

A Work Session of the Clarence Town Board was held on February 6, 2008 at Clarence Town Hall, One Town Place, Clarence, NY

Supervisor Scott Bylewski called the meeting to order at 9:06 A.M. Members of the Town Board present were Council members Peter DiCostanzo, Patrick Casilio and Joseph Weiss. Councilman Kolber was absent. Other Town Officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Director of Administration and Finance Pam Smith, Planning Board Chairman Gerald Drinkard, Paralegal Cindi Rosel and members of the IDA.

Supervisor Bylewski announced that Councilman Kolber will not attend today's meeting because he has pneumonia, the Board wishes him well.

Highway Superintendent Ted Donner

Ted Donner gave an update on the Vehicle Replacement Program. The replacement van for the Youth Director has been put off for several years, it does not have a lot of miles on it but it is old and it is time to trade it in. The Supervisor's car, both Zoning Department vehicles, the Assistant Engineer and Engineering Aide vehicles will be replaced this year as well. Former Supervisor Kathleen Hallock budgeted \$88,500 for the vehicle replacement program. The prices Mr. Donner has received off of state bid uses up most of the budgeted money. Ted suggested Ford Focus for the Zoning Department – it is the only small car on state bid this year at a cost of \$10,000.

If the Town Board wishes, Mr. Donner suggested going out for local bids however, the Ford Fusion is \$18,000 and a Chevy Malibu would cost between \$18,000 - \$20,000.

The options for vehicle replacement are a Dodge Charger and a Chevy Impala which would cost \$200 more or a Jeep Liberty. Some of the rationale behind the Jeep Liberty for the Supervisor vehicle is that if there is an emergency, he would have 4-wheel drive and it could be handed down to Security in the future.

The Board agreed to purchase 2 Ford Escape for Engineering, 2 Ford Focus for Zoning, one Jeep Liberty for Supervisor Bylewski and a 12 passenger van for the Youth Department.

Supervisor Scott Bylewski

Supervisor Bylewski received a letter from the US Postal Service thanking him for use of the Town Hall to process passports.

Eastern Hills Wesleyan Church is planning a Walk the World event for April 26, 2008 at Memorial Park. More information will be forthcoming.

At the January 23, 2008 Town Board meeting, Martin Root was appointed to the Conservation Advisory Committee however, at the time of his appointment there was no vacancy.

Late last year, the Ethics Board distributed the Rules and Procedures for the Town Board to consider along with the Transaction Disclosure Form. The Board did not act on the Rules and Procedures because it was the end of the year and did not want to rush it through. Supervisor Bylewski asked that everyone review the Rules and Procedures and be ready for discussion at the March Work Session.

Re-Tree WNY will meet with Supervisor Bylewski tomorrow. They were involved with planting approximately 60 – 100 trees at the Soccer Center. The Parks Department pre-dug the holes so Re-Tree could plant the trees.

Assemblyman Mike Cole contacted Supervisor Bylewski offering an "open door" stating he could meet with the Town Board to discuss issues such as regulations, state spending etc. If anyone has any topics for discussion, they can contact the Supervisor and he will set up a meeting date.

Supervisor Bylewski received the Town Clerk's Annual Report of Fees. The amount collected was down approximately \$15,000 from last year.

Supervisor Bylewski received a check from NY State Emergency Management Office in the amount of \$284,569.53 for October 2006 storm clean-up reimbursement.

Supervisor Bylewski received a check from NYS Office of Real Property Services in the amount of \$59,715 for maintaining 100% full market valuation.

Supervisor Bylewski received a check from East Hill Foundation in the amount of \$2,500. for the maintenance of the Clarence Historical Museum. This check represents year 3 of their 5-year grant commitment.

Rural Transit Service is now being provided through the Center for Transportation Excellence under an agreement between Erie County Department of Senior Services and the United Way. More information will be forthcoming.

Supervisor Bylewski met with Swormville VFC representative John Gaulocher regarding putting LOSAP out to bid. In the past, one of the issues had to do with the buy in. If we went from one provider to another on the investments we had to buy in all new contracts and that could be burdensome. Supervisor Bylewski asked that Councilman Weiss and Councilman Casilio research putting this out to bid as well as the actuarial services. The LOSAP contracts are due in one month, so we couldn't do it this year.

The Kreher's Poultry lease expires March 31, 2008 and the Soccer Center lease expires June 7, 2008.

The Town was unsuccessful with the Empire State Development Restore NY grant monies however, they have said that they would like to work closely and would be happy to meet to assist with the development of a new and more competitive project.

Supervisor Bylewski passed out the Sewer Services Merger Plan Steering Committee meeting agenda that was discussed at the last sewer meeting regarding a possible merger with Amherst, Williamsville and Erie County SD#5. Six out of the eight options are feasible. The options are:

1. **Do nothing**
2. **Standardize rates**
3. **Partial merger(s) (e.g. Clarence SD #2, 6, 7 & 9 merge w/ECDS5)**
4. **All merge into Amherst**
5. **All merge into Clarence**
6. **All merge into ECSD5**
7. All merge into Williamsville
8. All merge into a newly-created entity

Last year the Board discussed #2 & 3 – standardizing rates with the Town and the County and well as trying to do our merger with the County. In talking with County Officials, they still would like to do the merger. Supervisor Bylewski would like to get the Harris Hill area included in the merger.

Town Engineer Latona stated that the County was willing to do a partial merger on a parallel tract with the one service provider. If that one service provider did not materialize then the Town could still gain some benefit by doing the partial merger with the County. The partial merger would mean the County would take over Clarence wastewater sewer district.

The Board is interested in exploring options #1, 2 & 3. The Town of Amherst owns the sewer treatment plant however, there was a regional plan included with the Master Plan of 1974. The sewer regional plan said the sewage was to go to Amherst including Newstead which was to go to Amherst. The Town of Amherst would not have received the grant money if their treatment plant did not include the Town of Clarence and the Town of Newstead. We paid our fair share of the cost for any capital improvements that were done to the Amherst treatment plant that benefited us.

The Town Board is in favor of options #2 & #3, not in favor of #1 & #4.

Town Engineer Latona stated that if the Town of Clarence merges into ECSD#5 any growth will be controlled by where their sewer infrastructure is. ECSD#5 would be in control, the town would have no input except through the Board of Managers and having a clear understanding of equality of vote on that Board.

Supervisor Bylewski stated that to narrow down the list of options, the Board look at #2 & 3 and #6 & 8 merge into ECSD#5 and merge into a newly-created entity – not a sewer authority but something different.

Supervisor Bylewski will report back to the steering committee with what the Town Board is interested in doing, noting the Board's reservation with certain options.

Supervisor Bylewski met with Joe Latona, Ted Donner, Jeff Hemline and a representative from NYSEG regarding substations within the town as well as maintenance issues.

Supervisor Bylewski has one item to discuss in Executive Session regarding matters leading to the appointment of an individual as it pertains to the IDA and the Real Property Technician.

Councilman Weiss contacted Highway Superintendent Ted Donner regarding 9040 Cliffside Drive So. and is waiting for a call back, he will follow up on this request.

There was a discussion regarding excess liability coverage. Town Attorney Bengart stated that the Town Board would have to decide if they want to spend an additional \$10,000 for the extra coverage. Councilman Casilio will research this further at the Association of Towns.

Parks Crew Chief John Burns distributed a list of projects for 2008. If anyone has anything they would like to add, contact the Parks Department.

Supervisor Bylewski received the Fiscal Impact Study for 2007 and the Local Law violations report for 2007.

Erie Niagara Framework for Regional Growth

Carl Calabrese & Laura St. Pierre Smith gave a power-point presentation showing a "roadmap" on the issue of growth. The Framework for Regional Growth is a blueprint to support the actions of county and regional agencies relating to the area's physical development. It will also be used to inform state and local governments, private developers and non-profit organizations about the process and actions County government could undertake when making decisions affecting the region's development. The Regional Framework will help the Erie and Niagara Counties region make decisions about its growth and development on a coordinated and consistent basis. It will establish a framework for development within the region and describe policies, programs and projects that will encourage and facilitate development that is consistent with such framework. The Plan will help local officials coordinate their decisions so they can anticipate how one decision may affect another.

The Framework is not intended to serve as a conventional zoning or land use plan or capital improvement program – recommendations regarding future residential or commercial zoning districts are not a part of the Framework nor are detailed recommendations concerning the extension of public utilities or investments in the transportation network. The Framework, however, is designed to help County and regional leaders make better policy and investment decision, more effectively leverage limited resources, and provide more consistent direction and useful support to municipalities.

Supervisor Bylewski stated that we have a pollution problem in the Harris Hill area given the lack of sewers. Some of the thought behind getting sewers to that area would mean some type of commercial investment to help get the sewers

from one part of the town to the part where they are needed in the Harris Hill area. Ms. Smith stated that the county would make exceptions to extend the sewers, pollution issues being one of them.

Supervisor Bylewski stated that he can not speak for the entire IDA regarding the County's control over Clarence IDA but there is concern over the level of the County's control over the Clarence IDA in trying to provide various incentives. This issue has come up and needs further discussion. Ms. Smith stated that the IDA Leadership Committee met last week to deal with these issues and concerns not just with Clarence but all the IDA's to discuss how this would impact the communities and what does it mean to businesses.

Carl Calabrese stated that the County is a municipality just like the Town is and the County is saying that as a municipality in the future it will not extend sewer districts beyond existing lines unless there is an environmental issue, a public health issue or a major economic development issue. It is the Towns prerogative to decide how they want to develop however, is there a way to do it that would make sense on a regional basis that limits the number of public dollars that are being spent on development. The County is no longer extending sewers except for the three aforementioned exceptions.

Supervisor Bylewski asked what County Executive Chris Collins position is on the Framework for Regional Growth. Ms. Smith stated that they did not endorse any candidate this year and will probably not do so in the future. They presented issues that they put to all the candidates and the candidate for County Executive at that time stated that the Framework of Regional Growth was something he believes in and supports. The Erie County Legislature adopted the document unanimously and it was also accepted by the Niagara County Legislature. The County Legislature has not adopted a Local Law establishing a County wide plan.

Supervisor Bylewski stated that some of the concerns that have been expressed to him are the details of implementation.

Carl Calabrese stated that the IDA's have been meeting as groups and have had discussions and input. Today's meeting was to give an overview of where this issue stands. They would like to continue meeting with Town Officials, Planning Boards and IDA members to get to a final document.

Councilman Casilio stated that we are trying to encourage development in the City however it is a shame that the sewers do not work properly and the water system does not work either. Businesses can not get enough water pressure to run their business. Carl Calabrese stated that this is true in a lot of communities especially in the first ring suburbs, their infrastructure is aging and they are going to start having the same problems that the City is experiencing.

Councilman Joseph Weiss

Councilman Weiss will announce Youth Board appointee Anthony Persico term will expire 12/31/2008.

Tom Muscarella will be appointed to the Recycling Committee at the February 13, 2008 Town Board meeting.

Councilman Weiss spoke with Chuck Eckert about helping the Heritage Days Committee in any way that he could. Councilman DiCostanzo met with Linda Nastasi and mentioned to her that Mr. Eckert would be a good resource. Town Attorney Bengart suggested incorporating Heritage Days with Day in the Park however; Councilman Weiss stated that was not an option. Tim Pazda is of the opinion that the Heritage Day parade will go on as planned and some of the things planned for Heritage Days could possibly be incorporated into Day in the Park. Councilman Casilio spoke with Roland Boller and suggested he and Linda Nastasi, Chuck Eckert and Tim Pazda attend a Work Session to update the Town Board on how the plans for Heritage Days are progressing.

Councilman Weiss received information regarding a fenced dog park; this is part of the Parks Master Plan. Councilman Weiss will forward the information to Faith Badhorn to see if she would be interested in forming a committee to research this further.

Frank Moribito is requesting a time slot at a Work Session to discuss items to be incorporated in the Sign Law. Town Attorney Bengart suggested possibly meeting with him at the joint Town Board/Planning Board meeting in April. Councilman Weiss will check with Planning Board Chairman Gerald Drinkard to see if this would be feasible.

There was a discussion regarding security and the possibility of hiring off-duty Sheriff part-time for issuing summons. Councilman Casilio stated that we may be better off hiring them from the County for one day of the month and pay them per hour. Councilman Casilio would like Code Enforcement to have the option of having a uniformed officer made available to them when they are confronted with a disgruntled person. Currently unless it is a life threatening situation, the Sheriff Department will not assist Code Enforcement. Councilman Casilio and Town Attorney Bengart will review this further.

Councilman Weiss asked that the Town Board be available on Sunday, February 10th to help with the Chili Cook-off. He will need assistance serving the chili.

Councilman Patrick Casilio

Councilman Casilio received a letter of resignation from Melissa Urban from the Public Safety Board. There are now two openings on that board.

Councilman Casilio has several items to discuss in Executive Session regarding the employment history of a corporation and the appointment of an individual.

The RFP for the security cameras has been mailed out.

Councilman Peter DiCostanzo

The TEQR Committee has forward the EAF Draft Part II and Part III to the Town Board for consideration on the Rubino Subdivision (southwest corner of Clarence Center and Shimerville Road). The most critical issue in Part II and Part III is the sewer capacity and the appropriateness of access to Erie County Sewer District #5.

Councilman DiCostanzo has two items to discuss in Executive Session regarding the appointment of several individuals.

Town Assessor Christine Fusco has a candidate for the Real Property Technician position.

Councilman DiCostanzo has several applications for the opening on the Planning Board.

Councilman DiCostanzo has received several complaint letters regarding a resident operating a commercial operation (towing service) out of his home on White Acres Road.

Councilman DiCostanzo will make a motion at the next Town Board meeting to refer review of the Planning Board fees to the Planning Board to take a look at the fee structure and compare it to surrounding towns.

Planning Board Chairman Gerald Drinkard and the Planning Board Executive Committee have assembled a guide for Planning Board members on how the Planning Board works and what their duties are. Deputy Town Attorney David Donohue will review.

The Historical Society will meet tomorrow night. They are assembling a "wish list" of items they would like to see done at the museum.

The Public Hearing for the Brace house went very well. A public hearing will have to be set at the Town Board level. Councilman DiCostanzo will get the

recommendations and comments from Director of Community Development James Callahan and the public hearing can be set at the next Town Board meeting.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to authorize the Supervisor to sign an agreement with the WNY Land Conservancy to assist the Town of Clarence Green print Program for a period of one year from January 1, 2008 to December 31, 2008 subject to Town Attorney review and approval. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber.

Planning Board Chairman Gerald Drinkard is requesting Town Board approval to attend a seminar "Storms over the Urban Forest" - effective tools when facing weather related tree damage at a cost of \$75.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to approve the request by Gerald Drinkard to attend a seminar in East Aurora on February 28, 2008 concerning weather related tree damage. On the question, Councilman Weiss suggested a representative from the Parks Department attend as well for an additional \$75. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Town Engineer Joseph Latona

Town Engineer Latona stated that in the future when Town appointed committees come up with ideas that they want to implement (Clubhouse Renovations Committee had a volunteer architect do some work and when it came to implementing it they want the Town involved). Town Engineer Latona ended up reviewing the bulk of the specifications for the clubhouse. He questioned where the money was coming from and who is administering it. Mr. Latona is of the opinion that the town will contract with whoever the low bidder is. The estimate was under \$20,000. Town Engineer Latona questioned what happens if the proposals come in at \$23,000. In the future if these committees want work done and they want to share it, the town should consider doing the administration and the technical part of it ourselves so that we control the entire project. Town Attorney Bengart stated that costs significantly rise when the town gets involved. Supervisor Bylewski stated that this is a town facility, a proposal has been made to do work on this facility and we are not involved.

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

There being no further business, the meeting adjourned at 11:18 A.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 12:10 P.M. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried. No action taken.