

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, October 23, 2013, at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 5:30 P.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, Junior Planner Jonathan Bleuer, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Confidential Secretary to the Supervisor Karen Jurek and Director of Administration and Finance Pamela Cuvillo.

### **Budget Hearings:**

#### *Clarence Center VFC*

Clarence Center VFC has requested \$800,000 for their 2014 Fire Protection Contract with the Town of Clarence. This is the same amount that was requested last year.

#### *Harris Hill VFC*

Representatives from Harris Hill VFC presented their budget requests to the Town Board. Approximately \$1.6 million was in reserves however \$500,000 has been taken out to pay down the mortgage on their fire hall and for new air packs. In the next year, they will be replacing an ambulance and a pumper truck.

Harris Hill currently has 81 active members with the addition of 4 more members by the end of the year. They have taken in 20 new members since the beginning of the year which means \$50,000 in turn-out gear for these members. Harris Hill is requesting a modest budget increase due to the increase in new members. They are focused on qualifying their new members for interior gear and updating the gear for some of the older members as well. They have nozzles that need replacing this year, some date back to 1984 and you cannot purchase parts for them any longer.

Harris Hill VFC is the only company with an Explorer Program/Junior Program, there is an expense to running this program as the members get outfitted with gear as well.

The Town Board was in agreement with approving Harris Hill VFC budget request of \$733,294.

#### *Rapids VFC*

Rapids VFC have requested \$41,715. For the 2014 Fire Protection Contract with the Town of Clarence. Rapids VFC has 27 members in their Junior Fire Fighter Program, out of the 27, nine members are from the Town of Clarence and nine of them have become active members of Rapids VFC. CCVFC does not sponsor a Junior Fire Fighter Program any longer but have helped Rapids VFC with training and equipment. A RAPID VFC has two ambulances which will benefit everyone in their district.

#### *East Amherst VFC*

East Amherst VFC is requesting \$269,255 for their 2014 Fire Protection Contract with the Town of Clarence; their budget went down from last year. The Town of Amherst accepted their budget as well. Mr. Morris requested a three year contract - which was what their budget was based on with no increases. They are currently coming off of a three year contract with the Town of Clarence and renegotiated a three year contract with Amherst. They would like to be consistent with both towns they service. Councilman Casilio suggested setting a public hearing in the next two weeks to consider entering into an agreement for a three year contract.

*Swormville VFC*

Swormville VFC is requesting \$22,648 for their 2014 Fire Protection Contract with the Town of Clarence which was the same amount as last year. They are requesting a three year contract with a 2% increase in their budget for 2015 and 2016. The contract could include a clause indicating that the contract could be opened by either side for one reason or another. Town Attorney Meckler suggested a three year budget with no increases which is what East Amherst VFC requested.

Motion by Councilman Casilio, seconded by Councilman Kolber to enter into Executive Session at 6:10PM pursuant to §105(1)A of the Open Meetings Law to discuss matters which will imperil the public safety if disclosed. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to adjourn the Executive Session at 6:20PM. Upon roll call – Ayes: All; Noes: None. No action taken.

A public hearing will be scheduled for two weeks to consider entering into a three year Fire Protection Contact with Swormville VFC.

**Director of Community Development – James Callahan*****Public Hearings:***

Annual Public Hearing on Community Development Block Grant Opportunities

A Public Hearing is scheduled for 8:15PM to consider projects eligible for Community Development Block Grants. The Town is eligible to apply for CDBG monies under the County guidelines. Areas benefitting individuals and families that qualify under income limitations per US Department of HUD statutory requirements (80% of the median household income). All proposals shall be in conformance with community goals. The Town Board has final authority to prioritize concepts and make applications under the program.

***Formal Agenda Items:***

Robert Castellani 9854 Keller Road

Applicant is proposing to develop a pond on the north side of Keller Road, east of Herr Road at existing residential property located in the Agriculture Rural Residential Zone consisting of 19.98+/- acres. Per the Excavation Law, the Town Board has final review and approval authority for ponds. The Engineering Department has reviewed the application and approved the design with conditions, including all spoils remaining on the property, total land disturbance of under 1 acre and the setbacks from all property lines to be a minimum of 100'.

***Work Session Items for consideration November 6, 2013:***

Tim Horton's Restaurant 9220 Main Street

Applicant is proposing an area for outside dining at existing restaurant located on the northeast corner of Main Street and Thompson Road in the Commercial Zone. Per the Zoning Law, the Town Board may consider the use with a Temporary Conditional Permit. A Public Hearing is required prior to taking action on the request.

Domenic Piestrak – Spaulding greens Open Space Design Subdivision

The applicant is proposing to amend the previously approved concept plan by including recently acquired sewer taps to increase the total number of lots and maintain the overall green space to meet Town Code. The proposed side is located on the east side of Goodrich Road, north of Greiner Road at existing open space design development identifying 380+/- lots with a previously approved concept plan approval on the overall

project. Per the Zoning Law, the Town Board has final approval authority to approve/amend Open Space Design Developments. An action under SEQRA will be required to amend the concept, identifying sewer taps, green space and lot configuration. Referral to the Planning Board would initiate a formal review of the proposal.

#### **Supervisor David Hartzell**

- Accept proposal for replacement and installation of commercial steel gutters for Highway Bldg. #6 to Neth & Sons Inc.
- Accept proposal for roof repairs for Highway Shop Building to Grove Roofing Services, Inc.
- Award Bid for removal of Leaf Compost to J.M. Deluxe Inc.
- Declare several Highway Department vehicles/equipment as surplus
- Transfer Funds from the 2013 Highway Department Budget Snow Account to Road Account
- Suspend construction of any permanent installations of any kind in all Clarence Town Parks/Bike Path pending development of guidelines

#### **Councilman Bernard Kolber**

- Authorize Court Clerks to attend Town and Village Court Clerk's training October 25, 2013

The Library is reinstalling cameras and getting quotes for installing them on the outside as well.

There was a discussion at the October 9<sup>th</sup>, 2013 Work Session relative to the demolition of the building next to the Bistro in the Hollow. Councilman Kolber and Councilman Geiger feel this building is an integral part of the Hollow. They would like to sit down with the owner of the building before any work begins to see if the building can be saved. Senior Building Inspector David Metzger stated that the basement foundation is not in very good shape and is causing the walls to crack. James Callahan stated that the Planning Board initiated Lead Agency Status, referred this to the Historic Preservation Commission and the Commission has met with the owners. Currently the plans are unclear as to the expansion of the Bistro, but the owner has indicated that he would like to preserve some of the character of the building. The building is in very rough condition.

Councilman DiCostanzo stated that the owners of the Bistro have done great things with their building and are trying to reinvigorate the Hollow. He did not think it was right to expect the owners of the Bistro to spend thousands of dollars to incorporate the Bistro into this building, it would be cost prohibitive.

Councilman Geiger thought that perhaps some parts of the building could be salvageable whether it is bricks or boards that could be used in the addition. Councilman Kolber and Councilman Geiger would like to sit down with the owner and see the condition of the inside of the building. They will report back to the Town Board as to their findings. This is one of the key properties in Clarence Hollow.

### **Councilman Patrick Casilio**

- Enter into agreement with EnterPath Services, Inc. for Energy Efficiency Program

Councilman Casilio had a conference call with AT&T he will forward the information to the Town Board.

Councilman Casilio has received requests to move the Prescription Drug Drop off Site from the Sheriff's substation on Goodrich Road to Town Hall. Councilman Casilio would like to hold off on this request for several weeks to see if things change.

### **Councilman Peter DiCostanzo**

- Accept the proposal from Allied Waste Services for trash pickup at the Youth Bureau
- Set a Public Hearing for November 6, 2013 to consider the Preliminary Budget and Special District Assessment Rolls for the Town of Clarence for the year 2014
- The Speaker Series sponsored by the Youth Bureau is scheduled for November 4<sup>th</sup> in the Town Hall auditorium

### **Councilman Robert Geiger**

- Snow Removal and Ice Control Agreement
- Names of hunters signed up for the Deer Abatement Program

Councilman Geiger put together a motion endorsing and supporting the efforts of the Clarence Hollow Association to erect sign poles in Clarence Hollow. The four locations are to be determined and agreed upon by all interested parties. The purpose of this is to assist the Hollow Association to obtain a permit through the DOT as soon as possible to be able to display their holiday lights.

Supervisor Hartzell contacted the DOT and was told that they do not allow private organizations to install permanent structures on DOT property. Supervisor Hartzell referred Jean O'Connell and Paul Cambria to his contact at the DOT.

Town Attorney Meckler stated that there is so much mixed information coming from the DOT that he would like some specific guidelines from them as to what their procedure is. With the current information brought forward, Councilman Geiger will not make his motion relative to the sign poles in Clarence Hollow.

Supervisor Hartzell received a letter from a resident requesting there be a limit on the number of dogs per household. Animal Control Officer Jerome Schuler does not feel the law is necessary. Supervisor Hartzell did not feel it was the town's responsibility to dictate how many dogs are allowed per household.

There was a discussion regarding the Tentative Budget. Supervisor Hartzell stated that Parks Security is basically a summer job (April – October). When looking at part-time workers in the Town of Clarence, Parks Security is paid much better than any other part-time workers. When they requested an increase, Supervisor Hartzell felt they are being paid well for what they do, it is an easy job. Supervisor Hartzell has included a

line item in the budget to bring the new hires next summer in line with the other part-timers in Parks, Highway and Recreation.

Animal Control Officer Jerome Schuler requested a full time employee, but the Board did not feel it was necessary.

Town Attorney Meckler has two Attorney-Client items to discuss.

There being no further business, the Work Session adjourned at 7:05PM.

Darcy A. Snyder  
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, October 23, 2013 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell, Jr. called the meeting to order at 7:30 p.m. Pledge to the flag was led by Boy Scout Troop 250. Pastor Matt Farrell of Clarence United Methodist Church forwarded a prayer read by Councilman Robert Geiger.

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

Supervisor Hartzell said the minutes were not available for review.

Motion by Supervisor Hartzell, seconded by Councilman Geiger that upon the recommendation of Deputy Highway Superintendent James Dussing, the Town Board accepts the proposal from Neth & Son, Inc. of 146 Taylor Drive, Depew, NY for the replacement and installation of commercial gauge steel gutters, down spouts and snow guards on Highway Building 6 for an amount not to exceed \$11,450.00.

On the question, Supervisor Hartzell said Neth & Son, Inc. submitted the lowest proposal. The funds are available in the Highway Building and Maintenance Account.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber that upon recommendation of Deputy Highway Superintendent James Dussing, the proposal from Grove Roofing Services, Inc., 131 Reading Street, Buffalo, NY was accepted for roof repairs to the Highway shop building for an amount not to exceed \$5,100.00.

On the question, Supervisor Hartzell said Grove Roofing Services, Inc. submitted the lowest proposal. They will supply the necessary insurance certificates. The funds are available in the Highway Building and Maintenance Account.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger that upon the recommendation of Deputy Highway Superintendent James Dussing, the bid of \$4.61 per cubic yard for the purchase and removal of 866 cubic yards of leaf compost from the Town recycling area on Sheridan Drive be awarded to J. M. Deluxe Inc., 4870 North Millgrove Road, Akron, NY.

On the question, Supervisor Hartzell said J.M. Deluxe Inc. was the high bidder. They are required to remove the material within 60 days from the time of the award of the bid and supply the necessary insurance certificate naming the town as an additional insured.

Councilman Kolber said he will recuse as he has a business relationship with this company.

Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo, Casilio and Supervisor Hartzell; Noes: None. Recuse: Councilman Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger that upon the request of Deputy Highway Superintendent James Dussing, the following vehicles and equipment are declared as surplus and no longer needed for Town purposes: 1 – H-24 1987 Bucket Truck (damaged); 1 – H-5 1999 Dodge Pick Up Truck; 3 – H-37 Hard Salters; 1 – H-66 1958 Gallon Roller; 1 – Post Driver A (PTO Driven); 1 – Old Building Generator; 1 – V-Plow; 1 – Army Generator; 1 – Jenny Press Washer Steam Cleaner; 2 - Ice Magic Tanks; 1 – 5 Foot Wood's Mower Deck; 1 - Mower Head – Terrain King; 1 - Tri Axle Trailer; 2 - Steel Racks; 10 – Gates; 1 – Aluminum Tool Box; 2 - Chip Boxes; Plow Frames; and Old Guardrails.

On the question, Supervisor Hartzell said this surplus equipment will be taken to be sold at auction and if not sold will be taken to a metal recycling company and sold as scrap metal.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to approve the transfer of funds from the 2013 Highway Department Budget line as follows: \$25,000.00 from Account 002.5142.0415 - Snow Account to Account 002.5110.0413 - Road Account. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to suspend the construction and placement of any permanent installations of any kind in all Clarence Town Parks and on the Bike Path pending the development of a policy by the Clarence Town Board setting forth guidelines for such installations.

On the question, Supervisor Hartzell said this would include the memorial benches and bird houses.

Councilman Kolber asked if this includes the arboretum. Supervisor Hartzell said it does not affect the arboretum.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the request of Justice Robert Sillars for Court Clerks Marilyn Taton and Mary Zimmerman to attend the Town & Village Court Clerk's Training Seminar on Friday, October 25, 2013 beginning at 9:00 a.m. with all reasonable and necessary expenses to be paid by the Town.

On the question, Councilman Kolber said the Training Seminar is given by the NYS Unified Court System held at the Erie County Courthouse, Buffalo, NY and usually is a one day seminar. There is no fee for the training.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said we have received a request for demolition of a building in the Hollow that is definitely one of the oldest buildings in Town. It is such a vital part of the fabric of the Clarence Hollow. He and Councilman Geiger are going to meet with the owner to see if they will reconsider and try to build it into their plans for the future.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to enter into an agreement with EnterPath Services, Inc. to enroll in the Small Business Energy Efficiency Program, a NYSEG and RG & E Energy Efficiency Program, and authorize the Supervisor to sign same for the Youth Bureau at 10510 Main Street at a cost of \$2,714.92 plus the cost of the permit and electrical inspection of \$125.00.

On the question, Councilman Casilio said this is now a Town owned building and can be added to the energy efficiency savings program. This will be funded from the Light, Heat, Power and Water Account - No. 1.1620.438.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to set a public hearing for Wednesday, November 6, 2013 at 7:50 p.m. to consider the Preliminary Budget and Special District Assessment Rolls for the Town of Clarence for the year 2014. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to accept the proposal of Allied Waste Services for trash disposal services for the Youth Bureau at 10510 Main Street for a period of one year commencing November 1, 2013 to October 31, 2013 at a cost of \$35.25 per month plus a one time delivery fee for the dumpster in the amount of \$15.00 and to authorize the Supervisor to sign the agreement.

On the question, Councilman DiCostanzo said Allied Waste Services submitted the lowest proposal for this service. Funds are available in the Youth Bureau Maintenance of Bldg. and Grounds budget line.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced that the Youth Bureau is putting on a speaker series on November 4<sup>th</sup> at 7:00 p.m. at the Town Hall on substance abuse.

Councilman DiCostanzo thanked the people who attended candidate's night. He would have liked to have seen more people there.

Supervisor Hartzell told the students in the audience that they can change how Clarence looks. He and Councilman Geiger went to a government class at the high school last year and they asked what the students would like to see in Clarence. The students told them that they would like another basketball court. They found some extra money in the Highway and Parks budgets and put a new basketball court in at Town Place Park. If you see something or have a suggestion, contact a Town Board member and we will see what we can do.

Motion by Councilman Geiger, seconded by Councilman Casilio to authorize Supervisor David C. Hartzell, Jr. to sign the 2013-2016 Snow Removal and Ice Control Agreement between the County of Erie and the Town of Clarence. This Agreement shall be reviewed annually for modification in accordance with the terms and conditions of the Agreement. The term of the Agreement is from September 1, 2013 through August 31, 2016. The agreement will be on file in the Office of the Town Clerk of the Town of Clarence. Reimbursements will be made to the Town according to the schedule attached to said agreement. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger said we have approved the 2013-14 Deer Nuisance Program again this year. The following have taken the DEC test and are qualified to participate: Dennis Londos, Mike Bowers, Rick Richert, Dale Bossert, Nello Paolucci, Charles Riggio, Carl Schultz, Ron Martin, Peter Forrestel, Dave Hartzell, Joe Weiss, Fred Rathgeber, Marty Bronisz, Mike Petroci, Mike Schlabach and Dan Gamin.

A Public Hearing was held to consider entering into a contract with Clarence Center Vol. Fire Company for fire protection in the Town of Clarence for the year 2014 in the amount of \$800,000.

Tom Brady, treasurer of Clarence Center Fire Company was present to answer any questions.

Supervisor Hartzell thanked him for being fiscally conservative with their budget and for their service to the Town.

With no one speaking to the subject, motion was made by Councilman Casilio, seconded by Supervisor Hartzell to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 23, 2013, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Clarence Center Volunteer Fire Company, Inc. for the year 2014 in the amount of \$800,000.00.

On the question, Councilman Kolber said that is the same number that they are at this year.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Supervisor Hartzell that after proper audit and review by the Town Board, the following bills of October 24, 2013 are approved for payment: General Fund - \$160,265.49; Highway Fund- \$145,577.55; Water District - \$1,103.76; Drainage District - \$96.59; Sewer Districts - \$244.24; and Capital Fund - \$66,508.16 for a total amount of \$373,795.79. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to grant approval for the following: Clubhouse Applications - A. Clarence Soccer Club – Nov. 24, 2013; Legion Hall Applications – A. Katelyn & Nick Tagliarino – Oct. 27, 2013; B. Clarence Youth Basketball – Oct. 29, 2013; C. Susan C. VanCleave – Nov. 24, 2013; D. John Matteson – Dec. 21, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Robert Castellani requests a Pond Permit at 9854 Keller Road.

James Callahan said the location is the north side of Keller Road, east of Herr Road consisting of an existing residential property in the Agricultural Rural Residential Zone.

Robert Castellani said he is proposing a ½ acre pond on his 20 acres of land. He has lived at this location since 1986. The house was originally built in 1874 and they have remodeled it over the years. They are looking to use it for fishing and swimming. It would be 12 ft. in depth with a few holes down to a 15 ft. maximum. The spoils will remain on the site to add berms.

Motion by Councilman Casilio, seconded by Councilman Geiger to grant approval for a Pond Permit at 9854 Keller Road to Robert Castellani, subject to review and approval by the Town Engineer. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider entering into a contract with East Amherst Fire Department for fire protection in the Town of Clarence for the year 2014 in the amount of \$269,255.

Mike Morris, president of East Amherst Fire Department said they presented a budget to the Board that reflects a slight reduction from the previous three years.

Supervisor Hartzell said it is a great budget. He thanked them for being fiscally conservative.

Councilman Kolber said the Board is considering a one-year budget, but the Fire Department requested three years. We will be taking action tonight for a one year budget. Our legal department will then have to look at rescinding or modifying the contract to consider the three-year term. This is what we have published at the time for consideration.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that after public hearings duly held on October 23, 2013, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the East Amherst Fire Department, Inc. for the year 2014 in the amount of \$269,255.00.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for November 20, 2013 at 7:50 p.m. to consider entering into a three-year contract with East Amherst Fire Department, Inc. for fire protection in the Town of Clarence in amounts to be publicly advertised. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider entering into a contract with Harris Hill Vol. Fire Company for fire protection in the Town of Clarence for the year 2014 in the amount of \$773,294.

Bryan Lamphron, treasurer of the Harris Hill Fire Company said their request is for \$733,294, not \$773,294 as presented by your Director of Finance. They are asking for a 1.2% increase as they have added many new members to their roster.

Supervisor Hartzell thanked them for their service to the Town of Clarence.

Councilman Geiger complimented them on all they are doing for the young people.

Councilman Kolber said teens can join the explorer group at age 14. Harris Hill and Rapids are the only companies that have the program.

Councilman DiCostanzo said, just so nobody thinks he is getting soft as he gets older, everyone else has been able to hold their number as last year. Even if we agree that you need the spending to run the department, they are only showing \$20,000 in revenue. Last year they estimated \$24,000 and took in \$49,000, plus a grant.

Mr. Lamphron said last year was an exceptional year. They budgeted \$24,000 this year and they are in pace with that around \$30,000. Anything extra will go into the facility replacement reserves to build it back up from liquidating that to pay the mortgage down.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Supervisor Hartzell to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that after a public hearing duly held on October 23, 2013, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Harris Hill Volunteer Fire Company, Inc. for the year 2014 for the amount of \$733,294.00.

On the question, Councilman DiCostanzo said he told them earlier that he appreciates what they do and their community outreach, but he will be voting no on this one.

Councilman Kolber said after meeting with them, they explained that they paid \$20,000 down on their mortgage by taking it out of reserves. He feels they made some prudent decisions. They have the increase in expenses with new members coming in and their explorer and junior programs are doing very well. He thinks they are doing a very good job.

Councilman Casilio said he is in favor of it also. It was not mentioned that they are the busiest fire company in the Town. The junior program is very labor intensive, but very beneficial for the youth.

Upon roll call – Ayes: Councilmembers Geiger, Casilio, Kolber and Supervisor Hartzell; Noes: Councilman DiCostanzo. Motion carried.

A Public Hearing was held to consider entering into a contract with Rapids Vol. Fire Company for fire protection in the Town of Clarence for the year 2014 in the amount of \$41,715.

Councilman Kolber said we told them at the work session that they did not have to stay.

With no one speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 23, 2013, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Rapids Volunteer Fire Company, Inc. for the year 2014 in the amount of \$41,715.00.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber stated that the budget number for Rapids Fire Company was the same as last year.

Supervisor Hartzell said as discussed in the work session, we are under a State mandate to keep our budget increase under 1.6%. We asked all of our department heads to bring in flat budget requests because some departments, by virtue of their growth, will be over that 1.6%.

A Public Hearing was held to consider entering into a contract with Swormville Fire Company for fire protection in the Town of Clarence for the year 2014 in the amount of \$220,648.

John Gaulocher, president of Swormville Fire Company said their budget is flat as requested.

Supervisor Hartzell thanked him for bringing and a flat budget and for the service they provide to the Town of Clarence.

Councilman Casilio said they have been bringing in flat budget requests. He asked John to give a little history on the success of obtaining grants.

Mr. Gaulocher said they write their own grants. Since 2002 they have been looking everywhere for grants and have been successful in obtaining a half a million since then. All of the companies were successful in obtaining a federal grant to purchase new radios for Clarence, Amherst, Newstead and Akron companies.

Councilman Casilio said the grants help keep the tax rate down for our residents.

Supervisor Hartzell thanked him for the extra effort; they are not only fighting fires, but writing their own grants.

With no one else speaking to the subject, motion was made by Councilman Geiger, seconded by Councilman Kolber to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 23, 2013, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Swormville Fire Company, Inc. for the year 2014 in the amount of \$220,648.00.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for November 20, 2013 at 7:55 p.m. to consider entering into a three-year contract with Swormville Fire Company, Inc. for fire protection in the Town of Clarence in amounts to be publicly advertised. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said there were five fire companies here this evening that we enter into contracts for fire service. Clarence Fire District was not here because they are their own taxing entity. They create their own budget and tax rate for their district.

Supervisor Hartzell said we are very fortunate to have volunteer fire companies. It saves us a lot of money. It is not easy with all of the time they have to put in.

Councilman Casilio said it is like having a second job. Members must attend drills, meetings and training in addition to responding to calls. He is a member of Clarence Fire District No. 1, and as was mentioned, has nothing to do with this process. That is why he votes on the fire company budgets that come before the Town Board.

A Public Hearing was held to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects for Federal Community Development Block Grant Funds which would benefit low and moderate income persons in the Town of Clarence.

James Callahan said that as a member of the Erie County consortium, the Town of Clarence is eligible to apply for community development block grants or "CDBG" money. These must be approved by the County guidelines. Areas benefitting individuals and families that qualify under income limitations are eligible. All proposals must be consistent with community goals.

The public hearing is to give the public the opportunity to identify community needs that qualify for funding opportunities under this program.

Mr. Callahan said this year the Town of Clarence was fortunate to receive funding for the Senior Center entrance improvement project. In the past we have had success in providing handicap access and a limited amount of pedestrian walking facilities in areas that qualify for low to moderate income. It is difficult for the Town of Clarence to qualify because of the income limitation but we have done a number of projects over the years.

With no one speaking to the subject, motion was made by Councilman Casilio, seconded by Supervisor Hartzell to close the Public Hearing. On the question, Councilman Casilio said this is the process we have to go through in order to apply for a block grant. Upon roll call – Ayes: All; Noes: None. Motion carried.

James Callahan said prior to taking any action, one of the things we applied for last year was the handicap access to the walkways in Clarence Center and that might be something that we could look at again. Also, pedestrian access in the Hollow would be a possible request.

Councilman Casilio said we also had block grant funding to help with improvements in the Hollow to add to what the State had done years ago.

Councilman Kolber asked if this is funding that we could use for the sign post banners.

Mr. Callahan said he does not think so because it has to include an ADA component. It can't hurt to try.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

WHEREAS, the Clarence Town Board is desirous to provide services to low and moderate income persons who reside in the Town of Clarence; and

WHEREAS, the Clarence Town Board set a public hearing for October 23, 2013 at 8:15 p.m. to provide an opportunity for public input to the citizens of the Town to express community development and housing needs and possible projects that would benefit low and moderate income persons residing in the Town; and

WHEREAS, The Clarence Town Board will consider and submit all projects that qualify for the Erie County Community Development Block Grant program for ECCDBG funds.

NOW THEREFORE BE IT

RESOLVED, that a meeting of the Clarence Town Board duly convened on Wednesday, October 23, 2013, a public hearing was held, and after all interested parties having been heard, the Clarence Town Board hereby authorizes David C. Hartzell, Jr., Supervisor of the Town of Clarence, Erie County, New York, to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) for the following projects upon approval of ECCDB:

1. Clarence Center Hamlet Handicap Sidewalk Access.
2. Sign Poles for Clarence Hollow.
3. Rural Transit Service.

Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

WHEREAS, Rural Transit Service, Inc. provides transportation services to eligible, low and moderate income persons who reside in the Towns of Clarence, Newstead and the Village of Akron; and

WHEREAS, the Clarence Town Board continues its support of Rural Transit Service, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board, at this duly convened meeting, hereby authorizes Supervisor David C. Hartzell, Jr., to sign onto the Rural Transit Service, Inc. for the 2014-2015 Community Development Block Grant year.

Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:22 p.m.

Nancy C. Metzger  
Town Clerk