

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, November 7, 2012, 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 Director of Administration and Finance Pam Smith.

Director of Administration and Finance Pam Smith

The public hearing for the volunteer fire companies is scheduled for November 14, 2012. The tax cap has to be filed with OSC prior to adopting the budget. The budgeted amount for Rapids VFC in the preliminary budget is incorrect; it should read \$41,715 which would bring them to a 3% increase.

Councilman Casilio would like Pam Smith to devise a "punch list" of questions to be sent to each fire protection district before the budget meetings next year so the budget process goes more smoothly. He did not feel the Board should be sitting down with the fire departments if the requested information is not presented prior to the budget meeting. Pam stated that former Supervisor Kathleen Hallock started that several years ago. Pam said that the fire departments are aware of exactly what information the Board is looking for before the budget process begins. Councilman Casilio said "the door swings both ways" and maybe we have not asked for the correct information. He also suggested the Board set a limit on reserve funds and budget meeting should be scheduled for earlier in the year.

Supervisor David Hartzell

Motion by Supervisor Hartzell, seconded by Councilman Casilio upon recommendation of Highway Superintendent Theodore Donner, the following are appointed to the two open positions of Motor Equipment Operator at Step I per the Blue Collar Union Contract effective November 12, 2012: Gary Smith and Clarence Daigler. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Erie County Legislature has designated November 1 through November 30 each year as the annual thirty-day period during which a landowner may request the inclusion of predominantly viable agricultural land into a certified agricultural district in accordance with Section 303-b of NYS Agricultural and Markets Law. Supervisor Hartzell read the notice into the record as requested and will make mention of it throughout the month of November.

Public Notice

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated November 1 through November 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/environment.

The Erie County Department of Environment and Planning will accept applications from November 1 through November 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A hearing on submitted applications for inclusion will be held at 6pm on Monday, December 10, 2012 at Erie County Cornell Cooperative Extension Office, 21 South Grove Street, East Aurora, NY 14052.

Contact Rachel Chrostowski, Planner, Erie County Environment and Planning, 95 Franklin Street, 10th Floor, Buffalo, NY 14202. Phone: (716) 858-8002; Fax: (716) 858-7248; Email: agriculture@erie.gov.

Councilman Bernard Kolber

Since Bryant and Stratton are no longer located in the Town of Clarence, Councilman Kolber would like to rename Bryant and Stratton Way. He also would like to see road connectivity through to Eastern Hills Mall. He suggested bringing all concerned parties together to discuss it. Supervisor Hartzell concurred with Councilman Kolber and suggested naming the road after someone who played a significant role in

the Town of Clarence. Councilman Kolber will work with Director of Community Development James Callahan on this.

The town owns property that is leased out for agricultural purposes. Councilman Kolber suggested the town see if it can get some revenue back on those properties.

Councilman Patrick Casilio

Councilman Casilio commented on the decreased amount of political signs in the right of ways this election.

One of the town security vehicles was involved in a deer accident. The vehicle is being assessed for damage.

Councilman Casilio stated that there are some issues related to the Deer Abatement Program but he felt it was a good program and important for the safety of Clarence residents to keep the program going. Supervisor Hartzell stated that he has pushed Dennis Londos to include more Clarence residents.

Councilman Peter DiCostanzo

The Planning Board will discuss Multi Family Housing at their meeting tonight.

Karen Jurek has mailed out letters to committee members asking if they are interested in being reappointed next year. Councilman DiCostanzo has received several replies via e-mail. Karen should be notified of anyone wanting to be reappointed.

Dominic Piestrak was in attendance at the Planning Board Executive Committee meeting. There was a discussion regarding sewers and he commented on the Harris Hill line saying that "the Harris Hill line will never happen because there are not enough participants."

Councilman DiCostanzo concurred with Councilman Kolber relative to extending Bryant and Stratton Way through to Eastern Hills Mall but he also felt that a signal would have to be installed at Bryant and Stratton Way and Main Street for people coming out of the mall.

Councilman Kolber asked Town Engineer Lavocat to inquire as to the timing of the light at Harris Hill and Main Street.

Councilman Robert Geiger

Motion by Councilman Geiger, seconded by Councilman Casilio to authorize Supervisor David Hartzell to sign the 2013 Erie County Van Contract for the Going Places Van. The contract term is from January 1, 2013 through December 31, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Peter DiCostanzo to authorize Supervisor David Hartzell to sign the 2013 Group Medicare renewal with Independent Health for the Medicare Advantage Plan. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Highway Department has taken delivery of the Senior Center Van and is in the process of having the town logo's put on. Councilman Geiger is working with Clarence Rotary and other businesses regarding advertising on the side of the van to defray some of the cost. He should have an answer by the end of the week.

Holiday in the Hollow is scheduled for Saturday, December 8, 2012.

Town Engineer Timothy Lavocat received several quotes to replace the trees in Clarence Hollow. There is a considerable difference in price for installation. Mr. Lavocat stated that the trees will be planted in the right-of-way however as part of the contract when Main Street was widened, it is the Town's responsibility to maintain them. Councilman Geiger will compile all the information and contact the Parks Department as to the planting of the trees. Councilman Kolber suggested Councilman Geiger also

contact the Highway Department to help with the planting as well. Other than leaf pickup, their work is done until it snows. A motion will be made at the December 14th Town Board meeting.

The new sign has been installed at the Nature Center.

Paul Cambria is still moving forward with Clarence Old Home Days tentatively scheduled for July 4, 5 & 6, 2013 at Clarence Town Park. Mr. Cambria has agreed to pay for garbage pick-up and security for this event.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of November 8, 2012 are approved for payment: General Fund - \$114,988.05; Highway Fund - \$20,932.16; Water - \$34,791.52; Fire Protection Districts - \$176.16; Drainage District - \$378.48; Capital Fund - \$90,108.89 and Trust and Agency 203 - \$17,035.08 for a total amount of \$278,410.34. On the question, Councilman DiCostanzo stated that he has not reviewed all the bills yet. Upon roll call – Ayes: Councilman Geiger, Councilman Casilio, Councilman Kolber, Supervisor Hartzell; Noes: None. Recuse: Councilman DiCostanzo. Motion carried.

Town Engineer Lavocat has one item to discuss in Executive Session.

Clarence Soccer Club – indoor soccer facility

Paul Nesper, Rick Carlson, Sherry Frost and Kelly MacDonald representing the Clarence Soccer Club presented a proposal to the Town Board for an indoor soccer facility to be located at their current site at Memorial Park.

The Clarence Soccer Club is the largest youth sports program in Clarence, over 2,000 Clarence residents participate. The CSC is a 501(c) 3 non-profit organization that received no funding from the Town of Clarence or any other governmental agency.

The CSC is proposing to construct and self-fund an indoor sport facility on 1.1 acres of Town owned property located at Memorial Park at their existing facility. They are proposing to enter into a parking agreement and easement with the Town to access the facility. The approximate cost is \$1.5million for a permanent, pre-engineered steel building (142'Wx248'Lx35'H). It will contain one 40 x 70 yard synthetic turf field plus public restrooms, multi-purpose room, office, storage and mechanical equipment room and will be operational from October – March. The town would be responsible for plowing the enlarged parking lot and access road from the Peanut Line.

Rick Carlson stated that CSC would like to construct the indoor facility at their existing location at Clarence Center and Kraus Road. Their goal is to construct a building with the least negative impact for neighbors. The proposed location would not take up any of their existing fields; they currently have twelve fields at this site.

CSC has had some initial discussions with their lenders however, they need a concrete plan and they are looking for some guidance from the town. If CSC were to lease a 1.1 acre parcel from the Town, prevailing wage would apply per the NYS Department of Labor. The prevailing wage impact is estimated at \$175,000. The CSC lacks the financial capacity to procure the incremental funds related to prevailing wage payments owed to contractors at the time of construction. A second option would be for CSC to purchase a 1.1 acre parcel from the Town at fair market value however, this requires legislative approval. The bank would require either the ownership of land or a long term lease agreement with the Town. Currently the CSC has approximately \$150,000 - \$200,000 available in the bank. They would be looking at a \$300,000 down payment for the project. The remaining funds would be acquired by fund-raising and contacting other organizations and businesses for support. They are also looking for the support of the Town.

Currently the CSC uses Epic Sports Complex on Wehrle Drive or one of the gyms at the schools. Our weather in Buffalo is not conducive to outdoor sports year round.

Councilman Casilio asked who would be responsible for operating costs including utilities. Mr. Carlson stated that CSC would maintain the building but if the town would like to take over those responsibilities, they would be happy to turn them over.

Councilman Kolber stated that being involved in soccer; the town is in need of an indoor turf field. Not having one is putting our children at a tremendous disadvantage. Time slots at other facilities outside of town are not available and the cost is exorbitant. Councilman Kolber likes the proposed project but suggested moving it to the proposed ice arena at Eastern Hills Mall. He also suggested locating a soccer facility on town owned property on Sheridan Drive near the Nature Center. Councilman Kolber did not like the idea of putting a soccer facility in the middle of all the sports fields at Memorial Park.

Supervisor Hartzell suggested putting the facility in the back north-east corner of Memorial Park.

The proposed soccer facility will be utilized from March through October each year; Councilman DiCostanzo asked if other sports teams will be able to use the facility in the off months. Kelly MacDonald stated that when they mapped out the availability of the different time slots, there are some time slots that would remain available above and beyond what would be made available to soccer. The facility would be made available to other Clarence sports programs, soccer being the primary user. Paul Nesper stated that in Amherst, they use their facility for everything, lacrosse, cheerleading etc.

Kathy MacDonald stated that from a down payment perspective, the soccer organization has to come up with \$300,000 to start, they currently do not have all that money and it is unlikely they can fundraise to come up with what is needed.

Town Attorney Meckler stated that the Soccer Club has the purchase price of the land and the time it will take to go to the Legislature will increase the cost of the project. If the soccer club owns the building and owns the property in which the building is on, the Town cannot participate in the maintenance of the building or payment of utilities. If the building is a lease situation, then the town would have more flexibility going forward in terms of participation with expenses.

Councilman Casilio stated that before the Town Board moved ahead with anything, he would like the advice of outside counsel. He would also like to see the facility at the Soccer Center and he would like to see a lease and not the sale of town property.

Kelly MacDonald stated that the club is open to locating the facility in the back corner at Memorial Park but ideally they were looking at having the indoor facility in the same location as their outdoor facility.

Councilman Kolber suggests that the Town bond the project and lease it to the soccer club for the cost of the bond payment.

Director of Community Development James Callahan stated that the Recreation Advisory Committee should be involved in discussions of this project. Supervisor Hartzell suggested the RAC review the plans and come back to the Town Board with their recommendations.

Councilman Kolber said that his number one complaint is selling the land. It would add at least one year onto the process by time it cleared the legislature. In terms of the building, there are steel barns the same size along road frontage (Clarence Center and Kraus Road). This soccer facility is desperately needed in town our programs are suffering by not having indoor training. Councilman Kolber stated that the town could bond 100% of the project and then lease it back to the soccer club.

Councilman DiCostanzo stated that if the town leased the building to the Soccer Club, would they have control over maintaining the building. Town Attorney Meckler said that the Soccer Club could have volunteers come in to clean the building and empty garbage cans etc. As part of the lease, the town would have to agree on who would have responsibility for utilities and maintenance. Town Attorney Meckler stated that the building could not be exclusive to soccer; it would have to be made available to other organizations.

Supervisor Hartzell suggested selling naming rights to off-set the cost of the bond. Representatives from the Soccer Club were in agreement with the soccer facility being located in the back northeast corner of Memorial Park. Councilman Kolber stated that he would prefer the building in the back corner but the more he is looking at the view scape, the less it bothers him having the facility located near the current building. Moving the proposed facility to the back corner, soccer would lose the ability to have some sort of functionality space and continuity with the primary facility.

Sherry Frost stated that the Parks Department is looking for storage space to store some of their equipment. If the soccer facility would be located in the back corner of Memorial Park, there would be room at this site to add another bay or build another building to accommodate their equipment.

Councilman Casilio suggested the Soccer Club get better architectural drawings of the building and come up with some concrete numbers. Director of Community Development stated that before too much money is spent on drawings, the Recreation Advisory Committee has to review the proposed project, it will require SEQRA and public involvement.

In summary, Councilman Kolber stated that the Town will bond the proposed facility and lease it to the Soccer Club for whatever the term of the bond, normally 20 years. Town Engineer Lavocat stated that if the town is bonding it, we would have to build it just like a capital project. The town would build the facility and lease it over 20 years. Paul Nesper stated that they would have a build-out letter or attachment to the lease specifying all the things they would need so it is spelled.

Supervisor Hartzell stated that he will work with Director of Administration and Finance Pam Smith to come up with the numbers relative to a lease payment. He further commented that he would like to see the building situated in the middle of the soccer field near the current building, it would be much more functional and if the area residents have an issue with that it can be located to the back corner of Memorial Park.

Councilman Geiger stated that locating the facility in the back of Memorial Park will allow for more parking.

Motion by Councilman Kolber, seconded by Councilman Casilio to refer the request by the Clarence Soccer Club for an indoor soccer facility at Memorial Park to the Recreation Advisory Committee for review and comments. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) H of the Open Meetings Law to discuss the proposed acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 10:25 AM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Councilman Casilio, seconded by Councilman Kolber to adjourn the Executive Session at 10:49 AM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.