

WALES TOWN BOARD MEETING

Minutes of April 13th, 2021

\*Face masks and social distancing will be required by all who attend

The 4th meeting of the Wales Town Board was held on the 13<sup>th</sup> day of April 2021 at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York.

The meeting was called to order by Supervisor Rickey Venditti at 7:14pm EST

Taken at prior public hearing

**ROLL CALL** Supervisor Rickey Venditti  
Councilman Donald Butcher  
Councilman Gerald Klinck  
Councilman Kyle Barry  
Councilman Daniel Driver

Also present: Attorney Ronald Bennett, GHD Engineering, (12) residents whose names are on file. Reporter

**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 Dan Driver approving the agenda as presented. **CARRIED**

**ACCEPTANCE OF MINUTES:**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Don Butcher approving the Town Clerk's minutes of March 9<sup>th</sup> and Public Hearing. **CARRIED**

**Public Comment:**

None

Tim Dusza From Erie County Sheriff's Office for 31 years, will be the new town liaison, for 9 years he worked in the warrant office, 10 years on night watch patrol, 10 years with special services unit, 3 of the years as a supervisor and currently supervisor on road portal, I'm here to support the quality of life in the community, and any concerns please give to the town clerk to contact me.

**Request to enter into Executive session to discuss possible litigation.**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Don Butcher to enter executive session at 7:13pm and returned at 7:27pm **CARRIED**

**OLD BUSINESS:**

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

**(Draft S.U.P. submitted by Town Attorney.)**

The public hearing was back in March, the Conversation board and planning board have had their meeting and we have received their reports. The variance board approved the request to reduce parking space and have mostly green area. The long form SEQR has been completed and approved. The board reviewed the 8 items of the town code section 200-36 the basic general standards for a special use permit.

1.Conformity with the Master Plan, It's in a commercial area 2.Conformity with existing zoning regulations. Yes 3.Effect on adjacent property values, it a commercial area 4.Aesthetic impact. The store will be the same as the store in on route 20A 5.Ecological study was done with the SERQ 6.Traffic and parking they will have plenty of parking 7.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. Councilman Donald Butcher is working on a crosswalk on Emery Road and Route 16 8.Impact on the quantity and/or quality of groundwater available to private water supply wells and/or public water supply. They will be in the East Aurora water district. This special use permit is in compliance with the 8 items in the code. Ron Bennett has prepared a draft permit but has questions on lighting and landscaping. Ron Bennett has given us a revised draft tonight so please review, still questions on the sidewalks, to address. The special use permit will be on the May agenda. Any questions, Marc Romanowski, the attorney for the Dollar General- update on the sidewalks we did reach out to the NYDOT working through, it will not be an issue with the permit, we will work it out.

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

**(Applicable Boards and Agencies review requested 3/3/2021. Public Hearing to be held 4/13/2021.)**

Public hearing was held earlier this evening. We have received approval from Planning and Conservation boards with the pending resolution of the DEC violation that is currently on the property. We have received Erie County's Planning report is of local concern only. Our town engineer has completed Part II and Part III of the long form S.E.Q.R. The only problem noted with the S.E.Q.R. is item number 10 part II. The proposed action could result in an increase in the potential for erosion, flooding, or drainage problems. Attorney Charles Ritter stated the SUP is for 2 buildings. The town issued this use in 1999. We were granted building permits. The second building permit was issued in 2002 that was for building 4. We constructed that on 2015. Last year we applied for an Amendment to that permit to go to building #5. It was approved October 22, 2020. There was an amendment to the town code that you had to have a permit in hand before you start construction. The day that SUP Amendment was granted, the owner of the property came back to the town and applied for a further amendment on October 13, 2020 and was supplemented on November 20, 2020. I filed for a further supplement because of deed issues on February 26, 2021. The application was for 2 additional storage buildings. We were also explicitly clear the site had been fully prepared. Storm sewage drainage had been added and approved. What we are here for now is an amended SUP. We submitted plans for those buildings, one building is 200'x45' the other 195'x30'. There was no question of me asked about the SPIEDE permit on which the site had been surveyed. When I appeared before the Planning board, I was handed a copy of the letter that was obtained by the Building Inspector, Walter Raichel. I spoke to the engineer at the DEC about this. He had been advised by Mr. Raichel that the site had commenced construction and exceeded 1 acre. In order to address that, I contacted the DEC and spoke to a lawyer. I talked to an

engineer at the DEC and explained the history. I expect to create a design. There is no current violation from my perspective. I do not expect there to be any further fine. I do believe you have a copy of that letter. The evolution and use of this site had always been a self-storage facility. There was an original Special Use that was approved and developed in a certain way with a certain number of buildings. The Town Code that the building inspector last year worked with the owner and allowed certain preparations. Concerns were conveyed to the building inspector that we should go through the special use permit process. I adhered to that. Questions were made about the other site work and I answered those questions. After the public hearing, special use permit was approved, and the owner then decided he did want to put in two more buildings, and he started to work on that. All that happened before Mr. Raichel ever got involved. If you look at the site, you can actually see that the site is fully prepared. There are footers in. There is no site work left to do. The original plan from 1999-2000 calls for retention drainage on the site to go to a retention pond. Building 5 directs all go north to that drain. The proposed Building 6 is all going to go to that original drainage pond. Building 7 the one furthest to the east go to the retention pond. There is a continuation of the berm for excess along Big Tree Road. It is 6 to 7' high. We plan to seed the berm. That is included in the plan that from getting the permit from the DEC. Mr. Raichel said it requires a permit to do site work etc. Mr. Ritter's opinion is that it does not. To avoid a dispute, I talked to their engineer, talk to their lawyer we will file for this permit and take care of any concerns on that letter. Supervisor Rickey Venditti asked Wally or Joe does that change anything as far as the S.E.Q.R.? Town Engineer said yes, I would change how it is written. Supervisor Rickey Venditti said so #10 would be a "No". Do you want to have time to review it for the next meeting? Mr. Ritter said if there are questions or concerns, he would be able to visit the site. Town Engineer clarified that it is the short form Part 2 and Part 3. We can review 200-36. The use is permitted for addition set forth the town board shall general standards in each passing on Special Use Permit. Confirmative Action Plan. Basically, it is a business. Affects property values. It is a commercial area. They are commercial business up there. Aesthetic impact. Trying to keep it looking nice. No outside storage. Archaeological impact. Traffic and parking. No impact. #8 would be the water. This permit complies with 200-36. Ron Bennett will start to prepare a draft S.U.P., pending the other issue is in compliance with the NYDEC permit.

**3. S.U.P. received from Home Grown Farm L.L.C. to operate a farm-based business at 4807 Reiter Road. (Applicable Boards and Agencies review requested 3/3/2021. Public Hearing to be held 4/13/2021.)**

Supervisor stated that public hearing was just held earlier and all favorable recommendations from Planning Board ask them to apply for an agriculture district and Conservation Board along with Erie County Division of Planning have been received. Any questions from board members, Councilman Dan Driver would like to see a parking site on the property, not along the road. Would like attorney Ron Bennet to start working on a draft special use permit.

The Supervisor wanted to go over the 8 items set forth in the code 200-36, for the board to consider. 1. Conformity with the Master Plan, it's a farm business 2. Conformity with existing zoning regulations. Yes 3. Effect on adjacent property values, no impact 4. Aesthetic impact. none

5. Ecological impact, none 6. Traffic and parking limitations, will be address in the special use permit 7. 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. low impact 8. Impact on the quantity and/or quality of groundwater available to private water supply wells and/or public water supply, no additional impact. The special use permit will be in compliance with the 8 items in the code, and Ron Bennett will work on the draft permit.

**4. Request for appointment of replacement Town of Wales Planning Board member. (Tabled at 3/9/2021 Board meeting.)**

The Supervisor stated at the last meeting, the request to appoint Dorothy Carlone, she has submitted a letter of intent months ago, but I was questioned by Councilman Donald Butcher, that there was a conflict of interest being the applicant's husband was on the committee that gave the endorsement for town councilman, the committee unanimously endorsed me. Also, I have received the committee's approval for the last 20 years. I did verify with legal counsel, and there is no conflict of interest in my voting on this action. So, I will not be rescinding my vote. I'm only asking for her appointment because, it was in the best interest of the town by requesting a well-qualified, educated, and informed resident for the position. Supervisor said I find it ironic that that a board member would question my action, but in January the board removed a 20 plus year employee who was very dedicated to the town, your replacement was a personal friend, who you have worked with at the Erie County Fair for years, but I never questioned your motives or integrity. I feel it was very unfair to question my motives and John Carlone's. I have it that it was tabled at the last meeting, that we had the appointment of Dorothy Carlone to the town planning board. Councilman Donald Butcher would like to make a motion to retable, because we two more applicants for the position, so all 3 applicants can be interviewed by this board.

MOTION# \_\_\_ By Donald Butcher and second by Councilman Kyle Barry, that this is tabled till the board can interview all three candidates.

Supervisor wanted to add, that he doesn't want someone to feel singled out, Ms. Carlone's application has been in front of the board for months. This board is not being consistent with the way appointments are being handled.

**NEW BUSINESS:**

**1. Request to contract with Dresher and B LLP municipal accounting services for review, consulting, and advice on Town financial practices, record keeping and Department Head audits.**

Supervisor Rickey Venditti stated the contract with Dresher and Malecki, is to advise and consult on municipal accounting and perform department head audits. Not to exceed \$10,000.00

MOTION # \_\_\_\_\_ by Councilman Donald Butcher, second Councilman Dan Driver, approving that Supervisor Rickey Venditti, sign the contract with Dresher and Malecki LLP, for advice and consulting on municipal accounting practices, also performing department head audits for the year 2020. **CARRIED**

**2. Request to approve Town Park Port – A – Let contract for the summer months.**

Received two bids one standard unit and one ADA unit cost per month \$285.00 for Modern Disposal and Don's Septic \$215.00 per month.

MOTION # \_\_\_\_\_ by Councilman Gerald Klinck, second by Councilman Donald Butcher approving Don's Septic with one ADA unit and standard unit total cost \$215.00 per month. **CARRIED**

**3. Holland High School request for donation in support of their Post Prom Party.**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Gerald Klinck approving \$100.00 donation for the Holland High School post prom party. CARRIED

**4. Town of Wales annual insurance renewal.**

Badger and Gunner Insurance is working on the Town general insurance bid's, Geoffrey Gunner will be at the May 11<sup>th</sup> town board meeting, with his recommendations on the 3 bids', he is working on.

**COMMUNICATIONS:**

Household Hazardous waste events May 8th, we have flyers on the back table and information is on the website and facebook page.

Received a memo from EMW Veterans Post, regarding the Memorial Day service outside at 11am and comply with all covid restrictions, at that time.

Disaster Coordinator Wally Raichel being that NYS has dropped covid testing for travel, the policy is no longer applicable for employee traveling out of state.

Supervisor asked the board due to the status of current covid is a workshop needed this month?

**MOTION# \_\_\_**By Councilman Gerald Klinck and second by Councilman Donald Butcher approving cancelling the April 27<sup>th</sup> workshop meeting. CARRIED

**REPORTS OF DEPARTMENT HEADS:**

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

**COMMITTEES**

Zoning committee Councilman Gerald Klinck is working on it.

**REPRESENTATIVES OF COMMUNITY ORGANIZATIONS:**

Wales Center Vol. Fire company chicken barbecue this Sunday April 18<sup>th</sup>

South Wales Fire Company chicken barbecue May 16<sup>th</sup>

**SECOND INVITATION FOR PUBLIC COMMENTS:**

Dorothy Carlone Hunters Creek Road-Mr. Butcher should apologize to Supervisor Venditti and John Carlone who has an impeccable reputation. I would like a complete transcript of his comments. Last year when I applied for a position the secretary to the planning board, I was not allowed the extension. I was told there already was a qualified candidate. The qualified candidate that you chose charges 15 hours of work at \$200. It takes him 12 hours to type the minutes from a meeting. He charges to come to these board meetings. He charges to talk to Mindy. He charges for things he should not be charging for. He submits vouchers that are not certified, and you pay him. You paid him over \$3,000 last year without proper vouchers, which is illegal. Previous year another person that did the job charges 1/10<sup>th</sup> of that. I think there should be a review of those vouchers. I think they should be corrected. You seem to make different rules for me than the other candidates. I feel this is bias prejudicial and there seems to be someone that does not want me to work for the town. As I have voluntarily worked on some projects. What you did to Dee is unforgivable.

**VIEW AND ACTION ON TOWN CLERK'S REPORT:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Dan Driver approving the Supervisor's monthly report for March 2021 as presented. CARRIED

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Dan Driver approving the Town Clerk's monthly report for March 2021 as presented. CARRIED

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Gerald Klinck approving payment of the 2021 General Abstract # 003, voucher # total amount \$367,812.85. CARRIED

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Kyle Barry approving payment of the 2021 Highway Abstract # 003, voucher #31-49 total amount \$31,075.96 CARRIED

**ADJOURNMENT:**

**MOTION # \_\_\_\_\_** by Councilman Gerald Klinck, second by Councilman Don Butcher made and seconded to adjourn the meeting at 8:14pm CARRIED

Resident and neighbor Paul Borden of Jean Corning asked if he could read a page from the Town of Wales book about Jean Corning.

IN MEMORY OF: Jean Corning, Theresa Nixon and Paul Kowalski

Respectfully submitted, Town Clerk Mindy Eaton