

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, September 3, 2014, 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 Timothy Lavocat and Highway Superintendent James Dussing.

### **Clarence School Improvement Project – Victor Martucci**

Last November 2013 the Clarence School Board appointed a Citizens Advisory Task Force, Victor Martucci was the chairman. Director of Community Development James Callahan was a member on the committee as well. Mr. Callahan provided input to help with population trends and demographic trends. The School Board tasked the Citizens' Task Force with two things: look at school enrollments and make a determination as to whether or not the school district is at a point where the school board should consider closing one of the four elementary schools. The second task was to take a look at a capital needs assessment that the school district is required to do every four years by the State Department of Education. Review those recommendations and make a determination as to whether or not the task force would recommend to the district and the school board to do a capital bond initiative to do repairs/upgrades/maintenance on the buildings that the district owns.

Mr. Martucci presented a detailed handout of the Clarence School Improvement Project. The Citizens' Task Force worked from November 2013 to June 2014 examining enrollment trends in order to determine longer term solutions on school building configurations that maximize fiscal efficiency and educational effectiveness. The Citizens' Task Force also examined capital improvement needs in order to determine if a capital project is necessary and what the scope of the project should be.

There is not sufficient enrollment decline at this time to consider closing a school or reconfiguring grade levels. The Task Force recommends maintaining four (4) elementary schools. If the total elementary enrollment drops to a benchmark level of 1,650 students, the Task Force should reconvene. Both Nativity BVM and St. Mary's have approximately 300 students combined, the number of families that homeschool is increasing every year.

The building conditions survey identified \$43.8 million in repairs and maintenance. The Task Force recommends reducing non-essential items from the building conditions survey. Repair and maintenance project of \$30.9 million (District investment \$9.3 million, NYS investment \$21.6 million). Tax impact would be \$60 annually on a \$200,000 home for the 15 year life of the bond. The school district has not done a Capital/Maintenance project on its buildings in almost 40 years. They have done Capital Projects such as additions to the High School and Middle School. The four elementary schools have original roofs, HVAC systems and original windows none of which have ever been replaced. The \$30.9 million is not the cost to the local tax payer. The reimbursement rate from the NY State Department of Education is 70%. The district will be reimbursed 70% of the cost of the Capital Project. Even though the School District is borrowing \$30.9 million dollars (that is the figure that will show up on the ballot), the cost to the tax payers is actually \$9.3 million dollars on the \$30.9 million dollar investment. The School District won't do the project without getting the reimbursement. The architect, Gordon Jones Associates has a long track record of being able to get these projects approved through NY State Department of Education. Mr. Martucci is very confident that they will get the reimbursement.

The athletic fields are in poor condition, are overused and do not get a chance to recover. Poor weather limits contests and practices especially in late fall and early spring – maintaining the fields is a challenge. Synthetic surfaces allow for extended usage regardless of weather and in some ways are safer than regular turf. The fields can be used by community teams. Synthetic fields provide additional teaching stations to promote health and wellness.

The Tax Force recommends a separate Athletic Facilities Capital Project bond issue be presented in the amount of \$5 million. (District investment \$1.5 million, NYS investment \$3.5 million). The Athletic Facilities Capital Project should be contingent on the successful passage of the \$30.9 million Repair and Maintenance Capital Project Bond. The tax impact would be \$8.50 annually on a \$200,000 home for the 15 year life of the bond. The Athletic Facilities Capital Project will include replacing the grass field on the football stadium with synthetic turf making it a multi-purpose field for football, soccer, lacrosse and field hockey. The varsity baseball and softball diamonds will also be replaced with synthetic turf. The outfield of either the baseball or softball diamond - whichever one makes the most sense - has enough room to add approximately 20% more turf to create a regulation size soccer field. The field at the football stadium with the track is not wide enough to accommodate a regulation size soccer field – that impacts varsity soccer and it impacts the district’s ability to generate revenue to off-set some of the costs by hosting tournaments.

Mr. Martucci stated that there is a benefit to the community, these fields will be made available to Clarence Little League Football, TCBA, Town of Clarence Softball Association and the soccer program. Councilman Kolber suggested lighting the fields, or design the fields as such so that the lighting could be added in the future.

Annual budgets cannot cover the costs of major repairs and maintenance and without a bond the district has to cover all costs. Capital spending is outside the tax cap. Some systems and elements in the buildings are past their useful life and preventative maintenance is essential in order to protect investments and save money in the long term. Capital project bonds for Clarence are aided at 70% by NYS and we can leverage the district investment. There are historically low rates for borrowing which makes the local share of a capital project smaller. There has not been a major “fix-it”, general repair and maintenance project for over 40 years.

The School Board will vote on the Bond initiatives on September 22<sup>nd</sup>, 2014. If approved, it will be put to a public vote in November– it is separate from the budget vote. The School Board has a responsibility to maintain the district’s facilities.

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

Town Engineer Lavocat will have a recommendation for the Clarence Library mechanical project at the October Town Board meeting.

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

Highway Superintendent Dussing updated the Town Board on the work his crews have been doing. Christian Drive is being paved today, Glenwood Drive off Sheridan Drive will be paved next week. The turn-around on Hunting Valley South and the main entrance will be paved as well. That will conclude the paving for the season.

The Sawmill Road bridge construction will begin September 23, 2014.

The grapple truck has just been undercoated, radios are being installed and will be sent out for striping on the tailgate to make it more visible. It should be in service by the end of next week.

After attending the School Board meeting last week, Highway Superintendent Dussing has been in contact with their Maintenance and Grounds personnel about the possibility of shared services, the willingness is there.

Superintendent Dussing received approval from Erie County to post the north side of Wehrle Drive with seven No Parking signs from Elma Road to North Maple.

There are three speed reduction programs going on throughout the town.

Erie County has requested the speed limit on Goodrich Road be reduced from end to end. This will help with some of the wetland mitigation. Councilman Kolber stated that the reasoning behind this is so the County can construct a narrow road.

#### **Director of Community Development – James Callahan**

A Request for Qualifications was sent out regarding the Master Plan amendments. A potential consultant was selected as someone Mr. Callahan can work with to obtain a quality product. Mr. Callahan will introduce the consultant at the next Work Session.

#### **Supervisor David Hartzell**

Supervisor Hartzell was asked whether the town can do anything regarding landscape vehicles parked in the road during the day. Following a discussion relative to this, no recommendations or solutions were made.

#### **Councilman Patrick Casilio**

Councilman Casilio has one Attorney-Client item to discuss.

Motion by Councilman Casilio, seconded by Councilman Geiger to grant Deputy Town Clerk Darcy Snyder permission to attend a free Laserfiche Educational User Workshop at General Code in Rochester, New York on Wednesday, September 10, 2014 with any reasonable expenses paid by the Town. On the question, this program is used to scan minutes for all boards and committees for research purposes. It has taken the place of indexing minutes by hand. Upon roll call – Councilmembers Geiger, DiCostanzo, Casilio, Kolber, Supervisor Hartzell; Noes: None. Motion carried.

#### **Councilman Peter DiCostanzo**

Councilman DiCostanzo inquired as to the status of the Bistro in the Hollow. Director of Community Development James Callahan has spoken to the owner of the business and he has to attain an architect.

A gun shop was proposed for the former 7-11 on Main Street however no other information has been presented.

Councilman DiCostanzo drove by the Legion Hall over the weekend and two large trailers were parked in the parking lot along with several cars. The dentist office uses the parking lot as well for their employees and patients. It is believed that the family on Brookside Drive parked their trailers and large van in the parking lot over Labor Day weekend. It was also brought to the attention of the Town Board that the same family dumps their grass clippings behind the Legion Hall as well. Town Attorney Meckler will meet with Mr. Callahan and send a letter to the residents on Brookside. If the problem persists, Councilman Kolber suggested posting signs indicating that the parking lot closes at Dusk/No Overnight Parking.

CEC Energy requested approval by the Zoning Board of Appeals to grant an 80' variance to allow for the construction of a 150' wind turbine located at 8850 Clarence Center Road. Dawn Trippie and Ken Thompson own the property. They want to power their greenhouses with the turbine. They are in an Agricultural District and a wind turbine is considered a farm agriculture building and part of farm operations. Sixty feet is the maximum according to our Town Law for residential properties (the request was denied). Hans Mobius is coming before the Board of Appeals with a similar request. Mr. Thompson will be on the October agenda requesting permission to construct a 120' wind turbine. At the end of 20 years, the company dismantles it and removes it from the property.

Councilman DiCostanzo asked if any quotes were obtained to repair the roof at the town owned house at 10375 Main Street. Councilman Casilio stated that this is something the Parks Department could possibly do. There was discussion at the last Work Session to use the house for an art gallery.

Town Attorney Meckler stated that there is nothing specific in the Bond Resolution as to recreational purposes. It is up to the Board to determine recreational purposes. Bond Counsel's did not feel an art gallery would come under the definition of recreational purposes.

Councilman DiCostanzo questioned whether the Town Board should consider capping the number of rental units in Town. Councilman Kolber stated that currently there is a limit of 240 residential single family building permit cap per year. There is no cap on manufactured housing or multiple family housing which is something he feels the Town Board should look into. The town has a recreation and open space fee per lot, per single family home. On a commercial building there is a .15 per square foot flat fee – a multiple family is considered a commercial development. A residential single family home puts lesser demand on town facilities/recreation and parks facilities. A high density multiple family development there is no open space on site so they put a much higher demand on our parks and recreation facilities. On a multiple family unit or patio home, there should be a much higher open space and recreation fee. The open space fee to compensate and preserve open space within the town and the recreation fee to offset the cost of the anticipated number of people in the high density development put on our parks and recreation. Councilman DiCostanzo agreed with Councilman Kolber however he did not feel that a multifamily development that provides certain amenities such as a pool and/or clubhouse for its residents should be penalized. Supervisor Hartzell stated that these are private amenities for use by the occupants of that development, there are not open to Clarence residents. James Callahan stated that there is a recreational component in the design standards for multi-family. Mr. Callahan will research former projects and what was charged for recreation fees. To change the open space and recreation fees on commercial development will require a public hearing and an amendment to the Local Law.

### **Councilman Robert Geiger**

Councilman Geiger inquired if anyone had heard any information regarding the GEM vehicle that is used by Parks Security. A mechanic inspected the vehicle and indicated that he could find anything wrong with it, the battery in the GEM was dead. The cost to put a new battery in is \$1,000 and you cannot take it back if the battery is not the problem. If the Board wants the mechanic to look at the GEM and evaluate it, it will cost \$1,000 to put in a new battery whether that is the problem or not. Highway Superintendent Dussing suggested finding out the life span of the battery, if the life span is up you have to replace it. Supervisor Hartzell suggested possibly finding a battery on e-bay for less money.

Councilman Geiger has one Attorney-Client item to discuss.

Councilman Geiger attended the Erie County Governments meeting in Eden, NY and submitted a voucher for his mileage to and from the meeting. He received a note from Director of Administration and Finance Pam Cuviallo indicating that mileage traveled to and from meetings for town committees or boards is not a reimbursable expense. This includes elected town officials, employees and volunteers. This was revised January 8, 2014 in the Employee Handbook. Councilman Geiger stated that this was not a town committee it is Erie County Government meeting where they discussed shared services and several other important topics as it relates to the town. Town Attorney Meckler stated that the way the policy is written, it wouldn't exclude Councilman Geiger from submitting his mileage request. Councilman DiCostanzo stated that the policy may have to be reworded. Councilman Geiger stated that he drove 75 miles to attend this meeting. Supervisor Hartzell felt that this should be reimbursable as well and he should resubmit his voucher.

Councilman Kolber would like to do a trial demonstration and install two LED floodlights hooked up to a battery pack converter for use at the Clubhouse. He attended an event there and noticed it was not well lit at night. He suggested the Board meet him some evening at the Clubhouse, he will run some cords to hook up the LED floodlights so from Main Street the building is visible.

Councilman Casilio commented that there were no lights on in the Legion Hall this weekend and suggested maybe the timers were off.

The Town Board had several Attorney-Client items to discuss.

There being no further business, the Work Session adjourned at 10:40 AM.

Darcy A. Snyder  
Deputy Town Clerk