

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, April 1, 2015 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 9:00 A.M. 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 Tim Lavocat, Highway Superintendent James Dussing, Confidential Secretary to the Supervisor Karen Jurek, Paralegal Cynthia Rosel, Director of Administration and Finance Pam Cuvillo and Parks Crew Chief James Burkard.

#### **Highway Superintendent James Dussing**

Highway Superintendent Dussing gave the Town Board an update on several projects his department is working on. The Sawmill Road Bridge Project is completed and waiting for a final inspection.

Town Engineer Lavocat is working with Superintendent Dussing on the Westphalinger Road Bridge. The guardrail was flagged by NYS DOT when it was inspected. A RFP has been sent out for replacement for the same type guardrail.

Brush cleanup will begin April 13<sup>th</sup>. Some outside work including snow fence removal and fixing lawn damage has been delayed because the ground is still frozen.

Crews have resumed site work on the salt barn, a large pile of millings was removed. Wm. Schutt and Associates will do a survey and put together a bid package within the next month.

Highway Superintendent Dussing and Town Engineer Lavocat met with Greenman Pederson last week to discuss details regarding the north-end drainage plans.

Seth Kaeuper from C & S Engineering has been hired to do a speed study on County Road. Those results will be presented to the Town Board so an educated decision can be made relative to the speed limit.

The Highway Department will be installing the fence at the Animal Shelter when time allows.

#### **Town Engineer Tim Lavocat**

Town Engineer Lavocat informed the Town Board that the RFP for Construction Management Services has been issued and are due by April 15<sup>th</sup>.

#### **Lumsden & McCormick LLP**

Sara Dayton and Mary Young presented the audit for the year ending December 31, 2014.

The Town's net position at December 31, 2014 and 2013 was \$109,349,000 and \$108,100,000 respectively. Capital assets (infrastructure, buildings and improvements, machinery and equipment) represent the largest portion (89.7%) of the Town's total assets (88.7% for 2013). Long-term liabilities outstanding total 73.3% (76.5% in 2013) of total liabilities and relate directly to the Town's investment in capital assets. The Town uses these capital assets to provide services to citizens and as such these assets are not available for future use.

Current assets decreased by \$1,204,000 (increase of \$753,000 or 5.4% in 2013). These balances consist of cash and receivables from other governments and third parties. The changes in individual account balances reflect payments for vehicles and land and the timing of cash flows.

Capital assets increased as a result of contributed land, roads, and sewer lines, primarily as a result of new residential developments, amounting to \$2,552,000. The Town also purchased equipment of \$899,000, acquired land in the amount of \$1,324,000 and construction in progress amounting to \$212,000. These additions were somewhat offset by depreciation expense.

Total liabilities decreased \$164,000 (increase of \$950,000 or 4.6% in 2013). Bond anticipation notes (BANs) payable increased \$732,000 from the issuance of new BANs to finance capital projects. Compensated absences were relatively consistent, increasing \$152,000 from 2013, and the liability for other postemployment benefits had a net increase of \$284,000. The total liability increases were offset by bond payments totaling \$1,260,000.

The Town's unfunded actuarial accrued liability as of December 31, 2014 under GASB Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions is estimated to be \$7,147,000 and is recognized as a component of other postemployment expense on a recurring basis over a 30 year period.

The main source of revenue to support the Town's programs are real property taxes and non-property taxes (sales taxes shared by Erie County). These items represent 75.3% of total revenues (76.7% for 2013). Real property taxes decreased \$172,000 (increase of \$70,000 or 0.6%) in 2013 due to minimal changes in tax rates, and fluctuations in assessed values of property, while sales tax revenue remained consistent with 2013 (increase of \$224,000 or 4.0% in 2013). The increase in operating and capital grants and contributions of \$463,000 (decrease of \$644,000 or 15.4% in 2013) is a result of an increase in donated land, roads, and sewer lines in 2014 compared to 2013. A decrease in income from fees charged to companies building developments within the Town was offset by the receipt of State grant money to purchase a grapple truck. Interest and other income remained consistent with 2013, and are dependent on proceeds from the sale of land other assets.

A majority of the Town's expenses are in transportation (highway funds), public safety, and culture and recreation. These are basic programs (citizen services) and related administrative costs associated with running the Town. These expenses represent 71.1% of total Town expenses for 2014 (69.1% for 2013). Total expenses increased \$504,000 (\$1,278,000 or 6.6% in 2013) due to increases in payroll and employee benefits as a result of an increase in health insurance costs and salaries, as well as an increase in purchased supplies for highway purposes based on need.

At December 31, 2014, the Town had \$11,886,000 in bonds outstanding with \$1,351,000 due within one year (\$13,146,000 outstanding in 2013). The decrease is due to current year payments on the bonds. Outstanding compensated absences payable were \$2,267,000 (\$2,115,000 in 2013), and the amount accrued to date for other postemployment benefits increased from \$1,395,000 to \$1,679,000.

Town representatives monitor residential and commercial growth to ensure that it fits within the Town's development plan. The real property tax levy cap continues to place an added burden on the Town to provide the same quality of services as costs increase.

The Town continues to face increases in health insurances costs. Harsh winters also impact costs, causing increases in overtime for the highway department and additional demand for supplies such as salt and additional services in the spring and summer to repair winter damage. These factors will continue to impact the programs offered by the Town and the amount of funds it will need to provide services.

There were no new accounting policies that had to be implemented this year. Any adjustments that were recommended were made by management. As a result of the audit, comments and recommendations are included in the Management Letter.

### **Erie County Division of Highways**

William Geary Deputy Commissioner of Highways, Wayne Scibor Supervisor of Engineering and Jennifer Michniewicz Principal Associate at Clark Patterson Lee were present to discuss the Goodrich Road reconstruction project.

Three million dollars has been allocated for the Goodrich Road reconstruction project. The entire project will run from County Road to the Niagara County line and will be done in three phases. The reason construction was not started last year was because of issues with NYS DEC. The Army Corps and the DEC are involved because of wet land issues. The wetlands have to be delineated from what is going to be disturbed. The DEC would agree to mitigate a five acre parcel in Beeman Creek Park. The mitigation process would include planting wetland material on a parcel in the Park. It would be monitored once a year to make sure it is being established in accordance with the DEC. The DEC would also have to approve the mitigation plan. Beeman Creek has an existing state wetland.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to provide a letter of intent to work with Erie County Highway Department on trading off wetland properties for the completion of the Goodrich Road Reconstruction Project. On the question, Councilman Kolber stated that this is being done strictly to aid in the reconstruction and development of Goodrich Road. Further on the question, Supervisor Hartzell stated that this is a letter of intent. The Town Board will give final approval at a later date. Upon roll call - Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Councilman Kolber, Supervisor Hartzell. Noes: None. Motion carried.

Once all proper DEC permits are obtained, the County will bid out the first phase of Goodrich Road from Lapp Road north to Black Creek Bridge which was replaced last year. Depending on funds, the County may do an overlay on Goodrich Road from Lapp Road to County Road.

Within the next several months, the utility poles along Goodrich Road will be relocated in advance of this project.

### **Councilman Bernard Kolber**

Councilman Kolber attended a seminar that demonstrated insulated concrete forms (ICF's). He distributed brochures and suggested possibly using these concrete forms for the Court Facilities building. Town Engineer Lavocat stated that he forwarded this information to the design team.

There was a presentation on Monday regarding the proposed Memorial Park Expansion on Kraus Road. Director of Community Development James Callahan gave an overview of the proposed project.

Since the real estate closing of the (Cimato) property on Kraus Road, one of the conditions of the acquisition was Mr. Cimato wanted to donate a five acre parcel for a football park. Wendell Engineering designed preliminary plans for a potential football park. The design presented showed a football park opposite the existing Soccer Center with an access road to Clarence Center Road. The design includes parking in the middle and three practice football fields to the north of the property. The middle area provides for a playground, concession buildings, press box and lavatories.

Mr. Callahan stated that the main thing is to get the infrastructure in place (roads, parking, drainage etc.) from there, different groups could donate to the specific amenities. The cost for the infrastructure alone will cost approximately \$1,300,000.

#### **Councilman Patrick Casilio**

Councilman Casilio had no report.

#### **Councilman Peter DiCostanzo**

Councilman DiCostanzo reminded the Town Board about the Planning Board meeting this evening. There are five items on the agenda.

#### **Councilman Robert Geiger**

Councilman Geiger distributed the Youth Bureau annual report.

#### **Parks Crew Chief – James Burkard**

Parks Crew Chief James Burkard updated the Town Board on the damage done at the Legion Hall over the weekend from a private party. Some type of material was put on the carpet to create a checker board. Mr. Burkard paid \$340 to have the carpet professionally cleaned but the stains do not come out. A letter was sent to the applicant telling them that their \$150 deposit will not be refunded. The carpet was just recently repaired from another party several weeks ago (the applicant hired a sound system, and the DJ ended up burning holes in the carpet from the sound system lighting).

The carpet in the Legion Hall was installed just over one year ago. Carpet is installed in all town buildings to keep people from slipping on the floor and it makes the building quieter during meetings. This is the third time the carpet in the Legion Hall had to be professionally cleaned.

Town Attorney Meckler suggested increasing the deposit on tall Legion Hall rentals. Councilman Kolber suggested the applicants provide a copy of their homeowners insurance listing the Town of Clarence as additional insured. If it is noted on the application, then the applicant knows ahead of time that they cannot reserve the hall without a copy of their homeowners insurance. This will also weed out the people using the facility that are not residents.

Councilman DiCostanzo suggested wording on the application that says the applicant is responsible for any damage over their security deposit.

Town Attorney Meckler will meet with Town Clerk Nancy Metzger to discuss this further.

Councilman Geiger stated that the Clarence Chamber of Commerce has four Class K fire extinguishers that they would like to donate to the Town and would like the Parks Department to maintain them so they are available when they host Taste of Clarence and other activities.

Parks Crew Chief Burkard questioned why the tax payers would maintain and store these fire extinguishers for the Chamber of Commerce. Class K extinguishers are used mostly for grease fires and are most often found in commercial cooking operations. Mr. Burkard further stated that as part of their permit process, the Chamber of Commerce is required by the Health Department to have Class K fire extinguishers on the premises for Taste of Clarence. There currently are fire extinguishers located in the pavilions.

Mr. Burkard further stated that the Chamber of Commerce has storage space at the house on Thompson Road. They have taken over the entire back of the building.

The Concert Association has taken up one of the front rooms for storage, the Clarence Hollow Association store their Christmas decorations in there as well. The Parks Department uses the bathroom to store their shovels and rakes, the entire house is used by these organizations for storage.

Parks Crew Chief Burkard said that the Town owned buildings on Thompson Road and 10365 Main Street all need work. Both buildings need new roofs. Mr. Burkard stated that the Board has to make a decision as to what should be done with these two buildings. The Parks Department is maintaining them and plowing them in the winter. Councilman Casilio stated that the house on Thompson Road was meant to join the park property with the Senior Center, not to be a storage facility. If the maintenance on these buildings get to high, he suggested tearing them down. It would be less expensive to build a storage facility.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to adjourn the Work Session at 10:40 A.M. Upon roll call – Ayes: All; Noes: None. Motion carried.

Darcy A. Snyder  
Deputy Town Clerk