

WALES TOWN BOARD MEETING
Minutes of December 10th, 2019

The 13th meeting of the Wales Town Board was held on the 10th day of December, 2019 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:

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 12th 2019 and November 26th public hearings as presented.

CARRIED

INVITATION FOR PUBLIC COMMENTS:

None

OLD BUSINESS:

1. S.U.P. amendment application received from 1 Way Flooring Covering & Renovation Inc. to operate at 11086 Big Tree Rd.

Supervisor Rickey Venditti asked Attorney Ron Bennett to write up a draft special use permit, so the board can move forward with this special use permit. The only concern is the lighting, that it doesn't affect the neighbors.

2. S.U.P. application received for Restaurant / Concert Hall / Theater to operate at 12294 Big Tree Rd.

Councilman Gerald Klinck stated the Zoning Board of Appeals approved the parking request with 4 special conditions 1. The house has to stay a single-family dwelling with one parking space left for the resident 2. The business must stay at the 700 sq. ft. of patronage use with 14 parking spaces. 3. The variance is contingent upon the approval of the state or county as far as the 5 parking spaces that are adjunct to 20A Big Tree Road and in that approval from the state they would have to be by a certified letter to the town saying that they were approved. 4. Mr. Childs is going to work with neighbors regarding dumpster and fencing situation.

The Town Board will table this Special use permit, still the applicant meet all the conditions.

3. S.U.P. amendment application received from Reid Petroleum for Crosby's Convenience Store.

MOTION# ___ by Councilman Dan Driver and Supervisor Rickey Venditti denying the amended special use permit. **CARRIED**

Councilman Gerald Klinck feels differently, that a gas station is not the same as the Dollar General and they should be able to have the outside items for sale they requested.

4. Local Law Intro. 5-2019 in regard to rescinding provisions of Chapter 7, Codes of the Town of Wales, and adopt new section which incorporates Local Law 4-2019 to provide that there shall be one Assessor to be appointed by the Wales Town Board.

Supervisor Rickey Venditti stated the Public hearing for Local Law 5-2019 was on November 26th, asked if the board members had any comments on Local law 5-2019? no comments. Supervisor Rickey Venditti said we should move on to new business item #1 the resolution to approve Local Law 5-2019.

NEW BUSINESS:

1. Resolution to approve proposed Town of Wales Local Law Intro 5-2019 in regard to Assessor Department.

RESOLUTION TO ADOPT LOCAL LAW INTRO. NO. 5-2019

WHEREAS, Local Law Intro. No. 4-2019 was adopted by the Town Board of the Town of Wales on October 8, 2019 providing that there would be one appointed Assessor as provided by Section 328 of the Real Property Tax Law, and WHEREAS, this proposed Local Law Intro. 5-2019 deletes all sections of Chapter 7 of the Zoning Codes of the Town of Wales and adopting a new Section which incorporates Local LLaw 4-2019 adopted on October 8th, 2019 providing one appointed Assessor as authorized by Section 328 of the Real Property Tax Law, and

WHEREAS, the proposed Local Law has been carefully considered by the Town Board, and

WHEREAS, a Public Hearing was held on November 26, 2019 and any comments in regard to the amendment to Chapter 7 of the Codes of the Town Wales,

NOW, THEREFORE, be it

RESOLVED, Local Law No.5-2019 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 Gerald Klinck, second Donald Butcher, approving Local law 5-2019.

ROLL CALL:

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

2. Local Law Intro. 6-2019 to amending section 200-6, Zoning Map, of the Codes of the Town of Wales.

Councilman Gerald Klinck has been working on the zoning changes, at the request of residents to reduce the commercial areas in the town of Wales.

3 Resolution to set public hearing for Local Law Intro. 6-2019 to amend the Codes of the Town of Wales.

RESOLUTION AUTHORIZING PUBLIC HEARING

WHEREAS, Local Law Intro. No. 6-2019 has been introduced at a meeting of the Town Board held on the 26th day of November, 2019, and

WHEREAS, the Local Law would amend Chapter 200 of the Zoning Code, Section 200-6 Zoning Map by amending the Zoning Classification for portions of, Route 20A and Route 78 changing the classification from 200-29(b) – business to 200-28(a) - agriculture, 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. 6-2019 on the 17th day of December 17th, 2019, 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 the Town of Wales, said notice being published at least five (5) days prior to the scheduled Public Hearing.

MOTION # ___ by Councilman Donald Butcher, second by Councilman Gerald Klinck, approving the Public hearing on December 17th, 2019 on Local law 6-2019.

CARRIED

4.Resolution in support of restoration of New York State AIM funding to Towns and Villages.

CERTIFIED RESOLUTION

At our monthly meeting of the Wales Town Board in the Town of Wales on December 10, 2019, the following resolution was approved by the Wales Town Board.

WHEREAS AIM Funding is unrestricted aid provided to Municipalities by New York State for the years. and

WHEREAS, the Town of Wales supports legislation (S.6844) introduced by Senator Patrick Gallivan related to the AIM Funding program and to ensure payments are made to dozens of towns and villages in Erie and Nassau Counties,

WHEREAS, as part of the 2019 budget process, traditional AIM funding was replaced by a portion of the State Sales Tax.

WHEREAS, the Office of the State Comptroller indicated the change did not allow sales tax funds to be distributed to municipalities in Counties with Fiscal Control Boards, such as Erie and Nassau.

NOW, THEREFORE, BE IT RESOLVED: The Wales Town Board strongly supports Legislation S.6844 that would restore AIM Funding at 100% moving forward to Erie and Nassau Counties.

FURTHER RESOLVED, the AIM funding benefits all of our residents in Erie & Nassau Counties and the loss of this funding would put an unnecessary burden on the backs of local taxpayers that could result in the reduction of services, program cuts and layoffs.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Andrew M. Cuomo, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.

MOTION # ___ By Councilman Donald Butcher, second by Councilman Gerald Klinck, approving the AIM funding resolution.

CARRIED

5.Resolution in support of legislation to amend or delay implementation of N.Y.S. bail reform laws.

CERTIFIED RESOLUTION

RESOLUTION – SUPPORT LEGISLATION TO HALT NEW CRIMINAL JUSTICE REFORM (BAIL & DISCOVERY REFORM)

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government, and

WHEREAS, County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

WHEREAS, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; and,

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing

that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

WHEREAS, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

WHEREAS, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

WHEREAS, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and

WHEREAS, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

WHEREAS, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and

WHEREAS, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

WHEREAS, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

WHEREAS, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

BE IT RESOLVED, that the Town Board of the **Town of Wales** hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

BE IT FURTHER RESOLVED, that the **Wales Town Board** asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, the New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York

State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York.

MOTION # ___ by Councilman Donald Butcher, second by Councilman Gerald Klinck, approving the resolution supporting State Legislature's to halt new criminal justice reform.

CARRIED

6. Request to approve the 2018 Town of Wales Department head audit performed by Drescher & Malecki.

MOTION # ___ by Councilman Dan Driver, second by Councilman Donald Butcher, Approving the department head audits for 2018, that were performed by Drescher&Malecki.

CARRIED

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

MOTION # ___ by Supervisor Rickey Venditti and second by Gerald Klinck, approving the 2 year rate agreement with Comp. Alliance Insurance.

CARRIED

8. Letter received from Resident requesting a 4-way stop at Warner Hill & Vermont Hill Roads Intersection.

MOTION # ___ by Supervisor Rickey Venditti, second by Councilman Gerald Klinck, approving a traffic study for a 4 way stop at Vermont Hill Road and Warner Hill Road. Ask the Town Clerk to forward to the County for review.

CARRIED

9. Open Area Development permit request for vacant property located on Centerline Road.

MOTION # ___ by Supervisor Rickey Venditti and second by Councilman Gerald Klinck, to forward the open area development application to all the applicable boards for review.

CARRIED

10. Request to set date for annual year-end close-out meeting on December 17th, 2019 @ 7:00 PM.

MOTION # ___ by Councilman Don Butcher and second by Councilman Gerald Klinck, that December 17th 2019 will be the year-end closeout meeting.

CARRIED

COMMUNICATIONS:

The Broadway Group is in contact with the town to open a store in South Wales. They are already doing a traffic study and an asbestos abatement for the property they are buying and going to take down the house. Supervisor Rickey Venditti mentioned that Auctions International currently applied for a demolition permit for the old house on the property. This was in response to Councilman Gerald Klinck talking asbestos and the old house on Auctions International property. Supervisor Rickey Venditti will ask the Building Inspector if he has done any asbestos study on it.

COMMITTEES: Councilman Dan Driver has still not heard from Mr. Winkley on the Water Study.

REPRESENTATIVES OF COMMUNITY ORGANIZATIONS

none

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, 2019, 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, 2019, 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 and Councilman Gerald Klinck adjourn the meeting at 7:32pm

Memory of: Patricia Eletto, Joseph Kiesznoski, Traintan Layman Nicolas Lipuma, Maria Reille and Jean Blinton

Respectfully submitted,

Melinda Eaton

Wales Town Clerk