

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, November 28, 2012, at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 6:00 P.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, Assistant Planner Brad Packard, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Confidential Secretary to the Supervisor Karen Jurek, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith, Planning Board Chairman Al Schultz, Planning Board member Robert Sackett.

Director of Community Development – James Callahan

Formal Agenda items:

Multiple Family Housing Overlay Zone

A public hearing will be set to consider a Local Law amending the Code of the Town of Clarence adding a section titled "Multiple Family Residential Overlay." The Planning Board has forwarded a full recommendation on the draft law. Further, the Planning Board is recommending the Town Board issue a Negative Declaration on the proposed Zoning Law amendment. Because of the scope of these type projects, Councilman Kolber was of the opinion that a Positive Declaration should be issued. James Callahan stated that the Planning Board has thoroughly analyzed the Environmental Assessment Form. A coordinated review, including an Erie County 239m review identifying that the actions of local concern was completed. This is strictly a local issue. The law is crafted as such that it gives the Town Board the ability to change any section without changing the entire law.

Work Session items for consideration December 5, 2012:

Ray Bialekowski – Kittinger Furniture

Applicant is proposing to acquire the existing building and change the use to a furniture manufacturing facility. The action will include an addition to the existing building. The use of the property for a light manufacturing facility will require a Special Exception Use Permit. The proposed site is located in the Commercial Zone on 2.8+/- acres at the northeast corner of the Eastern Hills Mall in the former roller rink. Per the Zoning Law, the Town Board has authority to approve Special Exception Use Permits. The Planning Board did a comprehensive review of the site plan and has forwarded a unanimous recommendation to approve the site plan and recommend the Special Exception Use Permit for light manufacturing and size of the building. The Planning Board is also recommending a Negative Declaration on the proposed facility.

Town Engineer Timothy Lavocat

Town Engineer Lavocat along with James Callahan and Brad Packard met with the sponsors of Harris Hill Commons relative to the Harris Hill trunk sewer line. Mr. Lavocat also met with their engineer on the technical aspects. Conceptually, Mr. Lavocat likes what they are doing in that it will give the town the opportunity of getting a piece of the trunk sewer in the ground not only to service Harris Hill Commons but also for future connection to Harris Hill.

Councilman Geiger will make a motion to award the bid for architectural design services and development of bid documents for the Clarence Senior Center rehab project. The town has submitted a grant for this project and should hear the results sometime in December. Town Engineer Lavocat feels we need to do something about this anyway so he will begin the bid document portion of the project and if the grant comes through, this will count as the town's share of the grant.

At the next Town Board meeting, Town Engineer Lavocat will have a motion relative to increasing sewer connection fees as discussed at the October 10, 2012 Work Session. The current fee is \$750. In 2006 Erie County raised their fee to the town by \$100. Mr. Lavocat is proposing a fee of \$900; the additional \$50 is for increased administrative costs. The \$750 fee has been in effect since 1985 when the district was created.

Supervisor David Hartzell

Supervisor Hartzell will appoint Theresa Casey and Karen DiLapo to the position of Clerk PT for the Clerk P/T pool at a rate of \$12.18 per hour.

Upon recommendation of Highway Superintendent Ted Donner, Supervisor Hartzell will set a bid date of December 11, 2012 for the purchase of a 2013 Cube Van for the Highway Department.

Supervisor Hartzell will make a motion to create seven (7) additional Security Officer PT positions, non-competitive (this is being done for Civil Service purposes).

Supervisor Hartzell wanted to publically thank Frito Lay for donating 30 pounds of beef jerky for our troops.

The Soccer Club would like to meet again with the Town Board relative to the proposed soccer center at Memorial Park. They are considering borrowing money from a private lender for the proposed indoor facility. They also would like to locate the facility in the back northeast corner of Memorial Park.

Supervisor Hartzell had a request from a "tax payer" who requested the Town Board review the hunting laws in the Town of Clarence as it pertains to town owned property. The complaint was relative to the Ball and Eichorn property. For years, people have been hunting on this property however there is no hunting allowed on town owned property. Currently the property is not posted. Supervisor Hartzell is concerned about the liability and has asked Town Attorney Meckler to research this.

Councilman Bernard Kolber

Councilman Kolber referenced an article in the Buffalo News regarding the in-door baseball facility the Town of Lancaster is building.

Councilman Patrick Casilio

Councilman Casilio will make a motion to award EMS (Emergency Medical Services) Contract to Twin City Ambulance.

Councilman Casilio has one item to discuss in Executive Session regarding the employment history of an individual.

On behalf of the IDA, Supervisor Hartzell thanked Councilman Kolber and Councilman Geiger for attending the Clarence IDA meeting.

Councilman Peter DiCostanzo

- Negative Declaration – Kittinger Furniture 4675 Transit Road
- Negative Declaration – Multiple Family Residential Overlay
- Transfer of funds – Parks Department
- Award bid to Lamb & Webster for purchase of a 2013 Case IH Farmall 75C tractor w/cap for Parks Department
- Post the position of Laborer RPT in the Parks Department to fill two positions

Planning Board Chairman Albert Schultz has resigned from his position on the Erie County Sewer District #5 Board. Councilman DiCostanzo is recommending Town Engineer Tim Lavocat fill that vacancy. Supervisor Hartzell will submit a letter to the County Executive requesting Tim Lavocat fill the position.

The Highway Department has two full time positions posted. It was discussed at the last budget meeting to try not to add any more employees if we can help it. Supervisor Hartzell stated that Highway Superintendent Donner does not have enough guys to drive plow trucks, the two positions would fill vacancies left by retirees. Councilman DiCostanzo would like to see more part-timers. In the last labor contract, one of the victories was where Parks Crew Chief James Burkard and Highway Superintendent Donner worked on getting better working arrangements where they would have more flexibility. There

is a chance that Superintendent Donner could borrow Parks employees in the winter, the Town Board was in agreement with seeing if this arrangement could be worked out.

Councilman Robert Geiger

Councilman Geiger will make a motion to award the bid for architectural design services and development of bid documents for the Clarence Senior Center rehab project to Sutton Architecture.

Councilman Geiger will make a motion to adopt a resolution whereby the Clarence Town Board accepts the final Town of Clarence Farmland Protection Plan as complete and will refer the final plan to the Planning Board for consideration of adoption into the Town of Clarence Master Plan 2015.

Holiday in the Hollow is December 8, 2012.

Councilman Geiger thanked Director of Administration and Finance Pam Smith for the work she did with NYMIR.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person; § 105(1) H of the Open Meetings Law to discuss the proposed acquisition 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 6:35 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Kolber to adjourn the Executive Session at 7:20 PM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, November 28, 2012 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell, Jr. called the meeting to order at 7:30 p.m.

Supervisor Hartzell said whenever someone from Clarence wins the State Championships, we like to bring them in and honor them before the Town and lead us in the pledge of allegiance. The Clarence girls gathered 286 points, more than 100 more than runner up Niskayuna, in securing their 3rd consecutive state title this past weekend in Ithaca.

The Red Devils won four events, and in the process set two New York State records, four Section 6 records, and earned All American Status in five events. The 200 Medley Relay team of Maddie Jacumski, Dorotka Tou, Victoria Butler and Dina Rommel won in Section 6 record time. Dina then followed up with a victory in the 50 freestyle with an All American time. A late surge by Sydney Modeas fell just short in the 500 freestyle as she finished 2nd with another All American time. The foursome of Rebecca Anthone, Victoria Butler, Claire Wills and Dina Rommel then set a New York State record in winning the 200 Freestyle relay. The Clarence quartet of Rommel, Anthone, Willis and Modeas then claimed the meet's final event, the 400 Freestyle Relay in New York State record time. Both freestyle relays qualified for automatic All American status.

Pledge to the flag was led by the 2012 New York State Girls High School Swim Champions: Madeline Jacumski, Dorotka Tou, Victoria Butler, Dina Rommel, Rebecca Anthone, Claire Willis and Sydney Modeas, followed by a prayer given by William Gittere of Zion Lutheran Church.

Members of the Town Board present were Councilmembers Bernard Kolber, Patrick Casilio, Peter DiCostanzo, Robert Geiger and Supervisor Hartzell. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Asst. Planner Brad Packard, Sr. Building Inspector David Metzger and Planning Board Chairman Albert Schultz.

Motion by Councilman Casilio, seconded by Councilman Kolber to accept the minutes of the previous work session and regular meetings held November 14, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell said he put out a plea for businesses or corporations to help our boys overseas this Christmas. He was gratified that Frito Lay donated 30 lbs. of Beef Jerky to be shipped to the troops in Afghanistan.

Supervisor Hartzell stated as a reminder, that November is the 30-day period during which landowners may submit requests to include viable agricultural land to an existing certified agricultural district. A hearing will be held at the Erie County Cornell Cooperative Extension Office, 21 South Grove Street, East Aurora on December 10, 2012 at 6:00 p.m. The contact person is Rachel Chrostowski, Planner with Erie County Dept. of Environment and Planning at 858-8002.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to appoint the following to the position of Clerk PT for the Clerk P/T pool at the rate of \$12.18 per hour effective December 1, 2012 subject to all pre-employment requirements being met for the position: Theresa Casey and Karen DiLapo.

On the question, Supervisor Hartzell said these appointments are being made to fill two open positions for the Clerk PT pool for use in various offices.

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

Motion by Supervisor Hartzell, seconded by Councilman Casilio to set a Bid Date for Tuesday, December 11, 2012 at 10:00 a.m. for the purchase of a 2013 Cube Van for the Highway Department. On the question, Supervisor Hartzell said bid packages will be available at the Highway Department and the Town Clerk's Office. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to create seven (7) additional Security Officer PT positions, non-competitive. On the question, Supervisor Hartzell

said this is being done for Civil Service purposes and the positions are non-competitive. We just put security systems in Town buildings, so the need for security will be down in the winter. The Town Board would like to have them work more hours in the summer and beef up presence with security personnel on the bike paths walking, riding bikes, using the gator and general presence throughout the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said, as Supervisor Hartzell stated, this is an attempt to get the most out of our security department personnel in the summer when there is a lot going on in the parks.

Councilman Kolber said the IDA had a presentation for businesses who might be interested in coming to Clarence. It was a very informative session. One thing that came up was that there is grant money from NYSERDA for energy efficiency measures. He thanked the IDA for hosting the meeting. If anyone would like more information they can contact Supervisor Hartzell or himself.

Supervisor Hartzell thanked Councilman Kolber and Councilman Casilio for attending. It means a lot to businesspeople to know that the Town Board is in support of their businesses.

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

WHEREAS, the Town of Clarence is desirous of entering into an agreement for providing pre-hospital emergency ambulance services pursuant to the provisions of General Municipal Law section 122-b; and

WHEREAS, the EMS (Emergency Medical Services) Board has made its recommendation to award the Ambulance Contract to Twin City Ambulance Company because of the superior service it has provided over the last five years; and

WHEREAS, the Ambulance Service is desirous of furnishing emergency ambulance service to the Town of Clarence and the other Municipalities; and

NOW, THEREFORE, BE IT

RESOLVED that the Clarence Town Board, upon the recommendation of the EMS Board awards the Pre-Hospital Emergency Medical Services Contract to Twin City Ambulance Company and hereby authorizes the Supervisor, David C. Hartzell to sign the Contract.

On the question, Councilman Casilio said along with the Town of Clarence, the contract for emergency ambulance services is also signed jointly with the Towns of Amherst and Newstead, the Villages of Akron and Williamsville, the Chairman of the Board of Fire Commissioners of Clarence Fire District No. 1, the Chairman of the Board of Fire Commissioners of the Snyder Fire District and the Chairman of the Board of Fire Commissioners of the Eggertsville Fire District.

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

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning Board, the Clarence Town Board issues a Negative Declaration on the proposed Kittinger Furniture Change-In-Use and Special Exception Use Permit. This Unlisted Action involves the development of a light manufacturing facility in the Commercial Zone located at 4675 Transit Road. After thorough review of the submitted site plan and Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to set a Public Hearing for December 19, 2012 at 7:45 p.m. to consider the request by Kittinger Furniture for a Change-In-Use and a Special Exception Use Permit for the development of a light manufacturing facility at 4675 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the transfer of funds from the 2012 Parks Department Budget as follows: \$2,250 from budget line A7110.450 – Maintenance of Building and Grounds to budget line A7110.250 – Equipment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that, upon the recommendation of James Burkard, Parks Crew Chief, to award the bid for the purchase of a 2013 – Case IH Farmall 75C Tractor with cab to Lamb & Webster of Springville, New York for

an amount not to exceed \$22,130.00. On the question, Councilman DiCostanzo said Lamb & Webster was the lowest bidder. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to post the position of Laborer RPT at the hourly rate of \$12.18 to fill two positions for the Parks Department. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Board, the Clarence Town Board issues a Negative Declaration on the proposed Town of Clarence Zoning Law Amendment to add a Multiple Family Residential Housing Overlay Zone. This Unlisted Action involves the adoption of a Zoning Overlay to deal with Multiple Family Housing Uses. After thorough review of the proposed Overlay Zone and the Short Environmental Assessment Form (SEAF) it is determined that the proposed action will not have a significant negative impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said he knows that we want to be thorough with the multiple family housing, but he thinks we should set a public hearing. It could be set for the January 16th meeting at 7:45 p.m.

Councilman Casilio said he is not quite ready to set a public hearing. He would like to spend some time looking at the options presented by the Planning Board. He believes he would be ready sometime in January after the Town Board sits down and discusses it.

Councilman DiCostanzo announced that WinterFest will be held January 27, 2013.

Winter Recreation will start this Saturday. You can check our website or call the Recreation Department for the schedules.

Councilman DiCostanzo said the Town Board will be discussing organizational items over the next few weeks. There is information on the website for open positions on various committees for anyone interested.

Councilman Geiger announced that Holiday in the Hollow is on December 8th from 2 to 5 p.m. at the Farmer's Market. There will be horse-drawn rides with Santa. The Christmas Tree Lighting will be at 5:00 p.m.

Councilman Geiger said he has pictures of the layout for the decals on the Senior Center Van. We should have it soon.

Motion by Councilman Geiger, seconded by Councilman Kolber to award the Architectural Design Services and Development of Bid Documents for the Clarence Senior Center Entrance Rehab Project to Sutton Architecture of Williamsville, New York in the amount of \$4,400 in accordance with their proposal dated November 20, 2012. On the question, Councilman Geiger said this is to be funded by the Engineering Department Professional Services budget. We have submitted a grant for this project. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to adopt the following resolution:

WHEREAS, The Town of Clarence has recognized the value of agricultural development and preservation and has moved to protect open space and farmland within the community through the tools of Master Planning, amendments to existing zoning and land use regulations, the creation of a Greenprint Program and the establishment of the Right-to-Farm Resolution Committee; and

WHEREAS, The Town of Clarence has successfully preserved properties through the Greenprint program with financing provided through the Bond Act as passed by a public referendum; and

WHEREAS, The Town of Clarence has worked with the New York State Department of Agriculture and Markets to create a local Municipal Agricultural and Farmland Protection Plan that includes multiple action steps to be undertaken in an effort to grow our local agricultural economy and preserve local farmland; and

WHEREAS, Said plan recommends the official appointment of a local Farmland Protection Committee for the purpose of aiding in the preservation of farmland, aiding in the completion of the plan goals, and providing expertise regarding local agricultural and farming issues; and

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board accepts the final Town of Clarence Farmland Protection Plan as complete and refers the final plan to the Planning Board for consideration of adoption into the Town of Clarence Master Plan 2015 for late February of 2013 in association with the regulations and procedures of the Town of Clarence Master Plan 2015, and be it further

RESOLVED, that the Clarence Town Board officially designates the Farmland Protection Committee as an annually appointed Committee and officially appoints Daniel Corbett, Keith Dawydko, Melvyn Hedges, Joanne Jackson, Charles Kelkenberg, Brett Kreher, John Leamer, Hans Mobius, and John Szulis to be appointed to the Farmland Protection Committee with appointment to begin on January 1, 2013 and to terminate on December 31, 2013.

On the question, Councilman Kolber asked why we are doing this now rather than at the organizational meeting.

Brad Packard said that in order to be funded by the grant we received from the New York State Department of Agriculture and Markets; we have to submit a resolution before the end of the year. Going forward the appointments will be made at the organizational meeting.

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

Councilman Geiger said we recently reviewed Town properties for insurance purposes and had appraisals done.

Councilman Geiger recognized Steve Carlson who was present representing the Clarence Chamber of Commerce.

Public Announcements

Town Clerk Nancy Metzger said she received the minutes of the Erie County Water Authority meeting held November 15, 2012 along with the adopted Tariff Amendments. The amendments relate to Infrastructure Investment Charges to be effective January 1, 2013 to include the following:

Meters read and billed quarterly – rate increase from \$6 to \$9;

Meters read and billed monthly – rate increase from \$2 to \$3.

A complete copy of the Tariff is available in the Town Clerk's Office.

Multiple Family Housing Overlay Zone

James Callahan said the issue of the multiple family housing overlay was referred to the Planning Board following the Master Plan 2015 annual review. This review included several public hearings and various alternatives. The Planning Board has forwarded a unanimous recommendation on the Draft. The Town Board may approve the amendment following a required public hearing.

Councilman Casilio said he is not ready to set a date as yet. The Town Board has not sat down and discussed the Draft and he would like to do that first. The Planning Board has given several options.

James Callahan said there are sections of the law that require approval or amendment to, which can be done by section if they so chose.

Councilman Casilio said he does not want to rush into a public hearing without the Town Board discussing it.

Councilman Kolber suggested discussing it at the morning work session on December 5th. He also would like to look at all the options and make sure it is right. Each time he reads through it, it sparks more questions for him. He would like to see what areas could be affected.

Supervisor Hartzell said he is fine with that. It is a law and we should get it right.

Councilman DiCostanzo said we asked the Planning Board to look at this and they thoroughly analyzed it and gave us something back. He does not think it is necessary to say maybe we will do it in February.

Councilman Kolber said if we set a public hearing today it will be based on what we have and not any modifications or changes that could be made.

Motion by Councilman DiCostanzo, seconded by Supervisor Hartzell to approve the following: Clubhouse Applications – A. Boy Scout Troop 27 – Dec. 20, 2012; B. American Legion Post 838 – Dec. 12, 2012; C. Clarence Mustangs – Jan. 14 & Feb. 11, 2013; D. Historic Preservation Commission – May 4, 2013; E. Youth Bureau – Jan. 26 & 27, 2013; Legion Hall Applications – A. Gary George – Dec. 8, 2012; B. Carin Mulvey – Jan. 4, 2013; and C. Lynsee Osadchuk – Jan. 26, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of November 21, 2012 are approved for payment: General Fund - \$701,841.89; Highway Fund - \$98,782.14; Water District - \$1,025.12; Lighting Districts - \$713.50; Sewer Districts - \$312.28; and Trust and Agency 203 – 4,045.00 for a total amount of \$806,719.93. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Daniel Gamin said the acoustics in this auditorium are not that good, so he recommends that everyone use their microphone.

Pattie Gamin said she could not hear the Supervisor without the microphone. She also thanked the Board for the light at Greiner and Shimerville as it seems to be working very well.

Councilman DiCostanzo gave kudos to Doug Kohler, County Historian on the new book he has published on the history of Clarence. He will be doing a book signing on December 8th. It would make a great Christmas gift.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:05 p.m. in memory of Barbara Ruppel, mother-in-law of Carolyn Delgato and asked that everyone keep former Supervisor Kathy Hallock in their prayers as she has been ill.

Nancy C. Metzger
Town Clerk