of \$2355.00.

**CARRIED**

**7. Proclamation to support ITEC request for the Town of Wales to participate in the Red Ribbon week**

**PROCLAMATION**

**WHEREAS**, alcohol and drug abuse affect individuals, families, and communities across the nation; and

**WHEREAS**, it is imperative that visible, unified efforts by community members be launched to prevent drug abuse; and

**WHEREAS** Red Ribbon Week offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

**WHEREAS**, Red Ribbon Week will be celebrated in communities across the nation on October 23-31; and

**WHEREAS**, businesses, government, law enforcement, media, health care providers, religious institutions, schools, and other community-based organizations will demonstrate their commitment to healthy, drug-free lifestyles by wearing red ribbons and participating in drug prevention activities; and

**WHEREAS**, the community of Wales further commits its resources to ensure the success of Red Ribbon Week;

**NOW, THEREFORE, BE IT RESOLVED**, 13<sup>th</sup> of October do hereby We The Town of Wales in New York State proclaim October 23-31, as RED RIBBON WEEK, and encourage you to participate in drug prevention education activities, not only during Red Ribbon Week, but also throughout the year, making a visible statement that we are strongly committed to a drug-free lifestyle.

**MOTION #** \_\_\_ moved by Councilman Dan Driver, second by Councilman Gerald Klinck, approving to support ITEC Red Ribbon Week, October 23-31st an opportunity to demonstrate their commitment to drug-free lifestyles in the Town of Wales. **CARRIED**

**8. Request for reappointment of Town Assessment Review Board member.**

**MOTION #** \_\_\_ moved by Councilman Dan Driver, second by Councilman Gerald Klinck, approving the reappointment of Anthony Rocone, to a new term of 4-years on the Assessment Review Board. **CARRIED**

**9. Request for appointment of Town Flood Plan Administrator.**

This was discussed at last month's workshop; the Disaster Coordinator notified the town that it is required for the town appoint a flood plan administrator.

**MOTION #** \_\_\_ moved by Councilman Dan Driver, second by Councilman Gerald Klinck, approving The Building Inspector, David Bender as the town flood plan administrator.

**CARRIED**

**10. Town Employee health insurance.**

Supervisor Rickey Venditti stated the Board has received copies of the Bene-Care BCBS health care plans. The health insurance committee decided to stay with the same plan last year., the BCBS Platinum focus. The Gold focus tiered plan, would still be the no-cost plan offered to the full time Town Employees working 30 hours or more per week and as per the Highway Worker's Union contract. The full time Town Employees working 30 hours or more per week will continue to be offered the same upgrade plan as last year-with employee contribution, the Platinum focus tiered plan, which also uses the Catholic Health system. Highway Superintendent and Town Clerk will pay 10% contribution in 2021 as agreed. As per contract, the one Highway Employee receiving insurance pays 20%. Any new employee would contribute 20% as per the highway contract. Councilman Daniel Driver stated that we are a small group plan. We cannot be compared against larger plans in other towns, because they receive a discount for their larger pool of people.

**MOTION #** \_\_\_\_\_ by Councilman Gerald Klinck and second by Councilman Kyle Barry approving Bene-Care BCBS Platinum focus plan as this year health insurance plan with the Highway Superintendent and Town Clerk will pay 10% contribution, Highway Employee pay 20% as per the union contract. **CARRIED**

**11. Update on N.Y.S. required Municipal Workers Compensation Alliance safety training.**

The Supervisor said he forwarded the updated dates for the classes of the, that are on zoom. Councilman Don Butcher was working on setting up webinars or classes.

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

Supervisor Venditti said the building inspector supplied the board with the four special use permits that have been issued over the years to Auctions International, the building inspector is not here tonight, to give any update. The Supervisor asked the board to review the special use permits, some of the permits were ever finished. We can discuss this at the workshop. A lot the items in the 4 different special use permits that applicant agreed too, have not been completed.

**13. Letter received from resident in regard to building currently under construction.**

This was discussed earlier in the meeting, the site plan shows that the pole barn was in line with the house and now it's in front on the house, and now there is an issue with large animals on the property without a permit. The applicant, we need to work with the building inspector and the variance board to resolve these issues.

**COMMUNICATIONS:**

Dee Ziegel said the South Wales Community hall is having a Halloween event on October 24<sup>th</sup> from 6-8pm which will include a drive thru haunted house and more.

ITEC Truck or treat on Oct 31st at 6 fire company's in the area including Wales Center Volunteer Fire Co. from 2-5 pm

Early Voting starting Oct 24<sup>th</sup> till Nov 1<sup>st</sup>

The budget hearing and cell tower hearing along with workshop will be in South Wales Memorial Building due to the early voting

**REPORT OF DEPARTMENT HEADS:**

*Town Clerk/Tax Collector; Rec'd & filed*

*Building Inspector/CEO; Rec'd & filed*

*Highway Dept: Rec'd & filed*

*Jeff Gawronski -Planning Board had a workshop meeting and we had a lengthy discussion about having a worksheet for the building inspector to fill out along with the application and start attending the meeting. Sometimes we have questions and the application might not be clear is to what we are even voting on. The Supervisor said he thinks it's a good idea and we make a motion saying that the building inspector should be attending these meeting.*

**COMMITTEES:**

Zoning – Councilman Gerald Klinck – Aesthetics updates finished, waiting for the town attorney to write up the local law.

**REPRESENTATIVE OF COMMUNITY ORGANIZATIONS:** None

**SECOND INVITATION FOR PUBLIC COMMENT:** None

**REVIEW AND ACTION OF SUPERVISOR'S MONTHLY REPORT:**

**MOTION # \_\_\_\_\_** moved by Councilman Dan Driver, second by Councilman Gerald Klinck, approving the Supervisor's monthly report of September 2020. CARRIED

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

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Kyle Barry, approving the Town Clerk's monthly report for September 2020, as presented. CARRIED

**ACTION ON GENERAL FUND BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving General Fund bills, abstract # 009, voucher # 264-295 total amount \$29,128.11 CARRIED

**ACTION OF HIGHWAY FUND BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Dan Driver, approving Highway Fund bills, abstract # 009, voucher # 104-117 total amount \$40,042.42 CARRIED

**ADJOURNMENT: IN MEMORY OF: Frederick Marcheson, Dorothy Yerger-Moe and Elaine Tinch.**

With no further business at hand, motion duly made by Supervisor Rickey Venditti and Councilman Gerald Klinck to adjourn the meeting at 8:14 pm  
Respectfully submitted, Town Clerk Melinda Eaton