

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, December 4, 2013, 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, and Robert Geiger. Councilman DiCostanzo was absent. Other Town Officials present were Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat and Highway Superintendent James Dussing.

Day in the Park/Clarence Hollow Fest

Robert Altieri, Timothy Pazda, Mary Aaron and Jon Brennan representing Day in the Park and Paul Cambria representing Clarence Hollow Fest

Robert Altieri stated that there has been an on-going issue regarding Day in the Park and Hollow Fest. He is requesting the Town Board give Day in the Park one day and Hollow Fest one day so the two events do not conflict. He felt that Hollow Fest impacted Day in the Park last year and he is requesting they change their date from July 4th to two or three weeks after Day in the Park so the two events are not scheduled so close to one another.

Paul Cambria representing Hollow Fest stated that the Clarence Town Park is a public facility and it is too late to ask them to change their date. They have already reserved their dates for 2014. Based on that, he has already entered into agreements with the amusement companies, bands and other vendors. Mr. Cambria did not feel any one group had any right to restrict another group from use of public facilities, further he did not feel Hollow Fest had any negative impact on Day in the Park. In looking at the final figures for Day in the Park, there was less than \$1,000 difference from 2012 – 2013. It rained profusely in 2013 and that may have had something to do with the success of Day in the Park. Mr. Cambria did not feel the town should endorse any one event, the town should remain neutral and should allow community groups access to the facilities in the normal and ordinary course of business. He further stated that the town should not get into the business of restricting "well meaning community organizations or in some way favoring one over the other." The town currently allocates \$10,000 for a fireworks display for Day in the Park; they do not subsidize Hollow Fest in any way.

Hollow Fest is held after Day in the Park. Day in the Park is geared to a different audience. Hollow Fest is geared more towards teenagers and adults. It is not fair for Day in the Park to monopolize a public holiday or public facility. Mr. Cambria stated that they have done everything to try to put the two events together however Day in the Park is not interested. Mr. Cambria asked the amusement company if there were any other weekend in 2014 that they could move their event to however they were booked for all of them.

Timothy Pazda stated that as President of the Lions Club, he felt obligated to speak for all of the non-profits that are represented by Day in the Park and he feels that they will be hurt. In speaking with an amusement company that worked the Labor Day Fair this year, he was informed that they would be available Memorial Day 2014. Mr. Cambria stated that Hollow Fest is using a local Clarence business – Hammerl Amusements for their event. Memorial Day is not acceptable for Hollow Fest, the weather is too dicey and it is a sacred holiday that honors those that died in military service to our Country.

Robert Alteri stated that all they ask is that Hollow Fest move their date a couple of weeks. July 4th is a big holiday, they have had 32 years of Day in the Park around the July 4th holiday. It has worked out very well for the town and for all involved organizations. People were confused last year, they thought Day in the Park and Hollow Fest was one and the same, they did not know if there was two events or one

event. Day in the Park Committee members fielded many phone calls from people asking if there were two separate events or if they were combined.

Paul Cambria stated that he takes exception that Hollow Fest ruined Day in the Park event this year.

Mr. Pazda stated that Clarence Hollow ran Day in the Park for three years and then decided not to do it anymore. The former Supervisor asked several organizations to take over the event and no one wanted to take it on. The Lions Club stepped up to the plate and took over running Day in the Park for the last two years and now the Hollow Association wants it back. Paul Cambria stated that they do not want it back, Day in the Park does not own 4th of July. Hollow Fest is after Day in the Park, it does not diminish their event. As far as confusion as to the events, Hollow Fest advertised as such, he did not feel there was any proof that Hollow Fest ruined Day in the Park. There is no right for one organization to eclipse another, this is a public facility and they are not-for-profit organizations. The park has already been reserved for 2014 and Hollow Fest has already contracted with several vendors. It is too late to change the date for 2014 however if there is a way to work it out for 2015 with the amusement companies and the other vendors where they will not conflict with Taste of Clarence and Labor Day then they would be open to some type of compromise. Maybe some time the two groups could work together on one big event.

Mr. Pazda said that he does not feel that one big event would work because Day in the Park focuses on the non-profit groups and Hollow Fest focuses on the Hollow Association to beautify Clarence Hollow. Mr. Cambria stated that they are focusing on the community as a whole. The Boy Scouts and Eagles Wings Ministry benefited from Hollow Fest. Both groups, Day in the Park and Hollow Fest have the right mission in mind.

Hollow Fest netted \$10,000 this year but they feel they can do better than that and feel that they will do better because they know how to promote the event and have lined up two good bands. Day in the Park should not be able to shut down Hollow Fest on 4th of July. Day in the Park should run their event and Hollow Fest will run their event both events are good events for the town.

Councilman Kolber said that both are excellent events. Ideally going forward, he would like to see more separation. He further stated that originally the town asked Day in the Park to move their event date to the weekend before 4th of July because of the cost of additional over-time paid to town employees on a holiday weekend.

Mr. Pazda stated that the town purchases the fireworks; Day in the Park has nothing to do with the fireworks display.

Councilman Geiger suggested educating the community about each event and consider joint advertising.

Supervisor David Hartzell

One Region Forward is a broad based collaborative effort to promote more sustainable forms of development in Erie and Niagara Counties in land use, transportation, housing, energy etc. They would like to meet with the Town in January or February. Any questions, contact Elaine Wolfe.

Councilman Bernard Kolber

Councilman Kolber suggested the Board read the August 13, 2008 minutes regarding Spaulding Greens and the agreements made between the project applicant and the surrounding neighbors. One of the conditions (#5) states that “the final phase of the full build out of the subdivision shall be the phase connecting to Green Valley Drive – including the actual road construction and including pedestrian access from Green Valley Drive to the Spaulding Greens Subdivision and the Recreational Trail.” Condition #9 states “that no more than 380 units in total can be developed in this subdivision.”

Councilman Kolber asked if the amended concept plan being presented to the Board at the December 18th meeting will put this project over 380 units.

Town Engineer Lavocat stated that he believes there are 350 + 52 taps available for Spaulding Greens. Town Attorney Meckler stated that even though the applicant owns 402 taps does not mean he can utilize all the taps for this project, he is limited to the 380 taps.

Councilman Casilio thanked Town Clerk Nancy Metzger for taking excellent minutes.

Councilman Casilio asked if the applicants proposed Open Space Design Subdivision on the south side of Clarence Center Road east of Creekview Drive was included in the 380 units in Spaulding Greens. Town Engineer Lavocat stated that this proposed project was not included in the 380; it is not part of the Spaulding Greens project. Taps are separate from approved lots. The proposed project is in Sewer District #2 which is tributary to the Peanut Line.

Town Engineer Lavocat stated that any projects that come before the town goes through multiple layers of review. There have been issues with sewer capacity in SD #2. Every project stands on its own as far as doing their own downstream capacity analysis that not only satisfies the DEC but the Town as well. Engineering then looks at contracts that are in place, SD#2 would go to the Peanut Line however according to the Peanut Line Agreement if you are in SD#2 you do not have to pay the utilization fee. If you are outside of SD#2 and there is capacity, you have to pay utilization fee.

The project sponsor for the proposed Open Space Design Subdivision on Clarence Center Road has 49 taps left on the Peanut Line however it still requires the downstream capacity analysis.

Councilman Kolber stated that the Library Board approved their Memorandum of Understanding detailing the list of donated items they are turning over to the town.

The Library Board is also installing a camera system inside the library. They obtained a quote of \$4,800. They have inquired about additional cameras for the outside of the building that would also cover town property. They are holding off accepting the bid for inside cameras until they find out if the town is interested in tying into their camera system. It would be a free standing system that would incorporate the grounds around the library. The only difference is they would have to then use a larger DVR recorder to record the images that the camera was collecting.

Councilman Casilio stated that the oak shelves and the furniture in the library were donated as well and should be noted that they belong to the Town. Councilman Kolber stated that the Library has a list of all the contents that were donated by The Friends of the Library since 2001. Town Engineer Lavocat thought the shelves were part of the library construction but will look into it.

Councilman Kolber stated that currently all the books and inventory belongs to Erie County.

Councilman Patrick Casilio

No report.

Councilman Robert Geiger

Councilman Geiger attended a Historic Preservation meeting regarding the Yu property and noted that it was handled very professionally. A member of the Historic Preservation Committee also prepared a schematic of the house located at 10375 Main Street (next to the Town Park). The committee would like to see the house used for tourism.

Highway Superintendent James Dussing

Highway Superintendent Dussing updated the Town Board on the progress in the Highway Department. For the most part, fall cleanup is completed; crews have been staking out their plow routes. Crews will be installing snow fence throughout the town and then they will begin drainage work. There is 1500 ton of salt stored in the salt barn and a small pile outside left over from last season. Delivery of 400 ton of salt is expected shortly. The Highway Department has to commit to a certain amount of salt each year and buys it with the County to get a better price. Down the road salt storage is going to be an issue. The current salt barn was built approximately 15 years ago and the department has grown out of it. Sometime down the road Superintendent Dussing will look into a new structure for salt storage. All the trucks have been moved from the shop into Building 6. Highway crews went from six routes to twelve routes. Highway Superintendent Dussing has been inspecting roads with Midland Asphalt for paving in the spring.

Supervisor Hartzell suggested Superintendent Dussing look into CDBG Funds for paving.

Erie County Correctional Facility Service Action Corps. Program will supply the Town with inmates to cut down the large trees at 10375 Main Street next to the Main Town Park; the Highway Department will grind the stumps in the spring. Parks Crew Chief James Burkard has tagged the smaller trees to be transplanted in different areas around the town. It was decided not to open this up to the public.

There being no further business, the meeting adjourned at 10:40 A.M.

Darcy A. Snyder
Deputy Town Clerk