

## WALES TOWN BOARD MEETING

### Minutes of November 10th, 2020

The 12<sup>th</sup> meeting of the Wales Town Board was held on the 10th day of November 2020 at the Wales Community Center, 12345 Big Tree Road, Wales Center, NY.

The meeting was called to order at 7:00 pm by Supervisor Rickey Venditti.

#### ROLL CALL

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

Also present was: Attorney Ronald Bennett, (5) residents whose names are on file.

**INVOCATION:** led by Councilman Donald Butcher

**PLEDGE OF ALLEGIANCE:** led by Councilman Kyle Barry

#### ADOPTION OF AGENDA

**MOTION # \_\_\_\_\_** by Supervisor Rickey Venditti, second by Councilman Donald Butcher, approving the agenda **CARRIED**

**ACCEPTANCE OF MINUTES MOTION # \_\_\_\_\_** by Councilman Dan driver, second by Councilman Donald Butcher approving the Town Clerk's minutes of October 13<sup>th</sup> & 27<sup>th</sup>, as presented. **CARRIED**

#### INVITATION FOR PUBLIC COMMENTS:

Kathleen Sainsbury-6384 Olean Road-I am adamantly opposed to the proposed Dollar General on Olean Road in South Wales. It will light pollution, noise, increased traffic, and will ruin the ambiance of our neighborhood.

Victoria Montague-1853 Olean Road. I am a neighbor of Kathleen Sainsbury. I am totally opposed to the Dollar General store being built kitty corner to my house. The proposed Dollar General should be built down the road and we are angry, and we are going to contest it.

Supervisor Rickey Venditti stated we have a presentation that will be given by Joe DePlato, Iroquois School Resource Officer regarding a Social Host Law that other towns have adopted. He is here to explain what the purpose and benefits of said law.

#### Joe DePlato – Iroquois School Resource Officer-Presentation regarding a Social Host law-I

am a retired state trooper of thirty-two(32) years. I was asked by the director of I.T.A.C., it is our local Drug & Alcohol Prevent Coalition it encompasses the towns of Elma, Marilla, and Wales. We just received a grant last year for \$125,000 for the next five years. The money is going back into our community. At which time, we would apply for another \$125,000 each year. There are restrictions from the federal government on what we can spend it on. One of the things that they need is policy change. One thing that we worked on is a law called Social Host Liability. Basically, it allows people under the age of 21 to gather, drink, and smoke dope, etc. It is illegal under the age of 21 to consume alcohol. A parent that allows it, is in violation of the law. If police were to go to this party and find out that the adult is aware of what is going on, they could arrest them. The police would arrest them for “endangering the welfare of a child”. That is a Class A Misdemeanor. If your convicted, you will have a criminal record, the fine could be quite heavy, and jail time. We are asking each town to do an amendment (like an ordinance), basically what happens is that it becomes a violation. What the penalties are is that the person would have to go to a class. The class is for why we do not want you to have that party, the liability involved. If a parent does not want their child to drink, why are you allowing them to drink. More than being a penalty and getting slammed, they are receiving an education about under-age drinking in the home. Rather than arresting a person, and the person ending up with a criminal record, they would go to a class. Therefore, being a violation, it is not a crime. There would be no fingerprinting and photographed, etc. It allows our courts options. For example, the State police or the county would arrest the person for endangering. The courts would look at the case and they can drop it down to a violation, with the District Attorney's approval. Normally if there are not extenuating circumstances, they normally will allow it. It gives the judge options, rather than a fine or prison. The judge could send the person to a class and be educated on under-age drinking. We are trying to encourage the people of the town, that this is a good thing. The courts have more options. So far it seems to be working. We have not had a lot of this, very rarely in our area does this happen, the police come across a big party. Usually when we do, the parents or adults are not aware of it. Occasionally we have had where the parent allows it, they think they are doing the right thing, letting the kids gather. They are just giving them a place to gather, and sometime can turn out into a disaster. One of the things they talk about is not the criminal aspect of it but the civil aspect. In other words, if you allow this party and kids sneak out and get into a car and there is a fatal accident down the road, they

will be sued. You will pretty much lose everything do not worry about the criminal end it is the civil end. Again, what this does is that we are hoping, that we can educate the community on these things. This is not a bad thing. I will be going to Marilla. Elma has already had the law. Mr. DePlato asked if there are any questions. Supervisor Rickey Venditti said you provided us with a copy of Elma's local law, we can proceed from there. Mr. DePlato said to Supervisor Rickey Venditti if you need for me to come back for more information, I can do that. Victoria Montagu 1853 Olean Rd asked, isn't there laws that cover that. Mr. DePlato responded the law is "endangerment", which is a Class A Misdemeanor. Felonies and Misdemeanor's are crimes, which involve fingerprinting and photographed. Violations are not crime; they are almost like traffic tickets. Sometimes good people get charged with this. The judge does not have to go with this he could say no you have been here before, or you are not getting this option. But if the judge feels this education would be beneficial to you. Mr. DePlato relayed this message from his Director, she wanted to thank the town about the Halloween event was a huge success and the people who were involved did a phenomenal job. Supervisor Venditti said the Fire Department had 250 children. Councilman Donald Butcher said the South Wales Community Center had about the same number. Supervisor Rickey Venditti said we will keep Mr. DePlato posted as we move along.

### **OLD BUSINESS**

#### **1 S.U.P. APPLICATION FROM CENTERLINE COMMUNICATION FOR PROSPED CELL TOWER AT 12721 WARNER HILL ROAD.**

Supervisor Rickey Venditti said this is on the table because at our workshop the applicant came in and informed us that this project was to be placed on hold. It will be tabled and off the agenda until if we hear from the applicant.

#### **2. S.U.P. APPLICATION FROM THE BROADWAY GROUP FOR PROPOSED DOLLAR GENERAL STORE AT 6401 OLEAN ROAD.**

Supervisor Rickey Venditti said to the best of his knowledge, the Building Inspector, Dave Bender has referred this to the ZBA for a variance. As of now, there is no action required from the board. Councilman Donald Butcher asked when is the Z.B.A. meeting? Dave Newman, Clerk for the ZBA board responded a meeting has not been set as of this date. There will be a ZBA meeting on Thursday for another item, at that time I will have a chat with them as to scheduling a meeting for the Dollar General. Councilman Donald Butcher asked to be informed when the date is set for the meeting. Our town engineer has completed the S.E.Q.R. Supervisor Rickey Venditti asked town attorney, Ronald Bennett if we should wait for the variance taken care of before we go through with the S.E.Q.R.? Town attorney Ronald Bennett said we are waiting for the Lead Agency. Supervisor Rickey Venditti said there is nothing right now to be done.

#### **3 TOWN OF WALES 2021 PRELIMINARY BUDGET**

Supervisor Venditti stated we have finally received the final figures from the South Wales Fire Department, it was a 7.4% increase in the taxation. The numbers will be added to the preliminary budget. We are still under the New York State Tax Cap. There is not General Fund tax for the 11<sup>th</sup> year and the highway been reduced for the 11<sup>th</sup> year. Now raises are 2% across the board. I know in the newspaper we were chided for this, because other area elected officials are not receiving raises. Does anybody wish to take the raises to the elected officials out of the budget or do you wish to leave them in there? Alright leave them in there. A Public Hearing was held October 27<sup>th</sup>. Any comments or questions from the board on the budget? Councilman Gerald Klinck asked, "do we really need it"? The board is all set with the budget with the addition of the South Wales Fire Company numbers.

### **NEW BUSINESS:**

#### **1.REQUEST TO APPROVE THE TOWN OF WALES PRELIMIANRY BUDGET AS THE FINAL 2021 BUDGET**

**MOTION # \_\_\_\_\_** by Supervisor Rickey Venditti, second by Councilman Donald Butcher, to approve the Town of Wales 2021 preliminary budget with the addition of the South Wales Fire Co increase of 7.4% as the Final Budget for Town of Wales for 2021.

### **ROLL CALL VOTE**

Supervisor Rickey Venditti Aye  
Councilman Donald Butcher Aye  
Councilman Gerald Klinck Aye  
Councilman Kyle Barry Aye  
Councilman Dan Driver Aye **CARRIED**

#### **2 S.U.P. APPLICATION FROM THUNDER HILL STORGAE TO AMEND THEIR CURRENT PERMIT AT 13014 BIG TREE ROAD.**

The Building Inspector is currently working on this. There is a situation whereas the property

had to be deeded over to the business section. The applicant said he has done. The applicant is waiting for the paperwork. The applicant is exceeding the 50,000 square foot requirements. The building inspector is working with the applicant on that. There is also a question, about the applicant being in the agricultural exemption district. The building inspector will work on that as well. Those things are still pending. Currently, the application is not ready to forward to the applicable boards and agencies, due to square footage and agricultural exemption district issues.

**3. S.U.P. APPLICATION FROM YEAH PIEROGI TO OPERATE THEIR BUSINESS AT 11261 BIG TREE ROAD.**

We had discussed at the last meeting as opposed to needing an S.U.P. This application could be handled with a Resolution for Home Occupation, which is allowable in our town codes. We have done this previously with some firearm sales. Are there any comments from the board? Supervisor Rickey Venditti responded to a question from Councilman Daniel Driver, there is not retail sales from the home, everything is shipped via commercial carrier. There is no extra lighting or additional parking needed. Supervisor Rickey Venditti requested from Town Attorney Ronald Bennett to draw up a Resolution for a Home Occupation for the December meeting. Supervisor Rickey Venditti stated that the building inspector can work with the Town Clerk, to issue a refund to the applicant from the S.U.P. they originally applied for.

**4. SUP APPLICATION TO HOUSE LARGE ANIMALS AT 5527 EAST CREEK ROAD**

The animal are companion animals for the applications. There are two sheep. Supervisor Rickey Venditti made a Motion to forward the Special Use Application to the applicable boards and agencies. Councilman Gerald Klinck asked if the sheep were certified. Supervisor Rickey Venditti responded yes.

MOTION \_\_\_\_\_# By Councilman Dan Driver and second by Councilman Kyle Barry, to forward this special use application to all the applicable boards and agencies. **CARRIED**

**5. TOWN CLERK REQUEST FUNDS FOR THE 2021 TOWN OF WALES NEWSLETTER.**

The newsletter is a budgeted item. The cost is not to exceed \$900.00

MOTION# \_\_\_\_\_ By Councilman Gerald Klinck and second by Councilman Donald Butcher, approving the Town Clerk to spend funds for the yearly town newsletter. Not to exceed \$900.00 **CARRIED**

**6. PROPOSED TOWN ZONING REVISIONS**

This will be Local Law 4-2020. One part of the law has to do with aesthetics. Dollar General opposed some of the requests we had. When we asked them to build something that we compliment our community as opposed to the cinder-block store that has been built in many towns. They pointed out we did not have anything in our codes for this. Councilman Gerald Klinck stated that the Zoning Committee came up with this. When an applicant comes to the town, they would know what is expected in keeping with the rural atmosphere. The other section is water quality. Councilman Daniel Driver explained adding an 8<sup>th</sup> item to the Special Use Permit as to what the proposed project impact would have on water supply on the road. Supervisor Rickey Venditti stated the add item #8 is a protection item. Supervisor Rickey Venditti made a Resolution to authorize a Public hearing, Resolution to authorize a Public Hearing Local Law Intro. 4-2020, amendment to Town Codes, Chapter 84 Building Construction.

**RESOLUTION TO ADOPT LOCAL LAW INTRO. NO. 4-2020**

WHEREAS, Local Law Intro. No. 4-2020 has been introduced at a meeting of the Town board meeting held on 10<sup>th</sup> day of November, 2020, and

WHEREAS, the Local Law 4-2020 would amend Chapter 200 of Zoning Code Article 28, subsection 6 and Article 7 Section 200-36(B), and

WHEREAS, Municipal Home Rule Law Section 20(5) requires a Public Hearing to be held before the Town Board with at least five (5) days notice of said Public Hearing.

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Wales does hereby approve a Public Hearing to be held on said Local Law Intro. 4-2020 on the 8<sup>th</sup> day of December, 2020, at 12345 Big Tree Road in the Town of Wales, and be it further

RESOLVED, the Town Clerk is directed to publish notice of said Public Hearing in the official newspaper of Town of Wales, said notice being published at least five (5) days prior to the scheduled Public Hearing.

MOTION # \_\_\_\_ by Councilman Gerald Klick, second Councilman Dan Driver, authorizing a Public Hearing Local Law Intro. 4-2020 to be scheduled before the December 8, 2020 board meeting **CARRIED**

## **COMMUNICATIONS**

Supervisor Rickey Venditti received a notice from our Comp. carrier, Comp. Alliance. Last year we entered into a two-year agreement. This held our cost for the year 2020-2021 years. But much to my surprise, they contacted me. Currently their rate is \$39,125 would be reduced to \$37,169. I will at the December meeting, ask for the board's approval to enter the contract for a new 2-year term for the 2021 and 2022 years. Councilman Donald Butcher mentioned mandated employee PESH requirement training.

Supervisor Rickey Venditti announced there will be no Veteran's Day service this year. I did post on Facebook and Next-Door and sent a copy to the Advertiser. "Due to the current status in our country with COVID crises, the Town of Wales will not be holding our annual Veteran's Day services this year. This was a very hard decision to come to, but after discussion with those involved Dee Zeigel, Bud Bogucki, Howard Lobaugh. It was determined to be in the best interest, consideration and respect for our veterans not to hold the service for 2020. We hope the situation changes for next year, to honor the service, dedication, and sacrifices our veterans have made for our freedom. We thank you all and may God Bless all of you!

## **DEPARTMENT HEADS:**

Town Clerk: *Rec'd & filed* Town Attorney: *Rec'd & filed*

Building Inspector/CEO: *Rec'd & filed* Highway Dept: *Rec'd & filed*

Melinda Eaton, Wales Town Clerk stated that she is looking to update the Code Book. She received a quote. She would like to end the update at the end of the year. Supervisor Rickey Venditti stated we will ask for approval at the December meeting. Regarding the General Code update, Councilman Gerald Klinck asked about the public hearing that was to take place for the aesthetic local law. Town Clerk Melinda Eaton responded with the public hearing. She did not know if we could do it in time. The aesthetic local law may have to be for 2021.

## **REPORTS OF COMMITTEES:**

Councilman Gerald Klinck and Councilman Daniel Driver is scheduling a water committee meeting but has not set a date and time.

## **COMMUNITY ORGANIZATIONS**

Supervisor Rickey Venditti thanked the Wales Center Fire Department and South Wales Community Center for the wonderful Halloween items they provided for the residents and area's children. It went very well.

## **SECOND INVITATION FOR PUBLIC COMMENTS:**

None.

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

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Daniel Driver, approving the Supervisor's Report for the month of November along with the transfer on page 2. **CARRIED**

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

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Donald Butcher, approving the Town Clerk's Monthly Report for the month of October, 2020 as presented. **CARRIED**

**ACTION ON GENERAL FUND BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Daniel Driver, second by Councilman Donald Butcher, approving payment of the 2020 General Fund Abstract # 011, voucher# 296-326 total amount \$60,457.29 **CARRIED**

**ACTION ON HIGHWAY BILLS:**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second Councilman Donald Butcher, approving payment of the 2020 Highway Fund Abstract # 011 voucher #118-131 total amount \$26,657.00 **CARRIED**

**IN MEMORY OF Raymond Tinch and Carl Schiltz**

**ADJOURNMENT** With no further business at hand, motion duly made by Supervisor Rickey Venditti, seconded by Councilman Gerald Klinck to adjourn the meeting 7:31 pm.

Respectfully submitted,

Melinda Eaton

Wales Town Clerk