

A Work Session of the Clarence Town Board was held on January 23, 2008 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:00 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 Director of Community Development James Callahan, Junior Planner Brad Packard, Town Attorney Steven Bengart, Senior Building Inspector David Metzger, Town Engineer Joseph Latona, Director of Administration and Finance Pam Smith and Planning Board Chairman Gerald Drinkard.

Director of Community Development – James Callahan

Public Hearings:

Town of Clarence 6221 Goodrich Road

Sale of 40' x 300' parcel of land identified as surplus just north of the Building/Engineering Department. All minutes from the previous meetings regarding this property will be incorporated into this meeting.

West-Herr Automotive Group/Eastern Hills Mall 4545 Transit Road

Applicant is seeking approval to extend the existing permit through 2008.

The previously approved Temporary Conditional Permit allowed storage of vehicles in the rear parking lot of Eastern Hills Mall until the end of 2007. There will be no display of vehicles for sale; this approval is strictly for storage of vehicles.

Work Session items:

Lou Visone 8560 Main Street

Applicant is requesting a Change in Use to convert existing retail space to a restaurant use. The proposed site is located on the north side of Main Street, east of Harris Hill Road in existing retail plaza located in the Traditional Neighborhood District. Adequate parking exists within the plaza setting to accommodate the proposed change.

Donald Steinwachs Strickler Road

Applicant is seeking approval to clear the underbrush to allow for better marketing of the property. The proposed site is located on the east side of Strickler Road between Greiner Road and Clarence Center Road on existing vacant land consisting of 27.9+/- acres in the Agriculture Rural Residential Zone. No significant trees are proposed for removal. Per the Clearing Filling and Grading Law, the Town Board has authority to approve clearing operations.

Clayt Ertel 10687 Main Street

Applicant is seeking to acquire town owned lands to straighten out property lines. The existing apartment building is located on the south side of Main Street, east of Sawmill Road in the Clarence Hollow TND and extending partially onto town property (former West Shore Line right of way). The Town Board must determine that the property in question is surplus and proceed with sale process of public lands. As public recreation lands, the sale must ultimately be approved by the NYS Legislature. Clayt Ertel presented a survey outlining the building and the land that he would like to acquire. The survey did not show the bike path. The parking lot is outside the proposed land transfer. The building has historical significance; the back of the building is located on town property. The property is zoned commercial, the buyer would like to use the building as an upscale bike shop/bike rental store however, he can not operate on that facility because it is zoned commercial and the town owns it. The town can not lease the property back to the buyer. Without the buyer being able to purchase the property from the town, it is unusable property. He can not do anything commercial in it because state law forbids the town from leasing their property for commercial use. Town Attorney Bengart stated that because this parcel is designated park land, we need approval from the state legislature. Clayt Ertel will get an updated survey that will indicate where the parking lot is and also show the adjacent parcel. He will also have the surveyor stake the property.

Essex Homes/Shadow Woods – north of 6440 Goodrich Road

Applicant is proposing an Open Space Design Subdivision with a maximum density of 64 lots (54 units in Phase I/10 units in Phase II). The proposed site is

located on the west side of Goodrich Road, north of Pine Breeze Subdivision on existing vacant land consisting of 69+/- acres in the Residential Single-Family Zone. A density determination has been approved by the Town Board for the project for a total of 64 units. Town Engineer Latona stated that this project requires a pump station. A new pump station is to be expanded to include Keller Road.

Dan & Helen Lamm 8230 County Road

Applicant is seeking approval to demolish existing vacant barn. The proposed site is located on the north side of County Road, east of Stahley Road intersection. The barn is identified in the preliminary historic survey. The applicant's insurance carrier has identified the structure as a liability and is not providing insurance coverage. Per the Demolition Law, the demolition of a structure greater than 50 years is a Type I Action under SEQRA.

Stephen Development – Red Rock Apartments 8880 Main Street

Applicant is seeking approval to construct four new apartment buildings on the property. The proposed site is located on the north side of Main Street, west of Shimerville Road. The existing apartment complex is located in the Harris Hill TND. Adequate parking exists on the property. The septic system has been upgraded to accommodate the additional loads.

Charles Knaus 8860 Main Street

Applicant is proposing to locate a retail license automotive sales office within existing space. Applicant will require outdoor storage of three vehicles (cube vans). The proposed site is located at existing commercial property located on the north side of Main Street, west of Shimerville Road in the Harris Hill TND. A Temporary Conditional Permit may be utilized to control display area. Councilman Kolber asked that the applicant supply an agreement in writing that he will not display any vehicles.

Dash's Market 8845 Main Street

Applicant would like to amend the previously approved Special Exception Use Permit for a drive-thru facility. The applicant is proposing to use a second entrance off of Roxbury and convert the previously approved drive-thru into green space.

Roll Road Industrial Business Park – Buffalo Filter

Applicant is seeking Development Plan approval on the Industrial Park as well as architectural approval on a specific use within the park. The proposed site is located on the north side of Roll Road behind Italian Marble and Granite. Conceptually approved Industrial Park located on 30+/- acres in the Industrial Business Park Zone. A Negative Declaration under SEQRA has been issued on the project. Site engineering approval and Landscape Plan approval will need to be conditions of the approval. Subject to Commercial Open Space Fees.

Supervisor Scott Bylewski

Supervisor Bylewski will announce all motions passed at the February 9th Work Session:

- Appointment of Brad Packard to the position of Junior Planner
- Designation of James Callahan as Director and Brad Packard as Assistant Director of TEQRA
- Posting of the position of Real Property Appraisal Technician
- Town Board authorized Supervisor Bylewski to sign the Erie County Department of Senior Services van contract
- Monies were received for the Historical Museum sprinkler system

Supervisor Bylewski announced that currently there is no liaison to the Capital Improvements Committee. Supervisor Bylewski and Councilman Weiss are on the committee.

Supervisor Bylewski will appoint Clifford Trapper to the Recreation Advisory Committee.

Supervisor Bylewski will make a motion approving the attendees to the NYS Association of Towns. Councilman Casilio will be appointed as delegate and Councilman DiCostanzo as alternate for the association meetings.

Supervisor Bylewski has one application that the court has approved for Court Security Officer but Supervisor Bylewski is waiting for the entire packet for final approval.

Supervisor Bylewski has spoken to several individuals that applied for the Town Board vacancy – he is trying to get them involved on other committees. Several individuals have stepped forward. Supervisor Bylewski will appoint Bob Geiger to the Recreation Advisory Committee.

Supervisor Bylewski will make a motion to transfer funds from Contingency to the taxes on town owned property. Three parcels were purchased after the May 1, 2007 tax roll closing. These parcels are taxable and the town is responsible for the taxes however, those monies were not budgeted at the time. Director of Administration and Finance Pam Smith suggested making the transfer but hold on making the actual transfer until our tax monies come in. Likewise, there is an issue with the Youth Bureau with the possible transfer of monies to take care of several code improvements however, Supervisor Bylewski will hold off on that transfer until everything gets squared away.

Supervisor Bylewski copied the Board and well as Highway Superintendent Ted Donner on a letter he received from Joseph Tripi 9040 Cliffside Drive So. Mr. Tripi is looking for a response from the town regarding some milling work. He has a concrete driveway with a short apron, when the Highway Department paved Cliffside Drive they left a ½” lip – the right side of the driveway is flush with the road however the left side of the driveway is slightly higher. Mr. Tripi is concerned that his children will get hurt roller blading. Councilman Weiss will talk to Highway Superintendent Ted Donner.

Supervisor Bylewski met with Tom Muscarella, he is interested in an appointment to the Recycling Committee he previously applied for the Town Board vacancy. Councilman Weiss will make this appointment in two weeks.

Councilman Weiss will make a motion regarding the Sewer Steering Committee Charter. A multi – party meeting was held with EC SD#5, Town of Amherst, Town of Clarence and the Village of Williamsville regarding merging sewer services in their entirety. There is an agreement for the steering committee to sign off on. Supervisor Bylewski will host the next meeting here at Clarence Town Hall on February 7th (venues will rotate). The Supervisor makes the appointments for the delegate and alternate. The two delegates will be Supervisor Bylewski and Town Engineer Joseph Latona. Councilman Weiss is alternate; James Callahan will also sit in on the meetings.

Former County Executive Joel Giambra provided the Town of Amherst \$300,000 toward their sewer service – it was questioned how he had the authority to do so. Councilman Weiss sent a letter to County Executive Chris Collins requesting the County take the lead on this proposed merger.

Supervisor Bylewski ask Town Engineer Latona to look over the US Mayors Climate Protection Agreement information. There are twelve items that were listed. Four out of the twelve items are already being done in the Town of Clarence (land use policies, promote transportation options/bike trails, energy efficiencies as well as maintaining forest and promoting tree planting). Town Engineer Latona stated that he is researching solar panels for the Town Hall, Library and possibly the Senior Center. Mr. Latona feels the Town can save about 20% on energy costs. Councilman Kolber has a contact person he will put in touch with Mr. Latona.

Supervisor Bylewski stated that there is still a vacancy on the Library Board. Councilman Kolber will find out the status of the vacancy at the next Library Board meeting.

Currently the Public Safety Committee has one vacancy; their next meeting is Monday, January 28th. The committee has been having a problem with taking any action as they have no quorum. Jill Licata applied for the Town Board vacancy but is willing to sit on the Public Safety Committee. Because the meeting is Monday, Supervisor Bylewski will make the appointment tonight. The protocol is to announce an appointment and then wait two weeks but several individuals previously applied for the Town Board vacancy and have expressed an interest in sitting on town committees.

Supervisor Bylewski has not spoken to Maryl Bedenko, the appointee to the Senior Center Board but he has spoken to the Chairman of their Finance Committee. They have issues regarding bonding, auditing and finances that have to be taken care of and would like to appoint someone with a financial background. Ms. Bedenko has a background in finance.

Supervisor Bylewski stated that we should not be deviating from the normal procedure of appointing applicants but these are unusual circumstances in that the Public Safety Committee has been meeting without a quorum and the Senior Center has finance issues that need immediate attention further, both candidates are qualified. Ms. Bedenko has a BA from Boston University and her Masters in Finance from Northeastern University.

There are several things going on at the Clubhouse regarding the quilt and the Rolfs Clock. Parks and Engineering have been involved with the case for the quilt which will be located on the landing for the stair. The wall facing the kitchen will be redone, the clock will go up against that wall.

Supervisor Bylewski has a resolution recognizing March 13th as World Kidney Day.

Supervisor Bylewski has two items to discuss in Executive Session regarding matters regarding the discipline of individuals.

Councilman Joseph Weiss

It has been brought to Councilman Weiss attention that several parents have concerns regarding the youth floor hockey program. Cliff Trapper will have a discussion with the referees and coaches.

There is no ice skating at the rink at Meadow Lakes – the weather has not been real cooperative.

The Recycling Committee will be discussing plastic bags at their next meeting regarding banning of plastic bags and recycling of plastic bags.

Dennis Longo has reported that the deer abatement program is running smoothly, between 40 -50 deer have been taken. At this time he is waiting for more grain from Kreher's.

Councilman Weiss received a letter from Floss Insurance Agency regarding a reduction in our premium – because the Town went with NIMER we will see between a 4% - 8% reduction.

Town Attorney Bengart met with Joe Floss regarding an Excess Liability Policy, it will be an additional \$10,000 a year in coverage. Currently the town has a \$1,000,000/\$3,000,000 primary with a \$10,000,000/\$20,000,000 umbrella which is \$41,000 extra. A \$15,000,000/\$20,000,000 Excess Liability Policy would cost approximately \$10,000. – this would be in excess over and above what we have with NIMER now. The Town Board will discuss this further at the next Work Session.

Councilman Weiss will appoint Tom Muscarella to the Recycling Committee, Anthony Persico to the Youth Board and Martin Root to the Conservation Advisory Board.

Councilman Weiss will make a motion authorizing the Supervisor to sign an agreement with the Town of Amherst relative to the Sewer Steering Committee Charter.

Town Engineer Latona stated that the dog kennel will be hooked up to the emergency generator.

The Association of NYS Youth Bureaus is hosting a Youth Leadership Forum in Albany on February 11th and 12th. Youth Director Dawn Kinney is requesting approval to attend the forum along with 2 youth from Clarence High School.

Councilman Bernard Kolber

Councilman Kolber and Councilman Weiss met with several individuals regarding the sign law. They have a number of concerns - their biggest concern being "grandfathering" the signs and a one size fits all for the town. They also discussed tailoring the sign law depending on the zoning of the area.

Councilman Kolber attended the board meeting at the Senior Center. They would like new carpeting. Director of Administration and Finance Pam Smith stated that the money was in their maintenance budget last year and they never spent it. Pam Smith will review their budget and forward the figures to Councilman Kolber.

The Senior Center is requesting the bocce ball court be located at the Senior Center and not at the former Youth Center on Sheridan Drive. They will forward the plans and cost figures to Councilman Kolber. Councilman Casilio stated that Parks Crew Chief John Burns budgeted money for next year.

Councilman Kolber will announce the appointment of Maryl Bedenko to a vacancy on the Senior Center Board of Directors.

Councilman Kolber has received a request as to whether or not the Town would consider a town wide garbage district again.

Councilman Patrick Casilio

Councilman Casilio has three items to discuss in Executive Session: matters leading to the discipline of an individual and matters leading to the appointment of an individual.

Councilman Casilio received a new RFP for the security cameras. Councilman Casilio and Karen Jurek will review the RFP and will hopefully send it out within the next week or two.

Councilman Casilio met with the Harris Hill Association and gave them an update on the street lights. The weather is hampering the installation of the lights.

Councilman Casilio reminded the Town Board that the annual Chamber of Commerce dinner is tomorrow night.

Senior Building Inspector Dave Metzger stated that the TCBA new facility is just about complete however, he is suggesting that the older building be brought up to code. When the building was converted from a storage facility to a recreation facility the former Town Board gave free reign of the building to the TCBA, there are code upgrades when you convert a building from one use to another and Mr. Metzger is suggesting the upgrades be done at this time. The upgrades would include hardware, exit signs, emergency lights etc. These upgrades need to be done to convert the existing space into equivalent level of safety as the new facility. TCBA will continue to use the building in conjunction with the new facility. The question arose as to who should pay for the upgrades.

Councilman Casilio will make a motion authorizing the Supervisor to sign a Memorandum of Agreement regarding the Laborer/Custodian position and formalize the hours he will be working.

Councilman Casilio will make a motion authorizing the Supervisor to sign the EAP (Employee Assistance Program) agreement.

Councilman Peter DiCostanzo

Councilman DiCostanzo will announce the resignation of Patrick Miner from the TEQR Committee effective 12/17/07. Mr. Miner is moving to Williamsville.

Councilman DiCostanzo met with Town Assessor Christine Fusco. They discussed a possible Cold War Veterans Exemption. There is a cut off date of February 1, 2008 so we will not make it for this year. It is something to consider at a later date.

Town Assessor Christine Fusco researched capping home assessments for senior citizens however, it would require State Law and that was voted down in the Assembly.

Town Assessor Christine Fusco will be attending the Executive Board meeting for the NYS Assessors Association.

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

Town Engineer Latona stated that the generator at the Senior Center went on line today. There will be instructions on Friday for some of the Senior Center staff as well as Parks Department employees so when alarms go off they know who to call.

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 matters leading to the discipline of individuals and matters leading to the appointment of an individual; § 105(1) D pending litigation regarding the library. Upon roll call - Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 7:13 P.M.

Darcy A. Snyder
Deputy Town Clerk

Councilman Casilio left the meeting at 7:21 P.M.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:30 P.M. Upon roll call – Ayes: All; Noes; None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, January 23, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:30 P.M. Pledge to the flag was led by Councilman Bernard Kolber, followed by a prayer read by Supervisor Bylewski.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the minutes of the special meeting held November 29, 2007. On the question, Supervisor Bylewski said this meeting recessed until December 12, 2007 and then adjourned. Councilman DiCostanzo said he will recuse himself from approving items A, B and C as he was not a member of the Town Board at that time. Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the minutes of the special meeting held December 18, 2007. Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman DiCostanzo. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the minutes of the organizational meeting held January 2, 2008. Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Weiss to approve the minutes of the special meeting held January 3, 2008. On the question, Supervisor Bylewski said that meeting was held to appoint Brad Packard as Junior Planner. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Weiss to approve the minutes of the previous meeting held January 9, 2008. On the question, Supervisor Bylewski said on page 17, second paragraph should say “NYSEG”. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said it is the practice of the Town Board to announce actions taken at previous other meetings: January 3, 2008 – Brad Packard appointed as Junior Planner; January 9, 2008 – James Callahan was appointed as Director of the Town Environmental Quality Review Committee (TEQR) and Brad Packard as Asst. Director of the TEQR Committee; moved to post the position Real Property Appraiser Technician; authorization for the Supervisor to sign the Senior Services Van Contract; and we received a check from EWG Foundation in the amount of \$38,282 for the Historical Museum sprinkler system.

Supervisor Bylewski said for clarification, there is no official liaison for the Capital Improvements Committee. He as Supervisor, Councilman Weiss and the various department heads make up the committee.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to appoint Clifford Trapper to the Recreation Advisory Committee with term to expire 12/31/08. On the question, Supervisor Bylewski said Mr. Trapper is currently the Recreation Director and is doing a yeoman’s job. Town Attorney Steven Bengart said the position of Recreation Director has always been a member of this committee. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant permission for the following to attend the Annual Association of Towns conference: both of the Town Justices, Town Attorney, Deputy Town Attorney, Town Engineer, Assessor and Councilmen Patrick Casilio and Peter DiCostanzo. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to designate Councilman Patrick Casilio as Delegate, and Councilman Peter DiCostanzo as Alternate Delegate to the business meeting of the Association of Towns. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to appoint Robert Geiger to the Recreation Advisory Committee with term to expire 12/31/08. On the question, Supervisor Bylewski said Mr. Geiger has been involved in the Town and will be an outstanding member of this committee. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant permission for Dawn Kinney to attend the Youth Leadership Forum in Albany with total cost approximately \$75 to \$100 per person. Two students from Clarence High School will also be attending. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to authorize Supervisor Scott Bylewski to sign the Town of Clarence, Village of Williamsville, Town of Amherst and Erie County Sanitary Sewer Service Steering Committee – Charter agreeing to mutually create, support and promote the Sanitary Sewer Service Steering Committee as outlined in the charter subject to Town Attorney approval. On the question, Councilman Weiss said they did attend the meeting with the members to discuss the consolidation of the sewer districts. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to appoint Anthony Persico as a member of the Youth Board with term to expire 12/31/2010. On the question, Councilman Weiss said Mr. Persico has worked with the City of Buffalo in a number of youth organizations and will be an asset to the Board. There is still one more opening on this board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to appoint Marty Root as a member of the Conservation Advisory Council with term to expire 12/31/08. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said they will be discussing the use of Town Place Park for the Clarence Center Community Association's "Bark in the Park" event. It was a great event last year.

Councilman Weiss said there is going to be a chowder and chili contest in conjunction with Winterfest on February 10, 2008. A number of service organizations in Town, including the Town Board are entering.

Councilman Weiss said the deer abatement program has brought in 40 deer for processing and sent to the food bank.

Councilman Weiss said he has talked with Chuck Eckert about including plastic bags in the recycling program. They also considered supporting laws to remove the use of plastic bags in grocery stores and other retail shops.

Councilman Weiss said he received a letter from Floss Agency regarding our insurance with NYMIR. We should expect a 4 – 6% reduction in our premium this year.

Councilman Weiss said we will be appointing Tom Muscarella to the Recycling Committee at the next meeting.

Councilman Kolber said we received a proposal for a new sign law late last year and held a public hearing. A few businessmen in Town expressed legitimate concerns with the law as presented. They recently had a meeting with them to put the issues together. He would like to have the Chamber of Commerce involved also. A consideration for this law would be to have standards related to zoning. We will be working on that to improve the streetscapes of Clarence, while addressing the needs of the businesses.

Councilman Kolber said the Senior Center is looking for new members for anyone interested. They are also looking to have a bocce ball court installed this year.

Councilman Kolber said he had a request from a resident and he told him he would bring it up. That is to take another look at having one garbage district. He throws the idea out there.

Councilman Casilio said they are drafting a scaled down RFP for security cameras for the bike paths that should be ready in a week or so.

Councilman Casilio said tomorrow night is the Chamber of Commerce "Citizen of the Year" banquet. Doug Kohler is being honored as well as several others.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Jill Licata to the Public Safety Committee with term to expire 12/31/08. On the question, Councilman Casilio said there are still several openings on this committee. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Robert Sugg as Security Officer PT at the budgeted rate of pay and effective 1/26/08. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Maryl Bedenko of 9294 Via Cimato Drive to a vacancy on the Senior Center Board of Directors effective as of January 23, 2008 for a term to expire on December 31, 2010. On the question, Councilman Casilio said this is to fill the vacancy left by Peter Murto. Ms. Bedenko has an accounting background which will be helpful. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott Bylewski to sign the ESI Employee Assistance Program Renewal Agreement for the period of February 1, 2008 through January 31, 2009 subject to review and approval by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott Bylewski to sign a Memorandum of Agreement between the Town of Clarence and the Civil Service Employees Association (CSEA, Inc.), Local 1000 AFSCME, AFL-CIO Town of Clarence White Collar Unit relative to the Laborer(cleaner) position. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo stated that Patrick Minor resigned from the TEQR Committee effective 12/17/07, as he has moved out of Clarence.

Councilman DiCostanzo reported that the Assessor is researching a few property tax exemptions and will report back to the Board. One is pending approval by the State which may not happen.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to grant approval for Assessor Christine Fusco to attend the New York State Assessors Association Executive Board meeting January 25 - 26, 2008 at no cost to the Town. Reimbursement of any costs will be made by the Association. Councilman Casilio added that Christine should be congratulated for being asked to instruct a class at that conference. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced that there is an opening on the Planning Board for an alternate. He suggested that residents check the Town website for openings on committees.

Councilman DiCostanzo announced that the Historic Preservation Committee is holding a public hearing on Monday, January 28, 2008 at 7:00 P.M. regarding the Brace house.

Mark Woodward, Town Historian presented the Annual Report for 2007. He thanked the Town Board and former Supervisor Kathleen Hallock for their efforts on behalf of the Bicentennial.

Mr. Woodward said the Bicentennial Committee is working on a plate representing all of the hamlets. They will be available for sale at the birthday party for about \$30.

Mr. Woodward said one of his goals is to make history exciting to some of the younger residents who think it is boring. It is quite a challenge to relate to all ages.

We are celebrating the 200th anniversary and many of our residents remember the 150th. He challenges all residents to make this celebration come alive for all of our children and grandchildren. He encourages families to find a way to remember.

One of his goals is to be out in the community as much as he can. He would like to write to all of the service organizations and offer to present a program. He would also like to put together a power point presentation about the Town of Clarence.

Councilman Kolber suggested contacting the high school to have students help out with the project as part of their community service requirements. Also, some of our senior citizens have lived their whole life here and may have a lot to contribute.

Councilman Weiss said there are a lot of interesting stories about the history of the Town.

Public Participation

Renee Desai said in regard to Councilman Kolber's report in reference to the garbage disposal, she remembers writing a letter to the Town Board thanking them for the referendum and not shoving it down their throats. She hopes the people were heard in that they do not want a garbage district.

A Public Hearing was held to consider the request by West-Herr Automotive Group for a Temporary Conditional Permit for automotive storage at 4545 Transit Road. James Callahan said the location is behind Eastern Hills Mall in the Major Arterial Zone. The applicant is proposing to continue using the existing storage area.

Beth Ann Hollis, General Manager for West-Herr said they would like to continue using the area for storage only for the whole year of 2008.

Councilman Weiss said he must recuse himself because he buys his fleet vehicles for his companies from West-Herr.

With no one else speaking to the subject, motion was made by Supervisor Bylewski, seconded by Councilman Kolber to close the Public Hearing. On the question, Councilman Casilio said West-Herr is new to the Town. They are already expanding and have been very community oriented with their contributions to various organizations. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

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

Be It Resolved that the Clarence Town Board, after a public hearing duly held on January 23, 2008 and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, West-Herr Automotive Group for 2008 for vehicle storage in the rear/east parking lot of the Eastern Hills Mall subject to the following conditions: 1. The Temporary Conditional Permit shall be for a period of one year. 2. No display of vehicles. Vehicles to be parked within striped spaces. 3. No banners, flags, for sale signs or streamers.

Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

A Public Hearing was held to consider the sale of a portion of Town owned property declared as surplus and no longer needed for Town purposes consisting of approximately a 40 x 300 foot piece of vacant land at 6221 Goodrich Road. Town Attorney Steven Bengart said we did have a public hearing on this and covered all of the issues involved. However, the amount of property stated was incorrect. An appraisal was done and the proposed contract includes closing costs to be paid by the buyer. The area is of no value to the Town and would allow an existing business to expand its parking.

Supervisor Bylewski said this was discussed with the appropriate department heads and determined that there would be no practical use of the land by the Town.

Town Attorney Bengart asked that all previous minutes regarding this subject be incorporated into these deliberations by reference. The sale price is \$6,700 as determined by the independent appraisal.

Speaking to the subject: Howard Melancon asked why the Town would give away this frontage of property with the driveways back to Town owned property that may need widening

in the future. He does not believe it makes sense. Consideration should be made to widen the road to the acreage in the back.

Councilman Kolber said he agrees with Mr. Melancon.

Supervisor Bylewski said that was one of the considerations discussed with the department heads.

With no one else 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.

Councilman Kolber said he really was not for this before and did go along with it, but Mr. Melancon reinforced this common sense of not giving up frontage for a nominal amount of money when we may have a need for it in the future.

Supervisor Bylewski said he would bring forth the motion given the rationale stated before, as well as the previous minutes that are incorporated as part of this hearing. He believes that this same motion passed unanimously at the prior meeting.

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

WHEREAS, the Clarence Town Board, at a meeting duly held on January 23, 2008 declared a portion of Town owned property located at 6221 Goodrich Road consisting of approximately a 40 x 300 foot piece of vacant land adjacent to 6235 Goodrich Road as surplus and no longer needed for Town purposes and

WHEREAS, the Clarence Town Board advertised that a public hearing be held on January 23, 2008 at 7:50 p.m. to consider the sale of the surplus property; and

WHEREAS, at a duly convened meeting of the Clarence Town Board on January 23, 2008, a public hearing was held at 7:50 p.m. for said purpose.

NOW THEREFORE, BE IT

RESOLVED, that the Clarence Town Board, after a public hearing duly held on the 23rd day of January 2008, and after all interested parties being heard, does hereby authorize the sale of a portion of Town owned property declared surplus and located at 6221 Goodrich Road consisting of approximately a 40 x 300 foot piece of vacant land for the fair market value price of \$6,700.00 and subject to a permissive referendum pursuant to the provisions of section 64(2) of the New York State Town Law; and be it further

RESOLVED, that the Town has received an offer to purchase a portion of said property from the owners of 6235 Goodrich Road for fair market value; and be it further

RESOLVED, that the Town Board approves and agrees to sell to Clarence Properties, Inc. that portion of Town owned property declared surplus located at 6221 Goodrich Road and consisting of approximately a 40 x 300 foot piece of vacant land subject to the Town entering into a Contract to sell said property which contract shall be subject to be review and approval by the Town Attorney and subject to a permissive referendum.

On the question, Councilman Weiss said first, the department heads all were in agreement with this; and this person also does a great deal for the community. We need to help out commercial owners whenever it is also beneficial to the Town.

Councilman Kolber said he is in favor of that, but thinks that there could be a use for that land in the future.

Councilman Casilio said he understands both sides but there is plenty of land if we needed to expand the driveways in the future.

Supervisor Bylewski said he thinks it is fair to say that they have reviewed this very thoroughly and looked at the possibilities for the future. This seems to be the appropriate course of action and will help keep Clarence Center a vibrant area.

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

Motion by Councilman Weiss, seconded by Supervisor Bylewski to approve the following: Clubhouse Applications - A. Clarence Fillmore Cemetery – Feb. 20, 2008; Legion Hall Applications – A. Jody Kuppinger – Jan. 25, 2008; B. William Powers – Jan. 26, 2008; C. Jason Holden – Feb. 3, 2008 D. Patricia Angrisano – Feb. 8, 2008; E. Crystal Geasling – March 1, 2008; F. Anwara Hossain – April 12, 2008; Nature Center Lodge - A. Youth Bureau/Clarence Center Elementary – May 30, 2008. 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 January 10, 2008 are approved for payment: General Fund - \$147,903.80; Highway Fund - \$106,849.41; Water District -

\$35,708.69; Lighting Districts - \$1,130.15; Sewer Districts - \$138.96; Capital Fund - \$1,400.00; and Trust & Agency 203 – \$1,074.38 for a total amount of \$294,205.39. 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 January 24, 2008 are approved for payment: General Fund - \$151,463.12; Highway Fund - \$45,472.53; Water District - \$1,255.93; Drainage District - \$25,232.00; Lighting Districts - \$1,156.73; Sewer Districts - \$461.99; Capital Fund - \$2,850.00; and Trust & Agency 203 – \$200.14 for a total amount of \$228,092.44. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Renee Desai thanked Councilman Kolber for opposing the sale of the property. We do not need the money and we do not know what we will need in the future. She thinks it is a very foolish thing to do.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:30 P.M. in memory of Fred Friedman, the father of a former town attorney. Mr. Friedman was very active in the community. He was a Rotarian and a former Honorary Counsel to Austria. Mr. Friedman was involved in the Chamber of Commerce and was recognized as Citizen of the Year in 2006. He will be greatly missed.

Nancy C. Metzger
Town Clerk