

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, February 1, 2012 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 8:30 A.M. Members of the Town Board present were Councilmember's Robert Geiger, Peter DiCostanzo, and Patrick Casilio. Other Town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Lawrence Meckler, Deputy Town Attorney Steven Bengart, Highway Superintendent Theodor Donner, Town Engineer Timothy Lavocat, Civil Engineer Provisional Kathryn Vergo and Animal Control Officer Jerome Schuler.

Councilman Kolber arrived at 8:35AM.

### **Planning/Zoning Department – James Callahan and Brad Packard**

#### ***Sewer update:***

At the last joint Town Board/Planning Board meeting, there was some discussion regarding consideration of the Harris Hill trunk sewer line. Since that time, the Planning and Zoning office has been working closely with GPI (Greenman-Pedersen Inc.) who has done much of this work without compensation. The first consideration was to determine what areas could derive service based on current elevations and also if we could achieve the proper grade and flow for just a simple gravity line as it flows to a number of pump stations. At this point it has been determined that a gravity trunk line can be implemented from Main Street to the existing Peanut Line, basically down Harris Hill Road through property Dominic Piestrak owns along Roll Road that services a Industrial Park.

The motivation for this is our long term desire to provide sanitary sewer service to the Harris Hill area and potential private investments that have now come to the table to include Dominic Piestrak Industrial Park, Leonard Deni Roll Road Industrial Park. MJ Peterson has an interest in some potential commercial out parcel development and there are several residential projects that Mr. Cimato has been involved in throughout the years. In essence, they would finance the different phases of the trunk line and also work with us and the Town of Amherst to potentially correct the bottle-neck along the Peanut Line in the Town of Amherst.

Jim Callahan and Brad Packard were directed to meet with those individuals, gauge their interest and put together some preliminary numbers. They did meet with all concerned parties; they were very receptive and very interested in the project moving forward. Since that time, they have developed a very rough estimate in terms of numbers. At this point, they are prepared to have a sit down meeting with representatives from the Town of Amherst to more formally discuss this as the entire project is hinged on their willingness to work with the Town of Clarence.

The private investors will be willing to finance sewers along Harris Hill Road to Sheridan Drive. The section from Sheridan Drive to Main Street is something the Town would have to consider moving forward and then implementation of all associated infrastructure within Harris Hill.

Councilman Kolber stated that the portion from Sheridan Drive south to Main Street is all rock including all of Harris Hill. Most of the discussions with Amherst, Mr. Cimato said he would be willing to have some test borings done.

From an engineering perspective, GPI feels confident that certain areas long term, we could substantiate sewer capacity to those areas based on the existing elevations however; other sections will require a pump station because it is past the escarpment.

Councilman Casilio stated that before we talk to the Town of Amherst, he would like to see the sewer agreement between the developers and the Town of Clarence.

Dominic Piestrak would be willing to grant sewer line easements along the potential public road extension onto his property north of Harris Hill Road.

Currently Woodland Hills Subdivision is pushing for the expansion of Sewer District #5.

Assistant Planner Brad Packard felt they have spent a fair amount of time and effort looking at this, considering from an engineering perspective whether it is even potentially feasible, there has been some potential buy-in from investors, he felt that they are ready to meet with the Town of Amherst to see if they would even consider this arrangement.

Town Engineer Lavocat stated that he would like to review the projected flow numbers for the specific build out areas before meeting with the Town of Amherst. We pay Amherst strictly on a flow bases.

Town Attorney Meckler suggested putting together some type of concept plan to present to the Town of Amherst.

Councilman Kolber stated that the residents of Clarence want slow, controlled growth – we seem to be going in the opposite direction. Director of Development and Planning James Callahan stated that the Master Plan controls that. If you open up sewers, the only control you will have is the Master Plan. The concern going forward is you want to balance some commercial in with growing residential.

The developers participating in the agreement are looking for commercial as well as residential development.

Councilman Kolber has spent 150 hours researching other towns Multiple Family Residential Zoning; they have specific, dedicated and idealized MFR Zoning. Mr. Callahan stated that we control this with zoning and with our Special Exception Use Permit process.

Mr. Packard stated that this discussion is coming on the heels of the DEC confirming that there is downstream capacity in Erie County SD#5 for Woodland Hills development.

Supervisor Hartzell stated that this is a good step in the right direction, we have to sewer Harris Hill and this is a good opportunity that we should take advantage of.

An outline will be put together before scheduling a meeting with the Town of Amherst.

Supervisor Hartzell left the meeting at 9:15A.M. Councilman Casilio will close the meeting.

#### **Councilman Bernard Kolber**

Councilman Kolber would like to set up a meeting to discuss the situation at the library and potential resolutions.

#### **Councilman Peter DiCostanzo** – no report

#### **Councilman Patrick Casilio**

Under the new administration, as of the first of the year, Supervisor Hartzell decided to go in a different direction relative to the logo on town vehicles. The Town Board discussed having some consistency. Highway Superintendent Donner has already discussed this with Supervisor Hartzell and when he comes up with logo, he will present it to the Town Board before it is released.

Motion by Councilman Patrick Casilio, seconded by Councilman Peter DiCostanzo to agree to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for five (5) fire hydrants located along Goodrich Road as part of Hidden Pond Phase II, Part IV. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following transfers of funds from the 2011 Engineering Department budget into Account Number A1440.475 (Building Maintenance): \$137.00 from A1440.001, \$750.00 from A1440.467, \$2,500 from A1440.470 for a total

amount of \$3,387.00. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor David Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger to approve the following transfers of funds from 2011 Building Budget into Account Number A1440.475 (Building Maintenance): \$500.00 from A3620.230, \$263.00 from A3620.403, \$700.00 from A3620.407, \$400.00 from A3620.417, \$2460.65 from A3620.419, \$300.00 from A3620.430, \$500.00 from A3620.451, \$439.35 from A3620.457 for a total amount of \$5,563.00. On the question, the funds will be used to pay Northeast Mechanical to replace two (2) air conditioning systems for the Building and Engineering Departments. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor David Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to transfer funds from the 2011 Budget for the Security Department as follows: \$137.67 from Account A3120.272 – Security Uniforms to Account A3120.250 Miscellaneous Equipment; and \$793.39 from Account A3120.272 Security Uniforms to Account A3120.417 – Vehicle Maintenance/gas, oil. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor David Hartzell. Motion carried.

Highway Superintendent Theodore Donner, Animal Control Officer Jerome Schuler and Councilman Casilio have Attorney-Client issues to discuss.

Motion by Councilman Casilio, seconded by Councilman Geiger to enter into Executive Session pursuant to § 105(1)D proposed litigation, § 105(1)F the employment history of a particular person, § 105(H) the proposed acquisition of real property but only when publicity would substantially affect the value thereof. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor David Hartzell. Motion carried.

James Callahan, Brad Packard, Jerome Schuler, Theodore Donner, Timothy Lavocat and Kathryn Vergo were asked to remain in the Executive Session.

The Work Session adjourned at 9:37 A.M.

Motion by Councilman Casilio, seconded by Councilman Geiger to adjourn the Executive Session at 10:30 A.M. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Hartzell. Motion carried. No action taken.

The Work Session reconvened at 10:31 A.M.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to authorize L. Visone Plumbing to install storm drainage piping as authorized by NYSDEC at Royal Oak Pond in accordance with their proposal dated November 27, 2011 for \$10,000 to be paid from the Town wide Drainage District. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor David Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to rescind the motion authorizing L. Visone Plumbing to install storm drainage piping as authorized by NYSDEC at Royal Oak Pond in accordance with their proposal dated November 27, 2011 for \$10,000 to be paid from the Town wide Drainage District. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor David Hartzell. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize a qualified professional to install storm drainage piping as authorized by NYSDEC at Royal Oak Pond for an amount not to exceed \$10,000 to be paid from the Town wide Drainage District. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor David Hartzell. Motion carried.

There being no further business, the Work Session recessed at 10:50 A.M.

Darcy A. Snyder  
Deputy Town Clerk

