

Town Board Minutes of May 12th, 2026

The meeting of the Wales Town Board was held on the 12th day of May 2026 at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York.

The meeting was called to order by Supervisor Howard at 7:11 pm EST.

ROLL CALL: Taken at Public Hearing

Supervisor Howard
Councilman Gallo
Councilman Newman
Councilman Butcher
Councilwoman O'Connor

Present: Attorney Phyllis Todoro (8) Residents whose names are on file.

INVOCATION: led by Councilman Butcher

PLEDGE OF ALLEGIANCE: led by Councilman Gallo

ADOPTION OF AGENDA: MOTION # __ By Councilman Butcher, second by Councilman Newman, approving the agenda.

Carried ayes-5 noes-0

ACCEPTANCE OF MINUTES: MOTION # __ By Councilman Butcher, second by Councilwoman O'Connor, approving the Town Clerk's minutes of April 14th. Carried. ayes-5 noes-0

INVITATION FOR PUBLIC COMMENT ON AGENDA ITEMS: none

OLD BUSINESS:

1. 13748 Big Tree Solar Project

Supervisor Howard Stated that the first item was to approve the Host Community Agreement

MOTION# __ by Supervisor Howard and seconded by Councilman Newman to approve the Host Community agreement. Carried 5 ayes 0 noes

The Supervisor then introduced the acceptance of the decommissioning plan. He explained that it's a working document that would be subject to revisions prior to construction or periodic updates (at least every five years) to reflect current decommissioning cost and conditions.

MOTION# __ by Councilman Butcher and second by Councilman Newman to accept the decommissioning plan as presented, with the understanding that it is subject to future revisions. Carried 5 aye 0 noes

The special use conditions It was noted that a provision in the existing solar law (Section 196-10) requires a building permit to be obtained within six months and project completion within twelve months. Given the scope and complexity of the project, this timeline was determined to be impractical. Conflicting with specific timelines outlined in the individual conditions. After review, it was recommended that the paragraph under "Ongoing Conditions" (between Conditions #20 and #21), which establishes a general timetable, be deleted as redundant. Spoke to Phyllis today, saying that perhaps the board would be able to grant a waiver of that on record. If that entire paragraph was deleted. It would be fine. And everything else there sets its own starting and ending time.

MOTION# __ by Supervisor Howard and second by Councilman Butcher approving to delete conditions #20 & #21 and accepting the rest of it as written. Carried 5 aye 0 noes

The attorney Matt Douis stated 14 to 18 months is more the time frame of the project.

MOTION# __ by Councilman Newman and Supervisor Howard Clarifying condition # 25 "final site plan approval". This approval was given months ago, with the recommendations from Planning Board and Conservative Board, as long as nothing has changed this is the final site plan. Next steps would be obtaining a building permit and following all conditions in the special use permit.

Building Inspector Whitehead is creating a checklist of inspectors for the project and meeting neighboring towns Building Inspectors to go over their inspection checklist and see what the monthly and yearly. Carried 5 aye 0 noes

TOWN OF WALES - TOWN BOARD RESOLUTION TO ISSUE A SPECIAL USE PERMIT FOR "NED- New Energy Solar 10 LLC"

WHEREAS, the Town Board of the Town of Wales received a Special Use Permit application from New Energy Development 'NED' (the "Applicant") for the construction of an approximately 2.7 +/- (AC) MW ground-mounted solar facility to be located at 13748 Big Tree Road, Town of Wales, New York and referred to as "NED New Energy Solar 10 LLC"; and

WHEREAS, pursuant to and in accordance with the provisions of section 617.6 of the New York State Environmental Quality Review Regulations (6 NYCRR part 617) the Town Board of the Town of Wales completed Part 1 of a Full Environmental Assessment Form (EAF) and declared its intent to seek Lead Agency status for SEQR purposes; and

WHEREAS, pursuant to and in accordance with the provision so Section 239-M of the General Municipal Law, the Town Board of the Town of Wales referred the "NED New Energy Solar 10 LLC" solar project to the Erie County Planning for review and comments were received (of local concern); and

WHEREAS, in accordance with the Town Solar Law, the project was referred to the Town Planning Board and Conservation Advisory Board, and recommendations were received from each of those Boards; and

WHEREAS, numerous public meetings were held and a public hearing was held on October 14, 2025, and the public provided their comments on the project; and

WHEREAS, the Wales Town Board in accordance with the New York State Environmental Quality Review Act (SEQRA), having conducted a coordinated review, reviewed Part 1 of the FEAF and completed parts 2 and 3 of the FEAF and discussed them over several meetings, and has done a thorough review of the project and its potential impacts; and made a SEQR determination of non-significance on February 10th, 2026 ; and

WHEREAS, the Town Board of the Town of Wales has thoroughly reviewed the project in accordance with its laws, considered comments received, and based on input the project has been amended, and the Town of Wales Town Board intends to authorize the issuance of a Special Use Permit to Applicant for the "NED- New Energy Solar 10 LLC" solar project subject to the conditions set forth in such Special Use Permit attached as "Attachment A" in accordance with the Town Code of the Town of Wales.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Wales, that the Special Use Permit application as further supplemented by the Applicant for "NED- New Energy Solar 10 LLC" is hereby approved subject to the conditions set forth therein (*Attachment A*);

BE IT FURTHER RESOLVED, that New Energy Development “NED- New Energy Solar 10 LLC” in accordance with the Town Code of the Town of Wales, can proceed to applying for a Building Permit after meeting the conditions of the SUP and the requirements of the Town’s laws.

ROLL CALL VOTE:

Councilwoman O’Connor aye
Councilman Gallo aye
Councilman Newman aye
Councilman Butcher aye
Supervisor Howard aye Carried. ayes-5 noes-0

2. Intro. Local Law 4-2025–Local Law 2-2026 Short Term Rentals

**TOWN OF WALES
RESOLUTION TO ADOPT
INTRO LOCAL LAW 4 OF 2025-LOCAL LAW 2-2026
TO BE KNOWN AS CHAPTER 197 – “SHORT-TERM RENTALS”**

WHEREAS, the Town Board of the Town of Wales has identified the need to establish clear and consistent regulations governing the short-term rental of dwelling units in order to protect neighborhood character, public health and safety, and the general welfare; and

WHEREAS, with the assistance of professional planning consultants and the Town’s Zoning Code Committee, the Town has prepared a draft local law entitled “Short-Term Rentals,” to be codified as Chapter 197 of the Code of the Town of Wales, establishing definitions, permitting procedures, operational standards, and enforcement provisions related to short-term rental properties; and

WHEREAS, the Town Board duly introduced Proposed Local Law No.2 of 2026, entitled “A Local Law to Add Chapter 197 – Short-Term Rentals to the Code of the Town of Wales,” and held a public hearing on the 12th day of November 2025, during which all interested persons were given the opportunity to be heard; and

WHEREAS, the Town Board, as Lead Agency, completed a coordinated environmental review of this action pursuant to The State Environmental Quality Review Act (“SEQRA”), 6 NYCRR Part 617, and issued a Negative Declaration, determining that the adoption of Proposed Local Law No. 2 of 2026 will not result in any significant adverse environmental impacts; and

WHEREAS, the Town Board has carefully considered all written and oral comments received during the public review process;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Wales hereby adopts **Local Law No. 2 of 2026** To Add Chapter 197 – Short-Term Rentals to the Code of the Town of Wales”; and

BE IT FURTHER RESOLVED that the Town Clerk is directed to file said local law with the New York State Secretary of State and to undertake all other actions necessary for its lawful filing and implementation.

MOTION # __ By Councilman Newman, second by Councilwoman O’Connor, approving Local Law 2-2026 Short Term Rentals Chapter 197.

ROLL CALL VOTE:

Councilwoman O’Connor aye
Councilman Gallo aye
Councilman Newman aye
Councilman Butcher aye
Supervisor Howard aye Carried. ayes-5 noes-0

3. Intro. Local Law 3-2025-Local Law 3-2026 Comprehensive revisions to Chapter 200

**TOWN OF WALES
RESOLUTION TO ADOPT INTRO LOCAL LAW 3 OF 2025-LOCAL LAW 3-2026
AMENDING CHAPTER 200 – “ZONING” OF THE CODE OF THE TOWN OF WALES**

WHEREAS, the Town Board of the Town of Wales has undertaken a comprehensive review of Chapter 200, “Zoning,” of the Code of the Town of Wales in order to modernize its provisions, improve clarity and usability, and better align local regulations with the Town’s long-term land use and agricultural protection goals; and

WHEREAS, with assistance from professional planning consultants and the Town’s Zoning Code Committee, a complete set of revisions to Chapter 200 has been prepared, including updates to bulk and dimensional standards, Special Use Permit procedures, site plan review requirements, agricultural use definitions, short-term rental provisions, and other key regulatory components; and

WHEREAS, the Town Board duly introduced Proposed Local Law No. 3 of 2026, entitled “A Local Law Amending Chapter 200 – Zoning of the Code of the Town of Wales,” and held a public hearing on the 12th day of November 2025, during which all interested persons were given the opportunity to speak; and

WHEREAS, the Town Board, as Lead Agency, completed a coordinated environmental review of this action pursuant to the State Environmental Quality Review Act (“SEQRA”), 6 NYCRR Part 617, and issued a Negative Declaration, determining that the adoption of Proposed Local Law No. 3 of 2026 will not result in any significant adverse environmental impacts; and

WHEREAS, the Town Board has carefully considered all comments received, both written and oral, as well as the recommendations of involved agencies.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Wales hereby adopts **Local Law No. 3 of 2026**, entitled “A Local Law Amending Chapter 200 – Zoning of the Code of the Town of Wales”; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to file said local law with the New York State Secretary of State and to take any additional actions required for its lawful adoption and implementation.

MOTION # __ By Councilman Butcher, second by Councilwoman O’Connor, approving Local Law 3-2026 Comprehensive Code revisions to Chapter 200. Carried. ayes-5 noes-0

ROLL CALL VOTE:

Supervisor Howard aye
Councilman Gallo aye

Councilman Newman aye
Councilman Butcher aye
Councilwoman O'Connor aye

Carried. ayes-5 noes-0

4. Update - Dog Control

Acting Dog Control Officer Daniel Whitehead reported that he attended a two-day conference hosted by the NYS Dept. of Ag & Markets regarding recent changes to dog control laws. He met with several dog control officers from other municipalities and discussed options for compliant kennel arrangements. Mr. Whitehead stated that the Grand Island Dog Control Officer indicated they have kennel availability and that he is waiting for a return call to discuss and potentially execute a contract for boarding services. The Grand Island facility is already inspected and registered with the Dept. of Ag & Market. He noted that our town typically needs to kennel two to three dogs a year. Mary Healy from Ag & Markets has granted the Town a 30-day extension to finalize kennel arrangements. Supervisor Howard directed this item to remain under old business until a contract can be secured.

5. Battery Storage Systems

Supervisor Howard stated the Town Clerk has spoken with the Colden Town Clerk, on the progress of their law. We can use it as a reference or guide for our law. The Supervisor asked Councilman Newman to oversee.

6. Resolution approving Spectrum Northeast, LLC in the Town of Wales, County of Erie, New York

RESOLUTION

Granting a Cable Television Franchise Agreement, held by Spectrum Northeast, LLC in the Town of Wales, County of Erie, New York

An application has been duly made to the Board of the Town of Wales, County of Erie, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. ("Charter"), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 95 Methodist Hill Drive, Rochester, NY 14607, for the approval of a renewal agreement for Charter's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Wales, New York on May 12th, 2026 at 7 P.M. and notice of the hearing was published in the East Aurora Advertiser on May 1st 2026.

NOW, THEREFORE, the Board of the **Town of Wales** finds that Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and

Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Wales hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Wales for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the Town of Wales hereby confirms acceptance of this franchise renewal agreement.

ROLL CALL VOTE:

Councilman Gallo aye
Councilman Newman aye
Councilman Butcher aye
Councilwoman O'Connor aye
Supervisor Howard aye

Carried. ayes-5 noes-0

The foregoing having received a 5 aye 0 noes, vote was thereby declared adopted.

7. Approval to hire Building Inspector Clerk

MOTION# __ by Councilwoman O'Connor, second by Councilman Butcher acknowledging the Building Inspectors chose to hire Sharon Beach Stites as the Building Inspectors Clerk. Carried ayes-5 nose-0

NEW BUSINESS:

1. Renewal of Williamson Law Book Contract for Building Inspector software

MOTION# __ by Councilwoman O'Connor, second by Councilman Butcher approving Renewal of Williamson Law Book Contract for Building Inspector software. Carried ayes-5 nose-0

2. Approval of attending Highway School in Ithica (budgeted item) approx. \$800.00

MOTION# __ by Councilwoman O'Connor, second by Councilman Gallo approving The Highway Superintendent to attend at a cost not to exceed \$800.00. This is a budgeted item. Carried ayes-5 nose-0

3. Approval to renew EZPASS for Truck #1

MOTION# __ by Councilman Gallo, second by Councilman Butcher approving the renew for the EZPASS for Truck #1.

4. Engineer Agreement

MOTION# __ By Councilman Butcher and second Councilman Gallo approving AZAR Design Co. & Engineering contract still the end of the year at the same price for their retainer and extra professional services as Wendel Engineering. Carried aye-5 noes-0

5. Planning Board member Britt Donnelly reappointment for a five (5) year-term

MOTION# __ by Councilwoman O'Connor, second by Councilman Butcher approving Britt Donnelly for reappointment for a 5-year term to the Planning Board. Carried ayes-5 nose-0

COMMUNICATIONS

-EMW Boys & Girls dropped off a card and cookies

-County Executive - Potential sales tax revenue losses for the town if the County Legislature amends the sales tax on gasoline.

-South Wales Fire Co. Chicken BBQ this Sunday May 17th

-Pat Spahan - Historian planning Memorial Day Ceremony on May 26th at 11:00am

-Marilla Wales and America 250th event at Elma Conservation Club June 8th 9th & 10th a Turkey Shoot sponsored by EA American Legion. For more info contact Councilman Butcher.

MOTION # __ By Supervisor Howard, second by Councilman Newman canceling the May 26th Town Board Workshop meeting. Carried. ayes-5 noes-0

REPORTS OF DEPARTMENT HEADS: received Highway Dept., Town Clerk and Building Inspector.

REVIEW AND ACTION ON SUPERVISOR'S REPORT:

MOTION# __ by Councilwoman O'Connor, second by Councilman Butcher approving April 2026 Supervisors monthly reports. Carried ayes-5 nose-0

REVIEW AND ACTION ON TOWN CLERK'S REPORT:

MOTION # __ by Councilman Butcher second Councilman Newman, approving the Town Clerk's monthly reports. For April 2026 as presented. Carried ayes-5 nose-0

GENERAL FUND BILLS:

MOTION # __ by Councilwoman O'Connor, second by Councilman Butcher approving General Fund Abstract # 005 voucher #146-187 total of \$46,638.48 and Solar Escrow \$1448.25 Carried ayes-5 nose-0

HIGHWAY FUND BILLS:

MOTION # __ by Councilman Butcher, second by Councilman Gallo, approving Highway Abstract # 005 voucher # 38-46 total amount \$9,301.62 Carried ayes-5 nose-0

ADJOURNMENT IN MEMORY OF: Grace Wysocki & Hank Bavaro

MOTION# __ by Supervisor Howard and seconded by Councilman Newman to adjourn the meeting 7:53 pm. Carried ayes-5 noes-0

Respectfully submitted, Melinda Eaton, Wales Town Clerk

DRAFT