

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, August 10, 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, Director of Administration and Finance Pam Smith, Town Attorney Steven Bengart, Town Engineer Timothy Lavocat, and Planning Board Chairman Al Schultz.

Director of Community Development – James Callahan

Public Hearings:

A Public Hearing is scheduled for 7:45PM to consider the request for outside dining at McDuffie's Bakery 9920 Main Street. The proposed site is located on the northwest corner of Main Street and Kraus Road at existing bakery located in the Commercial Zone. Items to be addressed include hours of operation, the number/location of tables and chairs.

A Public Hearing is scheduled for 7:50PM to consider the request for outside dining at Zoe's Restaurant 5701 Transit Road. The proposed site is located on the east side of Transit Road, north of Roll Road at existing restaurant located in the Major Arterial Zone. Items to be addressed include hours of operation, the number/location of tables and chairs.

Formal Agenda:

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

Applicant is requesting a Peddler/Hawker License to operate a food vending trailer at 6465 Transit Road. The proposed site is located on the east side of Transit Road, south of Miles Road in the Transit Road Commercial Corridor. Per the Peddling and Soliciting Law, the Town Board has final authority to approve Peddler/Hawker Permits for a period not to exceed 3 months. Items to be addressed include days and hours of operation.

Gateway Equipment 8033 Transit Road

Applicant is proposing to fill the property to create a larger turn-around area. The proposed 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. Town Engineer/Floodplain Administrator has a letter of agreement from the applicant that will be read into the minutes.

Work Session items for consideration August 24, 2011:

Master Plan 2015 Amendments – Transit Road Corridor/Segment B

The Planning Board has analyzed the current zoning in relationship to the Master Plan and long term development goals of the land area in question and has recommended an extension of the Transit Road commercial corridor. Specifically the Planning Board has recommended a 180' extension of the existing commercial zoning as previously amended and a conversion of the remaining Residential Single Family Zoning (300') to Restricted Business. The proposed site is located on the east side of Transit Road, north of Roll Road at existing vacant property partially containing a portion of the Transit Road commercial corridor zoning standard and Residential Single Family Zoning. This proposal will require an amendment to Master Plan 2015 and was originally referred to the Planning Board during the annual Master Plan amendment hearing in February of this year.

Jeff Vanmarter 10425 Keller Road

Applicant is proposing to construct a pond. The proposed site is located on the south side of Keller Road, east of Strickler Road on existing residential property located in the Agricultural Rural Residential Zone. Per the Excavation Law, the Town Board has authority to approve pond permits. The Town Engineer to review and approve the pond design specifications. The applicant has made application with the Army Corps of Engineers and NYS DEC and received confirmation that wetland areas at the site are non-jurisdictional.

John Locurcio 10025 Tonawanda Creek Road

Applicant is proposing to construct a pond. The proposed site is located on the south side of Tonawanda Creek Road, east of Brauer Road on existing vacant residential property located in the Agricultural Flood Zone and within the Density Flood Zone. Per the Excavation Law, the Town Board has authority to approve pond permits. The Town Engineer/Floodplain Administrator to review and approve the pond design specifications. The applicant has made application with the Army Corps of Engineers and the NYS DEC for wetland disturbance authorization and has received approval and permitting of both agencies.

Shadow Woods Subdivision – Goodrich Road

Applicant is requesting Final Plat approval and Road Dedication of Phase I of the project consisting of approximately 1,854 lineal feet of Kristina Lane and acceptance of 4 new fire hydrants. The Final Plat approval will also confirm acceptance of public easements and the conservation easement for protection of permanent open space (as required for Open Space Design Subdivisions and a condition previously imposed by the Town Board). The proposed site is located on the west side of Goodrich Road, north of Keller Road within a residential classification. The subdivision has been developed in accordance with Open Space Design standards. The Town Board is the final authority for the acceptance and conveyance of public right of ways. This Phase I Road Dedication would concern approximately half of the total project site and development. This particular phase would confirm acceptance of 36 building lots.

Supervisor Scott Bylewski

The joint Town Board/School Board meeting is scheduled for August 22, 2011. Anyone planning on attending should notify the Supervisor.

Supervisor Bylewski was approached by Sun King, they are located in Lancaster and their business is recycling. They are would like to do some electronic waste recycling within the Town of Clarence sometime in September.

The County Executive is holding a press conference at 2PM tomorrow at Beaman Creek regarding the transfer of the Park from the County to the Town of Clarence.

Supervisor Bylewski will have four items for Executive Session regarding pending litigation and employment history of corporations and the employment history of particular people.

Councilman Joseph Weiss

A program is in place to take care of the Emerald Ash Bore Beetle. The beetle attacks and kills ash trees, traps (purple plastic boxes) have been hung on tree limbs throughout the town.

Recreation Director Chris Trapper is in the process of obtaining a grant to improve the outdoor floor hockey court at the former Youth Center on Sheridan Drive.

The construction work on the dog kennel is progressing and is just about complete.

Councilman Bernard Kolber

The Senior Center has been having mechanical problems with their van. Highway Superintendent Donner will have one of his mechanics take a look at it.

Councilman Kolber will make a motion under Roberts Rules of Order under *Renewal of a motion* to bring up the motion that was defeated at the July 27th, Town Board meeting for the Dan Snyder fireworks permit. Councilman Weiss questioned why this was not put on the agenda and why he was not previously notified of this. Town Attorney Bengart stated that he was asked by two councilmen to look into whether this could be brought back.

Councilman Kolber has one Attorney-Client item to discuss.

Councilman Patrick Casilio

Councilman Casilio clarified some information regarding figures for Day in the Park. The non-for-profits made \$21,840, including the \$1,000 gift donation for the purchase of tables.

The Taste of Clarence was a big success, all the vendors did well.

The Clarence Hollow is sponsoring Country Night in the Hollow on Thursday, August 11th at 7:00 PM at the Asa Ransom House on Main Street.

Councilman Casilio will make a motion authorizing Change Order #1 for the Clubhouse Sprinkler System Project for asbestos abatement services and additional sprinkler piping design and materials

Councilman Peter DiCostanzo

The Youth Bureau had to cancel movie night because of rain; it will be rescheduled for August 28th.

Clarence Little League Football Association will be hosting scrimmages on August 20th at Sunset Park. There will be many teams from surrounding towns. They will also be hosting a chicken barbeque.

Town Engineer Timothy Lavocat

The compressor for the air conditioner at the library was down but has since been replaced.

The solar project for the Highway Department has begun.

Mr. Lavocat has one item to discuss in Executive Session regarding pending litigation and one Attorney-Client item to discuss.

Planning Board Chairman Al Schultz

Northwood's Open Space Design Subdivision 8990 Greiner Road is scheduled for the August 17, 2011 Planning Board meeting. The Planning Board is contemplating asking the Town Board to initiate a SEQRA review.

Chairman Schultz reminded the Town Board about the September 7th presentation by Sean Hopkins and Adam Walters. The presentation is open to the public and will be held in the auditorium from 7PM – 9PM.

Senior Building Inspector David Metzger

Senior Building Inspector Metzger will have a resolution for the next Town Board meeting relative to a fire hydrant hook up for a construction project (First Meadows) on Keller Road. The County installs the hydrant and the homeowner pays the maintenance fee.

Councilman Kolber stated that the Town received a letter from Swormville VFC regarding the fire hydrants in their district on Lakemont Drive and not Lakemont Court. Senior Building Inspector Dave Metzger stated that the district boundary area is there and Lakemont Court could be in Clarence Center VFC district. Director of Administration and Finance Pam Smith will look at what Erie County has Lakemont Court and Lakemont Drive listed as.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1)A matters which will imperil the public safety if disclosed; § 105(1)D proposed litigation regarding "Fun Expert" and Clarence Hollow maintenance; § 105(1) F the employment history of particular people and the employment history of a corporation. On the question, Town Attorney Bengart and Town Engineer Lavocat were asked to remain. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:26 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:26 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, August 10, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:31 P.M. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a prayer 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, Town Engineer Tim Lavocat, Sr. Building Inspector David Metzger, Asst. Planner Brad Packard and Planning Board Chairman Al Schultz.

Motion by Councilman Weiss, seconded by Councilman Kolber to accept the minutes of the previous meeting held July 27, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski reminded everyone of the hazardous waste drop-off announced at a prior meeting. We are also in discussions with a private waste hauler to have another electronic waste recycling drop-off in Town. Hopefully we will have more information about that soon.

Supervisor Bylewski announced that the County Executive will be having a press conference tomorrow at Beaman Creek Park at 2:00 p.m. to officially make the announcement.

Judy Sirianni, President of the Chamber of Commerce thanked the Town of Clarence for all the support during the 8th Annual Taste of Clarence and Cruise Night. She also thanked Pat and Scott for being judges. She distributed a reminder of Clarence Bison Night on Friday, August 19th.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for September 14, 2011 at 7:45 p.m. to consider the purchase of Development Rights by the Town of Clarence of approximately 83.79+/- acres of vacant land located along the west side of Shimerville Road in the Town of Clarence, Erie County, NY consisting of two separate parcels and further being know as SBL Nos. 57.08-1-1.1 and 43.20.1-7.11, at a purchase price not exceed \$754,110.00 plus any closing costs, processing costs, baseline studies, future stewardship fees and any and all costs and disbursements for open space purposes. All funds are to be allocated from the open space bond resolution, general fund and recreation fees if it is determined that any portion of this property will be used for recreation purposes.

On the question, Councilman DiCostanzo said we recently paid a stewardship fee on a previous closing and he asked if we knew how they were calculated by the WNY Land Conservancy. James Callahan said it is a per acre charge.

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

Councilman Weiss asked if we could work out a better price for stewardship as we add on additional acreage.

James Callahan said there is a baseline document unique to each individual property and they charge per acre. We could shop around to see if we could get a better rate.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for Sept 14, 2011 at 7:50 p.m. to consider the purchase of Development Rights by the Town of Clarence of approximately 28.13+/- acres of vacant land located at 5630 Shimerville Road in the Town of Clarence, Erie County, NY and further being described as SBL No. 57.12-2-2, at a purchase price not exceed \$253,170.00 plus any closing costs, processing costs, baseline studies, future stewardship fees and any and all costs and disbursements for open space purposes. All funds are to be allocated from the open space bond resolution, general fund and recreation fees if it is determined that any portion of this property will be used for recreation purposes.

On the question, Councilman Kolber said these properties adjoin a large tract of land that we already have development rights for. The addition will create a much larger mass of land.

Supervisor Bylewski said it is a very visible location which will preserve the vistas and the view sheds.

Town Attorney Bengart said there is also a development plan being studied.

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

Motion by Supervisor Bylewski, seconded by Councilman Kolber to amend the 2011 Longevity Schedule from the 2011 organizational minutes as follows:

5 - 9 years of full-time service	\$ 875.00
10 - 14 years of full-time service	1,000.00
15 - 19 years of full-time service	1,075.00
20 – 24 years of full-time service	1,325.00

On the question, Supervisor Bylewski said this is to bring the non-union longevity schedule in line with white collar longevity schedule that was recently agreed upon in their bargaining agreement.

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

Councilman Weiss said the Town has been semi-affected by the emerald ash borer that has done a lot of damage to trees in Michigan, Ontario and other areas. The Parks Department has made a determination to save some large specimen trees. They are doing a tree-inject system. Some trees in Sunset Park will be taken down that are not doing so well.

Councilman Weiss said the Parks Department is also working on fencing on some of the ball fields and that should be completed within the next few weeks.

Councilman Weiss said floor hockey has been very popular. Chip Trapper, Recreation Director is working on a grant to add a top coat to the surface.

Councilman Weiss said the dog kennel renovations are under way and should be completed by mid-September.

Councilman Kolber said there was an application made at the meeting of July 27, 2011 by Dan Snyder for a fireworks display permit that did not pass. He is hoping that there is a change of feelings by some parties. Roberts Rules of Order, which is a guideline for the Town Board meetings, has a feature called renewal where a motion can be remade at a subsequent Board meeting.

Motion by Councilman Kolber, seconded by Supervisor Bylewski to grant a Fireworks Permit to Dan Snyder for September 5, 2011 at 5655 Newhouse Road per the discussions included at that time and up to that point to be included with that. It does have all of the approvals.

Supervisor Bylewski asked if the motion to renew is to consider it or is it a motion to renew.

Town Attorney Bengart said it states that when an original motion has been rejected, it may be introduced again at any future session.

On the question, Councilman DiCostanzo said there has been a lot of talk that he is an opponent of free speech and nothing could be further from the truth. He was trying to make a point at the last meeting and he thinks he did. He made it to the dozen or so people who have an interest in what goes on but that was the point of it and not to limit someone's free speech.

We had a free speech attorney-crusader here tonight ready to pounce who told him that he has statements prepared to go to the AP and to Reuters if they do not do the right thing tonight. Contrary to what he says in the Bee about everything going smoothly tonight, clearly that is the furthest thing from his mind. He would love for this to go further but he will save Mr. Snyder and the Town some attorney fees and go along with the motion.

Councilman DiCostanzo said based on Mr. Bengart's research there is no reason administratively right now, that we know of, not to approve the permit. He also learned from Mr. Bengart that if the permit does go through tonight, he would hope that, promises made tonight are promises kept in regard to the length of time of the fireworks, no loud sounds, etc.

Town Attorney Bengart said there were some conditions discussed regarding parking that the applicant had agreed to. All partygoers were to park on Dan Snyder's property and that they would put cones down their property. They would also put cones along neighbor's property if they wanted them.

Councilman DiCostanzo said he would like it to be a condition that if the applicant has access to cones, that they make them available to the neighbors.

Supervisor Bylewski read the motion from the meeting of July 27, 2011.

Town Attorney Bengart said there was discussion about providing signs or cones for the neighbors to protect their property as well. It is a reasonable request.

Motion by Councilman Kolber, seconded by Supervisor Bylewski to amend the motion to grant a Fireworks Permit to Dan Snyder for September 5, 2011 at 5655 Newhouse Road, subject to meeting all Town conditions which they have done and to eliminate parking on one side of Newhouse Road from Roll Road to 500 ft. north of the applicant's driveway as long as the neighbors do not object.

On the question, Supervisor Bylewski asked Mr. Saleh if he is willing to meet the conditions.

Mr. Saleh said the conditions he agreed to at the last meeting still stand. They will honor requests to put cones up as long as the neighbors say it is okay. They will work something out as long as it is reasonable.

Councilman Weiss said he will still be voting no because he views the political signage as extortion and he thinks he is being lobbied to do it. The placement of the signs was to get him to vote in a certain fashion.

Councilman Kolber said he appreciates Councilman Weiss' statement, but if the applicant has what is deemed to be his legal right to do, then he should be allowed regardless of what he does.

Councilman Weiss said he believes he has an obligation to the law and an obligation to his conscience and to the people of this Town, that if he is being extorted in a certain fashion, he should not vote that way because he is being pressured to do so.

Supervisor Bylewski said, based on the research that was conducted, the information from the Association of Towns where there is a question in talking about the fireworks legislation that says towns are required to issue a permit when it meets the requirements of the Penal Law, Section 405. It further states that once the conditions are met the Town must issue a permit.

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

Supervisor Bylewski said he does not think we disposed of the second portion of that request to table the permit for July 4, 2012. Town Clerk Nancy Metzger said she believes that they did.

Councilman Casilio said the correct total amount of money that the not-for-profits earned from Day In The Park was \$21,840. They all helped to make this a successful event.

Councilman Casilio congratulated Judy Sirianni and the Chamber for the wonderful Taste of Clarence event. We are the only one that combines it with a car show. They had to actually turn vendors away. She ran a very successful event.

Councilman Casilio said the Clarence Hollow Association is hosting a Country Night in the Hollow event at the Asa Ransom House front lawn tomorrow night. The Association is working very hard to bring activity to the Hollow.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Change Order No. 1 for the Clubhouse Sprinkler System Project to the following to be paid from Project 89:

1. Davis Ulmer Fire Protection and Security Systems in the amount of \$12,800 for asbestos abatement services and additional sprinkler piping design and materials.
2. Sienna Environmental in the amount of \$700 for independent third party air monitoring services as part of the asbestos abatement.

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

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law, a Negative Declaration be issued on the proposed Master Plan 2015 Amendment for the Segment B section of Transit Road in the Town of Clarence. This Type I Action involves a change to the Future Land Use Map within Master Plan 2015 along the Transit Road Corridor north of Roll Road. The amendment includes the extension of the Commercial Zone 180' east along the Transit Road corridor and identifying a Restricted Business Zone from the Commercial Zone east to the rear yards of homes in the Rolling Meadows and Highland Farms Subdivisions to provide a transitional land use between the commercial area along Transit Road and the Residential Single-Family lots to the east. After

thorough review of the proposed amendment and Environmental Assessment Form (EAF) by the Town Board and Planning Board, it is determined that the proposed amendment will not have a significant negative impact upon the environment.

On the question, Supervisor Bylewski said we had some discussion because at the next Town Board meeting we will consider the amendments to the Master Plan as it relates to this issue. He said a prior look at this property was for a large store that was looking to locate there, we now have an adult living facility looking to locate there; in terms of land use and the overall zoning, how do the two recommendations from the Planning Board compare.

James Callahan said the recommendation that came forward from the Planning Board last year related to a big box store was 180 additional feet of commercial zoning. It could accommodate a large box building because the setbacks are reducing commercial zoning to allow it to come forward. The difference this time is that the rear of that portion of property from the commercial zoning to the restricted business to the single family residential zone is proposed to be restricted business which is a non-retail commercial zoning entity. It is very similar in terms of the depth allowing some transitional land use which is what is in the Master Plan.

Councilman Kolber said he is voting no on this. Two years ago we had a request for the same depth for rezoning and it was not even passed along to our TEQR Board for review, despite two requests. Then a project comes forward and it is alright to rezone the same depth to a commercial zone. Previously, everyone wanted it maintained as residential and now it is okay to go to restricted business. He feels it is not due to a change in the Master Plan but is project specific.

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

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Brad Packard to the position of Assistant Planner in the Planning and Zoning Office at a salary of \$47,899 effective August 11, 2011. On the question, Supervisor Bylewski said this is an appropriate change in civil service title due to the duties with no change in salary. Councilman Kolber added that Brad is an asset to his department. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said the Youth Bureau had to cancel movie night on Sunday at Meadowlakes Park, but have another one scheduled for this coming Sunday, August 14th. They will try to reschedule the other for August 28th.

Councilman DiCostanzo said Little League Football is in full swing at Sunset Park and will host a chicken barbeque on Saturday, August 20th.

Councilman DiCostanzo thanked Andrea from the Bee for mentioning no dogs are allowed in the parks. He loves dogs and has one of his own, but they do not belong in the parks. People are allowed to walk their dogs along the bike paths.

Councilman DiCostanzo said his neighborhood got hit again with people stealing items from cars. Everyone needs to remember to lock their vehicles.

Councilman DiCostanzo said everyone should check out the huge flag at Russell Salvatore's Patriots and Heroes Park on his property on Transit Road near Wehrle Drive.

Supervisor Bylewski said we talked briefly about tabling the fireworks permit request by Mr. Snyder for next July 4th. It was in the minutes that they agreed to table it until next year. A motion was not made, but he wanted to clarify the record of what did occur.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider the request for outside dining at 9920 Main Street. James Callahan said the location is the northwest corner of Main Street and Kraus Road consisting of an existing bakery in the commercial zoning classification.

Brian Thomas said they have a 15' x 18' patio with four tables seating two each. The hours of operation would be Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturdays from 7:00 a.m. to 4:00 p.m. They would have only low volume background music.

With no one speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Weiss to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said he has heard of a concern with rodents in that area. He asked if there have been any complaints from the neighborhood lately.

Brian Thomas said they have a rodent control service once a month and has not had any recent issues.

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

Resolved that the Clarence Town Board, after a public hearing duly held August 10, 2011, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, McDuffies's Bakery, for outside dining at 9920 Main Street, subject to the following conditions:

1. The Temporary Conditional Permit is granted for one year.
2. Hours of operation: Monday through Friday 7:00 a.m. to 6:00 p.m. and on Saturday from 7:00 a.m. to 4:00 p.m.
3. Outdoor seating not to exceed 4 tables and 8 seats.
4. No live entertainment outside; low background music is acceptable.

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

A Public Hearing was held to consider the request for outside dining at 5711 Transit Road. James Callahan said the location is the east side of Transit Road south of Highland Farms Drive consisting of an existing restaurant in the Major Arterial Zone.

Sheila Bailey said they would like to have 4 – 5 tables with 2 – 4 seats along with some umbrellas. The hours of operation are Monday through Saturday from 6:30 a.m. to 11:00 p.m. and Sunday from 6:30 a.m. to 10:00 p.m. They would also like to have background music.

With no one speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Resolved that the Clarence Town Board, after a public hearing duly held August 10, 2011, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Zoe's Restaurant, for outside dining at 5711 Transit Road, subject to the following conditions:

1. The Temporary Conditional Permit is granted for one year.
2. Hours of operation: Monday through Saturday 6:30 a.m. to 11:00 p.m. and on Sunday from 6:30 a.m. to 10:00 p.m.
3. Outdoor seating not to exceed 5 tables and 20 seats.
4. No live entertainment outside; low background music is permitted.

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

Brookfield Country Club requests Fireworks Display Permits for August 13 and August 27, 2011 at 5120 Shimerville Road. James Callahan said the applicant has submitted the required applications, insurance, site plans, fees and fire chief approvals. The requests are for wedding celebrations.

Motion by Councilman Casilio, seconded by Councilman Kolber to grant Fireworks Display Permits to Brookfield Country Club for August 13 and August 27, 2011 at 5120 Shimerville Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Mark Braunscheidel requests a Peddler and Hawker License to operate a food vending trailer at 6465 Transit Road. James Callahan said the location is the east side of Transit Road north of Old Post Road consisting of an existing office building in the Major Arterial Zone. Per the Town Law, the Board may consider issuing a permit for a 90-day period.

Mark Braunscheidel said he only plans on being there a couple days per week, but would like the permit to say Tuesday through Saturday so he can figure out what days work the best. He may still run it at his current location one day per week also. There are 12 parking spaces on the site right behind where he would park.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant a Peddler and Hawker License to operate a food vending trailer at 6465 Transit Road with the same conditions he has for the Lapp Road location. On the question, Councilman Kolber said he is referring to hours of operation. James Callahan said in the spring we could consider a Temporary Conditional Permit. Upon roll call – Ayes: All; Noes: None. Motion carried.

Gateway Equipment Corp. requests a Clearing, Filling and Grading Permit at 8033 Transit Road. James Callahan said the location is the east side of Transit Road north of Wolcott Road consisting of an existing commercial use in the Restricted Business Zone. The applicant would like to extend the existing parking and turnaround area.

Peter Sheridan said this is to address the safety issue for their trucks instead of backing out onto Transit Road.

Town Engineer Tim Lavocat said they have met with the applicant at the site and have a letter of agreement that he will follow to be compliant with the permit.

Councilman Kolber asked what the size of the area is and the source of the fill. Mr. Sheridan said it is about 140' x 150' area. Mr. Lavocat said it is mostly hard concrete fill for the base. He will also require a floodplain development permit.

Motion by Councilman Casilio, seconded by Councilman Kolber to grant a Clearing, Filling and Grading Permit at 8033 Transit Road, subject to Town Engineer approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant approval of the following: Clubhouse Applications – A. Clarence Women's Club – 1st Monday of the month; May 7 & 8, 2012; B. C. Clarence Arts & Craft Society – 2nd Thursday of the month; Nov. 2 – 4, 2012; E. Clarence Welcome Wagon – 2nd Wednesday of the month 2012; F. VFW Memorial Post 1200 – 2nd Tuesday of month 2012; G. American Legion Pose May 28, Nov. 11, Dec. 12, 2012; Legion Hall Applications – A. Karen Attea – Aug. 14, 2011; B. John & Sherrie Akiki – Oct. 15, 2012; Nancy Rowley – March 29, 2012; American Legion Post 2nd Wednesday & 4th Monday each month; May 28 & June 14, 2012. 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 August 4, 2011 are approved for payment: General Fund - \$305,133.39; Highway Fund - \$168,245.19; Water District - \$37,606.45; Fire Protection Districts - \$45,931.00; Drainage District - \$33,270.00; Sewer Districts - \$599.49; Capital Fund - \$202,224.82; Aquatic Growth District - \$360.00; Trust and Agency 203 - \$4,800.00; and Trust and Agency 205 - \$240.45 for a total amount of \$798,410.79. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Karen Okonowski-Dunlap said she has enjoyed a great relationship with all of the Town Board members and Planning Board members. She is disappointed in what has happened lately. She hopes that all of the conversations that she has had with them makes an impression, good or bad. She hopes that as we move forward with other projects that we can have a good working relationship in a positive way.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:25 p.m. in memory of Mildred Blas, mother of our Paralegal Cindi Rosel.

Nancy C. Metzger
Town Clerk