

WALES TOWN BOARD MEETING
Minutes of December 8th, 2020

The 13th meeting of the Wales Town Board was held on the 8th day of December, 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: taken at public hearing

Councilman Kyle Barry	Aye
Councilman Gerald Klinck	Aye
Councilman Drive	Aye
Councilman Donald Butcher	Aye
Supervisor Rickey Venditti	Aye

also present were: Attorney Ronald Bennett, Town Engineer and (7) are on file.

INVOCATION:led by Councilman Donald Butcher

PLEDGE OF ALLEGIANCE: led by Councilman Gerald Klinck

ADOPTION OF AGENDA:

MOTION # ___ by Councilman Donald Butcher, second by Councilman Gerald Klinck approving the agenda as presented. **CARRIED**

ACCEPTANCE OF MINUTES:

MOTION # ___ moved by Councilman Donald Butcher, second by Councilman Dan Driver, approving the Town Clerk's minutes of November 10th 2020 as presented. **CARRIED**

INVITATION FOR PUBLIC COMMENTS:

Kathleen Sainsbury 6384 Olean Road, S. Wales-I am opposed to the Dollar General. I believe it will be detrimental to our community.

OLD BUSINESS:

1.SUP. application from The Broadway Group for proposed Dollar General Store at 6401 Olean Rd.

The Planning Board met regarding the SUP for the proposed Dollar General. The Zoning Board's public hearing is on December 18th for the parking variance. This application has been forward to the ZBA board for a parking variance. The Planning Board has requested for information from the Conservation Board but has not received it yet. The Town has declared itself as the Lead Agency on the project. The applicant as completed Part 1 for the S.E.Q.R. process. Our town engineer has completed Parts Two and Three of the S.E.Q.R. process. This is the Environmental Impact statement. The applicant, The Broadway Group, has asked us to process the S.E.Q.R. We are doing it out-of-sequence. We need to process the S.E.Q.R. for the D.O.T. to give us their report. The town engineer had a few questions on his preliminary review. One question he had was on artifacts. We received the approval from the State on that. All the items of the S.E.Q.R. part of Part 2 and 3 correct? SHPO'S opinion is that no further archaeological investigations are warranted. As far as the impact from the engineer's report that satisfies the categories that answer "yes" as far as the impact the land and impact the surface water, impact on natural resources, archaeological resources, and transportation. Of these categories impact the surface water, impact the natural resources, impact the archaeological resources, were all checked with a "No" or small impact. Impact the transportation will incur discussion with the applicant. However the D.O.T. will not complete their decision until the S.E.Q.R. is completed. Part Three review from the engineer stated, "the information is available, and I would suggest "no significant impact determination". Part Three of S.E.Q.R. is our part to fill out. The engineer did speak to the areas of concern impact on land. The applicant is addressing erosion. Sediment control appropriate site features, therefore, there was no impact to the aquafer because there was no impact to the water system. The water service connection is going to be to the existing county water line. There is East Aurora water going in front of that, so they can tie into the water line. Therefore, having no impact on the water. Impact on surface water. The applicant has appropriated on-site storage throughout the infiltration basin and the design to minimize and discharge of storm water during rain events. The applicant has also completed the required the stormwater pollution prevention plan. Impact on historical and agricultural resources. Phase 1 investigations has been done. We have the report from SHPO. Impact on transportation. The applicant is required to satisfy all of New York State Department of Transportation requirements related to construction of a building entrance allowing a State roadway. Traffic impacted has been evaluated by the applicants. Specifically, a traffic study has been performed by an engineer firms that works in the transportation field. The study utilized new traffic town data to estimate volume and compare traffic incidental qualities averages. Town engineer, Joe Wetzel review the traffic study with state numbers and county numbers. Per the town engineer's recommendation "there is no significant impact" to this project. Upon review of the information recorded in this EAF as noted plus additional support information. Considering both the magnitude and importance of each. Identified potential impact. It is concluded that the Town of Wales as Lead Agency that this project will not result in most significant and adverse impacts environment. Therefore, Environmental Impact Study need not be prepared. Accordingly, this negative declaration is issued.

MOTION # ___ moved by Councilman Gerald Klinck, second Councilman Donald Butcher to approve this negative declaration for the S.E.Q.R. **CARRIED**

2.SUP. application from Thunder Hill Storage to amend their current permit at 13014 Big Tree Road.

Supervisor Venditti: That this Special Use Permit for Thunder Hill Storage is to amend their current permit adding two more new buildings. The new buildings were on a different parcel, this has been corrected Dave, he's added that parcel onto the main business parcel now where the two buildings are to be? Dave Bender: Yes.

Supervisor Venditti: There is no side lot clearance requirements, I drove up there today, it seems there is a lot of space up there, so he should not have any problems with side lot clearance. Zoning, is it zoned correctly? Is the parcel he put in zoned commercial, it is in the area I spoke, it is commercial? Dave Bender: Yes.

Supervisor Venditti: The only other thing I want you to investigate it that property, is it in an Ag District? If it needs to be removed from the Ag District because that gives him lower taxes being farmland, because it is no longer farmland, it's being used for commercial property. He has reduced his square footage because he was exceeding the Town 50,000 square feet. He went down from 3 buildings to 2 in the new plan. Just so there is no confusion, they keep putting the same cover letter on it. This is like the third, I think we got, they keep putting the same cover letter on dated October 13th. If you look at the actual permit, the one, the latest one is dated 11-20-20. Just to make sure you have the most recent one and that is the one that is asking for 2 additional buildings as appose to 3. It gets confusing because there are multiple permits given to us. Just so you know you have the latest one. The permit itself is 11-20-20.

Does the Board have any questions about the reviewing of this? I would feel at this time that I'd like to make the motion that were ready to forward it to the applicable boards and agencies for their review.

MOTION # _____ by Supervisor Rickey Venditti and second by Councilman Donald Butcher, approving The Town Clerk to forward it to the applicable boards and agencies for their review. **CARRIED**

3. SUP. application to house large animals at 5527 East Creek Road.

This was forwarded to the applicable boards and agencies. Dave Newman, clerk for Planning Board stated they reviewed it and approved it. Supervisor Rickey Venditti stated that there is currently a Variance application on this property because the building was built not where, Dave Bender, Building Inspector issued their permit to build it. The property owners received a letter from the County that they must move their building because it is on their right-of-way. So, the building will have to be put where the permit granted it. We have not received actual reports from the boards yet. We still need to get the variance closed out as well. Dave Bender and the Z.B.A. will work on getting the variance closed-out.

4. Request to approve Local Law Intro. 4-2020 in regard to amending the standards of Chapter 200 of the Zoning Code to amend the current aesthetic provisions and the provisions of the Special Use Permit.

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

WHEREAS, Local Law Intro. No. 4-2020 has been submitted amending the standards of Chapter 200 of the Zoning Code to amend the current aesthetic provisions and the provisions of the Special Use Permit,

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

WHEREAS, a Public Hearing was held on December 8th, 2020 permitting comments in regard to the proposed amendments which include amendments to the aesthetic provisions of the Zoning Code,

NOW, THEREFORE, be it

RESOLVED, Local Law No.4-2020 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 of the Local Law to General Code Publishers for the purpose of amending the Code Book of the Town of Wales.

MOTION # ___ by Councilman Dan Driver, second by Councilman Gerald Klinck approving Local Law 4-2020 to amend zoning for aesthetic provisions the agenda as presented. **CARRIED**

NEW BUSINESS

1Request to approve resolution for Yeah Pierogi to operate their business at 11261 Big Tree Road.

RESOLUTION APPROVING ACCESSORY USE

WHEREAS, Darlene M. Suba residing at 11261 Big Tree Road in the Town of Wales has submitted an application to conduct an accessory use at her referenced place of residence, and

WHEREAS, Section 200-27(B)(4) of the Zoning Code of the Town of Wales provides for a Home Occupation as an accessory use to the residence, and

WHEREAS, the owner of the residence is the owner of Yeah! Pierogi LLC which manufactures and sells pierogi, and

WHEREAS, all products are sold frozen to wholesale stores, restaurants and assisted living facilities, and

WHEREAS, Section 200-4 of the Zoning Code defines a Home Occupation as one which must be an accessory use of a service character conducted within the dwelling by the residents thereof, and

WHEREAS, the Home Occupation is secondary to the use of the dwelling for residential purposes and does not change the character or have any exterior evidence of such secondary use other than a permitted name plate, NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Wales does hereby resolve that the proposed use as outlined herein is a Home Occupation and thereby an accessory use to the main use of the residence, and be it further

RESOLVED, that such use may continue in accordance with the provisions contained herein, and be it further

RESOLVED, that the Town Clerk is directed to provide a certified copy of the Resolution to Yeah! Pierogi LLC with an acknowledgment by the licensee indicating full agreement for the terms required for the Home Occupation.

MOTION # ___ by Councilman Gerald Klinck and Kyle Barry approving as accessory use that is a home occupation use for the resident. **CARRIED**

2. Request to approve renewal of 2- year worker's compensation insurance plan contract with Comp Alliance.

Supervisor Rickey stated the new two-year rate is \$37,169.00 almost \$2,000.00 a year in savings from the old two-year rate of \$39,125.00.

MOTION#___ Rickey Venditti and second by Councilman Gerald Klinck approving the renewal of a two-year worker's compensation plan with COMP ALLIANCE, at \$37,169.00 per year. **CARRIED**

3. Request to approve 2021 budget amendment in regard to number of parcels in Town.

The number of refuse parcels was increased from 1,170.25 to 1,172.00, increasing the total refuse district \$341.00. The required changes were made.

MOTION#_____ Councilman Kyle Barry and second by Councilman Gerald Klinck, approving the change to the refuse parcels to 1,172.00 increasing the total refuse district by \$341.000. **CARRIED**

4. Request from the ITEC committee to consider establishing a Social Host Law.

The Social Host Law is educating parents who were found giving alcohol to under-age children. Councilman Daniel Driver commented that he thought it was a good idea. School Resource officers Joseph Deplato gave a presentation at our last board meeting regarding the Social Host Law, we will send to a committee for further review, Councilman Don Butcher and Dan Driver will investigate further.

5. Request to cancel scheduled December 22nd Town Board year-end close-out meeting.

MOTION_____# By Supervisor Rickey Venditti and second by Councilman Gerald Klinck to cancel the Town Board close-out meeting on December 22nd, to reduce covid exposure for both residents and town officials. **CARRIED**

6. Approval to authorize Supervisor to make any necessary transfers to balance accounts for 2020.

MOTION # _____ by Councilman Donald Butcher, second by Councilman Daniel Driver approving the authorization to the Supervisor to make any necessary transfers to balance all accounts for 2020. **CARRIED**

7. Approval to authorize Supervisor to pay 2020 bills from 2020 funds prior to the closing of books.

MOTION # ___ by Councilman Gerald Klinck, second by Councilman Kyle Barry, approving the authorization to the Supervisor to pay 2020 bills from 2020 funds prior to closing of the books. **CARRIED**

8. Approval to submit Supervisor's Annual Report for 2020 as the annual report filed with the N.Y.S. Audit and Control.

MOTION#___ by Councilman Gerald Klinck and second by Councilman Donald Butcher approving the Supervisor to submit the Annual Audit Report for 2020 with the New York State Audit and Control Department. **CARRIED**

9. Approval of all Town appointed positions to remain in effect until the 2021 organizational meeting.

MOTION # ___ by Councilman Donald Driver, second by Councilman Daniel Driver, approving that all Town appointed positions are to remain in effect until the 2021 Organizational Meeting on January 12th 2021. **CARRIED**

10. Request from Bookkeeper that all Departments Heads submit 2020 invoices for payment no later than January 15th, 2021.

MOTION # ___ by Councilman Gerald Klinck, second by Councilman Donald Butcher, approving that all dept. submit 2020 invoices no later than the 15th of January, 2021. **CARRIED**

11. Request from Highway Superintendent to declare 2005 Ford dump truck as "excess to need".

The Highway Superintendent is requesting to declare the 2005 Ford dump truck as "excess to need"
MOTION # _____ by Councilman Gerald Klinck, second by Councilman Donald Butcher, approving the 2005 ford dump truck as excess to need. **CARRIED**

He would like to sell the ford dump truck to the town of Holland, at a fair market value of \$6000.00, which he has the documentation, stating the fair market value.

MOTION # _____ by Councilman Dan Driver, second by Councilman Kyle Barry, approving the sale of the 2005 ford dump truck to the town of Holland for a fair market value of \$6000.00. **CARRIED**

12. Request to contract with Kiercom Communications to install required cabling for the Town telephone system update.

We have all been educated on the new phone system. Cabling needed in basement for new phone system, quote from Kiercom for \$400.00

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Donald Butcher, approving Kiercom to provide necessary cabling in the basement for the new telephone system, at a cost of \$400.00. **CARRIED**

13. Request to reappoint Town of Wales Zoning Board of Appeals member.

MOTION # _____ by Councilman Kyle Barry, second by Councilman Donald Butcher, approving Sandra Laub for reappointment to the Zoning Board of Appeals. **CARRIED**

14. Request to reappoint Town of Wales Planning Board member.

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Donald Butcher, approving Kevin Ingraham for reappointment to the Planning Board. **CARRIED**

15. Request to reappoint Town of Wales Conservation Board member.

MOTION # _____ by Councilman Dan Driver, second by Councilman Donald Butcher, approving Robert Harris for reappointment to the Conservation Board. **CARRIED**

16. Request from Town Clerk to expend funds to contract with General Code to update Town code books.

This is a budget item. We do this every couple years to keep our books current with the updated Local Laws. The high estimate is \$3,440. The only additional cost is for a CD which is \$40.00. The cost for the update would not exceed \$3,500.

MOTION#_____ by Councilman Gerald Klinck, second by Councilman Donald Butcher to update the code books for the Town of Wales with General Code to not exceed \$3,500. **CARRIED**

17. N.Y.S. required Municipal Workers Compensation Alliance safety training.

I have emailed the December and January schedules. Highway Superintendent and his employees have taken the training. Building Inspector and clerk have taken the training.

18. Presentation of Town of Wales 2021 Meeting Calendar

MOTION#_____ by Councilman Gerald Klinck, second by Councilman Donald Butcher to approve the Town of Wales 2021 Meeting Calendar. **CARRIED**

COMMUNICATIONS:

A resident on Hunters Creek request a Traffic Speed Limit Study 7 or eight years ago. He went to Joe Lorigo's office and then contact me. I spoke with him via email. He will submit a letter and we will ask for a D-9 study from the County to review the road for the reduction in speed limit.

REPORTS OF DEPARTMENT HEADS

received Town Clerk's, Highway, Building Inspectors and Supervisors reports

COMMITTEES

Councilman Gerald Klink working on Zoning. Businesses on 1 parcel, strip malls, and Home Occupation definition.

Thomas Carpenter has been on the Planning Board for 50 years. Supervisor Rickey Venditti will be looking into a Proclamation for that accomplishment.

REPRESENTATIVES OF COMMUNITY ORGANIZATIONS

Councilman Donald Butcher-South Wales Fire Company had their elections and their Fire Officers remained the same. We have a new Vice President, Secretary stepped down and is now the Treasurer and there is a new secretary.

Highway Superintendent, Michael Zywar-Wales Center had their elections. In March, 2021, having the month-long sportsman's raffle.

SECOND INVITATION FOR PUBLIC COMMENT:

None

REVIEW AND ACTION OF SUPERVISOR'S MONTHLY REPORT:

MOTION # ___ by Councilman Donald Butcher, second by Councilman Gerald Klinck, approving the Supervisor's monthly report for December, 2020, with transfers on page 2. **CARRIED**

REVIEW AND ACTION ON TOWN CLERK'S MONTHLY REPORT:

MOTION # ___ by Councilman Donald Butcher, second by Councilman Kyle Barry, approving the Town Clerk's monthly report for December, 2020, as presented **CARRIED**

ACTION ON GENERAL FUND BILLS:

MOTION # ___ by Councilman Donald Butcher, second by Councilman Gerald Klinck, approving abstract # 11, voucher #385-420 total amount \$65384.82 **CARRIED**

ACTION OF HIGHWAY FUND BILL:

MOTION # ___ by Councilman Gerald Klinck, second by Councilman Dan Driver, approving Highway Fund bills, abstract #11, voucher #118-137 total amount \$27,356.95 **CARRIED**

ADJOURNMENT:

Respectfully submitted,

With no further business at hand, motion duly made by Supervisor Rickey Venditti and Councilman Gerald Klinck adjourn the meeting at 7:39pm

Memory of: Raymond Tinchm Carl Schiltz & Nelly Dresendahl

Respectfully submitted,

Melinda Eaton

Wales Town Clerk