

WALES TOWN BOARD MEETING
Minutes of August 11TH 2020

The 6TH meeting of the Wales Town Board was held on the 11th day of August, 2020 at the Wales Community building, 12345 Big Tree Rd Wales Center, New York.

The meeting was called to order by Supervisor Rickey Venditti at 7:12 pm EST

Safety precautions were taken, are you here in your own free will

ROLL CALL: Taken at prior public hearing

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

also present: (13) 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 Councilman , second Councilman Dan Driver, approving the agenda as presented. **CARRIED**

ACCEPTANCE OF MINUTES:

MOTION # _____ by Councilman Donald Butcher, second Councilman Dan Driver, approving the Town Clerk's minutes of July 14th, 2020 presented. **CARRIED**

PUBLIC COMMENTS:

Nancy Burkardt - 12 West Falls Road, Has property in the water district of Aurora. read her letter to the Wales Town Board, regarding her opposition to Broadway Group,LLC and the proposed Dollar General store to be located at 6401 Olean Road. (letter attached)

Victoria Montagu 1853 Olean Road - Opposes building a Dollar General store due to the increase of traffic and amount of accidents it would create along that stretch of Olean Road.

OLD BUSINESS:

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

The Public hearing was held earlier, was previously forwarded to applicable boards for review. Assessor Dave Lane has done the mapping of merging the two parcels together. Mr. Demario is in the process of getting a quit claim deed done at the County, to merge the two parcels also. Ron Bennett will put together a draft special use permit, when the requirements are completed by Mr. Demario.

2. S.U.P. application from The Broadway Group for proposed Dollar General Store at 6401 Olean Rd. The Broadway Group has still not submitted a special use permit application, so therefore this special use permit is on hold.

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

This special use permit application was forwarded to the applicable boards and agencies at last month's board meeting. The Planning Board is meeting tomorrow evening August 12th 7pm, at this time no date is set for the Conservation Board. Attorney Ron Bennett confirmed that the two parcels on the application was fine, as they are owned by the same person.

4. S.U.P. application from Promised Land to amend their current permit.

Mike Lina would like to amend his S.U.P. to accommodate Ferguson Electric to park trucks on his property. Building Inspector & Code Enforcement Officer, Dave Bender, gave a violation for storage containers, Mike Lina stated two storage containers are removed and one will be going. Supervisor Rickey Venditti stated that he was told Dave Bender, that Ferguson Electric was using a container for office space, Mike Lina responded he is not leasing office space to Ferguson Electric. Supervisor Rickey Venditti reiterated to Mike Lina that he is only seeking to amend his S.U.P. to allow Ferguson Electric to park trucks on his property. Supervisor Rickey Venditti stated when he receives notice from Dave Bender that the violations are remedied, then they can go forward with the process of amending the S.U.P.

NEW BUSINESS:

1 Resolution to establish Town as lead agency on S.U.P. application proposed Dollar General Store at 6401 Olean Rd.

The Group has still not submitted a Special Use Permit application

2. Resolution to approve proposed Local Law Intro. 2-2020, amendment to Town Codes, Chapter 84 Building Construction.

RESOLUTION TO ADOPT LOCAL LAW INTRO. NO. 2-2020

WHEREAS, Local Law Intro. No. 2-2020 has been submitted amending the standards of Chapter 84 to identify the current standards as identified in the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code, and

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

WHEREAS, a Public Hearing was held on August 11th, 2020 permitting comments regarding the proposed amendments which include amendments to the Building Construction Code,

NOW, THEREFORE, be it

RESOLVED, Local Law No.2-2020 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 Donald Butcher and second Councilman Dan Driver, approving Local Law 2-2020 as presented. **CARRIED**

ROLL CALL:

Supervisor Rickey Venditti Yes
Councilman Donald Butcher Yes
Councilman Gerald Klinck absent
Councilman Kyle Barry Yes
Councilman Dan Driver Yes

Yes 4 Non 0 absent 1

3. Resolution to Adopt Cyber Security Citizen Notification Policy.

The policy requires notification of an individual who has been or reasonably believed to have been compromised of an individual's private information. This is in compliance with the information's Security Breach and Notification Act Policy. Councilman Dan Driver commented that it is personal information and if there was ever a breach.

RESOLUTION to ADOPT CYBER SECURITY CITIZEN NOTIFICATION POLICY

WHEREAS, Section 208 of the State Technology Law requires all towns to adopt a cyber Security Citizen Notification Policy, and

WHEREAS, the town has under consideration adopted a proposed Cyber Security Citizen Notification Policy. A copy of which is attached hereto and,

WHEREAS, the terms and provisions of the proposed Cyber Security Citizen Notification Policy has been carefully reviewed by the Town Board, and been found to comply with the terms and requirements for such an adoption,

NOW, THEREFORE, be it **RESOLVED**, the Town hereby adopt the Cyber Security Citizen Notification Policy, and be it further

RESOLVED, the Town Clerk is directed to permanently file the Resolution and the Policy as adopted.

MOTION#___ by Councilman Donald Butcher and second Councilman Dan Driver, approving the Cyber Security Citizen Notification Policy. **CARRIED**

4. S.U.P. application from Thunder Hill Storage amend their current permit.

Supervisor Rickey Venditti stated he received a S.U.P. from Thunder Hill to amend their current permit, which was just received. Councilman Dan Driver asked if this was a new building or original building. Supervisor Rickey Venditti responded that it is a new building, which is the need to amend the S.U.P. Charles Ritter, attorney for Thunder Hill clarified that the site in question is the subject of a S.U.P. that was granted in 1988/1989. The site has been approved and maintained and operated in accordance with the current S.U.P. Currently four (4) buildings on the site. One (1) building was added in 2016 in accordance with that S.U.P. The new building is consistent with the existing buildings property that is on that site. It is a 4-acre site. This would bring about half of the square footage into use on the site. This is well below the overall intent. The reason we applied for this is because the Building Inspector indicated that we were okay under our SUP. We started planning had and had designs we submitted as per his recommendations. There were concerns expressed by citizens about activity at the site. Mr. Cornell filled out all the town's paperwork in that regard. Under your town code section 200 subpar 38 this is not an application for a SUP, at most it is an amendment. An amendment if the building inspector has looked at it and what is going on at the site is consistent with the original intent of the site, you can summarily approve it as per your town code. Mr. Ritter stated he would be happy to answer any questions or address any concerns that have been raised. He asks that the amendment be approved this evening. Supervisor Rickey Venditti asked councilmen present if they felt comfortable granting an

amendment this evening. Councilman Don Butcher replied that he would like the Conservation board to review.

MOTION ___ by Councilman Don Butcher and second Councilman Dan Driver to forward to all applicable boards and agencies. **CARRIED**

5. S.U.P. Application from Auctions International Amend their current Special Use Permit.

Current permit is not in compliance. Previous requests were tabled until the applicant becomes compliant with his current permits.

MOTION ___ by Councilman Kyle Barry and second Councilman Dan Driver to table this matter until applicant is in compliance with his current permit. **CARRIED**

Ron Bennett was asked what the board could do, which Ron replied issue a Notice to Remedy and then enforce it in court. Town Attorney and Town Prosecutor should work together. Supervisor Rickey Venditti will follow up with the courts to determine what still needs to be done and also follow up with the Building Inspector to discuss the what's needed to move forward.

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

Building Inspector, Dave Bender was not in attendance

7. Update on the N.Y.S. required Municipal Workers Compensation Alliance safety training.

Councilman Don Butcher has not heard back from Comp Alliance yet. Webinars offered but only during work hours. Councilman Don Butcher to follow up with Comp Alliance to get a program set up.

8. Request to approve procurement of replacement slide for damaged slide in Town Park playground.

MOTION # ___ by Supervisor Rickey Venditti, second by Councilman Donald Butcher approving the emergency purchase, for a slide to replace the damaged slide at the cost of \$4494.57, in the event that insurance does not cover the claim.

CARRIED

COMMUNICATIONS:

NYS DOT held a meeting on July 27th in the Town of Aurora – project is in planning stage 2021 Budget - working on town budget, asking for dept heads expenditures for 2021

Received new updated zoning maps from town engineer

Supervisor Rickey Venditti asked board if they felt the Aug 25th workshop meeting was needed, decide next meeting would be the regular scheduled board meeting on September 8th

REPORTS OF DEPARTMENT HEADS:

Bldg. Inspector: Rec'd & filed

Highway Dept.: Rec'd & filed.

Town Clerk/Tax Collector: Rec'd & filed

REPRESENTATIVES

Wales Center will be doing September gun raffle tickets \$20 raffle a gun a day.

Dee Ziegel - Patriots day program will be Sept. 11th at 7pm outside in memorial area with masks required and social distancing

SECOND INVITATION FOR PUBLIC COMMENT

None

REVIEW AND ACTION ON SUPERVISOR'S REPORT:

MOTION # ___ by Councilman Donald Butcher, second by Councilman Kyle Barry approving the monthly financial statements for July with transfers on page2. **CARRIED**

REVIEW AND ACTION ON TOWN CLERK'S REPORT:

MOTION # ___ by Councilman Donald Butcher, second by Councilman Dan Driver, approving the Town Clerk's monthly reports for July 2020 as presented. **CARRIED**

GENERAL FUND BILLS:

MOTION # ___ by Councilman Donald Butcher, second by Councilman Kyle Barry approving payment of the 2020 General Abstract 008, voucher # 205-230 total amount \$6,369.00 **CARRIED**

HIGHWAY FUND BILLS:

MOTION # ___ by Councilman Donald Butcher, second by Councilman Dan Driver approving payment of the 2020 Highway Abstract 008, voucher #077-088 total amount \$5,908.27 **CARRIED**

ADJOURNMENT IN MEMORY OF: Richard Keem

Motion by Supervisor Rickey Venditti and seconded by Donald Butcher to adjourn the meeting at 8:15pm.

Respectfully submitted,

Deputy Town Clerk, Pat Owczarzak