

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, October 5, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 9:02 AM. Members of the Town Board present were Councilmember's Peter DiCostanzo, Patrick Casilio and Bernard Kolber. Other Town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Director of Administration and Finance Pam Smith, Town Attorney Steven Bengart, Town Engineer Timothy Lavocat, and Highway Superintendent Theodore Donner.

Supervisor Scott Bylewski

The Clarence Chamber of Commerce is in need of storage space approximately 10x10 area.

Theodore Adrian is retiring from his position as Security Officer. He will however, retain his position as Substitute Crossing Guard.

Budget meetings are scheduled for Thursday, October 13th and Thursday, October 20th at 3:00 PM.

This year the state enacted a limit on the levy of real property taxes by local governments. Under Supervisor Bylewski proposed budget, the Town is under the 2% cap. The cap came up to approximately 2.7% over the prior year when you add all the growth factor, pension issues etc. The total amount to be raised by taxation in Supervisor Bylewski budget is up 1.8%. There is some discrepancy in the opinions that are occurring. The Office of State Comptroller is saying that the town takes a look at the total amount to be raised by taxation however; the article in the Association of Towns Talk of the Towns & Topics says you have to take a look at each fund and each district. This does not appear to be the way the State Comptroller is treating it or anyone else is treating it. Although we are under the cap with the proposed budget, with the uncertainty there was some talk about reviewing legislation to deviate from the cap.

Director of Administration and Finance Pam Smith stated that the general consensus from around the state has been at this point to file a Local Law to protect the town from going over the cap. What they are saying by that is right now not even the Office of State Comptroller knows exactly what is going to be incorporated into this tax cap. Everything is on the table, no one really knows what the final numbers are going to be or what districts are going to be included or not. Part of retirement is in and part of it is out. In order to protect the town we need to file that Local Law because going forward, this is our base amount to be raised, if in three or four years from now they come in to do an audit and say our numbers are not correct and we are over the 2%, the Local Law will protect the town. Right now we are at 1.8% but if something changes down the road and something has to be added in, OSC can go back and say they want to add this back in and we are over the 2% - whether you knew it or not when you did your calculation is not going to matter to them.

Supervisor Bylewski stated that there is some draft language which authorizes the town board to override the tax levy limit by adoption of a local law approved by a vote of 60% of the town board. Supervisor Bylewski did not want to put the legislation forward prior to submitting his budget. It would send the wrong message to the public that we were looking to already deviate from the cap and that is not what he is trying to do. We are under the cap as our financial advisors Dresher & Malecki have explained it and as NY Conference of Mayors has explained it. We are under the 2% and well under our cap. This is Pam Smith recommendation to bring this forward and if we want to be conservative financially going forward not knowing what any future audits hold this is probably the most prudent course to take.

Supervisor Bylewski asked if an audit is done and they find that in any of those years we thought we were under the cap when in fact we were over the cap – what happens with the over the cap monies?

Pam Smith stated that they take the money from your current budget, the money is set in a reserve and it is used for future use to decrease the tax. Pam gave an example of if the town was \$500,000 over the cap, they would take the \$500,000 from your budget, put it in a reserve and that money would be used to reduce the following year's tax levy. Supervisor Bylewski stated that the town has a decent amount

General Fund balance as well as Highway Fund. We should even in that instance, be okay. This is a very conservative approach we are looking at.

Pam Smith stated that from the different finance people she has spoken with, if you are not looking at an audit next year, you are looking at an audit that comes in three or four years down the road from now and they go back to this year as your starting year – if you are off, it ripples right through so by the time you get to your fourth year you could be at one million or two million dollars difference that you have to come up with.

From what her source at Office of State Comptroller they will start with this year, no matter what year you are out, they will go back to the beginning year to see what you were or were not under the cap and then going forward it would go from there.

Supervisor Bylewski did not feel there would be state audits of everyone the first year. Town Attorney Bengart will prepare the legislation for the Town Board to review.

Supervisor Bylewski has been in discussion with the Soccer Club relative to the installation of lights at the Soccer Center. Supervisor Bylewski will further discuss this with the Parks Crew Chief Jim Burkard, Town Engineer Tim Lavocat and a representative from the Soccer Club. The Soccer Club is looking into the Town applying for a grant but there are some questions as to how to go about doing it. Town Engineer Lavocat and Parks Crew Chief Burkard are meeting with NYSEG on October 6th at the site.

It has been brought to the Supervisor's attention that there is an individual who has been farming part of Beaman Creek Park for the last twenty years. The individual is requesting approval to continue farming it. Town Attorney Bengart stated that this did not come up in any title search. He will review the letter submitted to the Town Board.

Kreher's Farm – Brett Kreher

Approximately one week ago Town Attorney Bengart learned that the Kreher's were hoping to make some improvements to the Eichorn farm on the corner of Salt and Greiner Road. The Kreher's lease with the town does not require this but they would like to install drainage that would help them farm the property, there would be no cost to the town. If anything, it improves the land and does not affect anything to do with the Greenprint Program. Town Attorney Bengart would like to make sure the Engineering Department reviews and approves the plans. Town Attorney Bengart is also requiring an indemnification agreement which Mr. Kreher has provided. Town Engineer Lavocat stated he will need to see the plan to see if any permits will be required by the DEC.

Motion by Councilman Kolber, seconded by Councilman Casilio to allow the present lease holder of the Eichorn and Ball properties located at Salt and Greiner Road as indicted on the maps submitted, to install stone and drain tile at said properties subject to the Supervisor signing the Indemnification Agreement, Town Attorney and Town Engineer review and approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

There is a vacancy on the Town Board; some preliminary thoughts have been floating around about filling the vacancy. The last time there was a vacancy around election time, the Board waited until after the election to make any decisions. Supervisor Bylewski suggested waiting until after the general election before appointing someone. Councilman DiCostanzo agreed and would like to see the applicant attend as many meetings as possible. The benefit of appointing someone would be if you needed a super majority vote or if there was a tie vote or the absence of a board member. Councilman Casilio agreed with waiting until after the general election as well but after the election he would like to see the applicant appointed to get a head start. Councilman Kolber was in agreement as well.

Supervisor Bylewski has several items to discuss in Executive Session.

Councilman Bernard Kolber

Motion by Councilman Kolber, seconded by Councilman Casilio to declare a 1998 Ford E-350 cube van surplus so it may be sold at auction. Upon roll call – Ayes: All; Noes; None. Motion carried.

Councilman Kolber spoke with Parks Crew Chief James Burkard regarding the lighting at the Soccer Center and possible locations for Clarence Little League Football other than Sunset Park.

Councilman Patrick Casilio

Councilman Casilio attended the Clarence Hollow forum last night; it was well attended and well run. There was some discussion regarding the formation of a Sidewalk District and a Business Improvement District.

Town Engineer Lavocat stated that since the last update, there has been some progress on six properties in Clarence Hollow.

Several illegal signs were removed over the weekend. The Planning and Zoning Office notifies the business of their violation and keeps a running list of repeat offenders. The businesses take a financial beating whenever their signs are removed because the signs are not given back.

The American Legion is requesting the Legion Hall be identified with the Post number. Town Engineer Lavocat recommended to the American Legion that the number be installed above the main door on the north side of the building or it could be installed on one of the wooden columns in the front of the building. Supervisor Bylewski suggested a hang sign.

Councilman Peter DiCostanzo

Director of Recreation Chip Trapper is recommending the appointment of two Winter Recreation Specialist which will be announced at the next Town Board meeting.

The Chamber of Commerce has several upcoming events: October 19th - Women in Business Conference at Samuel's Grande Manor, October 25th Business Workshop at the Library – Understanding Financial Statements for Small Businesses, the holiday party is scheduled for December 13th at The Protocol Restaurant. On October 11th Clarence IDA is guest speaker at Auction Direct 5485 Transit Road.

The Chamber of Commerce will be moving into their new location in the Casilio building next week.

The October 5th Planning Board agenda will include: Affordable Senior Housing Opportunities of NY, Inc for a proposed senior housing project at 8040 Roll Road, Rock Garden Properties for a Special Exception Use Permit for a mixed use development at 9470 Main Street and Northwood's Open Space Design Subdivision – density will be discussed.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to enter into Executive Session pursuant to § 105(1) A matters which will imperil the public safety if disclosed; § 105(1) F matters leading to the appointment of a particular person, matters leading to the discipline of particular people; § 105(1) H proposed sale or lease of real property 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 9:58AM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Casilio to adjourn the Executive Session at 11:15 AM. Upon roll call – Ayes: All; Noes; None. Motion carried. No action taken.

