

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, March 6, 2013, at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 9:00 AM. Members of the Town Board present were Councilmember's Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town Officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Confidential Secretary to the Supervisor Karen Jurek, Highway Superintendent Theodore Donner.

Supervisor David Hartzell

In reviewing the recent surveys, it has come to the Supervisor's attention that there are issues that people would like to know about but because of work schedules cannot meet with the Supervisor. Supervisor Hartzell has come up with a concept that he borrowed from the Town of Lockport – "Soup with the Sup" giving residents the opportunity to dine with the Supervisor one day a month to discuss whatever they want. The program has been very successful in the Town of Lockport. Supervisor Hartzell will add a guest at these gatherings, the first one being Ed Rath. He would also like Highway Superintendent Donner and Parks Crew Chief James Burkard to sit in on some of the gatherings. The Town Council is welcome to sit in as well.

Councilman Bernard Kolber

The Heise-Brookhaven Agreement is for 1000 taps, Town Engineer Lavocat knows where those taps are and where they are going. The town knows what has been built out to date however we are not party to the agreement between the individuals that are also part of this and the town has no idea of the allocation even though we have been told one thing, we have nothing formal in terms of the allocation of those taps (who owns what taps or who has a right to those taps). Councilman Kolber is strongly suggesting that 1000 certificates be made up identifying the addresses of what has been built to date so we have an actual record. The remaining sequentially numbered certificates will be mailed in care of the Sewage Works Corporation and let them distribute them according to their agreements. This will eliminate any future problems as to who is claiming what taps. Town Engineer Lavocat stated that he can look into this; it is more a function of the legal agreement that is already in place. Councilman Kolber stated that the current agreement tells us what the total is (500 taps east of Goodrich Road and 500 taps west of Goodrich Road). There is nothing in the agreement indicating who owns those taps. Town Engineer Lavocat will review the agreements with Town Attorney Meckler and see what the town's options are.

Per Councilman Kolber's request, Town Attorney Meckler has prepared a resolution to repeal the NY Safe Act (Gun Control Bill S2230) for the March 13th Town Board meeting. Supervisor Hartzell attended the Supervisor's monthly meeting and the subject of the Safe Act came up, it appears this is more of a state matter rather than a town matter.

Councilman Patrick Casilio

The Arboretum Committee is requesting another meeting this month. Councilman Casilio has worked with Elaine Wolfe regarding selling of the trees that have to be sold and they would like to discuss the management of the money. Town Attorney Meckler is working on the possibility of having their funds handled through Friends of Clarence. Some of the big issues have been worked out however, the Arboretum Committee would also like the paths smoothed out. During the summer, when the pond is down, they are hoping to get the leaking pipe fixed. Councilman Casilio did not feel that the town was ready to put a covenant in place. Town Attorney Meckler stated that Paralegal Cindi Rosel researched this and there was never any formal action taken by the Town Board however it seems to be working well and we should leave it as is. Councilman Casilio agreed but members of the Arboretum Committee have fears

of the possibility of infringement on what they have developed. Several years ago Councilman Casilio had fears of the Arboretum boxing in the library. There are plans for expansion of the library parking lot which will not affect the Arboretum. Councilman Casilio feels that the Arboretum Committee should concentrate on selling the trees that are already planted in the arboretum through brochures and getting the proper information out to the public.

The Chamber of Commerce Citizen of the Year dinner was well attended. Councilman Casilio attended the Concert Association Winter Gala as well and urged the Board to make the effort to support that organization as well.

Councilman Peter DiCostanzo

Councilman DiCostanzo met with Town Assessor Christine Fusco; her tentative roll is due May 1st, sometime after that Christine will meet with the Town Board with an update on market values, sales, foreclosures, result of assessment challenges etc.

The Youth Bureau Annual Speaker Series will be held on March 11th at 7PM in the Middle School auditorium. The theme "Have a Goal, Be a Winner, You Don't have to be the Best to be a Success" will be presented by former Buffalo Sabre Rob Ray and Scott McManigle, Director of Player Relations for the Sabres Alumni Association.

Councilman DiCostanzo would like to go into Executive Session at the end of the Work Session to discuss the applicants who applied for the alternate position on the Zoning Board of Appeals.

Supervisor Hartzell attended the high school musical last night, and commented on the great performance.

.

Councilman Robert Geiger

Clarence High School has a program which allows Senior Citizens (60 and older) free tickets to the school plays, concerts etc.

The Clarence Historical Society is sponsoring several upcoming events. Founders Day Celebration will be held on March 9th at 10AM at the Clarence Fillmore Cemetery. Four Days After Appomattox, The Story of Robert E. Lee," as portrayed by Thomas F. Schubert is scheduled for Tuesday March 12 at 7PM at the Clubhouse.

The Clarence Senior Center is having a basket raffle on April 27th at the Senior Center from 11AM – 3PM.

Councilman Geiger attended the Association of Towns meeting in NYC and has some discs available that show all the various free booklets from the NYS Comptroller's Office.

Councilman Casilio commented on a letter the Town Board received from Martin Bronisz regarding the Deer Abatement Program. Supervisor Hartzell stated that the numbers Mr. Bronisz quoted should be used as a base when discussing the program next year. While Councilman Casilio concurred, he would like to see the program being organized earlier in the year.

Highway Superintendent Theodore Donner – Brush Pickup

Councilman Kolber stated that one of the biggest complaints he gets is the lack of brush pickup in the summer months. Councilman Kolber and Councilman Casilio have been looking at different options to come up with something that could work effectively. During the 2006

October storm, grapple trucks were brought in. Councilman Kolber is proposing the Highway Department try a pilot program to get a used grapple truck (print outs were distributed showing a truck that could be purchased on e-bay) to use in the summer months instead of a large scale brush pickup where we send out a front end loader, two or three dump trucks and a pickup truck.

Councilman Casilio stated that several years ago the Town Board decided to eliminate brush pickup during these months (July and August). Councilman Casilio was against doing this because we do not have proper enforcement to prevent residents from putting brush out during the summer months and possibly causing hazardous conditions by putting it in the streets. Councilman Casilio does not feel that it is fair to the citizens of the town, the town does not offer a lot of services, we have no Police Department and we do not pick up garbage. Brush pickup should be offered in the summer when a lot of people have off and do yard cleanup. Councilman Casilio said that brush is all over the place in Harris Hill, Clarence Center, and Boncrest Drive area all summer long. There are economic reasons for halting brush pickup in the summer months; it allows the highway department to concentrate on paving. The idea of the grapple truck would mean fewer workers and fewer machines which would enable the town to continue brush pickup during the summer and would mean a cost savings to the Highway Department. A notice could be mailed out indicating crews will pick up whatever the grapple truck can handle. The property owner has a responsibility also if they only have a small pile or a few sticks, it should be put in with their trash. It was also suggested that when crews are driving around whether it is the Parks Department or Highway Department, they should pick up the small piles of brush and put them in the backs of their pickup trucks.

As an option, Councilman Casilio suggested possibly bidding out to a private contractor to patrol the whole town for three months to see if that would work. The October storm cleared out a lot of brush and the brush pickup is less than it used to be. If a private contractor went out on a two man crew every day vs. an eight man crew you would eventually run out of work as far as picking up the brush.

Supervisor Hartzell said that at the Association of Towns, they found that many towns in WNY are bidding out their brush pickup. In Orchard Park a private contractor picked up brush all year for \$65,000. This may be an option before we invest in a piece of equipment. This would take the pressure off the Highway Department and dedicate crews to paving the roads.

Highway Superintendent Donner said a brush crew consists of a high-lift and three dump trucks. The reason for the dump trucks is because there needs to be two flag men at all times. Something that is being over-looked is traffic control, what is good for one road may not be good for another road. Councilman Casilio stated that a grapple truck is no bigger than a refuse truck; it could pull to the side of the road, put its flashers on and grab whatever it can grab. If you did a summer program, Councilman Casilio suggested limited it to whatever the grapple truck could pickup – if the truck cannot pick up little piles of brush or large tree trunks then the residents would have to wait until the fall for the highway department to pick it up. Superintendent Donner says he hears comments about his crews picking up little brush piles - while that may be true at one residence, around the corner or down the road someone has a huge tree they just took down. For Ted to go out with a chipper truck and a two man crew is not possible.

Councilman Kolber said some of the types of grapple trucks he has looked at ranged from very large trucks to smaller ones that are operated from a remote so the operator is on the ground operating the grapple. This would be more than adequate. One truck he looked at was a 1990

model relatively inexpensive at \$10,000 it would be an inexpensive option just to try it out. While Councilman Kolber understands picking up brush on the main roads and highways (Sheridan Drive, Main Street, Harris Hill) you need flagmen, an exception could be made however for the bulk of it, the 80% or 90% in the subdivisions and smaller roads, a two man crew would be adequate (one flagman and one operator). Councilman Kolber would like to try the program, he feels it would work.

Councilman Casilio stated that he did not like the program three years ago. This Town Board and the Planning Board tries hard to have the town look nice. Besides the brush, Councilman Casilio commented that he does not like to see the billboard trucks parked all over either. We have taxpayers that own building and obtain the proper sign permits and yet there are trucks with signs on them in front of Eastern Hills Mall. We go through building permits and processes for approving new homes and yet we let the town look like Beirut with piles of brush all over the place; it does not make sense to him. While Councilman Casilio recognizes Highway Superintendent Donner economic concerns with eliminating brush pickup during the summer he suggested he should then try something different. Buying used garbage trucks to compact leaves has worked well over using a dump truck and Councilman Casilio feels Superintendent Donner could get the same results using a grapple truck for brush pickup. Councilman Casilio suggested that if Superintendent Donner did not want to buy a grapple truck, he should bid out brush pick up, see how it works and then go from there.

Councilman Kolber said that instead of driving around looking for brush, take one dedicated phone line with an answering machine for the "brush hot line." If someone is putting brush out, they could call this number so we are not sending trucks out to look for piles of brush. This way the highway department can plan in advance where they are sending crews and figure out the most effective routes vs. canvassing every street in the town. Councilman Kolber said that none of his comments are meant to criticize the highway department; he thinks they do a phenomenal job especially with snow removal. He just feels this is a way to get continued service in a cost effective way.

Councilman Casilio stated that the Highway Department does a good job at snow removal and managing creeks, he is not simplifying what they do.

Superintendent Donner stated that while he understands what is being said, it is always easier from the outside looking in. Even though he has been doing this for eighteen years, he is always looking for ways to make his department more efficient. He will discuss this further with his liaison and if the Board wants to meet again, that can be arranged. Superintendent Donner said he is only eliminating brush pickup for two months out of the year and while it is only two month he realizes that brush does accumulate along the roads. There is no cost savings because theoretically you are robbing from one and taking to the other. Superintendent Donner would like to spend more time on road maintenance but doing brush in the summer turns into a three day work week, two days are spent doing brush collection and three days they try to pave. During the October storm, everyone saw all these grapple trucks and thought they were the greatest thing however his neighbor still has craters in his lawn from the damage done by the grapple trucks. A skilled operator cannot pick up the brush as good as his men can.

As far as enforcement, Superintendent Donner did not think there was a town law that would prohibit people from leaving their brush out for two months. There have been times when he has to send a high lift out just to push brush off the road back into the yard until the scheduled brush pickup for that zone.

As far as having a dedicated phone line, if someone left a message to have their brush picked up and a crew was sent out to a specific address the guy the next street over who also has brush sitting out but didn't call will wonder why his neighbor got his brush picked up and he didn't. You really have to canvas the town when you are picking up brush. Councilman Kolber said that instead of the Highway Department going out and looking for piles of brush at least you would have something to schedule a route from.

Superintendent Donner said there is always plenty of brush; it took awhile to get the residents familiar with the pickup zones. His crews do not have to drive around searching for it. Superintendent Donner asked the Board if they wanted to come up with a budget to do the collection during the summer months, there are a lot of questions that need answers. Supervisor Hartzell suggested bidding it out. Councilman Kolber is looking at this as a cost savings and not adding money to the budget because of the sheer manpower and number of trucks that have to be sent out, you are sending an army out to pick up a few piles of brush where if it can be done with one truck and two men, it is worth looking into and worth trying. The town has nothing to lose in trying it for one year. Councilman Kolber further suggested leasing a truck for one year.

Councilman Casilio said he would like to bid out brush pickup for three months as a pilot program. If this system works, the town could take it over and you would not have to keep bidding it out. Councilman Casilio said he remembers the damage from the October storm as well however you can get a grapple truck with smooth blades so damage would be minimal. Furthermore, the contractor would be responsible for any lawn damage.

Councilman DiCostanzo thought the entire idea was to try to lower the cost of picking up brush and now what he is hearing is that we are going to continue to do everything that the Highway Department already does and bid out for additional brush pickup.

Councilman Casilio is proposing bidding out brush pickup for two months or even for an entire year to see how successful it is. Councilman Kolber is saying a grapple truck will take you from a twelve man crew to a two man crew and have less wear and tear on equipment and enable Superintendent Donner to focus more on paving.

Supervisor Hartzell stated that Orchard Park received a bid of \$65,000 to pick up brush 12 months out of the year. Even if it cost the Town of Clarence \$125,000 vs. \$400,000 it allows Superintendent Donner to pave all summer. As long as there are no union issues, we should at least try it and see where the bids come in.

Superintendent Donner stated that there is no town the size of Clarence and larger that provides brush collection year round. The Town of Aurora has 20 miles of roads, they have nowhere near the roads that Clarence has and they do not do paving. Tree companies will give two prices in Clarence one to haul the brush away and one price to leave it at the curb. This is very attractive to a homeowner and they will put it to the curb for the Highway Department to pickup. Councilman Casilio said the Village of Williamsville picks up brush all year long however; the brush can only be a certain length and has to be bundled. They have enforcement; we do not have big government to do the enforcement. The Town of Amherst has their residents put their brush in their garbage bins over the summer. Councilman Casilio stated again, we don't offer our residents much; we don't have police or garbage pickup.

Lou Visone suggested purchasing bagster bags at your local home improvement store for \$35; you can fill it with up to 3,300 lbs of debris or waste and schedule a pickup by Waste

Management. It can be done once a month but the town would only allow brush. The town could provide the bags and the resident could pay for the pickup otherwise you cannot put anything out. This could be an option to look at in the summer months. The town could provide the bag and or split the cost to have the brush removed. Further Mr. Visone stated that the town is not in business as an employer, it is in business to service the community so anything the town can bid out to help small business is going to help the town. Highway Superintendent Donner may need brush/leaf pickup to keep his men busy into the fall, shame on him if he stops paving and in the middle of October/November his men have nothing to do – there has to be a balancing act.

Supervisor Hartzell will continue to meet with Highway Superintendent Donner to discuss the idea of either bidding out brush pickup or purchasing a grapple truck and have an update at the next Town Board meeting.

Councilman Casilio stated that while he realizes Superintendent Donner is an elected official and he has his own budget he would like it if he could solicit prices for bidding out brush pickup for a two or three month period. Councilman Casilio commented on the level of expertise the Highway Department has when it comes to paving.

Banners

Highway Superintendent Donner has had several discussions with Town Attorney Meckler and has some serious safety concerns regarding the banners that are put up each year over Main Street. This came to light this past Christmas and also from conversations Superintendent Donner has had with Amherst Highway Superintendent Anderson about the accident involving two Town of Amherst Highway employees. Highway Superintendent Donner is requesting direction from the Town Board as to the placement of banners specifically across Main Street. No one gives direction or guidance as to how the banners should be placed however in talking to Superintendent Anderson everyone has comments and suggestions as to how it should have been done and what was not done after the fact.

Councilman Casilio noted that the Village of Lancaster has dedicated poles which allow you to string the banners across the road from the ground. Before he was elected, Councilman Casilio tried to get permanent poles put up in the Harris Hill area however he had issues with the NYS Department of Transportation. The City of Batavia has dedicated poles sponsored by the Rotary on a DOT road. “With what happened in the Village of Williamsville, we have to think outside the box and come up with some different ideas.”

Councilman Geiger stated that the Clarence Hollow Association has been researching the cost to install two dedicated poles along Main Street. Councilman Casilio stated that it does not cost a lot of money maybe \$10,000; it is harder to get the right of ways worked out. The poles in Lancaster are electric and it is handled from the ground.

Karen Jurek stated that when she researched this with the DOT, the concern is the location of the poles and the liability issues involved. The town would own those poles and be liable 365 days a year.

Highway Superintendent Donner stated that there is not only concern putting the banners up. He has had the banners come down during the night. A truck came through and tore one of the banners. There are other concerns other than just putting the banners up.

In his discussions with Superintendent Donner, Town Attorney Meckler suggested taking a step back for a year until all the issues can be worked out. The Town of Amherst is no longer installing banners across Main Street.

Councilman Casilio stated that not-for-profit organizations benefit from these banners for their major events in the summer. "These organizations raise money on their own to help Clarence be a better place" the banners are not for commercial business, they are for not-for-profit groups. The better we get this organized, the more everyone will benefit. Clarence Hollow is trying to get dedicated poles to string their Christmas lights across Main Street which are no different than banners.

Councilman Kolber stated that we need to address the issues; there must be guidelines as to height and types of materials the banners should be made out of. Supervisor Hartzell stated that the town should research what other municipalities do around the country. Whatever the town does decide to do, he would like it to be state of the art and put the best system in place. Councilman Casilio stated that at one time, the Rotary Club was going to fund the project in Harris Hill but the NYS DOT would not approve the project. Supervisor Hartzell will bring this up at next month's Supervisor's meeting.

Town Vehicles

Councilman Casilio stated that two years ago, it was decided to halt the town branding program. Currently we have no identification and only small decals on some town vehicles. It was decided to go with an eight inch seal on town cars as the cars came in for service. Councilman Casilio stated that he has not seen anything even on the new vehicles that are coming in. The public notices that town employees are driving around in unidentified vehicles. No one should be embarrassed about their job or the vehicles that are provided to them.

Councilman DiCostanzo stated that all vehicles have identification via the government license plates and small decals on the front quarter panels. As tax payer vehicles, Councilman Kolber felt they should be clearly identifiable. Councilman Casilio stated that we have a design and an agreed upon size, there is no reason to reinvent it. Highway Superintendent Donner stated that since his last conversation with Councilman Casilio only two vehicles have been purchased. When those vehicles were delivered, the seals were not available. Mr. Donner said the seals would be put on when the vehicles came in for service. Councilman Casilio stated that he can identify more than two vehicles that are not identified properly as town vehicles. Superintendent Donner stated that every new vehicle will have the 8" decal on it. Councilman Casilio stated that many vehicles go home with town employees and they should be properly identified. The town should not spend the money to remove the old decals but if a vehicle comes in for servicing and does not have any identification, a decal should be put on. Superintendent Donner stated that ever since the Town Board agreed on the 8' decal, two vehicles have been purchased. If the Town Board wants that changed, they should inform the highway department. The 8" decals will be put on town cars and 12" decals on town trucks. Councilman Casilio stated that if a town vehicle has the old branding, just leave it on but if it has just a 4" decal or 4" magnet, that should be removed and a large seal put on.

Supervisor Hartzell suggested stripping off all the branding now and put the new decals on all town vehicles to be consistent.

Councilman Kolber stated that if you have visible logos on a town vehicle now why go through the effort and expense of taking it off and putting something else on.

There was a spirited discussion as to whether or not to leave the old branding on town vehicles or remove all the old branding and put new decals on all vehicles instead of waiting until the cars get traded. Councilman Casilio was mostly concerned with the white cars with little or no identification; they should have at minimum an 8" decal put on. There are still some trucks in the Parks Department with branding. Department Heads should not be making decisions on what should or should not be decaled; it is a Town Board decision. Six months ago the Board agreed on 8" decals. The only discussion is if we should be stripping the branding from town vehicles.

Councilman DiCostanzo stated that it did not make sense to strip the branding logos off any remaining town vehicles and put a new 8" decal on if in six months the vehicle will be traded. As the vehicles are being traded, remove all decals and branding and any new car should have the 8" decal put on. Any vehicle without an 8" decal should have one. The rest of the Town Board concurred with Councilman DiCostanzo.

Karen Jurek/Chris Topolski - Liberator Time Systems

Karen Jurek stated that this is the same time clock system used in the Parks and Highway Department for punching in and out. Karen has budgeted in the Computer Budget to expand the clock system to all departments which would eliminate the handwritten time cards, would be more accurate and make payroll more efficient. She may need to continue the handwritten time cards for some employees but she is working on that. Departments with computers would go by their IP address and log in from their computer. Security personnel and the town pool employees would use the time clock similar to Highway and Parks Department. When the Highway and Parks Department are done with payroll, Karen uploads the file from Liberator Attendance to KVS Payroll program and then checks all the information in KVS. Chris Topolski has provided some pricing and will be invited to the next Department Head meeting to discuss this further.

Karen gave an example of Town Engineer Lavocat as the supervisor of his department, he would either approve or deny an employee's time off, he would review their punches to make sure an employee was on time and then give the final approval to Karen. There may be an issue with Justice Court because the Judges are not here on a daily basis so Karen would manage their department. If the other departments are on board with this, they could manage their department and give the final approvals for time off.

Currently all departments with the exception of Parks and Highway submit handwritten time cards so Karen has to code in every body's time off including seasonal employees. This system would be more accurate and eliminate manually entering each employee's information.

Mr. Topolski stated that this is a software driven product, all the time clocks are communicating via the town network to the software. The software is loaded on the server so that the Department Heads can have access to their employee's time cards, make necessary changes and make sure everything is running uniform across all the departments. Once all the time cards are approved, they can be exported into a file and imported into the KVS System. Currently this process is done in Highway and Parks and Karen is looking to expand to all departments so everyone is on the same system. The Department Head can look at all the time cards from their PC to make sure all the times are correct before its gets to payroll.

Parks and Highway Departments have two clerks that would code in an employee's request for vacation. Currently each employee fills out a Time off Request Form and gets Department Head approval to make sure they are meeting the Union Contract. The clerical staff knows to code

the employee in for a vacation day. Karen will work with the other departments and may have to code in the information if they do not want to do it. It will still be a lot less work and more accurate as far as getting the information into the system.

Councilman Geiger questioned whether we print the payroll checks in-house and could the town hire a firm to print the checks. Karen stated that we print the checks in-house. She has an interface to KVS, you can get interfaces to Computer Search, and ADP etc. however you still need the time system no matter what you do. Further, you still have to do most of the work before you send it to a payroll firm. Councilman Casilio stated that outsourcing is the direction we may have to go to eventually. Karen said while she agrees with outsourcing for some things such as for the new tax laws to make sure we are compliant, the bottom line is you have done most of the work before it gets to a payroll firm. Someone has to input the information; they cannot print a check without it.

The one department Karen said she has issue with is Summer Recreation; these employees do not go to a building site (they go to a playground). Mr. Topolski stated that there are applications you can get for your smart phone or hand held battery devices that could be used for Summer Recreation employees.

Karen has received a bid from Liberator Time Systems. She has to speak with Town Attorney Meckler about bidding this out. There may be issues with other systems interfacing with our current system. It may have to be bid out as "equal or better" system.

Multiple Residential Family Housing

Director of Community Development James Callahan stated that the Planning Board made the revision to the proposed MRF Law relative to the exceptions and density and is set for a resolution to go forward.

Councilman Kolber stated that we have a cap on single family residential housing to continue to build the town out at a controlled rate. Councilman Casilio stated that the reason the Board talks about building caps is because "we have a limited amount of building inspectors, there are one and a half people in Planning and Zoning and he does not want to have to hire more people to do inspections or review plans for these projects when they come in."

Councilman DiCostanzo stated that in 2007 - 103 building permits were issued, 2008 - 62 permits issued, 2009 - 56 permits issued, 2010 - 47 permits issued, 2011 - 70 permits issued and 2012 - 112 building permits were issued.

The Board was in agreement with the 240 cap on Single Family Residential housing.

James Callahan stated that Manufactured Housing is handled through a separate law. Only the Town Board can approve those projects. Councilman Kolber did not agree with this saying that it is additional housing units and should be included in the 240 cap.

Councilman Casilio asked if inspections are done on manufactured homes, Town Engineer Lavocat stated that they do get inspected by our Building Inspectors.

Councilman Kolber stated that Councilman Casilio is looking at this from a different perspective. Where Councilman Kolber is looking at it as a load on the town roads and services, Councilman Casilio is looking at it as a load for our building inspectors.

James Callahan stated that a manufactured housing park requires Town Board approval. The last phase of Rock Oak was approved for seventy units. There is only one parcel left in the Town that would accommodate a manufactured housing park and that is directly next door to the current park. Mr. Callahan concurred with Councilman Kolber in that we treat a manufactured home as a single family house however there is a limited population that will affect that type housing. This was given a lot of thought during the Master Plan process, there was to be a limit on the number of manufactured housing parks. The Master Plan limits rezoning ability. Rezoning can only take place if it conforms to the Master Plan.

Councilman Kolber stated that he has several concerns. What do the residents of the town want him to do because that is who he works for. What is the demand on the towns resources far beyond the building department and his number one concern are our policing services, we do not have a police department and if the town has to put a department in place our taxes will double.

Going through the surveys that have been submitted to the Supervisor, one of the things most often mentioned is that people of Clarence want to limit multifamily housing and one of the ways to do this is by a building cap.

As he has mentioned in the past, Director of Community Development James Callahan stated that he would be more comfortable putting a cap on the "front end" of a project. Looking at a project as part of the environmental review process you identify the capacity in terms of what that multifamily could be. After listening to Councilman Kolber and Councilman Casilio he knows their concern is the proliferation of a large number of multifamily units in the town. Mr. Callahan suggested that in addition to density a "hard number cap" be included in the law that would allow a certain number of units on any parcel. The town could set a maximum number of units that could be built on parcels of 10 acres or more, five acres etc. The cap would be tied to the projects acreage. You would keep the same regulations as before; they have to be built in a commercial zone with sewers.

Councilman DiCostanzo stated that he has people telling him they don't want giant apartment complexes at all. Their fear is that in 25 years, the building becomes dilapidated and will become low income housing. An example is some of the hotels along Main Street; they start out nice and fall into a state of disrepair.

Councilman Kolber said that the town is talking about possibly bringing sewers along portions of Main Street which is zoned commercial giving us sewerred commercial properties. In 40 or 50 years, does this Board want Main Street to be apartments upon apartments without the commercial character. In looking at other towns, they have a lot of commercial property the Town of Clarence is limited in the amount of commercial property available. Moving residential into commercial eats up that remaining commercial property and it skews the formulas that we use to plan successful development that have guided this town. James Callahan stated that we cannot give up our commercial property to residential development. That is why the Planning Board wanted a component to make it commercial possibly with an accessory component for residential; this seems to be where the market is. Supervisor Hartzell gave the example of the apartments on French Road near County Road where you have commercial on the bottom and apartments on top.

Town Attorney Meckler stated that with Mr. Callahan's proposal when a potential developer comes in they know up front how far their project can go as far as the number of building permits available.

In addition to the per-acre cap, Supervisor Hartzell would like to see an annual cap on the number of these projects “so that there is not a proliferation of little 25 or 50 unit apartment buildings.” The cap for Multiple Family Residence will be separate from the law.

Councilman Geiger asked if the Board was clear on manufactured housing being part of the 240 building cap. Town Engineer Lavocat stated that they are issued as manufactured housing permits and are not included in the monthly building permit report. Director of Community Development James Callahan stated that this was thought about in 2001. They saw the amount of commercial in major arterial and there was no Manufactured Housing Park Law in place. They changed zoning to Restricted Business on most of Sheridan Drive and a lot of Main Street where they thought there was a potential for manufactured housing.

Councilman Kolber suggested hiring a consultant to take a look at the town to see what our policing and volunteer fire capacity is and what more can they handle and also look at an acceptable level of service we want to maintain.

Supervisor Hartzell stated that there are grants available if the Board wants to study all the fire departments and the level of service they are able to provide.

James Callahan will meet with the Planning Board tonight to schedule getting together with the Town Board to discuss the Multifamily Residence Law and the building cap. Councilman Kolber felt it was better to work with the Planning Board than to make arbitrary decisions.

Town Attorney Meckler stated that the Town Board should have a final document before they meet with the Planning Board so they have something to look at and respond to before the meeting.

Developer Mark Stevens who would like to build an apartment project on Wehrle Drive felt that developers already face the challenge of having to build multifamily housing on property zoned for commercial use. “Commercial property is more expensive to start with; they are paying over \$100,000 per acre.” There is a growing need for rental housing as seen across all communities.

Director of Community Development James Callahan received a request from Kreher’s Poultry Farm with respect to land they lease from the town. The Town stopped them from installing drain tile on the back fields because of the issue with the hedgerow. The Kreher’s have redesigned their drainage plan to avoid the hedgerows and are requesting approval from the Town Board to continue installing the drain tile. They have \$36,000 worth of tile and it will cost \$80,000 to install it. The Town Board was in agreement to allow the project to move forward.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to enter into Executive Session pursuant to §105 (1) F of the Open Meetings Law to discuss the employment history of a particular person; § 105(1)H the proposed acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 11:30AM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Councilman Casilio, seconded by Councilman Kolber to adjourn the Executive Session at 11:30AM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

