

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, July 27, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were Councilmember's Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Joseph Weiss. Other Town officials present were Director of Community Development James Callahan, Planner Brad Packard, Senior Building Inspector David Metzger, Town Attorney Steven Bengart, and Planning Board Chairman Al Schultz.

**Director of Community Development – James Callahan**

***Formal Agenda:***

*Dan Snyder 5655 Newhouse Road*

Applicant is seeking Fireworks Display Permit for September 5, 2011 and July 4, 2012. Complete applications, fees, insurance and fire chief approvals have been submitted. Supervisor Bylewski stated that in terms of the July 4<sup>th</sup> request for next year (2012) there was talk about tabling (not withdrawing) but not ruling on that request until next year. He questioned whether the Board had to officially table it. Town Attorney Bengart stated that the request for July 4, 2012 should be tabled. James Callahan stated that he will bring it back when appropriate next year.

*Gateway Equipment 8033 Transit Road*

Applicant is proposing to fill the property to create a larger turn-around area. The site is located on the east side of Transit Road, north of Wolcott Road at existing commercial property located in the Restricted Business Zone and within the Density Flood Plain. Per the Clearing, Filling and Grading Law, the Town Board has final authority to approve fill permits. The Town Engineer/Floodplain Administrator will review and submit approval of the fill operation.

*Cimato Brothers Construction – south of Roll Road, east of Shimerville Road*

Applicant is proposing to construct a wetland as mitigation to a violation that occurred off-site. The proposed site is within the Open Space of the proposed Northbrook Meadows Open Space Design Subdivision on existing vacant land located within the Residential Single Family Zone. Per the Clearing, Filling and Grading Local Law, the Town Board has final authority to approve such operations in advance of subdivision approval. Areas of concern include approving site grading in advance of final subdivision review and approval.

***Work Session items for consideration August 10, 2011:***

*Brookfield Country Club – Fireworks Permit*

Brookfield Country Club is requesting Fireworks Permits for August 13 and August 27, 2011. All required paperwork has been submitted.

*Mark Braunscheidel 6465 Transit Road*

Mr. Braunscheidel is requesting approval to open up a hot-dog stand at 6465 Transit Road. The proposed site is located on the east side of Transit Road, south of Miles Road in front of the Floss Agency complex. Supervisor Bylewski questioned whether this was Mr. Braunscheidel second location or was he moving his Lapp Road location to the Transit Road location.

**Supervisor Scott Bylewski**

Supervisor Bylewski introduced Assistant Town Engineer Kathryn Vergo who is filling in for Tim Lavocat who is on vacation for a couple of days.

Supervisor Bylewski received notice late in the day regarding the intersection of Stahley and Conner Road. There are piles of earth that have become overgrown with weeds and grasses making it dangerous for some of the residents to pull out. Supervisor Bylewski questioned the status of the work that had been started at that location, the owner was clearing, filling and grading in advance of the construction. James Callahan stated that a permit was authorized by the Town Board under the Flood Damage Prevention Law to construct a pad to build a duplex and it never came to fruition. Supervisor

Bylewski asked if there was anything the town could cite the owners of the property on to get them to move the mounds of earth. Senior Building Inspector David Metzger stated that there is a visibility problem when the vegetation gets to high, they contact the county and they will come out and cut the grass. Supervisor Bylewski asked that Senior Building Inspector David Metzger or Assistant Planner Brad Packard look into the situation and possibly contact the county again to get the area mowed or see if someone can move the mounds if it is that much of an issue.

The joint Town Board/School Board meeting is scheduled for August 22, 2011 at 5:00 PM.

There was an incident at the library where an injury took place. If anyone would like additional information, they can see the Supervisor. The injury was not serious.

The Town Board received a memo from Town Clerk Nancy Metzger regarding the 2012 Junior Prom. The Prom Committee would like to hold their prom in the Clubhouse. Deputy Town Clerk Darcy Snyder mentioned the newly restored paintings and the Rohlf's Clock. Town Attorney Bengart stated that this is something he will have to look into. Supervisor Bylewski stated that while the Town Board is not against the idea of having the prom at the Clubhouse, they would just like more details. Councilman Weiss stated that the Senior Class and other groups will be on the heels of this request.

Supervisor Bylewski received a donation from the Day in the Park Committee of \$1,000. stipulating that the funds be designated for the purchase folding tables to be used in the Large Pavilion at the Main Street Town Park. Supervisor Bylewski spoke with James Burkard today and he will look into purchasing new tables.

Supervisor Bylewski received a communication from Leonard Deni regarding his request for a stop sign. Councilman Casilio stated that it is up to the Highway Superintendent as to the placement of stop signs. Councilman Casilio will contact Highway Superintendent as to this request.

Supervisor Bylewski asked Director of Community Development James Callahan or Assistant Planner Brad Packard to report on the anonymous complaint received allegedly on behalf of all the residents in the area of 9380 Willow Wood. James Callahan stated that his office has investigated and there are no violations. The residents asked that they be updated via the two local newspapers.

There will be no Wednesday morning Work Session on August 3, 2011 however, the Town Board was asked to come in to review and sign off on the abstracts and the vouchers.

Supervisor Bylewski will make a motion to adopt the amended Town of Clarence Policy Manual in its entirety effective immediately.

Supervisor Bylewski will make a motion to amend the salary schedule and the Longevity Schedule from the 2011 Budget.

Supervisor Bylewski will make a motion to establish the Workmen's Compensation Reserve Fund.

Karen Jurek is requesting approval to attend the KVS Summer Training School and Conference.

Supervisor Bylewski has several items to discuss in Executive Session regarding the employment history of particular people as well as discipline of particular people.

#### **Councilman Joseph Weiss**

Councilman Weiss was contacted by the DEC regarding the goose situation. He sent them a copy of the minutes.

#### **Councilman Patrick Casilio**

Councilman Casilio distributed the final financial statement for Day in the Park. Councilman Casilio stated that he moved several things around this year including moving the bounce houses to the

baseball diamond area. If he runs the event again, he would also move the teen activities to that area as well. In the past, that area was left open for people to set up early to watch the fireworks. This year Councilman Casilio moved the bounce houses after he witnessed a marathon race in St. Catherine's where they located the bounce houses to where the people were and where the food was. This year he decided to do that for Day in the Park as well. Because of that and because of other management changes, they were able to negotiate better prices for the bounce houses. They got rid of some attractions that were not pulling in a lot of activity and were costing a lot of money making this a very successful year for Day in the Park. The Citizens for Veterans sold 800 chicken dinners and made \$2,600. The American Legion limited their fried dough sales and made \$1,700. the wrestling team that parked cars made \$2,600. This is a good fundraiser for these organizations for a one day event. The Day in the Park Committee did not take any percentage of the profits made by these groups this year; it all went to the volunteer organizations. There will be a new management team next year.

Councilman Weiss stated that we have been very fortunate with the weather for Day in the Park, has any thought been given to creating a slush fund to be able to run the event with no revenue coming in. Councilman Casilio stated that the committee has a \$10,000 reserve after donating \$1,000 to the town for the purchase of tables and after paying some people that should have been paid that were working for free in the past. In previous years the bounce house vender wanted between \$7,000 - \$8,000 up front and if it rained, they could keep the money. This year they negotiated for half that price so if it rained we would not be out that much money – the upfront costs were a lot lower.

Councilman DiCostanzo stated he has been working Day in the Park for the last 17 years and the year there was a rainout, the fireworks vender only charged a nominal fee and they had a "rain out clause" allowing the fireworks display for the next day or the next week.

Supervisor Bylewski stated that whether we have an entity set up to run Day in the Park regardless, the Town ends up paying for the fireworks.

Councilman Casilio stated that there were approximately 5000 people that attended the fireworks display. The celebration at the Clubhouse went very well; there were approximately 13 – 14 classic cars on display in front of the Clubhouse.

The pond permit for 8760 County Road was approved with some stipulations.

Councilman Casilio commented on the good job Highway Superintendent Ted Donner did on repaving and landscaping Sawmill, Bickert and Ransom Roads where sewer lines were installed. The residents in that area have a limited time to tie into the sewers – notices have been mailed.

The first round of appearance tickets for residents in Clarence Hollow took place. If the properties are not brought into compliance, the second round of tickets will be mailed next week.

Shakespeare in the Hollow was a success; another event is in the works.

Councilman Casilio has one item to discuss in Executive Session regarding matters which will imperil the public safety if disclosed.

**Councilman Peter DiCostanzo**

Upon recommendation of the Clarence Youth Board, Councilman DiCostanzo will appoint two adults and six students to the Youth Board.

Sean Hopkins and Adam Walters will give a training session at the September 7, 2011 Planning Board meeting.

Councilman DiCostanzo commented on the work being done on the Legion Hall.

Councilman DiCostanzo thanked the Parks Department for the installation of wing walls at several ball diamonds. This will protect the spectators from foul balls.

Wednesday, August 3, 2011 is the drawing for Clarence Rotary Club Porsche raffle.

The Clarence Youth Bureau is sponsoring a movie night at Meadowlakes Park on August 7 and August 14<sup>th</sup>.

Councilman DiCostanzo had one Attorney Client item to discuss.

**Councilman Bernard Kolber**

Councilman Kolber contacted the Buffalo Sabres to see if they had any interest in the proposed ice rink. They responded by saying they are focusing on the renovation of their facilities at HSBC arena but wished the Town well.

Upon recommendation of Highway Superintendent Donner, Councilman Kolber will award the bids for several pieces of equipment.

Councilman Weiss stated that on March 2010, the Town Board approved a Temporary Conditional Permit for outside display at 10165 Main Street. The permit was subject to several conditions including no more than 2 snow plows to be displayed at any given time. Currently the owner has several different items for sale including a truck. This will be taken into consideration when his Temporary Conditional Permit comes up for renewal.

**Planning Board Chairman – Al Schultz**

Chairman Schultz stated that he attended Planning and Zoning Conference last week. Sean Hopkins and Adam Walters gave a very comprehensive over-view of land use decisions. They started with the enabling legislation at the state level and carried that down through Town Board, Zoning Board and Planning Board levels. They included what is important to record in the minutes, how motions are made, what items are on the record, Open Meetings Law, when to recuse, when you abstain etc. All these things were discussed at this presentation.

Chairman Schultz talked to Town Attorney Bengart about bringing Mr. Hopkins and Mr. Walters to the town to give the same presentation. Chairman Schultz scheduled the presentation for September 7<sup>th</sup>, 2011. This will be open to the public; Chairman Schultz encouraged the Town Board to attend.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1)A matters which will imperil public safety if disclosed, §105(1)F the employment history of particular people, matters leading to the discipline of particular people, § 105(1)H the proposed acquisition of real property when publicity would substantially affect the value thereof. On the question, Town Attorney Steven Bengart, James Callahan and Brad Packard were asked to remain in the meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:31 PM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:12 P.M. 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, July 27, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:30 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer given by The Rev. Vicki Zust of St. Paul's Episcopal Church and read by the Supervisor.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Civil Engineer Kathryn Vergo, Sr. Building Inspector David Metzger, Planner Brad Packard and Planning Board Chairman Al Schultz.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held July 13, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski announced that there will be a household hazardous waste drop-off on August 20<sup>th</sup> in Amherst and August 22<sup>nd</sup> in Buffalo at the Honeywell site. There are also pharmaceutical drop-offs on August 6<sup>th</sup> at the Amherst Senior Center and on October 29<sup>th</sup> at multiple sites with more details to follow. Electronic drop-offs will be September 10<sup>th</sup> at the GM Plant in Tonawanda.

Supervisor Bylewski recognized the members of the Day In The Park Committee for their efforts and the donation to the Town of \$1,000 for the purchase of some additional tables.

Supervisor Bylewski announced that there will not be a morning work session next Wednesday.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adopt the amended Town of Clarence Policy Manual in its entirety effective immediately. On the question, Supervisor Bylewski said they have been detailing and going through, with much discussion internally about the policy manual. It was decided to amend it in its entirety rather than sections. His office, the Town Attorney's office, the Finance Department and outside counsel have been working on it for most of the year. Copies have been given to the Town Board and will be distributed to Town employees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber that pursuant to the provisions of the New York State General Municipal Law section 6-j, the Clarence Town Board hereby establishes a Reserve Fund to be known as the Workmen's Compensation Reserve Funds, said funds to be accounted for separate and apart from other funds of the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant permission for Karen Jurek to attend the KVS 2011 Summer Training School & Conference August 22 – 24 at the Buffalo-Niagara Marriott. The cost for the payroll classes is \$395. On the question, Supervisor Bylewski said Karen handles most of the payroll and KVS is the software provider. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said the DEC came to see him regarding the goose situation. He provided them with the documentation we have and they were fine with it. We are now waiting for the Conservation Advisory Council to determine how we will move forward with this.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation of Highway Supt. Ted Donner, the bid for the purchase of (2) 2012 4-Wheel Drive Sport Utility Vehicles at a total bid price of \$25,770 with trade-ins and (2) Mid-Size Front Wheel Drive Vehicles for a total bid price of \$13,226 is awarded to DeLacy Ford Inc. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation of Highway Supt. Ted Donner, the bid for the purchase and installation of

Truck Service Body and Crane be awarded to STS Trailer and Truck Equipment at their bid of \$26,248. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation of Highway Supt. Ted Donner, the bid for the purchase and installation of (2) 10-Foot Dump Bodies, Snow Plow Equipment and Stainless Steel Hoppers be awarded to Viking Cives of WNY at their total bid of \$158,726.60. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said we contacted the Buffalo Sabres in April hoping we could use them in our ice rink project. They responded saying that they are focused on renovating the locker room facilities at the arena and they are not interested in an alternate practice facility. They wish the Town the best on their project.

Councilman Kolber said the Senior Center is hosting a community day and open house on August 26<sup>th</sup> at their facility on Thompson Road. The event is free and everyone is invited.

Councilman Casilio said he received the Quarterly Avoidable Alarm Report from the Town Clerk's Office. We had 294 alarms with 30 of them billable. Some of them are repeat offenders owing the Town fees over \$1,000.

Councilman Casilio said the Chamber of Commerce Taste of Clarence is coming up on August 2<sup>nd</sup>. They have had to turn away restaurants. We have about 500 cars and thousands of people. It is a great event.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that upon recommendation of the Clarence Youth Board, the following be appointed as members: Donna Callaghan and Robert Coniglio effective July 28, 2011 through December 31, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that upon recommendation of the Clarence Youth Board, the following be appointed as student members for the period of one year effective July 1, 2011 through June 30, 2012: Kailey Akin, Victoria Cirillo, William Harrington, Julia Marfurt, Adam Singh and Allison Voll. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said there will be a training session at the September 7<sup>th</sup> Planning Board meeting conducted by Sean Hopkins and Adam Walters regarding land use.

Councilman DiCostanzo thanked the Parks Department for installing the fences at several of the ball diamonds as they are much needed.

Councilman DiCostanzo said next week is the Clarence Rotary raffle of a Porsche, Cayenne or \$40,000. Anyone who purchased a ticket can attend the party on Wednesday.

Councilman DiCostanzo said the Youth Bureau is hosting outdoor movie night at Meadowlakes Park August 7<sup>th</sup> & 14<sup>th</sup>. More information is available on the Town website.

Councilman DiCostanzo said the Taste of Clarence is next week and a great event.

#### Public Announcements

Town Clerk Nancy Metzger said she received the Notice of 30-Day Period for Public Review of the Clarence-Newstead Agricultural District beginning August 1, 2011 for any municipality, State Agency or landowner within or adjacent to the District to propose a modification to the District. A request must be filed with the Erie County Dept. of Environment and Planning by August 30, 2011. A public hearing will be held at the Clarence Town Hall on Monday, December 5, 2011 at 7:00 p.m. regarding any proposed modifications or recommendations.

#### Department Reports

James Callahan reported from the Planning and Zoning Office that the public complaint regarding an alleged business and unlicensed vehicles on Willow Wood Drive was investigated.

It was found that it is an owner-occupant hobby of restoring vehicles, which were stored inside a permitted structure. At this point there is no violation.

Supervisor Bylewski thanked all department heads present for attending.

Dan Snyder requests Fireworks Display Permits for September 5, 2011 and July 4, 2012 at 5655 Newhouse Road. James Callahan said the applications, fees, insurance certificates and fire chief approvals have been submitted.

Councilman Casilio said he has a business transaction occurring with Mr. Snyder, so he will recuse himself from discussion and voting on this subject.

Supervisor Bylewski said we received an email from the fire chief from Clarence Center Fire Company saying he was unable to attend the meeting tonight, but he is essentially very comfortable with the application.

David Saleh, attorney for Mr. Snyder said he feels the application is fully compliant with all the requirements of the Penal Law and he is asking for approval.

Supervisor Bylewski said as it has been discussed, the July 4, 2012 request would be tabled at this time.

Mr. Saleh said they have no problem with that and understand that it will come up next March.

Councilman Weiss said Mr. Saleh sent a letter out saying he had political motivations. He takes exception to that, especially after the signs that were put up. They were clearly political signs and should not have been allowed. He disagrees with the Town Attorney that they were not political.

Councilman Weiss said they play the political game very well because he noticed, and it is not illegal, that large contributions were made to the supervisor in a very short time. He understands that Mr. Snyder's company, Inlighten does not normally make these contributions. You are talking about a \$2,000 contribution to the supervisor made in the timeframe of this vote.

Councilman Weiss said it is not illegal, but he does not appreciate being accused of being political when you are putting up signs against him that are political and it appears to be a pay-to-play situation.

Mr. Saleh said this is about a fireworks permit that should be a routine process. It is insulting to the Supervisor, Mr. Snyder and Inlighten.

Supervisor Bylewski said he objects to the pay-to-play. He has received donations from other applicants in the past who we have voted down applications. He admits receiving the donations and has no problem accepting them. There is no pay-to-play. This permit and application have to stand on their own merits.

Councilman Kolber said we have been through this enough and now knowing what the State laws are and that no local laws can supersede this, he does not see that we have an option. The only concern he has is the parking on both sides of a narrow street. We could limit parking to one side.

Mr. Saleh said they would be happy to accommodate however they are able, but they cannot control a road. The attendees to Mr. Snyder's party will all parking on the property.

Councilman DiCostanzo suggested putting up cones a certain distance from the property on one side of the road.

Mr. Saleh said they cannot go on other people's property.

Town Attorney Bengart said if other property owners wanted cones or signage, would they put them up.

Councilman Kolber said it is a County road. We could ask them what a reasonable request would be.

Mr. Saleh said they would accommodate any request that they can do.

Speaking to the subject:

Councilman DiCostanzo said in the Bee someone was commenting about behavior and the way the Town Board acts and the last couple months it has gotten embarrassing sometimes. We have always said that we did not want to become like Amherst. He asked if he would be comfortable with no more borderline political signs on the property.

Mr. Saleh said he would have to talk to Mr. Snyder.

Councilman DiCostanzo said he has had a few good conversations with Mr. Saleh in the last few weeks. He did not think it was about horses before and now he does not think it is about fireworks anymore. It has gotten so contentious that it seems to be politics now. He would like it to be done and move on.

Mr. Saleh said he has to contact Mr. Snyder.

Councilman Kolber said we cannot deny this with all conditions being met; he does not see how we can put a condition on that violates the first amendment right.

Motion by Councilman Kolber, seconded by Supervisor Bylewski to grant a Fireworks Display Permit for September 5, 2011 at 5655 Newhouse Road with the request that the applicant honor any request by a governmental agency for parking control on Newhouse Road the day of the event.

Town Attorney Steven Bengart said he would be more comfortable if the applicant provided signs or cones along their premises as well as any requested within a reasonable distance.

Councilman Kolber suggested from Roll Road to 500 ft. north of the driveway.

Mr. Saleh said as long as the property owners do not object.

On the question, Supervisor Bylewski said from everything that has been explained, the applicant has met what needs to be done. This is a ministerial event that should occur based on the way that the law is written. We have gone over this a number of times. Whether people want to see political implications or not, that is up to them.

Councilman Kolber said even though he is up for re-election this year, he does not think this should be biased. He is not comfortable with putting on a condition that infringes on someone's first amendment right.

Councilman DiCostanzo said he is a no without it. Show me that that it is not political. He asks that he does not put it on the Newhouse property only.

Mr. Saleh said he will make the call to Mr. Snyder.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to table the request until they applicant comes back before the end of this meeting. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber and Supervisor Bylewski; Noes: Councilman Weiss; Recuse: Councilman Casilio. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to table the request by Gateway Equipment for a Fill Permit at 8033 Transit Road until the applicant is available. Upon roll call – Ayes: All; Noes: None. Motion carried.

Cimato Brothers Construction requests a Clearing, Filling and Grading Permit for wetland mitigation in advance of subdivision approval on the south side of Roll Road, east of Shimerville Road. James Callahan said this is existing vacant land in the Residential Single Family Zone.

Corey Auerbach, attorney said the goal is to do some required wetland mitigation as approved by the Army Corp. This is to create new wetland area to mitigate a disturbance on a parcel to the south and east of the property.

Supervisor Bylewski said there is a proposed project that is under review by the Planning Board. There is a concern that by allowing the mitigation to occur on the site it may limit some options as they review the project.

Mr. Auerbach said there is an existing wetland that cannot be disturbed. He sees the point, but he does not see it would be an area that development would take place anyway.

Councilman Kolber said the proposed roadway off of Roll Road is impacting the wetland in that area and that would have to also be mitigated.

Mr. Auerbach said he does not believe they are impacting the wetland area.

James Callahan said the mitigation for that was already done for the sewer line.

Councilman Weiss said the word from the Planning Board is that the project is far from being approved and they would rather that this was not approved at this time.

Mr. Auerbach said they are seeking to improve wetland, not take any away.

Motion by Councilman Kolber, seconded by Councilman Casilio to refer the request for a Clearing, Filling and Grading Permit for wetland mitigation in advance of subdivision approval on the south side of Roll Road, east of Shimerville Road to the Planning Board to review with the entirety of the proposal to give them the opportunity to look at the entire project. On the question, Councilman Casilio said he thinks this should go to the Planning Board to decide the

timeline so that their hands are not tied as they go through the review. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to approve the following: Clubhouse Applications - A. Clarence Concert Association – July 31, 2011; 1<sup>st</sup> Tues. each month 2012; July 8, 15, 22, 29 & Aug. 5, 2012; B. Rock Oak Homeowners Association – Dec. 8, 2012; C. Clarence Jaycees – March 24 & 25, 2012; D. Clarence Soccer Club – Monthly meetings for 2012; E. Clarence Book Review Club - Monthly meetings for 2012; Legion Hall Applications – A. Clarence Little League Football – Monthly meetings for 2012; B. Swallow Creek Homeowners Association – Quarterly meetings for 2012; C. Roselle LaBruna – March 17, 2012; D. Father/Child Group – Monthly meetings for 2012; and Park Pavilion Special Request – A. Eastern Hills Sunrise Rotary Foundation – Sept. 24, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of July 21, 2011 are approved for payment: General Fund - \$112,856.91; Highway Fund - \$57,096.56; Water District - \$207.70; Fire Protection Districts - \$43.47; Drainage District - \$1,315.00; Lighting Districts - \$814.85; Capital Fund - \$43,170.25; Aquatic Growth District - \$300.00; Special Revenue - \$900.00 and Trust and Agency 203 - \$5,750.00 for a total amount of \$222,454.74. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski recalled agenda item #12.

David Saleh said the request by Councilman DiCostanzo is illegal and unconstitutional. The Town Attorney told you that this is a request that you have an obligation to grant. The only recourse you have left Mr. Snyder is to litigate this matter. Mr. Snyder said he wants to have his right to speak politically. On the day of the event only, and as a gesture, he will accommodate the request for that day only. This is unconscionable to him.

Councilman DiCostanzo said are you calling my bluff.

Supervisor Bylewski said the main motion now stands as follows:

Motion by Councilman Kolber, seconded by Supervisor Bylewski to grant a Fireworks Display Permit for September 5, 2011 at 5655 Newhouse Road with the request that the applicant honor any request by a governmental agency for parking control on Newhouse Road the day of the event.

On the question, Councilman Kolber said he believes people have a legal right and he does not see how we could infringe on that.

Councilman Weiss said don't forget that it is only a legal opinion by both attorneys also.

Upon roll call – Ayes: Councilman Kolber and Supervisor Bylewski; Noes: Councilmembers DiCostanzo and Weiss. Recuse: Councilman Casilio. Motion failed.

“For the Good of the Town”

Diane Bloom, owner of Clarence Wine & Spirits said she is bringing to the attention of the Board a proposed business that will have a negative impact on the Town. We already have two wine and liquor stores owned by Clarence residents and operating within three miles of each other on Main Street. The proposed liquor store is at the location that her business was forced to leave. Both smaller stores will not survive. She presented petitions signed by Clarence residents opposed to an additional store.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:15 p.m. in memory of William Jobling, husband of Donna Ioviero, both local artists.

Nancy C. Metzger  
Town Clerk