A Work Session of the Town Board of the Town of Clarence was held on Wednesday, August 24, 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, Confidential Secretary to the Supervisor Karen Jurek and Planning Board Chairman Al Schultz.

Director of Community Development – James Callahan

Formal Agenda:

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. The Master Plan has previously been formally adopted by the Town Board and therefore any amendment requires the Town Board approval as final authority.

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.

Brookfield Country Club 5120 Shimerville Road
Applicant requests a Fireworks Display Permit for September 3, 2011. The completed application, site plan, insurance and fire chief approval are on file.

Kelly Simkin 6122 Railroad Street
Applicant is proposing to construct an in-law apartment on the property. The proposed site is located on the west side of Railroad Street, north of High Street at existing single-family home located within the Residential Single-Family Zone. Per the Zoning Law, the Town Board has authority to approve secondary living units with a Special Exception Use Permit. A Public Hearing will be required before acting on the request.

Work Session items for consideration September 14, 2011:
Clover Management/Roll Senior Housing 8040 Roll Road
Applicant is proposing to construct a 154+/- unit senior housing complex. The proposed site is located on the north side of Roll Road, east of Transit Road on existing vacant and residential property located in the Major Arterial and Residential Single-Family Zone. Amendments to Master Plan 2015 being considered by the Town Board would allow the project to proceed to the review stage. Specifically, the increased depth in Commercial Zone will allow the project to proceed for the Town Board to consider a Special Exception Use Permit. Per the Zoning Law, the Town Board has authority to approve higher density residential development via a Special Exception Use Permit. Referral to the Planning Board will initiate review process including SEQRA.

CarGroup Holdings 5841 Transit Road
Applicant is requesting a Temporary Conditional Permit for an automotive wholesale operation in the Eastern Transit Valley Plaza.

Supervisor Scott Bylewski
The tenth anniversary of 9-11 is coming up, there are several ceremonies planned. One is scheduled for 10:00AM at Eastern Hills Wesleyan Church and one at 7:00 PM at Clarence High School.

Supervisor Bylewski received a resident complaint regarding bicyclist on the bike path engaging in racing. Bicyclist should use proper courtesy when using the bike path and use the bike path in a safe manner. Councilman Kolber stated that there are ATV's and dirt bikes that utilize the bike path as well especially at Memorial Park. Councilman Casilio will inform Town Security.

Supervisor Bylewski received a Block Party Request for September 3, 2011 on Hilton Drive.

Supervisor Bylewski will make a motion to correct the August 10, 2011 resolution amending the 2011 Longevity Schedule from the 2011 organizational minutes.

The Work Session recessed at 6:08PM to discuss an Attorney Client item with outside Counsel.

The Work Session reconvened at 6:30PM.

Supervisor Bylewski has two items to discuss in Executive Session regarding matters leading to the employment history of particular people and the appointment of particular people.

Councilman Joseph Weiss

New lights are being installed and tested at the Sunset Park football field.

The Parks Department has accomplished many projects this year including the installation of a waterline and the safety screens for the ball diamonds.

Councilman Bernard Kolber

Councilman Kolber met with the Library Board Monday night. Erie County Public Libraries is trying to establish a special taxing district. The Library Trustees voted to basically explore the opportunity that they were supporting Erie County Public Library Trustees for the Central Library in their pursute of developing this. This will probably take several years as it has to go to Albany and eventually be signed by the governor.

The Senior Center is sponsoring a Community Day and Open House on Friday, August 26th from 3PM – 8PM.

Councilman Kolber received a letter from Swormville VFC regarding their contract request for 2012.

Councilman Kolber has two items to discuss in Executive Session regarding the employment history of a corporation and the employment history of an individual.

Councilman Patrick Casilio

Councilman Casilio met with several Clarence Hollow Association Board of Directors to discuss ways to improve Clarence Hollow.

Councilman Casilio has several items to discuss in Executive Session regarding matters leading to the appointment of a particular corporation, the appointment of an individual and one Attorney Client item to discuss as well.

Councilman Peter DiCostanzo

Several items were discussed at the Youth Board meeting Tuesday night. Carri Ludwig received her Parenting Certificate from John Rosemond and will do a 4-session parenting workshop at the Youth Bureau. The cost is $50 per couple and will be held on September 20, 27, October 4 and 11, 2011 from 6:30PM – 8PM. More information will be available on the Youth Bureau website.

September 22, 2011 is the Youth Bureau Association presentation and awards breakfast at Woodlawn Beach Lodge from 8:30AM – 10:00AM.

The Powder Puff game between then Clarence High School Junior and Senior girls will be held on Monday, October 3, 2011 in the evening. This will allow more parents, students and residents to attend. There will be full concessions and the money raised will be given to charities.

Clarence Chamber of Commerce is hosting a Legislation Breakfast on Saturday, September 10, 2011 from 8:30AM – 10:00 AM at the Clarence Public Library. The fee is $5 per person. Supervisor Bylewski and Councilman Casilio will be speaking.

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

Councilman Casilio commented that between the Clarence Hollow meeting and the joint Town Board/School Board meeting, the Youth Bureau was highlighted for all their activities. The development of the Youth Bureau has made a difference compared to the original Youth Center. Councilman Weiss stated that the Youth Bureau is very broad based now, it takes care of a lot of our youths needs. Councilman DiCostanzo stated that there are approximately 300 kids registered for the volunteer program.

Planning Board Chairman – Al Schultz

Al 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.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of particular people, the employment history of particular corporations, matters leading to the appointment of particular people and matters leading to the appointment of corporations. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:41PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:21 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 24, 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 Joseph Weiss, followed by a prayer read by Supervisor Bylewski.

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 August 10, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski announced that on Sunday, September 11th there will be two ceremonies taking place on the 10th anniversary of September 11, 2001. Eastern Hills Wesleyan Church will be holding a service at 10:00 a.m. and the Clarence High School will have a service at 7:00 p.m. More information is available in the Clarence Bee.

Supervisor Bylewski reminded users of the bike path to be courteous of others. The bike path is for bikers and walkers.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant a Special Event Request for a Block Party to be held on September 3rd from 12:00 p.m. to 8:00 p.m. on Hilton Drive. On the question, Supervisor Bylewski said no tents will be used. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to correct the August 10, 2011 resolution amending 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	1,175.00
24+ years of full-time service	1,325.00

On the question, Supervisor Bylewski said this is to correct a typographical error. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to amend the 2011 Budget as per the attached salary schedule retroactive to January 1, 2011.

Title	**Current 2011 Salary**	**New Salary w/1% Increase**
Court Clerk	$ 39,544.00	$ 39,932.00
Court Clerk	$ 39,544.00	$ 39,932.00
Dir. Admin/Fin	$ 65,760.00	$ 66,405.00
Assessor	$ 67,238.00	$ 67,898.00
Attorney	$ 66,874.00	$ 67,530.00
Paralegal	$ 51,000.00	$ 51,500.00
Sec. to Hwy Supt	$ 40,152.00	$ 40,546.00
Deputy Hwy Supt.	$ 60,799.00	$ 61,395.00
General Crew Chief-Highway	$ 59,916.00	$ 60,503.00
Exec. Dir. Youth	$ 35,666.00	$ 36,023.00
Parks Crew Chief	$ 66,300.00	$ 66,950.00
General Crew Chief-Parks	$ 59,160.00	$ 59,740.00

On the question, Supervisor Bylewski said this is to bring those at 2% up to 3%. The White Collar and Blue Collar had a 3% pay increase with their new contracts and this will bring the rest on par with them.

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

Supervisor Bylewski said there was a discussion at the meeting with the School Board regarding crossing guards. A number of questions were received, particularly from residents in the Harris Hill area.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to appoint two Crossing Guards and two alternate Crossing Guards for the 2011-2012 school year for the months of September through November of 2011 and for the months of March through the end of the school year for 2012, subject to all pre-employment screening, at Harris Hill and Harris Hill and Main Street, and subject to receipt of a letter from the School District indicating that they will provide busing for all students in the District.

On the question, Councilman Casilio said it was also discussed about the School District busing the entire district because the buses are going past the walking students anyway. He would like to make that a condition of the motion. We want the crossing guards to take a survey every day of who is crossing. We took a survey last year that showed no one was crossing at some locations.

Supervisor Bylewski amended the motion to include subject to receipt of a letter from the School District regarding the busing. He noted that for them to officially provide that service, it requires a voter referendum to allow for it to occur. They did offer to provide it for walkers along the routes.

Councilman Weiss said there are still going to be a lot of days where nobody crosses. It is at the whim of the kids if they are going to walk on a particular day. It is a lot of money to spend if nobody is there, but since we have heard from the principal and other school authorities that want this to happen he believes we have to do it at least for the next six months. This is a continual discussion and we do know that the Harris Hill area is a dangerous area.

Councilman Casilio said the mandates from the State say that they have to provide busing and the buses are practically empty.

Supervisor Bylewski said we are hopeful that we will have guards in place for the first day of school. We did speak with the School District in case that does not happen so that alternate arrangements can be made and communicated to the parents. Harris Hill is the only district that he has heard from parents requesting the crossing guard. The School District concerns were safety, liability and youth engaging in more physical activity. He would incorporate the discussion from Monday as part of the discussion today.

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

Supervisor Bylewski said he will contact the School District so they can notify the parents.

Councilman Weiss said we have installed new lights at Sunset Park and they have been testing them. They should provide more clarity in lighting and savings in efficiency.

Councilman Weiss said he was up north on a trip and he caught the news from Toronto. They are dealing with the emerald ash borer in the same manner as we are by saving the big specimen trees.

Councilman Weiss said the Parks Department has accomplished a lot this year putting in the safety screens at the ball diamonds, waterlines and many other things. There were several tournaments and they kept all the fields well groomed. We always receive compliments on the great conditions of our sports fields.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize Supervisor Scott A. Bylewski to sign a Memorandum of Understanding between the Town of Clarence and Sunnking Inc. for the purpose of a mutual collection event for the proper recycling of electronics subject to Town Attorney review and approval.

On the question, Councilman Kolber said the proposed date is Saturday, September 17, 2011 from 9:00 a.m. to 2:00 p.m. at 4545 Transit Road.

Supervisor Bylewski said we have had a successful prescription drop off at the Mall in the past. A very good meeting was held with the Mall and Sunnking regarding this type of event. This summer a number of residents have asked for electronic recycling collection. It should be a good event for the Town and the mall.

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

Councilman Kolber said we received a check from Time Warner in the amount of $118,121.79 representing the franchise fees for the period of January through June.

Councilman Kolber announced that the Senior Center is holding their open house on Friday, August 26th from 3 – 8 p.m. The event is free including hot dogs, drinks, music and much more.

Councilman Casilio said it appears that the Legion Hall is almost completed. It looks real nice.

Town Engineer Tim Lavocat said we had a final walk through this morning. A couple items are left including the landscaping. He believes it will be completely done by Labor Day.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize the Supervisor to sign the Settlement Agreement and Release with Mark Cerrone, Inc. for a final payment of $119,856.46 under the Boyd Drive, Bickert Drive and Schurr Road Sanitary Sewer Project within Clarence Sewer District No. 9 to be paid from Project 55.

On the question, Town Engineer Tim Lavocat said this was a mutually agreed upon settlement of some contractual disagreements with the contractor. The net result is a contract deduct of over $12,600.00.

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

Motion by Councilman Casilio, seconded by Councilman Kolber that upon receipt of three qualified proposals, the compensatory wetland mitigation work associated with Clarence Sewer District No. 2 Gravity Sanitary Sewer Project be awarded to F. Cimato Topsoil of Clarence Center in the amount of $20,200 to be paid from Clarence Sewer District No. 2. The compensatory wetland mitigation is to be completed in conformance with NYSDEC Freshwater Wetlands Permit No. 9-1432-00368/00001. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber that the Town of Clarence requests the Erie County Water Authority to install a hydrant to be located near the property at 10090 County Road for which the Town agrees to pay the annual fire hydrant maintenance fee. The Town will be reimbursed for said annual fees pursuant to the terms and conditions of an Agreement between the Town of Clarence and Kenneth Seitz or such other owner of record of the property located at 10090 County Road, Clarence Center, NY. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber that the Town of Clarence requests the Erie County Water Authority to install a hydrant to be located near the property at 10333 Keller Road for which the Town agrees to pay the annual fire hydrant maintenance fee. The Town will be reimbursed for said annual fees pursuant to the terms and conditions of an Agreement between the Town of Clarence and Allen and Carla Deacon or such other owner of record of the property located at 10333 Keller Road, Clarence, NY. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said last year the Youth Bureau had a very successful presentation by John Rosemond, a well known parenting expert. After that, one woman took a course through his group and received a parenting certificate. She will run a four-class session beginning September 20th from 6:30 to 8:00 p.m. at a cost of $50 per couple. Anyone interested should contact the Youth Bureau.

Councilman DiCostanzo said the Youth Bureau will be holding a continuing drug and alcohol abuse series that will be held at the Town Hall on September 26th at 7:00 p.m.

Councilman DiCostanzo said the Powder Puff Football Game will be held at the High School on October 3rd for the junior and senior girls. The money raised from the event goes to charity.

Councilman DiCostanzo said the Chamber of Commerce will hold a Legislative Breakfast on September 10, 2011 at the Library from 8:30 a.m. to 10:00 a.m. Speakers will be

Kathy Hockul, Jane Corwin, Mike Ranzenhofer, Chris Collins, Ray Walter, Scott Bylewski and Pat Casilio. The cost is $5.00 and reservations can be made at 631-3888.

Councilman DiCostanzo announced that the Town pool is officially closed. We are going to try and work something out next year to keep it open until Labor Day. Many of the lifeguards are college students who go back to school by this time.

Town Clerk Nancy Metzger reminded everyone that any proposed modifications to the Clarence-Newstead Agricultural District No. 14 by an agency or landowner must be submitted by mail or electronically by August 30, 2011 to Erie County Dept. of Environment & Planning.

Supervisor Bylewski thanked the department heads present for attending.

Master Plan 2015 Amendments, Transit Road Corridor Segment B - Consideration of an amendment to Master Plan 2015 to allow for the extension of Commercial classification on the Future Land Use Map along Segment B, as well as, conversion from Residential Single-Family Zoning to Restricted Business to create a transitional land use between Commercial and large lot single-family zoning.

James Callahan said the proposed amendment was submitted at the annual review public hearing on February 23rd. Segment B has been under review by the Planning Board for several years and is making a recommendation for changes consistent with previous recommendations and with principals identified in Master Plan 2015. The Town Board has issued a Negative Declaration on the proposed amendments to the future land use map. A public hearing would be in order for the Town Board to consider the recommendation.

Supervisor Bylewski said this particular segment has been much discussed over the last few years. He asked how this is different or is not different than a prior proposal that was put forward by a particular applicant for a land use change.

James Callahan said it is consistent with previous recommendations from the Planning Board with the extension of Commercial zoning and down-zoning from Major Arterial to Commercial allows a reduction in setback and an increase of 180 ft. to easily accommodate a big box with design parameters as identified by the Planning Board. The extension of Restricted Business zoning is identified in the Master Plan as transitional land use very consistent with the recommendations.

Supervisor Bylewski said the prior proposal was Wegmans and some people have expressed concern of the tax implication and financial impact of not having that kind of store there.

James Callahan said what has been discussed is senior housing and that would be taxable.

Speaking to the subject:

Pete Gorton said he was not sure what Segment B was and wonders if there are other segments.

James Callahan said this is a breakdown from the land use access map from 10 years ago. It breaks down Transit Road from Wehrle to Main, Main to Roll, Roll to Clarence Center and Clarence Center to the north.

Pete Gorton was wondering if the area behind the mall was listed as a segment.

Supervisor Bylewski said there has not been any discussion on that for a long time. The borrowing has been repaid.

Mr. Gorton said it does not make sense to develop that as residential. He does not know if you would get the same taxes with an old folk's home as a big box store. He never understood why a school was built on one side of Transit Road and a development on the other when it all should have been commercial.

Mr. Gorton said he was not here when the proposed ice rink was discussed, but his concern would be lighting.

Motion by Councilman Weiss, seconded by Councilman Casilio to set a Public Hearing for September 14, 2011 at 8:00 p.m. to consider an amendment to Master Plan 2015 to allow for the extension of the Commercial classification on the Future Land Use Map along Transit Road north of Roll Road, as well as, conversion from Residential Single-Family Zoning to Restricted Business to create a transitional land use between Commercial and large lot single-family zoning. Upon roll call – Ayes: All; Noes: None. Motion carried.

Jeff VanMarter requests a Pond Permit at 10425 Keller Road. James Callahan said the location is the south side of Keller Road east of Strickler Road consisting of a residential property in the Agricultural Rural Residential Zone.

Jeff VanMarter said the Army Corp of Engineers wanted him to give back something in order to put a pond in. Their suggestion was duck islands and the problem is it needs to be deeper.

Tim Lavocat suggested that he come to the office to discuss this proposal.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant the request for a Pond Permit at 10425 Keller Road, subject to Town Engineer review and approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

John Locurcio requests a Pond Permit at 10025 Tonawanda Creek Road. James Callahan said the location is the south side of Tonawanda Creek Road and south of Brauer Road consisting of vacant land in the Agricultural Flood Zone.

John Locurcio said he would like to build a residence on this property. He has met with the NYSDEC and the Army Corp of Engineers.

Town Engineer Tim Lavocat said everything is in order with this project.

Mr. Locurcio said the fill from the pond will be used on the site.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant the request for a Pond Permit at 10025 Tonawanda Creek Road, subject to Town Engineer review and approval with all fill to remain on the site. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Hamlet of Clarence, LLC/Shadow Woods Open Space Design Subdivision requests Final Plat Approval and Road Dedication of Phase I consisting of approximately 1,854 lineal feet of Kristina Circle and acceptance of four new fire hydrants located on the west side of Goodrich Road, north of Keller Road.

James Callahan said this is a previously approved open space design subdivision and they have completed Phase I of the roads and infrastructure. The applicant is seeking final plat approval. Phase I will be composed of approximately 36 new building lots.

Sean Hopkins, attorney for the applicant said he believes everything is in order for approval. The Development Plan Approval included several conditions with one in particular that requires preservation of 41.6 acres of approximately 68 acres as permanent open space. He has provided the Planning Office and the Town Attorney with a draft of the declaration of restrictions. Once it is recorded, and the subdivision map is filed, the land will be conveyed to the homeowners association. They are preserving over 70% of the site.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, The Hamlet of Clarence LLC, for Final Plat Approval for Phase I of the Shadow Woods Open Space Design Subdivision consisting of 36 residential building sublots and road dedication subject to the following conditions:

1. Dedication of approximately 1,854 +/- lineal feet of Kristina Circle.

2. Acceptance of four new fire hydrants.

3. The Town of Clarence agrees to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for four (4) fire hydrants within Shadow Woods Open Space Design Subdivision Phase I.

4. A conservation easement for protection of permanent open space subject to review and approval by the Town Attorney.

5. No building permits will be issued until all the appropriate documents necessary to convey said roads to the Town of Clarence are submitted to, reviewed and approved by the Town Attorney.

6. Building permits will not be issued until proof of filing of the approved road deeds, easements and conservation easement are submitted to the Town Attorney.

7. Final Plan Approval must comply with all regulatory agency and local department conditions.

8. Appropriate fees paid by applicant.

9. Conditions of Town Engineer.

10. Compliance with remediation Agreement between the Town of Clarence and Hamlet of Clarence LLC and dated May 4, 2011.

On the question, Councilman Weiss asked the Town Attorney that when we have an association agreement with a large mass of open space, do we have to take extra precautions for liability and that type of thing.

Town Attorney Steve Bengart said the homeowners will have those liabilities, but we will make sure that we have teeth in this agreement to enforce the rights.

Sean Hopkins said the homeowners association will be responsible for maintenance and insurance. He has written the declaration of restrictions so that enforcement is first by the lot owners, then the homeowners association, the Town of Clarence and any contiguous lot owners.

Supervisor Bylewski asked if the applicant understands the conditions and agrees to abide by them. Mr. Hopkins said yes.

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

Brookfield Country Club requests a Fireworks Display Permit for September 3, 2011 at 5120 Shimerville Road. James Callahan said application, fee, insurance, site plan and fire chief approval have been received.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant a Fireworks Display Permit to Brookfield Country Club for September 3, 2011 at 5120 Shimerville Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Kelly Simkin requests a Public Hearing to consider a Special Exception Use Permit for a secondary living unit at 6122 Railroad Street. James Callahan said the location is on the west side of Railroad Street north of High Street consisting of a residence in the Residential Single Family Zone.

Kelly Simkin said this is to provide a living space for her aging parents.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Public Hearing for September 14, 2011 at 7:55 p.m. to consider the request for a Special Exception Use Permit for a secondary living unit at 6122 Railroad Street. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Chamber of Commerce – Aug. 26, 2011; B. Boy Scout Troop 93 – Aug. 29, 2011; C. Cub Scout Pack 568 – Feb. 10 & April 29, 2012; D. Clarence Kiwanis – April 7, 2012; E. Sally Roy-Moehlau – May 14, 2012; Legion Hall Applications – A. Dan Michnik – Aug. 31, 2011; B. Harold Goldman – Sept. 25, 2011; C. Irene Toloue – Oct. 22, 2011; D. John Darlak – Dec. 18, 2011; E. Clarence Democratic Committee – Monthly meetings for 2012; and Clarence Nature Center Lodge – A. Cub Scout Pack 568 – Aug. 28, 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 August 18, 2011 are approved for payment: General Fund - $172,734.00; Highway Fund - $114,621.90; Water District - $1,641.97; Fire Protection Districts - $20.23; Drainage District - $171.60; Lighting Districts - $826.55; Capital Fund - $147,984.11; Trust and Agency 203 - $2,175.00 for a total amount of $440,175.36. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:20 p.m.

Nancy C. Metzger
Town Clerk