

A Work Session of the Clarence Town Board was held on January 9, 2008 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:30 P.M. Members of the Town Board present were Council members Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Joseph Weiss. Other Town Officials present were Town Attorney Steven Bengart, Parks Crew Chief John Burns and Director of Administration and Finance Pam Smith.

Supervisor Bylewski spoke with NYSEG regarding the power outages caused by the windstorm. There are currently 1,600 customers without power. Power has been going on and off in various areas throughout the town. NYSEG will update Supervisor Bylewski via a conference call scheduled for 10:00A.M. tomorrow.

Linda Nastasi gave an over-view of the planned Heritage Days Celebration to take place July 25 – July 27, 2008. This is the largest three day event planned in conjunction with the bicentennial; it is patterned after the 1958 celebration.

Rolle Boller stated that Heritage Days will be completely different than the typical picnic or lawn fete. It is planned as a history type event to include display tents with unique items, an ice cream maker to sell homemade ice cream, tractors, steam engines, stage coaches. There will possibly be some carousals or merry go rounds – Clarence is noted for carousals. (this will not be a carnival like atmosphere). Employees of Fowlers taffy will come dressed in period clothing. The communication/first aid stand will be located near the Clubhouse. The beer tent will be located near the large pavilion. To the north of the beer tent will be the Erie County Band Stand. Fireworks will be low profile. Horse and buggies will be located near the pool area.

Mr. Boller stated that he has many people willing to work on this event. Paul McCarthy is working on a car show for vehicles 50 years and older.

The kid's parade is scheduled for Saturday inside the park. The main parade will take place on Sunday starting at Kelly Schultz building, through Clarence Hollow to the park. Because of the lack of parking areas, shuttle bus service will be provided. Bands are booked for Friday and Saturday night at the beer tent. The Historical Society will provide old fashioned games for the kids. Many seniors have signed up for "Stories of Clarence". Seniors will tell their stories of Clarence; this will take place at the band shell and at the log cabin. Many things will be going on at the same time primarily celebrating the history of Clarence as well as food demonstrations. A firemen's softball game is also scheduled.

The BPO is scheduled to perform on Thursday to kick-off the event and Waterford Bank Golf Tournament is scheduled for July 21, 2007. Clarence Symphony will close the event on Sunday night.

The committee will meet with Parks Crew Chief John Burns to make sure what they are envisioning will work in the park.

Town Attorney Bengart spoke to Joe Floss regarding the liquor liability issue. The town or a committee of the town does not want to be selling beer or wine. Linda Nastasi stated that the Clarence Lions Club has offered to hold the liquor license; they do it for Day in the Park.

Councilman DiCostanzo voiced his concerns regarding parking for this event.

Councilman Weiss suggested Mr. Boller talk to Chuck Eckert regarding volunteers.

Rolle Boller stated that he will be meeting with Clarence VFC, they are the key people in that district, he will incorporate their suggestions.

Mr. Boller asked if the committee was incorporated. The Town Board stated that it was not.

Councilman Kolber stated that this is a tremendous plan however; he wants to be sure that there are enough events for three days in order to get the turn out. Mr. Boller has some ideas he will put in place.

Town Assessor Chris Fusco

Bill Richmond last day will be Friday January 11, 2008. Town Assessor Fusco is requesting that this position be filled with Real Property Appraisal Technician. Currently there are two appraisers in the Assessors office. Bill's job title is Assessment Clerk – Step 4. The technician is not an appraiser but can do more work than a clerk. The incoming technician position is less than what is budgeted for Mr. Richmond's position. If there is no Civil Service list available, it would be 85% of that, which would be even less. If the Town Board agrees with the Real Property Appraisal Technician position, it has to be posted internally and an ad will go in the Clarence Bee.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to post the position of Real Property Appraisal Technician effective January 11, 2008. On the question, Pam Smith stated that if the position is not posted on Friday, Town Assessor Fusco will have to wait until the January 23, 2008 Town Board meeting to rescind the motion and can not post until after that date. Upon roll call – Ayes: All; Noes: None. Motion carried.

Town Assessor Fusco stated that she is working on getting the IDA billing straightened out. The weather has been cooperating so her office has begun field reviews.

Chris presented a draft of a newsletter she will make available in her office as well as the Town Clerk's office, the library, senior center and our website. The newsletter will contain general information regarding assessments. A separate brochure will be developed for senior citizens to include information regarding exemptions.

Councilman Kolber suggested a brochure be put together containing general information for those residents that do not have access to the internet.

Town Assessor Fusco stated that she is working closely with the Town Clerk's office to keep them updated with all incoming sales information and the Planning and Zoning Office regarding mailings for property owner notification.

Supervisor Scott Bylewski

A new flat screen television has been installed in the board room.

Supervisor Bylewski asked that the Town Board members turn in their 2007 Committee/Board binder to Karen Jurek so she can update them.

Supervisor Bylewski announced that at a special meeting held on January 3, 2008 Brad Packard was appointed to the position of Junior Planner.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to designate James Callahan as Director and Brad Packard as Assistant Director of the Town Environmental Quality Review Committee pursuant to Chapter 91 of the Code of the Town of Clarence. On the question, Supervisor Bylewski stated that the Town has adopted the TEQR Law and we have to have a director and assistant director appointed by the Town Board. Upon roll call - Ayes: All; Noes: None.

In conjunction with Winterfest, the Erie County Sno-seekers will have a club ride from Pizza Inn to Salt Road to the bike path on Main Street into the park. This would be a one time usage only of the bridge over Ransom Creek. The Sno-

seekers will not be using the West Shore line at all. Sandy Gaulocher stated that they will not be doing this run at all unless there is a lot of snow, they don't want to damage the bike path or the bridge.

Supervisor Bylewski has talked to James Callahan about moving forward with the Parks Mini-Master Plan especially given the issues with Sunset Park.

A meeting will be scheduled sometime this month to discuss Erie County Sewer District #5. We are still trying to find out our representation on the board.

Supervisor Bylewski received an e-mail from Amherst Supervisor Mohan regarding the merger of EC SD#5, Town of Clarence, Village of Williamsville and the Town of Amherst, a meeting has been scheduled for January 17, 2008. Councilman Weiss asked that Director of Community Development James Callahan attend this meeting as well.

It was noted at the Organizational Meeting that Councilman DiCostanzo liaison assignments included Capital Improvements. Supervisor Bylewski and Councilman Weiss are already on the committee. Supervisor Bylewski did not feel it was a good idea to have three town board members on the committee at the same time because that would be a quorum. It is however an open meeting and anyone can attend.

Supervisor Bylewski announced that the Town received a check for the sprinkler system in the Clubhouse in the amount of \$38,282.

There are several vacancies on the Recreation Advisory Committee. Supervisor Bylewski would like to fill one of the vacancies at the next Town Board meeting (January 23, 2008).

There was a discussion regarding the Fery paintings. Councilman Kolber stated that he is waiting to hear back from the Historical Society – they did not have a meeting in December. Councilman Weiss was of the opinion that from an artistic standpoint, the paintings do not “fit” in the Clubhouse. Councilman DiCostanzo is liaison to the Historical Society and will address this issue at their next meeting. Councilman Casilio stated that we should get a recommendation from the Historical Society and for the record; he is not in favor of selling the paintings.

Councilman Joseph Weiss

Tim Pazda is recruiting people for the Winterfest “Chili Cook Off” and has issued a challenge to the Town Board. Councilman Weiss offered to pickup the cost of making the chili.

Councilman Weiss will make an appointment to the Youth Board at the next Town Board meeting (January 23, 2008).

Recreation Director Clifford Trapper has introduced some great programs for our Recreation Program. Floor hockey at the Harris Hill School has been well attended. A Frisbee tournament has also been scheduled. An adult tennis league is in the works along with several other events.

Highway Superintendent Ted Donner has taken the plow equipment off of several trucks to be able to clean up the brush from today's storm.

Councilman Weiss attended the Conservation Advisory meeting last night. Albert Festaiuti again brought up composting. He was of the opinion that the Town Board dismissed his suggestions. Councilman Weiss addressed Mr. Festaiuti stating that Mr. Festaiuti has not supplied the town with any data to support his project. At the same meeting, Steve Murtaugh stated that the Town Board was not present at the informational storm water meeting. Councilman Weiss once again explained to Mr. Murtaugh that the Town Board was represented by Town Engineer Latona and his assistant Tim Lavocat. Todd Norris stated that the

Park's Department mowing the upper part of the escarpment. Councilman Weiss spoke to Parks Crew Chief John Burns about this and he indicated that his department did not mow the area in question. Councilman Weiss suggested that Mr. Norris contact John Burns about this in the future.

There is a drainage issue on Red Clover. Highway Superintendent Donner is working on this, as it is a maintenance issue.

Councilman Bernard Kolber

Two issues were brought up during the Zoning Board of Appeals meeting last night. Pegasus Property Management requested and received a variance to allow front yard parking at 9545 Main Street at Gunnvile Road. The ZBA issued a variance for parking in front of the building limited to four visitor parking spaces which includes two handicap parking spaces and no parking in the circle.

The Turf Doctor requests approval for a 15' variance to allow a 10' side/rear yard setback for a new accessory building at 8910 Sheridan Drive. The applicant decided not to place the building near Sheridan Drive but rather back behind the auto detail shop. This item was tabled because the ZBA felt the project would be encroaching on the neighbor.

Councilman Kolber commented on an article in the Buffalo News regarding a small town in Erie County that will no longer allow any public comment at their Town Board meetings without first obtaining Town Board approval. Councilman Kolber stated that the residents voted these officials into office to represent them. He further commented that he enjoys the open meeting format the Town of Clarence follows.

Councilman Kolber stated that he drove around town at 5:00 A.M this morning to see what areas were without power and to assess damage done by the wind storm. The hardest hit area was behind Eastern Hills Mall, several large pine trees were down along with several power lines. The highway department crews were out cleaning up brush and debris by 8:00A.M.

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

Be It Resolved, that the Clarence Town Board authorizes Supervisor Scott Bylewski to sign the Erie County Department of Senior Services van contract between the County of Erie and the Town of Clarence for the year 2008 subject to review and approval by the Town Attorney. Upon roll call Ayes: - All; Noes: None. Motion carried.

Councilman Patrick Casilio

Councilman Casilio stated that the Heritage Days may be a little overwhelming for the Clarence VFC to man for three days straight. The committee may want to look at hiring outside security to help out. Councilman Casilio also noted that the Taste of Clarence is held one week after Heritage Days.

Councilman Kolber stated that the only concern he has with Heritage Days is that Day in the Park is scheduled for July 5th and Taste of Clarence is scheduled for August 4th – these events are all within a one month period. We are spreading these groups a little thin in terms of resources, volunteers and man power. Councilman Weiss questioned whether there would be enough public participation with so many big events scheduled within a short period of time. Councilman DiCostanzo questioned all the wear and tear of the park grounds.

Councilman Casilio has received numerous requests for new street lights on rural roads that he will research and bring any recommendations back to the Board.

The Spaulding Lake Homeowners Association is requesting the brightness of all their street lights be changed. The town maintains the lights and changes the bulbs however; this request is above and beyond the usual maintenance.

Councilman Casilio will work with the homeowners association, they may want to come up with the money to change the lights and the town will still maintain them. Town Assessor Christine Fusco stated that she could help Councilman Casilio with a mailing to residents in Spaulding Lake.

Councilman Casilio received notification from NYSGE stating the mercury vapor lights are no longer legal and at the present time they will not be charging the Town for changing those lights over as they burn out as long as they can still get bulbs for them, they will install mercury vapor bulbs. If it happens sporadically, the rates will not change – we pay them \$230,000 a year.

Town Attorney Bengart has given approval to go forward with erecting the downed poles in the Harris Hill area.

The security radios were ordered at the end of last year. Steve Flaminio is working to get the DMV back in the Library. He will then work with Councilman Casilio to get the RFP out for the radio equipment.

Councilman Peter DiCostanzo

Councilman DiCostanzo attended the Historical Society meeting. There was a discussion regarding the minutes of the previous meeting and a discussion concerning needed repairs and maintenance to the museum and log cabin. Supervisor Bylewski stated that there is a Capital Improvement meeting scheduled for February - the porch area and log cabin will be discussed.

The Historical Society further questioned whether the museum could be wired for cable and internet. Supervisor Bylewski stated that it is on the list for the franchise agreement that it should be wired.

Councilman DiCostanzo announced the kickoff for the bicentennial will begin with the 200th Birthday Party scheduled for March 8th, 2008 at Eastern Hills Mall.

Councilman DiCostanzo attended the Historic Preservation Committee meeting. Clinton Brown reported that he has 301 buildings in his survey update. The survey should be completed by March 1st.

A public hearing is scheduled for January 28, 2008 for the Brace house.

Councilman DiCostanzo met with the Planning Board Executive Committee along with James Callahan and Brad Packard. Their discussion included the duties of the liaison. The Planning Board itself has liaison assignments to other committees. There was also discussion as to how the Planning Board should review projects. Supervisor Bylewski stated that if a project complies with the Master Plan and complies with or can be made to comply with our Zoning and Subdivision Laws, the Town Board will refer a project to the Planning Board. This does not necessarily mean that once a project reaches the Planning Board it will go through. Town Attorney Bengart suggested the Supervisor, Councilman DiCostanzo (liaison to the Planning Board) and James Callahan sit down with the Planning Board and discuss what every ones expectations are.

Councilman DiCostanzo will announce an opening on the TEQR Committee.

Town Attorney Steven Bengart

The Highway Department has issues with private snow-plowing contractors plowing snow in right-of-ways, knocking down mail boxes etc. Highway Superintendent Donner would like to see a local law for enforcement of snow plowing. He would also like to see a plow permitting law.

A snow-plow permitting law was discussed in the past however, administration and enforcement was an issue. The police have said they would consider enforcing it if there was a law. The only thing on the books is VT Law 1219

which says you can make the plow operators move the snow. There is no law that says a plow operator can be fined for dumping snow in the road. Supervisor Bylewski stated that a solution may be a local law that provides for a fine not necessarily a permitting process. Town Attorney Bengart stated that a local law would also allow Code Enforcement Officers the ability to enforce the law.

Councilman Kolber suggested that if a problem arises, the property owner should be notified and given a citation. They can then take care of it with their plow service.

The Town Board was in agreement that we need a local law to be able to challenge plow drivers who are plowing snow into the streets but they are not in favor of a permitting process because it would be difficult to enforce. Town Attorney Bengart will work on a local law.

Parks Crew Chief John Burns announced that the power is out at the Clubhouse. NYSEG is hoping to have the problem fixed tomorrow.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105 (1) F of the Open Meetings Law to discuss the employment history of an individual and discipline of an individual. Upon roll call - Ayes: All; Noes; None. Motion carried.

There being no further business, the Work Session was adjourned at 8:17 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 8:35 P.M. Upon roll call - Ayes: All; Noes: None. Motion carried. No action taken.