

A Special Meeting of the Town Board of the Town of Clarence was held on October 4, 2012 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David C. Hartzell, Jr. called the meeting to order at 3:00 p.m. Members of the Town Board present were Councilmembers Patrick Casilio, Peter DiCostanzo and Robert Geiger. Town Attorney Lawrence Meckler was present. Several department heads were also present.

Supervisor Hartzell said the meeting is to discuss the Tentative 2013 Budget that he has distributed to the Town Board for review. James Burkard of the Parks Department would like to address the Town Board.

James Burkard said they are down five employees in his department from what they were. He also has an employee that has been off for quite some time. In order to keep up with the standards that we are used to, he could use more people. We have discussed options for that.

Supervisor Hartzell said there is money in the budget for two laborers, but if he wants additional bodies, then maybe we should discuss it in executive session.

Town Attorney Lawrence Meckler said in discussing options, it could have union ramifications that should not be discussed at this time. A general need for additional employees is fine for an open session.

Councilman Casilio said he had hoped to discuss the budget today and all of these people are here.

James Burkard said he has 19 full time employees at this time. He had three that retired, one passed away and one was fired.

Councilman Casilio said that is not a lot of people for all of the work that they do.

Mr. Burkard said it is not a lot of people for the amount of acreage they maintain. He believes we want to maintain the level of where we are. The positions were in the budget for the last few years, but never filled. He has discussed other options with the Supervisor, but when he saw the budget yesterday the positions were removed. He knows what they can and cannot do.

Motion by Councilman Geiger, seconded by Councilman Casilio to enter into Executive Session at 3:07 p.m. pursuant to Section 105(1)(e) of the Open Meetings Law to discuss issues related to collective bargaining negotiations. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Casilio to adjourn the Executive Session at 3:17 p.m and resume the special meeting. No action was taken. Upon roll call – Ayes: All; Noes: None. Motion carried.

James Burkard said he would like to somehow track the gas and mileage used by security. It should be billed separately so that we have a better number.

Supervisor Hartzell said he and Pam Smith put together the tentative budget. They tried to hold our costs as close to the 2012 numbers as possible. The Town Board can now review this. Next year he would like to start earlier and the entire Board work on it together.

Councilman Casilio said his first question is that there is no funding for a disaster coordinator.

Supervisor Hartzell said that is an item he would have liked to discuss further. He is not sure that we need two people or need to spend that much money. Right now we give him a stipend when nothing is happening and then a very high salary when something does happen. He thinks we need to discuss this further.

Councilman Casilio said if we do not have a disaster coordinator, the Supervisor is it. He believes that with a town of our size we should have one. He does more than just wait for something to happen. He has organized the senior center as a shelter in time of need and training for the seniors on how to run it. He has also been involved in getting funding reimbursement. He wishes Pam was here to tell how much we did receive. We were very fortunate.

Supervisor Hartzell said he has talked to other towns about this and wonders if we could share the position. He does not mind paying when he is doing the work.

Councilman Casilio said maybe sometime in the future this position could include doing the fire inspections for the town. We are not there yet but he could see something like that in the future.

Supervisor Hartzell said he would like to see that with someone who also works in the Town.

Councilman Geiger said it is a position that at the time of need it is there.

Councilman Casilio said the Supervisor's cover letter said he was considering a stipend at the end of the year for non-union employees rather than pay raises.

Supervisor Hartzell said at the department head meeting they asked two things, one to not parse the department heads by saying you get it and you don't; and also for a 3% increase to keep up with the unions. There are two ways to do this and most municipalities give the raise. He believes municipalities are about 30 years behind the private sector. It is great for the employee but not for the business. You take someone's 2012 salary and at the end of 2013 you give them 3% stipend. The base pay stays the same. If you have a good year, they may get 3%, or if you have a bad year they may not get anything.

Councilman Geiger said then eventually the union base pay would be over the non-union.

Supervisor Hartzell said he did not negotiate the union contracts. At the meeting they discussed only full time, but since he has had requests for part time also. The hard part about that is how you decide which part timers to parse. He distributed a chart to the Board showing how many workers are included.

Councilman Casilio asked if the Supervisor is included. Supervisor Hartzell said that was the agreement that it was everybody or nobody.

Town Clerk Nancy Metzger said that is not what we were led to believe at all. That is not a pay increase.

Youth Director Dawn Kinney said you took out the pay raise after we were told to put in 3%.

Supervisor Hartzell said that is what he and Pam discussed is to give a 3% stipend rather than a pay increase.

Town Clerk Nancy Metzger asked what is a bad year. We do not produce a product.

Supervisor Hartzell said we have the money set aside for 2013. At the end of 2013 you take a look to see if there is money for 2014. There is a 2% tax cap that he has to work under. We do not know every year what the expenses are going to be until the end of the year.

Dawn Kinney said this is confusing because we were told to put it in because that was the fair thing to do.

Councilman Geiger said they would not get it until December. Could there be options with part of it as a raise and part as a stipend.

Supervisor Hartzell said the Town Board can decide how they wish to handle this.

Councilman Casilio said he has been liaison to labor and usually the non-union pay and benefits have followed the white collar union contracts. These people also provide a service to the town. They do not work overtime like Parks or Highway people do. Basically their pay is their pay and this is their livelihood. He asked if there was any confusion about pay or stipend.

Nancy Metzger said the idea of a stipend was never mentioned. All we asked was that we be treated fairly. We are not union and are never treated fairly.

Councilman Geiger said in looking at this list, all of these people are in a position to help us save money also. He thinks the increase could very well offset the savings.

Supervisor Hartzell said and then you could run into trouble down the road and they are not going to give their money back.

Councilman Casilio said that would be a town problem and we would have to lay people off or close departments.

Nancy Metzger said we do budgets every year. It is not a contract.

Supervisor Hartzell said because it is a stipend, you could pay them more than 3%.

Nancy Metzger said she understands what he is trying to do, but this is a whole new situation and we were not aware of it at all. We were led in another direction towards fairness.

Supervisor Hartzell said he tried to give what was asked and it is up to the Board to decide how that will be.

Councilman DiCostanzo said if you want to be fair, maybe at the end of every year employees should be evaluated.

Supervisor Hartzell said people in our town make more than their counterparts in Orchard Park.

Councilman Casilio said most of these people are appointed every year. If you do not like the salary or performance, you do not have to reappoint them.

Supervisor Hartzell said we agreed at the meeting that it be all of us or none.

Councilman Casilio said whatever is decided, it should be across the board.

Nancy Metzger said this is a whole new ball game and it was not communicated to us at all.

Councilman Geiger asked if there were ever stipends.

Supervisor Hartzell said stipends are big in the private sector, but it has not been done in municipalities. He believes that is how it should be done in the future. We are talking about \$30,000. Pam has it under some benefits in the back of the budget.

Councilman Casilio said we are basically talking \$30,000 between 21 people based on their current salary. It does affect their pensions.

Recreation Director Chip Trapper said the wages will basically be frozen year after year.

Councilman Geiger said maybe there could be a blend for an increase and a stipend.

Supervisor Hartzell said he and Pam put this together as a first pass by the Board and we can further discuss any possible changes as we go forward.

Councilman DiCostanzo asked if we know what the sales tax revenue was for 2012.

Supervisor Hartzell said Pam said she is conservative on the numbers she puts in.

Councilman Geiger said he was asked about people who are in the school district being able to use the town pool. He was thinking we would gain some revenue that way.

James Burkard said he thought Chip allowed them to take swim lessons.

Dawn Kinney said if they go to Clarence schools she allows them to participate in the youth programs.

Chip Trapper and Dawn Kinney said they can participate in the activities at a non-resident rate.

Councilman DiCostanzo said he has a report from Pam regarding what we actually spend versus what we budget for. A lot of the numbers are like that. Some of it could still be spent for the rest of the year, but not all them. It is great if you spend less, but why do we budget so much more.

Town Attorney Lawrence Meckler said it is probably like having a contingency because you do not always know what is going to happen.

Councilman DiCostanzo said he understands that, but we do have a contingency line. He does not think we do enough homework on the detail. It ends up in the appropriated fund balance.

Mr. Meckler said he would ask if your appropriated fund balance is going to be close to the budget amount.

Supervisor Hartzell suggested going through and tightening up some of those numbers to be more accurate.

Councilman DiCostanzo said there may be explanations for some of them that we do not know about. He will make a list of them for discussion.

Councilman Kolber arrived at 4:00 p.m.

Mr. Meckler said to make things easier; you should have the actual for 2012, the 2012 budget, projected actual for 2012 and the tentative for 2013. That would show what you anticipate would be the actual costs at the end of the year. It would be easier for everyone to compare.

Councilman Casilio said that would make it a lot more helpful especially since accounting is not here to explain it. We could follow patterns of what is going on. It looks like this budget would lower the tax rate by a penny. The fire companies were asked to hold their rate. He feels that they should follow what the Town does.

Supervisor Hartzell said he asked them to hold their contract to the same amount.

Councilman Casilio said they were trying to keep their rate flat, not the contract amount. He was very disappointed in the lack of information from the Town they had during those meetings. It was unfair to both of them to try and have discussions with the fire companies and not have any of that. We still did not get the final numbers on the LOSAP also.

Mike Rogowski said the Clarence Center Fire Company budget was \$775,000 for the last three years.

Councilman DiCostanzo asked about the LOSAP numbers.

Councilman Casilio said he asked for those numbers repeatedly from Pam. We had a legal payout for three years. LOSAP will drop after next year. It is what it is. He thought we wanted them to hold the rate, not the dollar amount.

Councilman Kolber said it would be nice to know what the projections are for the fund balances. In looking at previous budgets, it appears we are decreasing the fund balance. He asked if we knew where the sales tax would be coming in.

Mike Rogowski said they asked for a certain amount of an increase and they wanted to see what was in the proposed budget.

Councilman Casilio said he believes there are still areas to be tweaked in his mind. He thinks we do need to have a disaster coordinator. He congratulated the Supervisor on the fact that he is proposing a decrease.

Supervisor Hartzell said there are definitely areas we can work on together, such as the disaster coordinator, how we pay our employees and Peter's idea to tweak it to make it more realistic.

Supervisor Hartzell said in regard to security, he would like to see hours compacted in the winter and expanded in the summer.

Councilman Casilio suggested that we see about a different civil service title for them.

Councilman DiCostanzo said he does not think the numbers in the budget are what the fire companies thought they were going to be.

Supervisor Hartzell said if they asked for a 4% increase, we turned some of them down and asked them to come in at the same dollar amount as last year. They have done that, but if you give one 4%, then should you do that for the others. So do we raise taxes and give everyone a 4% increase. He thinks that if the plan is to give it to Clarence Center, then it is only fair to offer it to everyone.

Councilman Casilio said if you go to Swormville and they asked for \$220,648, we should also look at what is happening from Amherst. If they give them 1% and we give them 4%, it could be argued that we are funding them more. Harris Hill is at \$715,000 and their request is \$724,569. He thinks it would help to know these numbers on the night of the public hearing. Clarence Center is asking for \$806,200. Rapids Fire Company is a smaller dollar amount. East Amherst's contract is not up this year. The whole increase is around \$4,000 for all of them.

Councilman Kolber said it should be across the board unless there is extenuating circumstances.

Councilman Kolber said the Highway tax rate is the same and the fund balance is reduced.

Councilman DiCostanzo said the biggest difference is the BAN principal. They issued bonds.

Supervisor Hartzell said we cash in bonds every year and buy new bonds. This year they are callable. Years ago we were locked in to an interest rate.

Supervisor Hartzell said we do not want to short our fire companies if there is something they really need. We want to help them out.

Councilman Kolber said he would like to know what they have in their reserves and what do they plan on using it for.

Mike Rogowski said the biggest need is the replacement of the breathing apparatus. It is a major concern with a price of around \$150,000. They have missed three updates already. They have written grants and not been successful so far. They have 5 or 6 years left on their mortgage. Bill Metzger added that they have to replace the bridge over the creek to the training facility. Mike said they are looking to split that cost with their benevolent association.

Councilman DiCostanzo said he put together a chart of the fire companies' reserves from the information that he had since 2010.

Councilman Casilio said he believes they should mirror what the Town does. He said Harris Hill paid down some of their bills, which makes sense when the interest rates are down. He thinks the norm should be about a half a million.

Councilman Kolber said he would hate to keep adding to it when you have a couple million.

Councilman Casilio said it does not seem fair to current taxpayers to pay for something being purchased 10 years from now.

Councilman DiCostanzo said to their credit he agrees with some level of saving, just not too much.

Supervisor Hartzell said the court clerks always had to work on court nights. The judges asked what can be done. One of the suggestions is to work flex time where they could take time off during the day. They could get some time off or a pay differential. We would also like to introduce another part time employee into that department. It is built into the budget. It is shifting the hours they work. The issue was how to compensate them for working at night.

Councilman DiCostanzo said if there is a chance to do that at any time, the employees should take advantage of it if the work schedule allows.

Town Clerk Nancy Metzger said she would be in favor of flex time, but we cannot plan for that in our budgets if we do not know about it. We always need to have coverage, so we would have to fill in somehow. We can do it at some level, but we do not have huge staffs.

Supervisor Hartzell said they were going to try it in the court office and see how that worked before offering it to everyone.

Councilman Kolber said some may want the extra money and we would be taking it away.

Nancy Metzger said the offices do not have heavy overtime usage. She believes employees are doing the job and just want to be compensated for it. She has reduced the staff over the years since taking over taxes to three full-time people including her. One part time person helps out for a few weeks at tax time. They do not use part time for sick time or vacations. Vacations are worked out around the job schedule.

Councilman Geiger said he was wondering if it is cheaper to pay mileage than having all these Town cars.

Supervisor Hartzell said he thought that also. He spoke with Ted Donner about the replacement program and how it works.

Councilman Casilio said he wishes we could do that with the pickup trucks. It ends up costing a lot in repairs.

Motion by Councilman Casilio, seconded by Councilman Geiger to enter into Executive Session pursuant to Section 105(1)(f) of the Open Meetings Law to discuss the employment history of a particular individual. Upon roll call – Ayes: All; Noes: None. Motion carried.

Nancy C. Metzger  
Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Geiger to adjourn the Executive Session at 5:50 p.m. and recess the special meeting until October 11, 2012 at 3:00 p.m. No action was taken. Upon roll call – Ayes: All; Noes: None. Motion carried.