

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, December 21, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 6:03 P.M. Members of the Town Board present were Councilmember's Robert Geiger, Peter DiCostanzo, Patrick Casilio and Bernard Kolber. Other Town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Confidential Secretary to the Supervisor Karen Jurek and Planning Board Chairman Al Schultz.

Director of Community Development – James Callahan

Formal Agenda items:

Domenic Piestrak – Spaulding Greens Open Space Design Subdivision

Applicant is proposing to develop an Open Space Design Subdivision on existing vacant lands adjoining the previously reviewed and approved Spaulding Greens Open Space Design Subdivision. The property is located on the south side of Clarence Center Road, east of Goodrich Road within the Residential Single-Family Zone and within Clarence Sewer District #4. The action will ultimately require approval of a Zoning Overlay to allow for the Open Space Design. Referral to the Planning Board will initiate the formal review process.

Patrick Homes – Donegal Manor Extension

Applicant is proposing the extension of Donegal Manor to allow for two additional building lots. The proposed site is situated on the south end of Donegal Manor, west of Thompson Road and south of Curry Lane in previously approved minor subdivision within the Waterford PURD. The Town Board has final approval authority for road dedication. The Town Engineer and Highway Superintendent have approved the construction.

Work Session items:

Affordable Senior Housing of New York, Inc. 8040 Roll Road

Applicant is proposing a rezoning in conformance with recently adopted Master Plan 2015 amendments and the development of a 137+/- unit senior housing project. The proposed site is situated on the north side of Roll Road, east of Transit Road on existing vacant, residential property located in the Commercial and Residential Single-Family Zones. The area was recently amended to identify the extension of the Commercial Zone 180+/- feet east and Restricted Business Zone to the eastern limit of the property.

Approval of the project will require a zoning change and a Special Exception Use Permit. Per the Zoning Law, the Town Board has sole authority to approve zoning amendments and final authority to approve Special Exception Use Permits.

A Negative Declaration under SEQRA has been recommended by the Planning Board. Concept approval on the final site plan has been recommended by the Planning Board. An area variance for final density on the project will be considered by the ZBA on 12/13/11. Public Hearings will be required to consider both the zoning amendment and the Special Exception Use Permit.

Domenic Piestrak – Hidden Pond Subdivision and Spaulding Greens Subdivision

Applicant is requesting Final Plat approval for Hidden Pond Subdivision Phase II, Part IV including road dedication of approximately 300 lineal feet of Meadow Glen Drive and 550 lineal feet of Glen Iris Drive involving eight new residential building lots. The proposed site is located on the east side of Goodrich Road, extending Meadow Glen Drive and Glen Iris Drive. The Town Board has approval authority for road dedications. Awaiting Town Engineer and Highway Superintendent approvals on the new construction.

Domenic Piestrak – Spaulding Greens Subdivision

Applicant requests Final Plat approval for Spaulding Greens Phase II.

Capital Markets, LLC – Mike Neumeister

A listing of all the projects the Capital Project Committee has been working on was distributed indicating the cost of each project and how it would be paid for. The committee meets once a month, the bond resolutions are finalized usually during the May meeting. Most projects that were necessary have been acted upon and there are no projects in the urgent stages since the committee last met.

Water lines and sewer lines may be financed up to forty years however you do not want to pay for your debt over that long period of time if it can be avoided. The Town has kept their debt within a 15 year period of time which is manageable. Sewer District #9 has been a big component in the ongoing projects and is just about winding down. The committee is hoping to go to permanent financing on this project next summer.

Another item which has been discussed is Parks equipment which will be financed through a five year program. Every year the committee looks and Highway and Parks equipment on a five year basis so we can seasonally and moderately replace equipment.

Mr. Neumeister is projecting a higher interest rate than we would expect to see in the market place. He estimated that Bonds will be sold at a 5% interest rate. Last year our notes were sold at .55%. We will be looking to go into the Bond market with a good deal if not all of our current outstanding Notes. There is currently eight million nine in outstanding Notes.

Supervisor Scott Bylewski

The Day in the Park Committee has turned over monies to the Town after closing the books for this year's event.

Supervisor Bylewski has one item of Executive Session regarding collective negotiations and one Attorney Client item to discuss as well.

Councilman Bernard Kolber

Councilman Kolber will restate the motion that was made at the December 15th, 2011 Work Session relative to setting a bid date on December 28th at 10:00 AM for the purchase of a dump truck for the Highway Department.

Time Warner is currently in negotiations with MSG. MSG is threatening to take the Buffalo Sabres' games off the air.

Councilman Kolber has one Attorney-Client item to discuss.

Councilman Patrick Casilio

Councilman Casilio will make a motion authorizing Amherst Alarm, Inc. to provide alarm monitoring services for the Historical Museum. Town Engineer Lavocat stated that the Historical Museum sprinkler system is complete and on-line. The Resolution is for the annual maintenance agreement with Amherst Alarm at a cost of \$234. per year.

National Fuel has gone through and corrected all our street lights.

Councilman Peter DiCostanzo

There will be two vacancies on the Historic Preservation Commission at the end of the year.

Recreation Director Chip Trapper is running a hockey program Saturday mornings at Harris Hill Elementary and Clarence Middle School.

Councilman Robert Geiger

The Chamber of Commerce is offering a business round table meeting at 7PM on Monday, January 9th, 2012 at the Clarence Public Library. The guest speaker will be Jean Fasanello, a human resource consultant who will speak on the newly enacted NY Wage Theft Prevention Act.

Town Engineer Timothy Lavocat

Town Engineer Lavocat distributed a Capital Project report for the eighteen projects that the Engineering Department is doing and will discuss with the Capital Project Committee in January.

The Legion Hall project is complete; the Post number has recently been installed.

We have three NYSERTA grants, for three solar projects with different contractors for each project. NYSERTA has been lagging in payment. The town is acting as “pass through” for the grant money. The payments have been delayed between two – three months depending on the project. If Mr. Lavocat receives those checks within the next couple of weeks he asked if he could be authorized to issue them instead of waiting for the next bill pay. Supervisor Bylewski stated that we could run a separate abstract. The contractors came in under budget and did the work in a timely manner.

Planning Board Chairman – Al Schultz

The last two projects the Planning Board sent to the DEC for coordinated review under SEQRA, the responses that have come back are much more detailed than in the past.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) D proposed litigation regarding Royal Oak; and § 105(1) E collective negotiations pursuant to Article 14 of the Civil Service Law (The Taylor Law). On the question, Town Attorney Bengart, Town Engineer Lavocat and Director of Administration and Finance Pam Smith 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 6:38 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:25 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, December 21, 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 American Legion Post 838 and Boy Scout Troop 92, followed by a prayer given by Msgr. Fred Leising from Nativity of the BVM Catholic Church.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held December 7, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said the Town was not successful in the New York Main Street Grant Program application. It was the second year we applied and were unsuccessful. It was disappointing and it will be up to the Board if they want to pursue it again next year.

Supervisor Bylewski said the Clarence Hollow Association and the Day in the Park Committee turned over \$10,400.45 to the Town after closing the books for this year's event. They asked that the Town hold these funds for the group that runs the event next year.

Motion by Councilman Kolber, seconded by Councilman DiCostanzo to authorize the Supervisor to sign the General Release for full and final settlement of the Library Litigation in the amount of \$775,000 provided same includes CNA Insurance paying the full cost of the mediator's fees and expenses. On the question, Councilman Kolber said there have been issues going on at the library. It has been a long time coming and hopefully we can get these problems resolved. He thanked Town Attorney Steven Bengart for negotiating this for quite some time. Supervisor Bylewski received permission from the council to the carrier to mention comments from a letter he sent. It stated that Mr. Bengart should be applauded for working diligently towards this resolution at a time when he is uncertain of his position with the Town. Others might have decided to leave this important task for others. It is nice to see that there are people in public service who take their job seriously. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber reported, as is the practice to report motions taken at work sessions, that at the work session held December 15, 2011, the Town Board set a Bid Date for the purchase of a dump truck for the Highway Department on Wednesday, December 28, 2011 at 10:00 a.m.

Councilman Kolber said there is an ongoing feud between MSG and Time Warner Cable. MSG is threatening to take Buffalo Sabres' games off the air. Time Warner is disputing their 58% cost increase. He said people should make their own decisions on that.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Amherst Alarm, Inc. to provide alarm monitoring services for the Historical Museum fire sprinkler system in the amount of \$234 per year in accordance with their proposal dated December 12, 2011 to be paid from account A7450.438. On the question, Councilman Casilio said the sprinkler system for the museum is completed and the Clubhouse should be done in a few weeks. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said he would like to thank Flora Leamer, who is present, for her work on the Day in the Park Committee. As she pointed out in her letter, they started out with \$3,179 in the checking account and now they were able to turn over \$10,000 to the Town for future events. The not-for-profit organizations made \$21,875.14 for their operating budgets from the 2011 event. He believes we have a viable organization to run it next year. They will help them get started to make it a successful event.

Councilman DiCostanzo said there are two vacancies on the Historic Preservation Commission. The committee vacancies will be announced at the organizational meeting and will be posted on the website.

Councilman DiCostanzo said Chip Trapper from the Recreation Department is running a hockey program for the kids. It is at Harris Hill Elementary on Saturday mornings for 3rd through 5th grade and at the Middle School for 6th through 8th grades. Anyone interested can contact Mr. Trapper or go to our website for information.

Councilman DiCostanzo said as people are out shopping and going places to eat, they should shop in local shops as much as they can.

Councilman Geiger said the Chamber of Commerce is offering a business roundtable to be held at the Clarence Library on January 9th at 7:00 p.m. presented by Jean Fasanello, a human resource consultant to talk about the recently enacted the New York State Wage Theft Prevention Act. The Act went into effect April 9, 2011 and affects all New York State employers. She will present a summary of the requirements which includes providing annual notification by February 1st.

Department Reports

Supervisor Bylewski said the Parks, Recreation, and Youth will be presented the Yellow Belt Certificates by the United Way. This has been part of our continuous improvement efforts. There are also 3 of the 4 green belts here who have gone through training. They are Jim Callahan, Brad Packard and Tim Lavocat. Jim Burkard is not here tonight. We also established a business advisory group headed by Jim Frost. They were put in touch with the United Way and it has been a very successful partnership.

Dawn Kinney, Director of Clarence Youth Bureau thanked the Town Board for the opportunity to go through the training. The training took place at the United Way office on Delaware Avenue beginning in April. The entire process took about nine months. The team members included Robert Linde, Parks General Crew Chief; Sherry Frost, Executive Director of the Clarence Soccer Club; and herself.

Sherry Frost said she is not a Town employee, but she thanked the Board for allowing her to tag along on this project. She learned a lot about the Town, the recreation department and Six Sigma. It was a great team to work with.

Robert Linde thanked the Board for the opportunity.

Dawn Kinney said during the process of learning the Six Sigma methodology, they applied it to their project, which focused on the recreation department summer programming. Recreation Director Clifford Trapper was an integral part even though he was not part of the training. He was named the champion for the project. The goal was to increase participation of youth 17 and under and to increase satisfaction by those participating. They were pleased to meet their first year goals through implementation of the project. The Lean Six Sigma process will continue to be applied to the recreation department programming striving for future improvement and lasting change. They plan to put in place satisfaction surveys for the youth and their parents to evaluate the instructors and the programs.

Dawn thanked the United Way instructors and their input especially William Hill who is here tonight to present their certificates.

Supervisor Bylewski thanked the participants for collectively working on this project. He also thanked the United Way for the training which was free.

William Hill said he is a Clarence resident who was the director of Six Sigma at Honeywell from which he is now retired. He is involved with the training and coaching program at the United Way. The program is to realize productivity improvement, quality improvement, cost reduction and cycle time reduction. This is the first team to be certified. Mr. Hill presented Dawn Kinney, Sherry Frost and Robert Linde with their Yellow Belt certificates. He also thanked Clifford Trapper for being the champion for the project.

Councilman Casilio said this project has a great impact on a large number of people in our Town including the Parks Department employees, soccer teams and children attending the recreation programs.

Domenic Piestrak requests Preliminary Concept Review of future phases of Spaulding Greens Open Space Design Subdivision. James Callahan said the location is the south side of Clarence Center Road, east of Goodrich Road. The applicant is proposing an open space design subdivision adjacent to the previously approved Spaulding Greens Open Space Design Subdivision.

Domenic Piestrak said they are proposing two additions to the current project. The first proposal is a neo-traditional neighborhood to involve alleyways and a traditional neighborhood setting which they believe will fit into the Clarence Center area. The other section would be a patio house project which will be in the price range of \$350,000. The price of the other homes would be in the \$300,000's. They are trying to make it affordable.

Motion by Councilman Kolber, seconded by Councilman Casilio to refer the request for Preliminary Concept Review of future phases of Spaulding Greens Open Space Design Subdivision to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Patrick Development requests Road Dedication of approximately 150 linear feet of Donegal Manor involving two new residential building lots in Waterford Estates Subdivision. James Callahan said the property is located at the south end of the existing Donegal Manor within the Waterford Estates PURD. The applicant has completed construction of the road.

Susan Ballard said they have completed the road and are asking that it be accepted.

Town Engineer Tim Lavocat said everything is in order.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, Patrick Development, for one additional building lot and the dedication of an extension of approximately 150 lineal feet of Donegal Manor in the Waterford PURD, Minor Subdivision, subject to the following conditions.

1. No building permits will be issued until all appropriate documents necessary to convey said roads to the town of Clarence are submitted to, reviewed and approved by the Town Attorney.
2. Building permits will not be issued until proof of filing of the approved road deeds and easements are submitted to the Town Attorney.
3. Appropriate fees.
4. Conditions required by the Town Engineer and Highway Superintendent.

On the question, James Callahan said it is one new lot. They combined the two lots to one.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Lions Club – 2012 Monthly Meetings; B. Clarence High School Girls Swimming – Jan. 8, 2012; C. Clarence Senior Center Nature Explorers – Jan. 26, 2012; D. Girl Scout Troop 1498 – Mar. 10 & 11, 2012; Legion Hall Applications – A. Waterford Homeowners Association – Jan. 4, 2012; B. Carin Mulvey – Jan. 6, 2012; C. Jennifer Topp – Jan. 22, 2012; D. Girl Scout Troop 776 – Mar. 13, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman DiCostanzo that after proper audit and review by the Town Board, the following bills of December 8, 2011 are approved for payment: General Fund - \$591,863.88; Highway Fund - \$367,484.89; Water District - \$34,757.00; Sewer Districts - \$300.00; Capital Fund - \$34,347.60; and Trust and Agency 203 - \$31,141.03 for a total amount of \$1,059,894.40. On the question, Councilman Kolber said the previous pay includes a \$269,000 payment to the Town of Amherst for settlement of outstanding balances from 1998-2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of December 22, 2011 are approved for

payment: General Fund - \$74,713.09; Highway Fund - \$52,983.55; Fire Protection Districts - \$230.39; Drainage District - \$1,100.00; Lighting Districts - \$819.19; Sewer Districts - \$149.35; Capital Fund - \$27,382.66; Trust and Agency 203 - \$20,935.22; and Trust and Agency 202 - \$5,872.80 for a total amount of \$184,186.25. On the question, Supervisor Bylewski said the same statement applies from the previous bill pay. Since this is the last bill pay of this year and looking at the percentages, once you take out that large payment we would actually be coming in at 98.16% of the budget. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman Kolber said this is the last meeting for Supervisor Bylewski. He has worked with him for the last eight years as councilman and supervisor. It has been a distinct pleasure and he enjoyed it. He gets things done, is a competent smart individual and he will miss him in the future.

Councilman Casilio said it has been an honor to work with Supervisor Bylewski. He has learned a lot from him. He also appreciated being appointed as deputy supervisor for the last four years.

Supervisor Bylewski said in reflecting on the last decade of public service, we brought a number of initiatives to the Town including smart growth, fiscal common sense and balanced representation. We are one of the few growing spots in Western New York, but we have still done well in preserving our rural and agricultural character. Fiscally speaking, our general fund tax rate has decreased and we are doing quite well as it relates to our long term future. We have settled some longstanding disputes recently including LOSAP, sewers and the library. We have cleaned up a lot over the years and begun a number of best practices and continuous improvement methods.

He has been a member of the political minority. Next year all local officials will be registered in the same party. It is going to be up to the public to provide that additional balance to ensure that everyone is fairly represented. Just because an issue does not impact you individually, does not mean it will not negatively impact someone else. It is important to speak out even though you are not the one being affected. He hopes his call for standing up and speaking out does not fall on deaf ears as his numerous calls for civility sometimes did.

Supervisor Bylewski wishes everyone Holiday Happiness, Godspeed and all take care.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:08 p.m. in memory of Clarence resident Rich Wood who was involved in our conservation efforts; and his wife’s Aunt Charlotte Specchio.

Nancy C. Metzger
Town Clerk