

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, September 24, 2014, at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 6:00 P.M. Members of the Town Board present were Councilmember's Patrick Casilio, Peter DiCostanzo and Robert Geiger. Councilman Kolber was absent. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Planning Board Chairman Robert Sackett, Planning Board member Steven Dale, Confidential Secretary to the Supervisor Karen Jurek and Highway Superintendent James Dussing.

Director of Community Development – James Callahan

Formal Agenda items:

Lou Visone 8570 Main Street

Applicant requests a Temporary Conditional Permit for an outside display of accessory structures (sheds) on property he owns at 8570 Main Street. The display location is on the north side of Main Street, east of Harris Hill Road within the Harris Hill Traditional Neighborhood District. The Town Board has authority to approve uses in the TND and to issue Temporary Conditional Permits. Landscaping, number of display units and hours of operation will have to be determined.

Essex Homes – Shadow Woods Subdivision

Applicant requests Final Plat approval for Phase II of Shadow Woods including public road dedication of approximately 1000 linear feet of Kristina Circle including 28+/- sub-lots. The project site is located on the west side of Goodrich Road north of Pinyon Court in a Residential Classification and within Clarence Sewer District #2. The Engineering and Highway Departments have inspected the new construction and the Erie County Health Department has signed off on the Water and Sewer Line Extensions.

Domenic Piestrak-Spaulling Green Open Space Design Subdivision

Applicant is proposing an amendment to the previously approved subdivision layout.

The project site is located generally east of Goodrich Road, north of Greiner Road at existing and previously approved Open Space Design Subdivision containing 380 sub-lots/units. Per the Zoning Law, the Town Board is the final approval authority to create an open space overlay. The action was referred to the Planning Board for review, comment and recommendation. The Planning Board has forwarded a recommendation to approve the proposed amendment identifying that all previously approved conditions of the original approval must be maintained. Overall the total number of lots remains unchanged. An action under SEQRA to amend the design has also been forwarded by the Planning Board. (The original project was approved under a FEIS and Final Findings Statement, the proposed amendment does not impact any past findings on the project). Conditions associated with the Planning Board recommendation include requiring the mitigation to the Greiner Road/Thompson Road intersection (as per Final Findings) and construction of the recreational trail through the project with specific timelines identified.

Michael Development – Wehrle Drive west of Shisler Road

Applicant is seeking approval to change the name on the previously approved excavation permit under 10001 Grand Corporation. Per the local Excavation Law, the Town Board has approval authority for issuing annual excavation permits and to amend permits. All application materials have been amended to identify the new ownership, including updated NYSDEC Mining Permit.

Administrative Review Fees

The Town Board has asked for an amendment to Chapter 99 of the Code of the Town of Clarence, Fees to consider an amendment to add a Recreation Fee to Multiple Family Housing Projects. This Recreation Fee would be similar to the Recreation Fee required for single family home subdivision approvals. The proposed amendment adds a \$450 per unit Recreation Fee to the Building Permit application for an approved multiple family housing project.

Brookfield Country Club – 5120 Shimerville Road

Applicant requests approval for a Fireworks Display Permit for October 13, 2014. All required paperwork including fees and fire chief approvals are in order.

Work Session items for consideration October 8, 2014:

Tesla Motors 4455 Transit Road

Applicant is proposing to construct a new electric vehicle charging station within the parking area of the existing use. The project site is located on the northeast corner of Main Street and Transit Road at existing commercial use (Key Bank) located in the Major Arterial Zone. Per the Zoning Law, the Town Board may consider an automotive service use in the Major Arterial Zone with a Special Exception Use Permit. A public hearing will be required to consider the Special Exception Use Permit. The applicants were present to explain their project and a brief question and answer period ensued.

Town Engineer Tim Lavocat

The bid opening for the Town Park Facilities Building was held September 16th. All bids came in over budget. Mr. Lavocat is reevaluating the bids and will have a recommendation for the Town Board at the next meeting.

Highway Superintendent – James Dussing

Paving is just about complete for the year and fall clean-up will begin next week.

Salt prices have increased, Superintendent Dussing is looking for ways to save on salt or possibly using additives to make it go further.

The Goodrich Road Bridge is near completion, the deck is on, it needs paving and the guard rails have to be installed.

The grapple truck is out and running and will be used for brush pickup. The manufacturer has provided training for the employees.

Planning Board Chairman – Robert Sackett

Interviews for the alternate position on the Planning Board will be conducted on October 3rd. There are five potential candidates. Mr. Sackett invited Town Board members to sit in on the interviews.

Grimm Brother's open space design subdivision at 8196 County Road was presented to the Planning Board. Mr. Grimm is taking all comments to heart and is in the process of addressing the neighbor's concerns and will present a revised plan.

Supervisor David Hartzell

There was a discussion regarding a \$255 towing bill that the Town Board was in disagreement over who should be paying. This past summer there was a disturbance at Meadow Lakes Park, when the Erie County Sheriff arrived on the scene, there was a car in the park however the car did not belong to the perpetrators. The car belonged to someone whose son was playing baseball in the park that night but upon leaving discovered a dead battery so they decided to leave the car until the next morning. When they came back to get the car, they discovered the car had been towed by Dadswell at the request of the Erie County Sheriff Department. The owners of the vehicle contacted Supervisor Hartzell, upon investigation it was discovered that the car had been towed.

Supervisor Hartzell spoke with the Erie County Sheriff's Department, they apologized for towing the car, they thought it belonged to the perpetrators causing a disturbance in the park. Supervisor Hartzell authorized Director of Administration and Finance Pam Cuviallo to pay the bill so the car would be released. The Town Board pulled the bill from the bill pay because they did not feel it was the responsibility of the town to be paying the towing bill. Dadswell is requesting payment of \$255. Supervisor Hartzell is recommending the Town pay the bill rather than have Erie County Sheriff pay for it. Councilman Casilio stated that he did not know why the Supervisor got involved with a police matter, he felt it was a matter between the vehicle owner and the Erie County Sheriff. Supervisor Hartzell said if the vehicle owner had not come to his house on a Sunday morning, he probably would not have gotten involved. Supervisor Hartzell stated that the Board's only choice is to pay the \$255 towing bill or send a letter to Erie County Sheriff's Department with the bill and request they pay for it. Councilman DiCostanzo and Councilman Geiger were in agreement with sending the bill to the Erie County Sheriff's Department. Councilman Casilio did not want to bill to the Sheriff's Department. The vehicle owner should have paid to get their car back and/or worked it out with the Erie County's Sheriff and not involve the town at all. Supervisor Hartzell suggested waiting for Councilman Kolber before a decision is made.

- Announce that September 2014 has been designated by the Erie County Legislature as the 30-day period during which landowners may submit request to include predominantly viable agricultural land into any existing certified agricultural district.
- Set a bid date of Friday, October 17, 2014 for the purchase of a 2014 Tandem Hamm Roller for the Highway Department
- Approve the request by Dawn Kinney to attend the Annual Youth Development Conference and Training
- Grant permission to Clarence High School for their annual Homecoming Parade on Saturday, October 11, 2014
- Appoint Deanna Brace to the position of Youth Activities Leader RPT effective September 11, 2014
- Highway Superintendent Dussing is purchasing two new 2015 pickup trucks and two stainless steel salt spreaders

Councilman Patrick Casilio

- Appoint Elizabeth Hartz to the position of Engineering Aide-Provisional effective October 6, 2014
- Authorize Supervisor Hartzell to sign the annual Service & Supply Maintenance Agreement with Eagle Systems, Inc. for the period beginning October 15, 2014 and ending on October 14, 2015 per the terms and conditions of said agreement in the amount of \$6,140.56
- Set Public Hearings to consider entering into contracts with local fire companies for 2015
- Councilman Casilio has one Attorney-Client to discuss
- Approve Court Clerk's Training Seminar for Marilyn Taton and Mary Zimmerman on Friday, October 24, 2014

Councilman Peter DiCostanzo

- Approve the transfer of funds for the Parks Department (\$3,700 from account 7110.450 – Maintenance of Building and Grounds to account 7110.413-Resurfacing)
- Set the annual public hearing for the use of Federal Community Development Block Grant Funds for October 22, 2014 at 8:15PM
- Upon recommendation of the Office of Planning and Zoning, assign an unpaid internship to Rebecca Johnstone with a start date of September 26, 2014

Councilman Robert Geiger

Councilman Geiger has several announcements to make. Clarence Hollow is producing a radio commercial to promote the Hollow.

Meet in the Center will be held Friday, September 26th in Clarence Center.

The Town Board went into Executive Session to discuss an Attorney-Client item.

There being no further business, the Work Session adjourned at 7:45PM.

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, September 24, 2014 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 7:30 p.m. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer given by Councilman Robert Geiger.

Members of the Town Board present were Council Members Robert Geiger, Peter DiCostanzo, Patrick Casilio and Supervisor Hartzell. Councilman Bernard Kolber was absent. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to accept the minutes of the work session and regular meetings held August 27, 2014. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger to accept the minutes of the work session held the morning of September 3, 2014. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to accept the minutes of the work session and regular meetings held September 10, 2014. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to set a bid date of Friday, October 17, 2014 at 10:00 a.m. for the purchase of a 2014 Tandem Hamm Roller for the Highway Department. On the question, Supervisor Hartzell said bid documents will be available in the Town Clerk's Office and the Highway Department. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve Dawn Kinney, Executive Director of the Clarence Youth Bureau to attend the 44th Annual Youth Development Conference on October 28 – 29, 2014 in Liverpool, NY with the use of town vehicle and all reasonable and necessary costs covered by the Town. On the question, Supervisor Hartzell said the funds to cover the cost of the conference are available in the Youth Bureau Budget. Councilman Casilio asked if anyone else was going with Dawn. Supervisor Hartzell said as of right now it is just Dawn. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to grant permission to the Clarence Central High School for their Annual Homecoming Parade on Saturday, October 11, 2014 beginning at 12:30 p.m. The parade will be on Main Street starting at 9980 Main Street and travel to Clarence High School. On the question, Supervisor Hartzell said all appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to appoint Deanna Brace to the position of Youth Activities Leader RPT (permanent) effective September 11, 2014 as she has passed the Civil Service Exam. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Supervisor Hartzell said he received a letter from the United Way thanking all the Town employees for participating in the United Way Campaign.

Supervisor Hartzell said he has a request from Highway Supt. James Dussing to purchase two new 2015 pickup trucks to replace two old trucks they will trade in that are coming out of service. One of the things the Town of Clarence does very well is rotate their vehicles. We buy them off of State contract and use them for a few years, sell them and the difference is minimal. It is a great program.

Supervisor Hartzell said Highway Supt. Dussing has a recommendation to purchase two stainless steel salt spreaders for our Freightliner Trucks H-24 and H-38. We are piggybacking off of Oneida County on these bids.

Supervisor Hartzell announced that September 2014 has been designated by the Erie County Legislature as the 30-day period during which landowners may submit requests to include predominantly viable agricultural land into any existing certified agricultural district. A public hearing on the submitted applications will be scheduled to consider all requests and the date will be announced. The Erie County Department of Environment and Planning will accept applications from September 1 through September 30, 2014 and the contact person is Rachael Chrostowski, Planner with the Erie County Dept. of Environment and Planning at (716) 858-8002. Information is also available from the Office of the Clarence Town Clerk and the Assessor's Office.

Supervisor Hartzell said Clarence School District taxpayers will vote on two proposals on Tuesday, November 18th. The first is a 27.9 million dollar repair and maintenance capital improvement project and the second a five million dollar upgrade to school athletic facilities. The proposals were recommended by the Citizens Advisory Task Force. 70% of the cost will be refunded by the State of New York.

Supervisor Hartzell announced that the Clarence Greenprint Program received the "Planning Excellence Award for Implementation" from the NY Upstate Chapter of the American Planning Association. The program began in 2002 when the residents approved the \$12.5 million bond to fund the purchase of property. To date, the funding was used to protect 1,315 acres of land in the Town. Planning Association President Ellen Parker said this is the best example of a municipal open space preservation program in New York State, if not the country.

Supervisor Hartzell announced that the Meet in the Center Merchants Association is hosting their 5th Annual Fall Fest this Friday from 5:30 to 9:30 p.m. in Clarence Center at the four corners.

Supervisor Hartzell said he has finished the 2015 budget. He thanked all the department heads for keeping things in line. The Town Board will receive his budget on October 1st and have until October 31st to make any changes.

Motion by Councilman Casilio, seconded by Councilman Geiger to approve the request of Town Justice Robert Sillars for Court Clerks Marilyn Taton and Mary Zimmerman to attend the Town & Village Court Clerk's Training Seminar on Friday, October 24, 2014 beginning at 9:00 a.m. with all reasonable and necessary expenses to be paid by the Town. On the question, Councilman Casilio said the Training Seminar is given by the NYS Unified Court System and will be held at the Erie County Courthouse, Buffalo, NY. This is a free one-day seminar. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo that upon the recommendation of Town Engineer, Timothy Lavocat, to appoint Elizabeth Hartz to the position of Engineering Aide-Provisional effective October 6, 2014 at the rate of pay per Step 1 of the White Collar Contract for Provisional appointments. All necessary pre-employment requirements have been met. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger to authorize Supervisor Hartzell to sign the Annual Service & Supply Maintenance Agreement with Eagle Systems, Inc. for the period beginning October 15, 2014 and ending on October 14, 2015 per the terms and conditions of said agreement in the amount of \$6,140.56. On the question, Councilman Casilio said the Agreement amount is a 5% increase from the previous 5 years. The agreement includes maintenance, travel, labor, parts, drum, and toner. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to set Public Hearings to be held on October 22, 2014 to consider entering into contracts with the fire companies for fire protection in the Town of Clarence for the year 2015 as follows:

- 7:50 pm - Clarence Center Volunteer Fire Company
- 7 55 pm - Harris Hill Volunteer Fire Company
- 8:00 pm - Rapids Volunteer Fire Company
- 8:05 pm - To consider amending the 2014-2016 multi-year contract between the

Swormville Fire Company, Inc. and the Town of Clarence for the year 2015 term only to reduce the contract amount to reflect the New York State tax cap rate of 1.56% over the funds received for the year 2014 to the new contract amount of \$224,090.00.

On the question, Councilman Casilio said the Swormville Fire Company, Inc. has a three year contract that includes the years 2014, 2015, and 2016 that was approved in 2013 with a yearly increase of 2% for 2014, 2015, 2016. New York State has a tax cap rate of 1.56% and the Fire Company has agreed to reduce the contract amount for the 2015 year term of the contract to comply with the tax cap rate as required by the State.

Councilman Casilio said we also have a multiyear agreement with East Amherst Fire Department, so they are not included in this year's budget request.

Councilman Casilio said the contract amounts will be in by October 3rd so that they can be posted in the legal notice for the public hearings.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the transfer of funds from the 2014 Parks Department Budget as follows: \$3,700 from account A7110.450 – Maintenance of Building and Grounds to account A7110.413 – Resurfacing; and \$16,073 from account A7110.265 – Permanent Improvements to account A7110.413 – Maintenance of Senior Center. On the question, Councilman DiCostanzo said James Burkard did a lot of work on the street hockey at Meadowlakes, the basketball court at Town Place and a tennis court at Harris Hill. He had money in other areas of his budget that he is transferring. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to set the annual public hearing for the use of Federal Community Development Block Grant (CDBG) Funds for October 22, 2014 at 8:15 p.m. to provide an opportunity for public input to the citizens of the Town of Clarence to express community development and housing needs and possible projects that would benefit low and moderate income persons residing in the Town of Clarence. On the question, Councilman DiCostanzo said the meeting room is wheelchair accessible. Anyone wishing to attend that needs special arrangements should call 741-8938 prior to the hearing date. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that upon the recommendation of the Office of Planning and Zoning, Rebecca Johnstone be assigned as an unpaid intern with a start date of September 26, 2014. On the question, Councilman DiCostanzo said Rebecca is a Planning student at the University at Buffalo. She specializes in Geographic Information Systems (GIS), and will work with the Office of Planning and Zoning to update the Town's GIS files. Rebecca will be with the Town during the fall and winter semesters. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman Geiger said all of the butterflies were released at the Farmer's Market last week.

Clarence Hollow Scarecrow contest is in full swing. The association is also working on a commercial to advertise the Hollow. Mr. Stephens has been working with the traffic advisory group regarding Main Street to the Hollow.

Town Clerk Nancy Metzger announced that the school tax bills have been sent out and are due October 15th. If anyone did not receive a bill, they should contact the Town Clerk's Office.

Public Participation

Laurie Lisowski Frey said she and her husband are against any changes to the agreed upon phases to the Spaulding Green Subdivision. It was approved by this board several years ago based on the approved progression.

Supervisor Hartzell said this item is 14 on the agenda and she is welcome to come back up and speak at that time.

A Public Hearing was held to consider a Local Law amending the Code of the Town of Clarence, Chapter 19 – Ethics Code, Section 19.9.

Al Schultz of the Ethics Board said they are proposing two changes to the law. One is to eliminate term limits of Ethics Board members. After the second term, the Town Board cannot

reappoint that individual. They propose to eliminate that since the Town Board has the decision to reappoint or not. The ethics expert that came in and did a presentation for the Town said we are the only Town he is aware of in the state that has this restriction.

Mr. Schultz said they also would like to eliminate the restriction that only one member can also be a Town employee or appointee. It unnecessarily restricts the pool of people who might be interested in serving on the Ethics Board. They propose to increase it to three so that it would not be a majority. This would be consistent with how other towns structure their boards.

Mr. Schultz said these are simple changes consisting of one sentence each in an effort to increase the pool of people to serve on the board. It would allow for more consistency.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Geiger to close the public hearing.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to adopt the following resolution:

RESOLVED, that after a public hearing duly held on September 24, 2014, and after all interested parties being heard, the Clarence Town Board adopts Local Law No. 4 of the year 2014 amending the Code of the Town of Clarence, Chapter 19 – Ethics, section 19.9.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Lou Visone requests a Public Hearing to consider a Temporary Conditional Permit for outside sale of accessory structures east of 8570 Main Street. James Callahan said the location is the north side of Main Street east of Harris Hill Road consisting of a vacant parcel in the Harris Hill Traditional Neighborhood District. The applicant is proposing to display and sell sheds.

Lou Visone said he would like to display four or five structures next to the plaza that he also owns.

James Callahan said it is vacant land and the Town Board can approve this with a Temporary Conditional Permit. The Town Board can require conditions for landscaping or other amenities to ensure that the display is in keeping with the Town of Clarence.

(No action was taken on this item.)

Essex Homes/Shadow Woods Subdivision requests Final Plat Approval for Phase 2 of Shadow Woods including public road dedication of approximately 1,000 linear feet of Kristina Circle and including 28 +/- sublots. James Callahan said this property is located on the west side of Goodrich Road north of Keller Road. It is an existing and previously approved Open Space Design Subdivision.

Bill Schutt of Wm. Schutt Associates was present representing Essex Homes and The Hamlet of Clarence LLC. This is to complete the loop of the development and the final phase of the project.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to approve the request of the applicant, Essex Homes of WNY, for Final Plat Approval for Phase 2 of the Shadow Woods Subdivision including the public road dedication of approximately 1,000 linear feet of Kristina Circle and including 28 +/- sub-lots subject to the following conditions:

1. All conditions as approved by the Town Engineer.
2. All applicable fees.
3. All documents for the road dedication and any easements are to be submitted to the Town Attorney for review and approval.
4. No building permits shall be issued until the road deeds and easements are filed with the Erie County Clerk's Office and proof of same is submitted to the Town Attorney's Office.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Dominic Piestrak/Spaulding Green Open Space Design Subdivision requests amended Concept Plan Approval for the overall subdivision design. James Callahan said the location is the

east side of Goodrich Road north of Greiner Road. The applicant is proposing to amend the previously approved open space design overlay. The Planning Board has forwarded a recommendation for approval of the amended design with conditions. Per the Zoning Law, the Town Board has final approval authority. An action under SEQR is also required.

Stephen Schop, attorney for the applicant was present. The project complies in all respects. He understands that Councilman Kolber is trying to get here this evening. He asked that this item be moved to the end of the agenda in case he does arrive.

Supervisor Hartzell suggested doing the SEQR resolution first and then wait to see if Councilman Kolber makes it.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning Board, the Clarence Town Board to issues a Negative Declaration on the proposed amendments to the Spaulding Green Open Space Design Overlay District. This Unlisted Action involves a design change to the previously approved Open Space Design subdivision. After thorough and coordinated review it is determined that all conditions of the original Findings Statement and Final Environmental Impact Statement are maintained and the action is considered minor identifying no significant environmental impacts. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo and Supervisor Hartzell; Noes: None. Recuse: Councilman Casilio. Motion carried.

Michael Development requests a transfer of previously approved Excavation Permit from 10001 Grand Corporation to Michael Development Company at 10001 Wehrle Drive. James Callahan said the ownership of the property has changed to Michael Development Company. All of the associated paperwork for this permit has been revised to reflect the new owner. It is here now to have the Town Board approve the renewal under the new owner's name.

The applicant was not present, but Mr. Callahan said it is really a ministerial act of the Town Board to change the name.

Supervisor Hartzell said the applicant was present at the last meeting.

James Callahan said it is a very limited use mine. The Town has been issuing a permit for over 20 years. They keep it active in case they need it.

Motion by Councilman Casilio, seconded by Councilman Geiger to approve the request for the transfer of the previously approved Excavation Permit from 10001 Grand Corporation to Michael Development Company at 10001 Wehrle Drive for the period of one year to expire in August 2015. On the question, Councilman Casilio said all application materials have been amended to identify the new ownership, including updated NYSDEC Mining Permit. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Administrative Review Fees - Proposed amendments to The Code of the Town of Clarence Chapter 99 to add a Recreation Fee for Multiple Family Housing Project. James Callahan said the proposal is to add \$450 Recreation Fee. A public hearing is required.

Councilman DiCostanzo said this is the same amount as a single family home.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to set a public hearing for October 22, 2014 at 8:10 p.m. to consider proposed amendment to the Code of the Town of Clarence Chapter 99 to add a Recreation Fee for Multiple Family Housing Projects. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to approve the request of the applicant, Brookfield Country Club, for Fireworks Display Permit for October 13, 2014, at 5120 Shimerville Road. On the question, Supervisor Hartzell said all the appropriate paperwork, fees insurance and fire chief approvals are on file in the planning and zoning office. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Erie County Farm Bureau – Nov. 7, 2014; Legion Hall Applications - A. Cub Scout Pack #568 – Oct. 27, 2014; B. Tabassom Alijani – Nov. 8, 2014; C. Mandana Waseh – Nov. 11, 2014; D. Harris Hill Elementary – Dec. 5, 2014; E. Valerie Place – Dec. 14, 2014; F. John Matteson – Dec. 20, 2014; G. Kate Buchbinder – Dec. 27, 2014; H. Cub Scout Pack #563 – 2015 Monthly Meetings. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo that after proper audit and review, the following bills of September 25, 2014 are approved for payment: General Fund - \$254,014.57; Highway Fund - \$68,232.80; Water District - \$1,351.92; Lighting Districts - \$705.44; Sewer Districts - \$275.77; Capital Fund - \$1,489.96; and Trust & Agency 203 - \$28,980.68 for a total amount of \$355,051.14. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

“For the Good of the Town”

Laurie Frey said she and her husband are against any changes to the agreed upon phases of Spaulding Green Subdivision. It was approved several years ago based on the set progression of phasing. They submitted a petition six years ago objecting to the cut through of Green Valley Drive. The Town and the developer agreed to make the area closest to Green Valley the last and final phase. Now they want to change that and make it the next phase. They want to know why. They also want to squeeze in more homes in this area. It is for the convenience of the developer at the expense of the nearby residents. There is no upside for the Town of Clarence to change. They entrust the elected officials to make the right decisions for the residents. If there is a vote in favor, they would like to know how this benefits the Town.

Carol Conwall said she is the organizer of the Clarence Town Heritage to Save, Conserve and Preserve our Town’s heritage. She presented a cd of slides of the Bishop Lapp-Riegle Farmstead at 8990 Greiner Road produced by Sarah Mansouri to the Town Clerk and all members of the Town Board. She put together this magnificent piece to showcase the hidden treasure that Clarence holds. This should be a reminder of how important it is to save, conserve and preserve our Town’s heritage for generations to come. They look for support from the Town to continue their efforts.

Dave Wisnoski said he would like to add to what Ms. Lisowski said. He cannot think of anyone in the Green Valley neighborhood who six years ago was in favor of pushing through Green Valley Drive. The least that could be done was to hold it to be the last phase of the development. Then all the trucks that drive up and down Goodrich and Greiner Roads that never seem to end would now be cutting through their neighborhood. If it is switched around, Green Valley will become a construction road. He was working around his home today and only saw one car the entire day. It is a quiet and peaceful neighborhood. It will change the experience of that for his three children. There may not be an environmental impact, but there is definitely going to be a quality of life impact on this neighborhood.

Councilman DiCostanzo said he knows this is important to Councilman Kolber and he would like to wait to vote on it when he is present.

Supervisor Hartzell said we will table it until the next meeting.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:20 p.m.

Nancy C. Metzger
Town Clerk

