

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, March 7, 2012 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 8:00 A.M. Members of the Town Board present were Councilmember's Robert Geiger, Peter DiCostanzo, Patrick Casilio and Bernard Kolber. Other Town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Lawrence Meckler, Assistant Town Engineer Catherine Vergo, and Confidential Secretary to the Supervisor Karen Jurek, Paralegal Cynthia Rosel and Town Assessor Christine Fusco.

**Councilman Bernard Kolber** – no report

**Councilman Patrick Casilio** – several Executive Session items to discuss regarding personnel

**Councilman Peter DiCostanzo** – no report

**Councilman Robert Geiger** – Councilman Geiger is exploring the purchase of a new vehicle for the Senior Center. He has spoken to Highway Superintendent Donner; there are funds in the budget for a new van. Councilman Geiger will meet with several members of the Senior Center at the end of the month to discuss their wants/needs as to the size of the vehicle. The current van is a diesel engine and recently had \$1,200 in repairs done. When the Senior Center van is down, they substitute the Youth Bureau van.

Director of Community Development James Callahan stated that the senior van replacement may be an eligible project under the Community Development Block Grant however the funding would not be available until next year and it is not guaranteed. Councilman Geiger stated that this should be explored to further offset the cost of the van.

#### **Town Attorney Lawrence Meckler**

The new provision of the Open Meetings Law went into effect February 2, 2012. The purpose of the amendment to the Open Meetings Law was to allow for individuals that attend public meetings to have a better sense of items that are being discussed at the meetings. The amendment to the Open Meetings Law not only applies to the Town Board meetings but also applies to all committees and sub-committees that the town has established.

The new legislation requires two things:

- Any document that is subject to disclosure under the Freedom of Information Law ("FOIL"), as well as any proposed resolution, law, rule, regulation, policy or amendment thereto, that is scheduled to be discussed by a public body during an open meeting must be made available upon request either before the meeting or at the meeting during which the record will be discussed, "to the extent practicable" as determined by the governmental agency. Essentially, this is an extension of the Freedom of Information Law and puts the responsibility on the Town in the event that there is a request for any documents prior to the meeting.
- If the governmental agency maintains a regularly and routinely updated website that uses a high speed internet connection (which the Town does), all such records described above (that are subject to the Freedom of Information Law) that are scheduled to be discussed must be posted on the website prior to the meeting "to the extent practicable" as determined by the governmental agency.

Already this past month, the Town has begun to comply with this new legislation. In addition to the agenda, there is backup information for those items that would be discussed or considered to be discussed.

Work Sessions are somewhat different in that any items or matters coming out of the Work Session that are going to be discussed by the Board would not be subject to the law because it is not something that was originally scheduled.

If the records are voluminous and the effort needed to scan documents may not be practicable even if the item was put on the agenda it does not have to be put on the website. However, if it is a document that is easily put on the website, then it should be done. If portions of records need to be redacted, then it may not be practicable to put on the website because you would need someone to go through each document and remove certain information.

Any administrative items such as vouchers where there is very little if any discussion at the meetings would not have to be posted. The purpose of the law is if there is going to be intended discussion at the meeting then the information would have to be posted on the website.

Internal memorandums/correspondence are not subject to FOIL and need not be covered by the new amendment.

Any items discussed in Executive Session that would not be discussed in an open meeting would not be posted on the web site. Essentially the law gives the public the opportunity to more fully understand the items that are going to be discussed at a Town Board meeting. This is the first time in thirty years that there has been any substantial amendment to the Open Meetings Law.

All departments have to have their resolutions to Karen Jurek by noon Friday before the Wednesday Town Board meeting. This will give the public time to access the website and see what resolutions will be presented at the Wednesday meeting. Councilman Casilio stated that it should be noted on the website that agenda items and resolutions are *subject to change*.

Any confidential items that are discussed in Executive Session will not be posted at all. Only items of substantive nature where there will be discussion regarding the item will be posted on the website.

### **Supervisor David Hartzell**

At the last Town Board meeting, Councilman Kolber sparked a discussion regarding the intersection of County and Strickler Road. Supervisor Hartzell has met with County officials and Highway Superintendent Donner has drafted a resolution for the March 14<sup>th</sup> meeting suggesting Erie County Department of Public Works complete a speed study on County Road at Strickler Road. The purpose of the study is to ultimately lower the approach speeds at Strickler Road to 45MPH. County Road has changed over the last thirty years in that there is more residential and commercial development. The last traffic study was done in 2006.

Supervisor Hartzell met with representatives from Brother's of Mercy Nursing facility, they plan on building more senior housing on their campus. The plans are still in the development stages pending financing.

The 76<sup>th</sup> Annual Safety Conference and Trades Exhibit will be held at the Seneca Event Center, Niagara Falls, NY on March 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>, 2012. The Clarence Town Board offers its support and encourages the Clarence community to also support the conference's many safety objectives during these special days and throughout the year. Supervisor Hartzell proclaimed the period of March 12<sup>th</sup> through March 15<sup>th</sup>, 2012 as "Safety Week" in the Town of Clarence.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person and the employment of a particular person; § 105(1) H the sale of real property, the lease of real property but only when publicity would substantially affect the value thereof. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 8:30 AM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to adjourn the Executive Session at 10:30 AM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.