

WALES TOWN BOARD MEETING

Minutes of July 13th 2021

*face mask and social distancing will be required

The 7TH meeting of the Wales Town Board was held on the 13th day of July, 2021 at the Wales Community Center, 12345 Big Tress 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
Councilman Kyle Barry
Councilman Dan Driver

also present: (6) residents whose names are on file. Attorney Ron Bennett, Highway Supt'd Mike Zywar Building Inspector Wally Raichel and Reporter East Aurora Advertiser.

INVOCATION:

led by Councilman Don Butcher

PLEDGE OF ALLEGIANCE:

led by Councilman Gerald Klinck

ADOPTION OF AGENDA:

MOTION # _____ by Councilman Gerald Klinck, second Councilman Dan Driver, approving the agenda with the addition of item #9 Bookkeeper request to enroll in SAM.gov program for processing and reporting the ARPA Funds. **CARRIED**

ACCEPTANCE OF MINUTES:

MOTION # _____ by Councilman Donald Butcher, second Councilman Dan Driver, approving the Town Clerk's minutes of June 8th, 2021 presented. **CARRIED**

Erie County Comptroller, Stefan I. Mychajliw was present to speak about "Saving Our Skyway"

PUBLIC COMMENTS: None

OLD BUSINESS: There is no Old Business at this time.

NEW BUSINESS:

1. American Rescue Plan Act, (ARPA) funding.

The Bookkeeper and I have completed the required paperwork, it looks like the total fund will be \$307,870.00. The Town has till 2026 to spend the funds, but the fund has restricted rules and regulations only to be used for covid related losses. We need to come up with ideas for a good use of the funds, we will keep working on this, any if anyone has any ideas that would be great.

2 Inquiry received from N.Y.S. D.O.T. in regard to sidewalk requirement in the South Wales Dollar General S.U.P.

Supervisor Rickey Venditti received a call from The NYS Dept. of Transportation currently has no plans to provide sidewalks along Route 16 as part of the NY 400 / NY 16 Intersection Improvements. Additionally, this location has not been identified on the Regional needs list for bicycle / pedestrian improvements." With that said, the NYSDOT respectfully requests that the Town of Wales rescind any requirement made of developers along Rt. 16 to install sidewalks within the NYSDOT Right-Of-Way. Supervisor Rickey Venditti asked Attorney Ron Bennett what the town needed to do with Dollar Generals special use permit? Mr. Bennett's response - that the town board could just amend the special use permit.

MOTION# _____ by Councilman Dan Driver and second by Councilman Gerald Klinck to amending the special use permit for the Dollar General, based on the supporting documents from the NYSDOT, to remove the sidewalk requirement. **CARRIED**

3. Request received from Erie County Comptroller, Stefan I. Mychajliw Jr. in support of resolution "Saving Our Skyway".

Whereas, the Town of Wales is a thriving and vital community engaged in initiatives targeting revitalization, including economic and waterfront, and

Whereas, given the Town of Wales's location east of the City of Buffalo, the Route 5 and Skyway corridor provides an efficient transportation route and connectivity to the City of Buffalo and points beyond essential to ongoing revitalization efforts, and

Whereas, removal of the Skyway Bridge or restricting vehicle traffic from the bridge would result in significant hardships for the residents and businesses of Wales and the South towns,

Now Therefore, be it

Resolved, that the Wales Town Board affirms the Skyway Bridge as essential to the community for commerce, revitalization, access to employment, public safety, and efficient travel to points north, and opposes its removal or restrictions to vehicle use, and further

Resolved, the Town Clerk is directed to forwarded copies of this resolution to applicable State Representatives and the Governor's Office.

MOTION # _____ by Councilman Gerald Klinck, second Councilman Dan Driver, approving the resolution in support of "Saving Our Skyway" **CARRIED**

4. Request to expend funds for renewal of annual contract with liftoff for Windows and Office 365.

MOTION # _____ by Councilman Gerald Klinck, second Councilman Dan Driver, approving the renewal of Liftoff Inc., license for window's program \$528.00 and Office365 \$480.00. This is a Budget item.

CARRIED

5. Town Clerk request to appoint replacement Deputy Town Clerk.

MOTION # _____ by Councilman Gerald Klinck, second Councilman Dan Driver, approving the appointment of Michelle Homac, as Deputy Town Clerk. **CARRIED**

6. Highway Superintendent request to replace engine on snow thrower

MOTION # _____ by Councilman Gerald Klinck, second Councilman Don Butcher, approving DMR Towing & Repair LLC to remove and replace engine, including all parts, labor and fabrication to the snow thrower at a cost of \$15,000, The highway fund does have money in the budget for this expense.

CARRIED

7. Highway Superintendent request to have Town Attorney contact Contractor in regard to damage done to Town road.

Mike Zywar, Highway Superintendent has been trying to communicate with the contractor who damaged Meadow Lane in South Wales, for the cost of the repairs needed to repair the road, with no response. He would like to have the Town Attorney get involved to help resolve the situation.

8. Highway Superintendent request to attend annual training school.

MOTION # _____ by Councilman Gerald Klinck, second Councilman Dan Driver, approving the Highway Superintendent to attend the annual training school, not to exceed \$1200.00. This is an annual budgeted item. **CARRIED**

9. Bookkeeper request to enroll in SAM.gov program for processing and reporting the ARPA Funds.

MOTION # _____ by Councilman Gerald Klinck, second Councilman Dan Driver, approving the bookkeeper to enroll in Sam.gov program, at a cost of \$599.00. **CARRIED**

COMMUNICATIONS:

MOTION# _____ by Councilman Gerald Klinck, second by Councilman Don Butcher, cancelling the workshop on July 27, 2021. **CARRIED**

Supervisor asked if the board would like to consider having workshops prior to town board meetings, Attorney Ron Bennett said some of the towns he works with do. We can discuss at the next board meeting.

REPORTS OF DEPARTMENT HEADS

Building Inspector/ CEO – Ricky asked- Wally there has been an ongoing question with Thunder Hill being charged a fine. Ron has some information on this. We went back and forth with this; Wally sent with some emails to the board regarding doubling the fee Rickey said, does the board stick with the fine on this permit?- It's what in the code. Wally- they could strip and put stone the area, just not dig and pour. Ricky asked the board will support Wally with the fine. Ricky said - Wally you have also gotten letters for unregistered vehicles. Wally- I will be changing the codes, so the judges can enforce fines on people. Ricky said, what are the codes that need to be changed ?

Wally said the State code, which allows two cars, we need to send to the Secretary of State for, the committee would then review the code changes, so then I can enforce the codes.

Town Clerk/ Tax Collector- received

Highway Superintendent – received

REPRESENTATIVES OF COMMUNITY ORGANIZATIONS:

Wales Center Fire Co. drill with a bus on the state grounds with different fire companies, great training.

Kiwanis Club night out had great a wonderful turnout

South Wales Fire Co. Drill for the South Wales dollar general in the house, that will be demo.

Historic Society is going to be at the Erie County Fair, honoring the first 2 female firefighters

REPORT FO COMMITTES

Comp Alliance course - Councilman Don Butcher said he has a list of all employees, the classes are forwarded to the employees, the Town Clerk will keep the documents on file of those who completed the classes.

Zoning – Councilman Gerald Klinck work with Wally on some if the code changes. Rickey also mentioned other codes the committee needs to discuss, strip malls, nepotism and the new marijuana laws which includes employees Mike said the highway guys get tested by NYSDOT.

Water- Councilman Dan Driver said Mr. Winkley got back to me, only 20 wells will be test. A letter will be sent out to around 200 residents, that Mr. Winkley has selected, either property owners with agricultural runoff and those around cemeteries. They would like to test 15 properties an agricultural runoff area and 5 properties around the cemeteries. he said, this will hopefully be around the end August, and it will be on a first come bases for the first 20 residents who respond to the letter.

American Rescue Plan - Dori asked if can be use it for more well testing Supervisor Rickey Venditti said that it was not part of the plan, most of the money can only be used for infrastructure.

SECOND COMMENT:

Dori Carlone – Hunters Creek Rd I did apply for the deputy town clerk position and was not given an interview, which is fine. I would also like to reinstate my request for forensic review on the questionable charges on the invoices that were submitted to the town on Dec 2020. I sent many email requests and have not received an answer to this request. Except for a town board member that I've heard said that if I don't shut up, he is going to be coming after me. I am concerned about that.

Brenna Gawronski -Big Tree I have a couple things that I would like to address to the board and Mr. Bennett. It's been witnessed that; town dump trucks have been making several trips through Dan Drivers' property through his driveway. Is it something that's being taking back? Or coming out? Mike Zywar said, Brenna that doesn't need to come to here. Brenna said: No, I am bringing it up now. Mike: If residents want

fill, I will give them fill. Brenna: Ok also, I would like to address, is the town's responsible for cutting the lawn on the fireman's property? Using town equipment, I feel this is abuse of town equipment and labor. Is there anything in our town codes that allows this? So that is my question on that. That was also witnessed by town residents not resident (made clear by Dan Driver). Brenna: Also asked if at 12550 Old Big Tree Rd pipe was put in. I'd like to know if it's the homeowner's responsibility to pay for the pipe and materials or was it done by the town. I will foil that for receipts, as well as the up the hill where he did it or behind us, I will foil that for the pipeage. Brenna also asked if the property where the bus is, state or town property? Mike said it's Town property Brenna: if that's town property, who gave you permission to put the bus up there to run this drill? Mike: I did Brenna: Okay, shouldn't that have been addressed at the town. What if someone is injured up there? My question for you Mr. Bennett what happens if someone is injured up there. Who is responsible? Mike: The fire company has their own insurance Brenna: But you didn't address the town about doing that. Ricky: I will ask the town attorney while we're here, he can address the board. Should mike asked the town board to use town facilities Ron Bennet: what situation? Ricky: doing fireman training drills and having equipment on the town property. Ricky: they are doing drills on town property, should have mike addressed the board for permission to do that? As opposed to him approving it himself, which sounds like what was done Ron: No, Town board had control over town property Ricky: So that should've come to town board. Let me ask the other question. About mowing? Mowing the firehall Brenna: Yeah

Ricky: Is that something we should be doing or not doing? It's not in the contract to the best of my knowledge Ron: if it's not in contract you can't do it Ricky: I think we had this question once before a couple years back about plowing Ron: if it's not in the contract then we can't do it. Jeff Gawronski said I think the drill is a great thing, not to have an insurance certificate from the fire hall to the town, just so you are covered Brenna: it's the process of taking the proper steps. Jeff Gawronski The drill is a tremendous idea, don't miss read I think that what we all want, we are doing something that is risky and taking something that is limited, and they are learning. I happened to be going to driving by when it was going on and a lot of cars were parked alongside of the road. It's a great idea. Some of my workers need a certificate before they can even step foot on a job. I don't see where this is any different. Ricky: My questions to you. Would we need a copy of the fire companies' insurance? Ron: for additional insurance, but first come to the town board since they have control of the property. Then, take see about what type of insurance they may need. Brenna: That piece of property seems like a dump site. The tree company was there, and they weren't working in the town of Wales, because I personally stopped there and talked to the guys. Um when they were doing the work. I wanted to get a business card because I wanted to have some possibly tree work done for since were in the area. The worker said oh no we just park our vehicles here. Why can that be? Why can these companies just park their vehicles there and just leave them there? What happens if they are vandalized or what happened if some kids are up there. Again, who is held responsible? And have they asked for permission from the town board to do that? Ricky: You've been at all the town meetings and no, there hasn't. Brenna: Absolutely, nothing has been said, then again who is giving them permission to park there? Ricky : I guess Mike we will have to talk in the future about equipment and property usage and bring it to the town board. Jeff Gawronski: just one thing to keep in mind, this board gave Lina a hard time when Ferguson was parking there stuff up in there that was, what 6 months ago? Nothing different and that at least a parking spot. Ricky: Alright Mike in the future we will just have to ask the board and have proper paperwork that would be needed. Dan Driver: that's a business transaction with multiple businesses, different thing. Jeff G: I bet Ferguson had an insurance certificate for Lina. Ricky: the fire contract is up, so one thing we could do it put it in the contract to authorize for use of town equipment Wally: all the firemen are covered by the town compensation, they are considered employees of the town and that's every town.

Mike Zywar: I've been sitting at this town board meeting for the past 22 years and the last couple of years I am tired of people accusing and attacking, saying things that a phone call would take care of. They don't know what I do down here everybody thinks they know every about everybody's business. I don't know what you did at Moog I don't really care; I know you work at the airport but don't really care what you do or do I care. I understand that I am under scrutiny for the town people I go over and mow the lawn I've done it for the past 20 years over at the firehall, it's a lot easier and fast I can do it in 5-10 minutes using the zero turn on the way up to the cemetery And I usually do that on my lunch time. I am a salary employee; I can take my lunch when I want it may be at 10 or it could be at 2. If you have a problem with me doing it, we have a lawn mower over there, I can start using that lawn mower I'll just start doing after work. I don't have a problem doing that. It just makes out life easier and as far as having a drill up there I apologize we have done drills before up there and the fire companies got more insurance than what you have. We have millions of dollars in liability and anybody that wants to complain about firemen doing a drill, if their kid is in a bus and gets in accident, same as a car accident tarring apart with the jaws of life, that's where you get your training from. Anybody who would complain about that, I hope someday I don't have to come and help them. Jeff G: did you hear me, and what I said Mike: I did, I am tired of being attacked by your wife for every little thing and as far the policy for the town culvert pipes. I put culvert pipes all over this town, you buy the culvert pipe, and I will put it in. I will supply the first load of stone on top of it. I have always done that. My predecessors have done that too. Ricky: have you ever received any type of payment for the for the culvert on old big tree Rd Mike: you would have to ask Mindy no. Ricky: I guess I'm being the devil's advocate, since I am in the middle here. The question is, use of the town property and use of town

equipment is that legal, Ron Bennett said the Board should approve it. Rickey said always start with the department head if you have a problem.

REVIEW AND ACTION ON SUPERVISOR'S REPORT:

MOTION # _____ by Councilman Dan Driver, second by Councilman Kyle Barry approving the monthly financial statements for June, with the transferred listed. **CARRIED**

REVIEW AND ACTION ON TOWN CLERK'S REPORT:

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Dan Driver, approving the Town Clerk's monthly reports for July 2021 as presented. **CARRIED**

GENERAL FUND BILLS:

MOTION # _____ by Councilman Dan Driver, second by Councilman Kyle Barry approving payment of the 2021 General Abstract 006, voucher #212-253- total \$29654.17 **CARRIED**

HIGHWAY FUND BILLS:

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Dan Driver approving payment of the 2021 Highway Abstract 006 voucher #70-83 total \$30,108.30 **CARRIED**

ADJOURNMENT IN MEMORY OF: Sean Freeman, Suk Freidhaber, Patricia Kline and Alburn Sleeper

Motion duly made by Supervisor Rickey Venditti and seconded by Councilman Gerald Klinck to adjourn the meeting at 7:51 pm.

Respectfully submitted,

Melinda Eaton

Wales Town Clerk