

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, September 5, 2012, at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 8:30A.M. Members of the Town Board present were Councilmember's Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town officials present were Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat and Parks Crew Chief James Burkard.

Town Engineer Timothy Lavocat

Mr. Lavocat updated the Town Board on the status of the town's grass-cutting program for vacant houses for the 2012 season. Over thirty complaints were filed this year. **(Councilman Geiger and Councilman DiCostanzo arrived)**. Out of the thirty properties, the town had to service three properties which are currently owned by banks or property conglomerates. The town cuts the grass, submits a bill to the bank giving them thirty days to pay. If they do not pay, the amount due gets relieved on to the tax bill. Out of the three properties the town had to service, we have not had to return to re-cut because the grass did not grow in excess of 10 inches per the Town Code. Twenty-seven of the original violators complied with the law within 30 days after receiving the initial letter. The Engineering Department will rebid for lawn maintenance service before the end of the year.

F & B Construction/Paul Bonito 9620 County Road

Town Engineer Lavocat and Director of Committee Development James Callahan met with Mr. Bonito and his attorney on site. Mr. Bonito sent a letter to Town Engineer Lavocat stating that although he is not required to do so, he is going to build a berm on his northern property line. He also indicated that at the end of the season, he will be purchasing left over nursery stock and will plant the berm. Mr. Bonito further stated in his letter that he is going to regrade his property as previously discussed.

Supervisor David Hartzell

Supervisor Hartzell is working on the "Bloomberg Challenge." Mayor Michael Bloomberg has challenged mayors across the United States to make their towns bigger and better. Currently Supervisor Hartzell is working on a plan that is due by the end of September. Anyone interested in getting involved or review what Supervisor Hartzell is working on is welcome to come to his office. It is a competitive challenge so all the details will not be available until the end of the month.

Currently the town issues permits for restaurants to provide outdoor music to their customers. One change Supervisor Hartzell would like to see beginning next year is to permit for acoustic music rather than amplified music. This way it won't disturb the residents in the surrounding neighborhoods and will eliminate having to get into a noise ordinance. The Labor Day firemen's picnic may be the exception to the rule because it is only a three day event as opposed to twelve months a year.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to authorize payment for computer training for Town Employees for Microsoft Word 2007/2010 and Excel 2007/2010 Programs at a cost not to exceed \$125 per student per day at an amount not to exceed \$5,125.00 for a total of 41 class days. On the question, the classes will be held at the Campus Linc facility on Campus Drive in Amherst. Karen Jurek was able to secure a \$50 per person discount. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to appoint Evelyn Messineo as Clerk PT for the Clerk P/T pool at the rate of \$12.18 per hour effective September 6, 2012, subject to all pre-employment requirements being met for the position. On the question, the appointment is being made for the Clerk PT pool for use in various offices. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Bernard Kolber

Councilman Kolber had no report.

Councilman Patrick Casilio

Councilman Casilio continues to work on the camera system.

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

RESOLVED, that after holding an open competitive bid, the Town Board awards the bid for the Goodrich Road Sidewalk Installation and Full Restoration Work to Campobello Construction Company, Inc. of Buffalo New York in an amount not to exceed \$28,880.00 as they were the lowest responsible bidder; and be it further

RESOLVED, that the Supervisor is authorized to sign and enter into a contract with Campobello Construction Company, Inc., subject to the review and approval of the Town Attorney's Office.

On the question, this project will extend sidewalks in Clarence Center to Countryside Court and to Juniper Drive along Goodrich Road. The project is to be funded by Capital Project 25.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize payment in the amount of \$2,520.00 to the Town of Amherst for Flood Gauge Metering of Tonawanda Creek at Rapids Road as part of the joint funding agreement with the Town of Amherst to be paid from the Joint Drainage Facility Account. On the question, this flood gauge at Rapids Road is monitored in real time remotely by the Engineering Department to determine the flood levels in northern Clarence during flooding events. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio received a request to reduce the speed limit on Cobblestone. Councilman Casilio will work with Highway Superintendent Donner regarding this request.

Councilman Peter DiCostanzo

There are several items on the Planning Board agenda this evening one being the multi-family residential code recommendations.

The Parks Department has installed playground equipment at Memorial Park courtesy of several organizations.

The Legislative Breakfast is scheduled for Saturday, September 8, 2012 from 8:30AM – 10:00AM at WBBZ-TV Studio at Eastern Hills Mall.

Councilman Robert Geiger

Town Engineer Lavocat is working on the doors for the Senior Center.

Councilman Geiger is working on the replacement trees for Clarence Hollow and has identified another area where trees will have to be replaced.

Councilman Geiger is requesting town board assistance in off-setting the cost for the portable lavatories at the Farmers Market. Many people that utilize the bike path also use the portable lavatories; they are only used by the Farmer's Market on Saturday mornings. Supervisor Hartzell stated that last year there was \$2,500 in the budget for the IDA and since they don't necessarily have a need for that money, he will recommend the money be redirected to Clarence Hollow. The Farmer's Market is all volunteer and is an exciting venue on a Saturday mornings.

Councilman Kolber asked Town Engineer Lavocat for a cost estimate to construct a free standing lavatory facility on the site of the Farmers Market.

Councilman Geiger has one Attorney-Client item to discuss in Executive Session.

Councilman Geiger will follow-up with Assemblywoman Jane Corwin relative to reducing the speed limit in Clarence Hollow.

Parks Crew Chief James Burkard

Parks Crew Chief James Burkard is requesting discussion in Executive Session relative to access to Beeman Creek Park and negotiating with the resident that lives adjacent to the park. Councilman Casilio would also like to discuss the trees at Main Street Park as well.

Parks Crew Chief James Burkard was asked to attend today's meeting in response to a letter he submitted to Councilman DiCostanzo, liaison to the Parks Department regarding filling the vacant positions in his labor force. Mr. Burkard submitted his 2013 budget last week. In the last five years, the Parks Department has lost five full time employees. Since that time, they have not replaced any employees. Every year the parks grow, the town acquires more land which requires more projects for the Parks Department along with work orders that come in from other departments within the town. Mr. Burkard has eliminated all the top paying positions; he has eliminated a Working Crew Chief and a Motor Equipment Operator. He has submitted his 2013 budget to include two laborers which is the lowest class employee. Mr. Burkard tried to hold the line on the budget again this year however gas is one of their biggest increases and he has no control over that.

Mr. Burkard has four or five employees that will be retiring in the next one – two years, two of which are mechanics which cannot be replaced with laborers. Right now, he is just trying to gain back some of his lost employees. He does hire summer help and has two seasonal workers. Currently Mr. Burkard is looking to hire two laborers and in the near future he will need mechanics.

Day in the Park cost the Parks Department 112 man hours, thirty-one of which were over-time. Taste of Clarence cost the Parks Department 74 man hours. While these are great events for the town, it is not free.

Councilman Kolber commended the Parks Department on the terrific job they do on maintaining all the sports fields and parks. The difference between the Parks Department and the Highway Department is the Highway Department has a balance of work throughout the year. Councilman Kolber questioned what kind of man-power is needed in the winter for the Parks Department during their slow season. Mr. Burkard stated that is not the case, the Parks Department in Clarence is the Department of Public Works that does not do highways. Street light replacement is a 365 day a year job, Mr. Burkard can put one employee on street lights every single day which he cannot do because he needs the electrician for other jobs. The Parks Department maintains every town owned building (Senior Center, Library, Historical Museum, Free Library etc.), currently there are between 500 – 600 work orders from people calling his office with requests to change light bulbs, fix plumbing, paint etc. During the peak season, the Parks Department hires 20 college kids for the summer; they clean all the pavilions and bathrooms during the summer. All the pavilions are utilized during the summer months including use by the Recreation Department. The two seasonal hires are used throughout the summer and early fall for leaf cleanup.

Everyone in the room has contacted the Parks Department for one favor or another and they are maxed out. Mr. Burkard has had play equipment for the Main Street Park which has been in storage for over two years but there are issues with rock and it is more involved that is why he put the equipment up in Memorial Park first. There again, several organizations paid for the equipment but the Parks Department has spent over \$2,000 in wood chips, \$1,600 in piping for the ditch plus topsoil and seeding – because an organization buys the equipment does not mean it is free to the town. There is \$5,000 invested in the equipment without adding in any labor costs. Currently Mr. Burkard is below the minimum he needs to operate. For the amount of park lands the town owns, he is below the national average. This year with the drought, he did not have to mow the parks as much so he was able to get some projects done (fencing along the Goodrich Road Park, the play equipment at Memorial Park).

Councilman Geiger asked about vacation time. The senior employees get more vacation time and tend to want to use it during the summer months. Mr. Burkard has a program that was built into the union contract where employees can be utilized between the Highway and Parks Department. If the Highway Department has a problem in the winter time especially around Christmas time when employees like to take off or the Parks Department around Fourth of July when Parks employees like to take off they can swap employees. So far, this has not happened. The Parks Department has been able to use summer help during those peak times however, when you use summer help on the weekends, since they do not get overtime they take off time during the week so you lose a laborer during the week.

Councilman DiCostanzo stated that he has spoken to Mr. Burkard about this extensively. If he had the money and the employees, he could clean up some projects by tomorrow and people in the town would appreciate that but he would like to see the work done without burdening the tax payers. If it can be done with part-timers, Councilman DiCostanzo is all for it.

Councilman Casilio stated that it may be time to hire more employees however there is always the option of contracting out some of the work (ex. fencing). His concern is the cost to hire a new laborer over time is \$70,000 with benefits.

For the last three years, Mr. Burkard has requested more laborers; he has been trying to make it work with what he has. Even some of his good seasonal people are leaving; they have found full time employment elsewhere. Councilman Casilio stated that if the Town went to a Department of Public Works where employees cut grass in the summer and snowplow in the winter, it would be more efficient for the town. Mr. Burkard stated that in the winter months, the Parks Department rebuilds the bleachers for the sports teams, there is constant work at the Senior Center and Town Hall, they put up/take down the Christmas wreaths along Main Street for the Hollow Association, street lights are an ongoing project etc. Mr. Burkard is asking the Board consider filling the two laborers positions.

Councilman DiCostanzo stated that if the Board approves two laborers, then in a year or two the mechanics positions will have to be filled. Councilman Kolber suggested that when the current auto mechanics retire, merge that position with the Highway Department.

Councilman DiCostanzo stated that the town has numerous sports teams and tournaments being played all the time and we have to pay over-time to the parks department for maintenance of the fields. Mr. Burkard stated that Clarence Baseball, Clarence Soccer Camp, Lacrosse, Clarence Softball and independent groups pay to use our fields for tournaments. Last year the Parks Department collected \$8,575. One weekend tournament with four tournaments going on with six employees cost \$4,500 in over-time; the user fee does not begin to cover the

cost. Councilman Casilio stated that these tournaments bring in thousands of dollars to our local businesses. Councilman Kolber suggested getting more help from the leagues.

Councilman Kolber stated that his goal before he is off the Town Board is to relocate Clarence football so they have more room. He feels Memorial Park would be ideal. The number of baseball participants has dropped off; there is not much of a demand. Councilman DiCostanzo disagreed stating that baseball would like another 90' field. Supervisor Hartzell stated that Clarence football likes Sunset Park and plan on constructing a new building at this site.

Councilman Casilio suggested participation in the Erie County Correctional Facility Service Action Corps Program and using inmates to clear out the property next to the Main Street Park similar to what was done at Beeman Creek Park. Mr. Burkard stated that something has to be done about the house on this property as well; the roof is decaying beyond repair. He suggested putting out a RFP to see if anyone wanted to move it to another location. Supervisor Hartzell stated that the labor from Erie County is always available; we can get as many laborers as we want for as many hours as needed.

Robert Cole 5170 Fox Trace

Robert Cole is a Clarence resident and is applying for a position on the Ethics Board. He works in the financial service industry and teaches Economics part-time at Damon College. Now that his children are older, he has more time to give back to the community. He found out about the position from the Town's website. He does not have any dealings or personal relationships with anyone on the Town Board. Mr. Cole will e-mail his resume to the Town Board.

Town Engineer Timothy Lavocat – Library update

Town Engineer Lavocat received four proposals for the design services for the library repairs. Mr. Lavocat is currently reviewing those proposals and conducting interviews with each one of the firms on the technical content of those proposals. He will be prepared in early October to come back to the Town Board to discuss the actual proposals and hopefully bring someone on board in late fall so that it can be designed over the winter months for a spring bid with construction starting in May or June 2013.

Supervisor Hartzell asked if there was any way the roof could be secured over the fall and winter months to prevent water leaking in. Mr. Lavocat stated that there is really nothing that can be done. The problem is that he does not know exactly where the water is getting in, there are multiple locations and it depends on the direction of the winds. You would have to cover the entire roof.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to enter in Executive Session pursuant to §105(1) C of the Open Meetings Law to discuss information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; § 105(1)D proposed litigation and one Attorney-Client item. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Work Session adjourned at 9:50 AM.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to adjourn the Executive Session at 11:01 AM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

The Work Session reconvened at 11:05AM.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Bid Date of September 25, 2012 at 10:00 AM for the purchase of (2) 2013 Four Door All Wheel Drive Sport Utility Vehicles. Specifications to be determined before the bid date and would allow a trade-in of T18 2008 Ford F150 Pickup and T23 2003 Ford Expedition. On the question, all necessary bid documents will be available at the Highway Department and the Town Clerk's office. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio attended the Planning Board Work Session last week. There were representatives in attendance with pending developments that did not necessarily disagree with the new multi-family residential code recommendations the Planning Board is working on. There will be further discussion at tonight's Planning Board meeting.

There being no further business, the Work Session adjourned at 11:15AM.

Darcy A. Snyder
Deputy Town Clerk

