

Town Board Minutes of February 14th, 2023

The 6TH meeting of the Wales Town Board was held on the 14th day of February 2023 at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York.

The meeting was called to order by Supervisor Tim Howard at 7:00 pm EST.

ROLL CALL: Supervisor Tim Howard aye
Councilman Jeff Gawronski aye
Councilman Rickey Venditti aye
Councilman Donald Butcher aye

present: Attorney Ronald Bennett, Wendel Engineering, and Building Inspector (9) Residents whose names are on file.

INVOCATION: led by Councilman Butcher

PLEDGE OF ALLEGIANCE: led by Councilman Gawronski

ADOPTION OF AGENDA: MOTION # ____ by Councilman Butcher, second by Councilman Venditti, approving the agenda. Carried ayes-4 noes-0

ACCEPTANCE OF MINUTES: MOTION # ____ by Councilman Venditti, second by Councilman Butcher, approving the Town Clerk's minutes of public hearings and board meeting from Dec 27th & Jan 10th Carried. ayes-4 noes-0

MOTION#__ Councilman Butcher and second Councilman Venditti, Request to enter into executive Session for pending litigation. Carried. ayes-4 noes-0 Entered at 7:05 pm till 7:52pm

INVITATION FOR PUBLIC COMMENT ON AGENDA ITEMS:

Chairman of Zoning Board Ed Wilkolaski - I've always found Dave as our clerk helpful, over the two years I've worked with him. He appears to have a solid interest in the fundamentals of the town. Dave has always been prepared and he does the necessary background information and documentation we need to prepare for a specific case. He's been studious with upcoming trainings and informational sessions that are directly applicable to our roles. In my opinion, all that information I have received in any case was always factual, could be confirmed for accuracy and was never biased. Mr. Newman's interest in staying on and record fast in my humble opinion, aligns with his genuine interest in the betterment of Wales. If have been given a vote, I would have voted for Mr. Newman to stay on in that capacity. Mark Gielter Olean Rd- I was dismissed from the ZBA from I can understand, because I was behind on my taxes for disagreement on assessment values, which has since been resolved, taxes are completely caught up. And this movements research has shown that the power should have five-year terms and even operating a four-year term. My terms should actually not have ended. I should not have been come up for reappointment at that time. And then based on that information, I would ask that I be back in that position, as a ZBA member.

Dave Newman. Route 78- My letters that I submitted will be attached to the minutes.

Attorney Anna Jost for Auctions International.

I joined with these gentlemen and their comment about the two- two votes being treated as tabled or no action being as table, They've been treated as denials. So I will join them and that is regards to Actions International- the special use permit application for the antique mall, on September 13th a public hearing was held. November 8th, the expectation at the meeting prior to that was that they were just waiting to hear from the town prosecutor that there were no outstanding violations. And indeed, as of November 8th, there were no outstanding violations. However, I was surprised to find a photograph on a poster board on an easel. However, there was nobody with any firsthand knowledge upon my belief. It was hearsay, there was nobody to say I'm a photographer, I flew over Big Tree Road. That's this was the time and date I did it. And that's why it's relevant to this special use permit. There was no firsthand testimony and a series of Freedom of Information Law demand since then, to try to get information on their drone photo. It has been stated that this photo was obtained back in July, which was certainly in time for the public hearing, certainly in time for under these discussions on violations but, of course have happened to appeal. The Freedom of Information Law appeals were not complied with resulting in a Freedom of Information Law appeals I'm asking that not only is should that decision be completely unaltered and vacated, but it needs to be restored to pre decision status and any further commentary on violations that flowed from that hearsay poster that was had no basis and any firsthand knowledge. When the day comes that there's a drone photographer who's willing to stand up and say, yeah, that's my poster. I flew over that property on this and that date, and that's his property, then maybe somebody can talk about telling me the building inspector to pursue violations. But as of now, the only violations that I'm seeing is that that poster was not filed with the town clerk as was required by town code, as well as New York Town Law where the town clerk is the keeper of the records. So I have not even been able to inspect nor has any member of the public if anyone wants to hold him to the code, it should equally apply. So if I'm going to wait to see what else has said here in the reports and I may or may not comment assessment session

Wally Raichel – Building Inspector. My temporary job assignment was nobody on the town board that mentioned that one person in the audience is the only one that said anything in the town board. never sent another word did no write even saying that. There's a through a code enforcement officers a lot of schooling that has to go on before you even step into the door. And I wasn't going to take a temporary job without and have to, you know, take the school and stop that school. he board members have to start looking through these codes a little better before saying stuff about people not doing the right. baristas on wonder hill when somebody comes in my office, they explain what they want. I give them all their options. This didn't want to separate any land. We went that route. We went through his EPA Planning Board accepted it, ZBA turned it down so that we had to go through our open development and it wasn't my fault that it cost him all this money. It's the board's dragging your feet on everything. It's five months it took to get this this ridiculous August 11 It's in the minutes of 2020 recommended a and the building inspector at the time was forced to go to oxygen International and come back for any violations. They came back with nothing if they have been when there was a Gemini when I hit the floor there were the staff will stop work order doesn't mean nothing. I went with him

and we both went through the whole area. In fact Russ drove us everywhere. And there was nothing according to our codes. Pizza's good on everything.

OLD BUSINESS:

1. Clarification on what law defines a 2-2 vote on the Town Board

Supervisor Howard I guess it's made clear that a vote to vote or a non majority vote by a quorum means that the motion was denied. But the subject material that was brought by the motion will continue as pending business, for the denial of something by Twitter to help me find the best example is our appointment to a baking board seat. We will be continuing, we have already placed in recognition that we'd already pleased to be as up back on the agenda for today just recognizing again, the oversight over this interpretation they a process and a two to two vote, resulting in a denial of failing to pass a motion does not kill the item. It only kills it only enter the motion for the discussion on the tutor to vote. Guess I could just speak to this anybody disagrees with this, we've already hit it make it clear that an included to vote or a non-majority vote by a quorum means that the motion was denied. But the subject material that was brought by the motion will continue as pending business, for the denial of something by Twitter to help me find the best example is our appointment to a baking board seat. We will be continuing, we have already placed in recognition that we'd already pleased to be as up back on the agenda for today just recognizing again, the oversight over this interpretation they a process and a two to two vote, resulting in a denial of failing to pass a motion does not kill the item. It only kills it only enter the motion for the discussion on the tutor to vote.

2. Update on four-month review for Building Inspector/ CEO and Town Prosecutor

No-update.

3. Letter from Planning Board, Chairman Richard Munn on their clerk position

Supervisor Howard read a letter from Planning Board Chairman Munn- When I learned that David Newman had been relieved of duties as the Planning Board clerk, I was both surprised and disappointed. David's time as clerk has been an asset to me as Planning Board chairman. He has provided the board with needed information and has recorded our meeting accurately. I was not notified prior to this action. I still consider David my clerk until myself and the Planning Board decide otherwise.

4. Town Board Vacancy

MOTION # ___ by Councilman Gawronski second Councilman Venditti, approving the reposting of the vacancy of a town board till the end of the year. Carried ayes-4 noes-0.

WALES RESIDENTS ONLY
OPEN VACANCY FOR COUNCILMAN POSITION
ON THE WALES TOWN BOARD
APPLY BY SENDING LETTER OF INTENT AND RESUME
TO THE
WALES TOWN CLERK
PO BOX 151
WALES CENTER, NY 14169
DEADLINE TO APPLY IS 3/15/2023

5. Appointment new Zoning Board member

MOTION # ___ by Councilman Venditti and Councilman Butcher to reinstate Mark Gielter to the Zoning Board until it's determined whether it's a Four or Five year term. Carried ayes-4 noes-0

Councilman Venditti if were trying to right all the wrongs, as for the 2 to 2 vote I think Mr. Gielter should be reinstated to the Zoning Board either a Four-year term or a Five year term.

MOTION # ___ by Councilman Butcher second Councilman Venditti, approving the reappointment of David Newman as Clerk to the Zoning Board and Planning Board. Carried ayes-4 noes-0

Supervisor Howard we are simply then acknowledging that appointment, but the authority is Mr. Munn Chairman of the Planning Board to appoint the clerk. The Town Board can appoint clerk for ZBA but Chairman Ed Welskolski submitted a letter in support of Mr. Newman.

6. Auctions International – Antique Mall

Anna Jost Attorney - I'm asking the board to move to annul and vacate the decision from November 8th, not only was it procedurally defective, but allowed in a photographic poster that was hearsay with nobody with firsthand knowledge, to attest that it was relevant whatsoever to Auctions International special use permit. I wasn't given an opportunity to inspect or cross examine about the time or the date, or when it was flown over the property. I've had to use Freedom of Information Law devices, and they have been quite revealing that in fact, the poster was unsubstantiated as well as those procedural errors that Wales code was violated, as well as Mindy's office. She is required to maintain and cannot destroy or dispose of them. Violations of the Freedom of Information Law and not turning these records over are also violations of the penal law. I'm going to be quite blunt; I was sandbagged at the Nov 8th meeting and if how I've showed foil has been demonstrated and I have come into these meetings with papers and law asking for this special use permit but what I've had to contend with is disrespect. So, again I'm asking for the motion to Annul and vacated. Any violations that stem from that poster are hearsay and the highly prejudicial poster, will not unring a bell. When the Building Inspector, the Planning Board approved and the town prosecutor who said, There's nothing. But this board is out there being private investigators. If I were not as tenacious as I am with foil, this man wood still not have a permit. Supervisor Howard we can only clarify that our two -to- two vote is not a denial, it only killed the motion Table. The Special Use Permit was restored to the agenda. And I think I'm calling now for a motion to proceed.

MOTION # ___ by Councilman Butcher second Supervisor Howard, approving the Amend auctions International, to convert the warehouse into an antique mall with the understanding that Councilman Butcher and Building Inspector will be looking any possible code violations. Carried ayes-4 noes-0

NEW BUSINESS:

1. Resolution supporting the Iroquois Central School Districts to not change its name/symbols

Whereas, the Iroquois Central School District was formed in 1955, and Whereas, the use of Native American names, symbols and words by the Iroquois Central School District was to honor the proud heritage of Native Americans, and

Whereas, the citizens of the Iroquois Central School District, have proudly, since the formation of the District, embraced that heritage, and whereas, there was and is no intent of any kind to dishonor any Native American heritage, and Whereas, the Town of Wales recognizes the immense contribution of Native Americans to our culture and society, and Whereas, many of our residents are and have Native American blood in their genealogy, acknowledge therefore be it, Resolved, that the Town of Wales opposes any changes to the names, symbols or words used by the Iroquois Central School District, and be it further Resolved, that the Town of Wales opposes the position of any sanctions on the Iroquois Central School District or its employees; and be it further resolved, that the Town of Wales Resolved, that a copy of this Resolution be sent to the Iroquois Central School District, NYS Education Department, the Governor of NYS, Senator Patrick Gallivan, Assemblyman David DiPietro, the leaders of the State Senate and Assembly and Chairpersons of the State Senate and Assembly Education Committees and add them, again, and the Seneca Nation of Indian Tribal Government.

MOTION # ___ by Councilman Butcher, and second by Councilman Venditti, approving the resolution supporting Iroquois schools to not change its name or symbols Carried ayes-4 noes-0

2. Request from Town Clerk to renew Williamson Law Book Co Software

MOTION # ___ by Councilman Butcher, and second by Councilman Venditti, approving the Town Clerk software program annual budgeted expense, in the amount of \$911.00 Carried. ayes-4 noes-0

3. SUP application from Natalie Jorgensen to use the property at 11650 Big Tree Rd for a Multi-Use Facility

MOTION#__ Supervisor Howard and second by Councilman Venditti, to formally accept the SUP application, and send it to the appropriate committees. Carried ayes-4 noes-0

MOTION#__ Supervisor Howard and second by Councilman Butcher, to set a public hearing for March 14th prior to the Town Board meeting Carried ayes-4 noes-0

**TOWN OF WALES
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Wales on the 14th day of March, which will begin at 7:00 pm, at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York, at which hearing parties and interested citizens shall have an opportunity to be heard on the Special Use Permit application from Natalie & Eric Jorgensen located at 11650 Road to operate a Multi -Use Facility

All interested parties are entitled to be heard upon said proposed application. Copies of the proposed application are available for review at the Office of the Town Clerk, 12345 Big Tree Road, Wales Center, New York during normal business hours.

By Order of the Town Board of the Town of Wales

Dated: February 14th, 2023

Melinda Eaton

Wales Town Clerk

COMMUNICATIONS:

Supervisor Howard - The foils from Auctions International, made separate foils now at this point, on the first two were previously made an answered by the town resulting in the filing of an appeal. The appeal is still being pieced together. I think you know progress was slow than I would like to see. But we are making progress. I has not yet proceeded beyond our opportunity still to deal with the appeal. Along with the fact its appropriate to acknowledge that there are some inconsistencies and like the contradictions that haven't been made clear yet. This comment feels compelled to make at this time regarding any of them.

Councilman Gawronski The only inconsistency that I think and keeps being pointed out as to how I receive photographs. I will say given anonymously, but I did subsequently find out who left the photo, it was in a brown paper envelope. Not that that means diddly squat, but whatever I'm reluctant to divulge the person's identity, because I have talked to them a couple of times, they prefer to remain anonymous. They're concerned that they would be perhaps a target of some sort of revenge, so I'm honored their wishes. Frankly, I will say that I believe that same photograph type stuff is available online and Google Earth. The photograph wasn't requested was just volunteered, there's no money that changed hands, it was not requested.

Councilman Venditti wanted to state that the attorney states that I use a tablet laptop for personal. I think that's a total irresponsible statement to make. I think that was just put in there to possibly slander me. I use this laptop for town related stuff. I do find exception that it's put in there without any knowledge, I think that was totally irresponsible.

Supervisor Howard said we received our first check from the County sales taxes. And it was I think about 2% above what we got for the same period period last year.

REPORTS OF DEPT HEADS: Building Inspector & Highway plus letter from Planning Board, Chairman

COMMITTEE'S: Supervisor Howard stated he would like to create a new committee; Let's call it Administrative Town Code Committee. To review our codes and make sure that they're in a format that's easy to access, versus looking in different places. The building codes, they are all grouped together. If and town board member wants to join and I will also be asking members of the planning board, zoning board and the conservation board to join. I think it'll be a lengthy process, but I think we need to discuss problems with it, and it be updated.

COMMUNITY ORGANIZATION:

Kiwanis - The East er eggs hunt will be the Saturday before Easter.

SECOND PUBLIC COMMENT

Patricia Spahn Big Tree Rd - I would like to say that I'm proud that we are joining the recognition for the Iroquois school, I've been with the school since 1955, when it first opened. I'm a graduate, and there was never any disrespect for the Iroquois chiefs. they enhanced the Kansas City Chiefs; I think you should have the Iroquois chiefs.

Dave Newman First, thank you for the decisions that you guys made. It's appreciated. But with all due respect, I believe it should be in the record. Copy of letter is attached to minutes. As a final

note, the decision of the town board that a two-two vote is a denial, that's problematic. Neighboring towns, the Town Board treating them as a tabled matter.

Dori Carlone Hunters Creel Rd I'm almost afraid to speak out, I did send a suggestion in emails before that, I hope you all received. I no its' on the agenda, but I'd like to know where we are on the signs. Supervisor Howard asked what signs the house numbers? I think we've said that we previously suggest that with the Fire Companies, would be the ones to bring to the Town Board. I will tell you, firstly I do not support a board mandate. We can't force our residents to do something even if it is to their protection.

REVIEW AND ACTION ON SUPERVISOR'S REPORT: None

REVIEW AND ACTION ON TOWN CLERK'S REPORT:

MOTION # ___ by Councilman Butcher second Councilman Venditti, approving the Town Clerk's monthly report for Jan 2023 as presented. Carried ayes-4 noes-0

GENERAL FUND BILLS:

MOTION # ___ by Councilman Gawronski, second by Councilman Venditti, approving payment of the 2023 General Fund Abstract # 002 voucher #008-0051 total of \$ 42982.19 and 2022 #017 453-458 \$6751.79 Carried ayes-4 noes-0

HIGHWAY FUND BILLS:

MOTION # ___ by Councilman Venditti, second by Councilman Gawronski, approving payment of the 2023 Highway Abstract # 001 voucher #001 001-0017 total amount \$22359.85 Carried ayes-4 noes- 0

ADJOURNMENT:

Motion#___ by Councilman Butcher and seconded by Councilman Venditti to adjourn the meeting at 8:54pm
Carried 4-ayes 0 noes

In Memory of: James Bickleman & Micheal Holcomb

Respectfully submitted, Melinda Eaton, Wales Town Clerk